

SCHEDULES

SCHEDULE 11

Regulation 110

Application of ESA or JSA sanctions to universal credit

Moving an ESA sanction to UC

1.—(1) This paragraph applies where—

- (a) a person is, or has ceased to be, entitled to an employment and support allowance;
- (b) there is a reduction relating to the award of the employment and support allowance under section 11J of the Welfare Reform Act (Northern Ireland) 2007(1) (sanctions); and
- (c) the person becomes entitled to universal credit.

(2) Any reduction relating to the award of the employment and support allowance is to be applied to the award of universal credit.

(3) The period for which the reduction is to have effect is the number of days which apply to the person under regulations 52 and 53 of the ESA Regulations minus—

- (a) any days which have already resulted in a reduction to the amount of the employment and support allowance; and
- (b) if the award of the employment and support allowance has terminated, any days falling after the date of that termination and before the date on which the award of universal credit starts,

and that period is to be added to the total outstanding reduction period.

(4) The amount of the reduction in the award of universal credit for any assessment period in which the reduction is applied is the amount calculated in accordance with regulation 107 (amount of reduction for each assessment period).

Moving a JSA sanction to UC

2.—(1) This paragraph applies where—

- (a) a person is, or has ceased to be, entitled to a jobseeker's allowance;
- (b) there is a reduction relating to the person's award of a jobseeker's allowance under Article 8J or 8K of the Jobseekers (Northern Ireland) Order 1995(2); and
- (c) the person becomes entitled to universal credit.

(2) Any reduction relating to the award of the jobseeker's allowance is to be applied to the award of universal credit.

(3) The period for which the reduction is to have effect is the number of days which apply to the person under regulations 20 to 22 of the Jobseeker's Allowance Regulations (Northern Ireland) 2016(3) minus—

(1) Section 11J was inserted by Article 63 of the Order.

(2) S.I. 1995/2705 (N.I. 15); Articles 8J and 8K were inserted by Article 55(4) of the Order.

(3) S.R. 2016 No. 218.

Status: This is the original version (as it was originally made).

- (a) any days which have already resulted in a reduction to the amount of the jobseeker's allowance; and
- (b) if the award of the jobseeker's allowance has terminated any days falling after the date of that termination and before the date on which the award of universal credit starts,

and that period is to be added to the total outstanding reduction period.

(4) The amount of the reduction in the award of universal credit for any assessment period in which the reduction is applied is the amount calculated in accordance with regulation 107 (amount of reduction for each assessment period).

Effect of ESA or JSA sanction on escalation of UC sanction

3. Where—

- (a) a reduction in relation to an award of an employment and support allowance or an award of a jobseeker's allowance is applied to an award of universal credit by virtue of paragraph 1 or 2;
- (b) there is a subsequent sanctionable failure under Article 31 or 32 of the Order; and
- (c) the failure giving rise to the reduction in relation to the award of an employment and support allowance or a jobseeker's allowance ("the previous failure") and the reduction period determined for that failure correspond with a failure specified under Article 31 or 32 of the Order to which the same reduction period would apply under Chapter 2 of Part 8 of these Regulations,

for the purposes of determining the reduction period for that subsequent failure, the previous failure is to be treated as if it were the corresponding failure under Article 31 or 32 of the Order