
STATUTORY INSTRUMENTS

2013 No. 385

**The Social Security (Loss of Benefit)
(Amendment) Regulations 2013**

Amendment of regulation 2

- 5.—(1) Regulation 2 (disqualification period: section 7(6) of the Act) (1) is amended as follows.
- (2) At the end of paragraph (2)(a), add “other than a benefit to which paragraph (5A) applies”.
- (3) At the end of paragraph (2)(a), add “or universal credit”.
- (4) After paragraph (5) insert—
- “(5A) This paragraph applies where on the determination day the offender or, as the case may be, the offender’s family member is in receipt of a sanctionable benefit which is neither payable wholly in advance nor wholly in arrears and no other sanctionable benefit.”.
- (5) In paragraph (6)—
- (a) for “neither paragraph (2) nor paragraph (4) applies” substitute “paragraph (5A) applies or where there is no sanctionable benefit payable on the determination day”;
- (b) at the beginning of sub-paragraph (c) insert “universal credit”.
- (6) After paragraph (6) insert—
- “(6A) Paragraph (6B) applies where on the determination day, the offender or, as the case may be, the offender’s family member is in receipt of universal credit.
- (6B) Where this paragraph applies, DQ-day is—
- (a) if the first day after the end of the period of 28 days beginning with the determination day is the first day of an assessment period, that day;
- (b) if the first day after the end of the period of 28 days beginning with the determination day is not the first day of an assessment period, the first day of the next assessment period after that day.”.
- (7) In paragraph (7), after “this regulation” insert “but except where paragraph (8) applies”.
- (8) After paragraph (7) add—
- “(8) Where the date of the conviction of the offender for the benefit offence in the later proceedings is on or after 1st April 2013 and on the determination day—
- (a) paragraph (2) or (6A) applies in the case of an offender or, as the case may be, an offender’s family member; but
- (b) that person ceases to be in receipt of a benefit referred to in those paragraphs before the first day of the disqualification period that would apply by virtue of paragraph (3) or (6B),
- DQ-day is the first day after the end of the period of 28 days beginning with the determination day.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
