
STATUTORY INSTRUMENTS

2016 No. 678

**The Social Security (Jobseeker's Allowance,
Employment and Support Allowance and
Universal Credit) (Amendment) Regulations 2016**

Amendment of the Universal Credit Regulations 2013

5.—(1) The Universal Credit Regulations 2013(1) are amended as follows.

(2) In regulation 2 (interpretation), after the definition of “national insurance contribution” insert—

““National Minimum Wage Regulations” means the National Minimum Wage Regulations 2015(2);”.

(3) In regulation 41(3) (when an assessment may be carried out), for “regulation 11 of the National Minimum Wage Regulations 1999” substitute “regulation 4 of the National Minimum Wage Regulations”.

(4) In regulation 90 (claimants subject to no work-related requirements—the earnings thresholds)

- (a) in paragraph (2), for “regulation 11 or regulation 13(1) or (2)” substitute “regulation 4 or regulation 4A(1)(a) to (c)”;
- (b) in paragraph (3)(b)(ii), for “regulation 11” substitute “regulation 4”;
- (c) in the full-out words at the end of paragraph (4), for “regulation 13(3)” substitute “regulation 4A(1)(d)”;
- (d) omit paragraph (7).

(5) In regulation 100 (introduction), after paragraph (1) insert—

“(1A) In this Chapter references to a “current sanctionable failure” are to a sanctionable failure in relation to which the Secretary of State has not yet determined whether the amount of an award of universal credit is to be reduced under section 26 or 27 of the Act.”.

(6) In regulation 101 (general principles for calculating reduction periods), omit paragraph (4).

(7) In regulation 102 (higher-level sanctions)—

(a) for paragraph (2) substitute—

“(2) Where the sanctionable failure is not a pre-claim failure, the reduction in the circumstances described in the first column of the following table is the period set out in—

- (a) the second column, where the claimant is aged 18 or over on the date of the sanctionable failure;
- (b) the third column, where the claimant is aged 16 or 17 on the date of the sanctionable failure.

(1) [S.I. 2013/376](#); relevant amending instruments are [S.I. 2014/597](#) and [2015/1754](#).

(2) [S.I. 2015/621](#), amended by [S.I. 2016/68](#); there are other amending instruments but none is relevant.

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| <i>Circumstances in which reduction period applies</i> | <i>Reduction period where claimant aged 18 or over</i> | <i>Reduction period where claimant aged 16 or 17</i> |
|--|--|--|
| Where there has been no previous sanctionable failure by the claimant giving rise to a higher-level sanction | 91 days | 14 days |
| Where there have been one or more previous sanctionable failures by the claimant giving rise to a higher-level sanction and the date of the most recent previous sanctionable failure is not within 365 days beginning with the date of the current sanctionable failure | 91 days | 14 days |
| Where there have been one or more previous sanctionable failures by the claimant giving rise to a higher-level sanction and the date of the most recent previous sanctionable failure is within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is— | | |
| (a) 14 days | — | 28 days |
| (b) 28 days | — | 28 days |
| (c) 91 days | 182 days | — |
| (d) 182 days | 1095 days | — |
| (e) 1095 days | 1095 days | — |
| Where there have been one or more previous sanctionable failures by the claimant giving rise to a higher-level sanction and the date of the most recent previous sanctionable failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is— | | |
| (a) 14 days | — | 14 days |
| (b) 28 days | — | 28 days |
| (c) 91 days | 91 days | — |
| (d) 182 days | 182 days | — |
| (e) 1095 days | 1095 days | —.”; |

(b) for paragraph (5) substitute—

“(5) In this regulation—

“higher-level sanction” means a sanction under section 26 of the Act;

“pre-claim failure” means a failure sanctionable under section 26(4) of the Act.”.

(8) In regulation 103 (medium-level sanctions), for paragraph (2) substitute—

“(2) The reduction in the circumstances described in the first column of the following table is the period set out in—

- (a) the second column, where the claimant is aged 18 or over on the date of the sanctionable failure;
- (b) the third column, where the claimant is aged 16 or 17 on the date of the sanctionable failure.

| <i>Circumstances in which reduction period applies</i> | <i>Reduction period where claimant aged 18 or over</i> | <i>Reduction period where claimant aged 16 or 17</i> |
|--|--|--|
| Where there has been no previous sanctionable failure by the claimant that falls within paragraph (1) | 28 days | 7 days |
| Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is not within 365 days beginning with the date of the current sanctionable failure | 28 days | 7 days |
| Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is— | | |
| (a) 7 days | — | 14 days |
| (b) 14 days | — | 14 days |
| (c) 28 days | 91 days | — |
| (d) 91 days | 91 days | — |
| Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is— | | |
| (a) 7 days | — | 7 days |
| (b) 14 days | — | 14 days |
| (c) 28 days | 28 days | — |
| (d) 91 days | 91 days | —.” |

(9) In regulation 104 (low-level sanctions)—

- (a) for paragraph (2)(b) substitute—

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“(b) in the circumstances described in the first column of the following table, the number of days set out in the second column.

| <i>Circumstances applicable to claimant’s case</i> | <i>Number of days</i> |
|--|-----------------------|
| Where there has been no previous sanctionable failure by the claimant that falls within paragraph (1) | 7 days |
| Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is not within 365 days beginning with the date of the current sanctionable failure | 7 days |
| Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is— | |
| (a) 7 days | 14 days |
| (b) 14 days | 28 days |
| (c) 28 days | 28 days |
| Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is— | |
| (a) 7 days | 7 days |
| (b) 14 days | 14 days |
| (c) 28 days | 28 days.”; |

(b) for paragraph (3)(b) substitute—

“(b) if there was another sanctionable failure of a kind mentioned in paragraph (1) within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure, 7 days.”.

(10) In regulation 109 (when a reduction is to be terminated), in paragraph (1)(b)—

- (a) at the end of paragraph (i), omit “or”;
- (b) after paragraph (i), insert—

“(ia) where the claimant has no individual threshold, the amount that a person would be paid at the hourly rate specified in regulation 4 or regulation 4A(1)(a) to (c) of the National Minimum Wage Regulations for 16 hours per week, converted to a monthly amount by multiplying by 52 and dividing by 12, or”.

(11) In regulation 119 (recoverability of hardship payments), for paragraphs (2) and (3) substitute—

“(2) Paragraph (1) does not apply in relation to any assessment period in which—

- (a) the single claimant, or each joint claimant, falls within section 19 of the Act by virtue of regulation 90 (claimants subject to no work-related requirements – the earnings threshold);
 - (b) where regulation 90 applies to one of the joint claimants only, the joint claimants' combined monthly earnings are equal to or exceed the amount of the individual threshold; or
 - (c) where regulation 90 does not apply to the single claimant or to either of the joint claimants, that claimant or the joint claimants' combined monthly earnings are equal to or exceed the amount that a person of the same age as the claimant, or the youngest of the joint claimants, would be paid at the hourly rate specified in regulation 4 or regulation 4A(1)(a) to (c) of the National Minimum Wage Regulations for 16 hours per week, converted to a monthly amount by multiplying by 52 and dividing by 12.
- (3) Paragraph (1) ceases to apply where, since the last day on which the claimant's or the joint claimants' award was subject to a reduction under section 26 or 27 of the Act—
- (a) the single claimant, or each joint claimant, has fallen within section 19 of the Act by virtue of regulation 90 (claimants subject to no work-related requirements – the earnings threshold);
 - (b) where regulation 90 applied to one of the joint claimants only, the joint claimants' have had combined monthly earnings that are equal to or exceed the amount of the individual threshold; or
 - (c) where regulation 90 did not apply to the single claimant or to either of the joint claimants, that claimant or the joint claimants' have had combined monthly earnings that are equal to or exceed the amount that a person of the same age as the claimant, or the youngest of the joint claimants, would be paid at the hourly rate specified in regulation 4 or regulation 4A(1)(a) to (c) of the National Minimum Wage Regulations for 16 hours per week, converted to a monthly amount by multiplying by 52 and dividing by 12,
- for a period of, or more than one period where the total of those periods amounts to, at least 6 months.”.