
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 226

The Universal Credit (Transitional Provisions)
Regulations (Northern Ireland) 2016

PART 2

CHAPTER 2

EFFECT OF TRANSITION TO UNIVERSAL CREDIT

Sanctions: transition from old style ESA

31.—(1) This regulation applies where—

- (a) an award of universal credit is made to a claimant who was previously entitled to old style ESA (“the ESA award”); and
- (b) on the relevant date, payments in respect of the ESA award were reduced under regulation 63 of the ESA Regulations 2008⁽¹⁾.

(2) In this regulation the “relevant date” means—

- (a) where the claimant was not entitled to old style ESA on the date on which the claim for universal credit was made or treated as made, the date on which the ESA award terminated;
- (b) where the claimant is not a new claimant partner and was entitled to old style ESA on the date on which the claim for universal credit was made, that date;
- (c) where the claimant is a new claimant partner and was entitled to old style ESA on the date on which the claim for universal credit was treated as made, that date.

(3) Where this regulation applies—

- (a) the failure which led to reduction of the ESA award (“the ESA failure”) is to be treated, for the purposes of the Universal Credit Regulations, as a failure which is sanctionable under Article 32 of the Order;
- (b) the award of universal credit is to be reduced in relation to the ESA failure, in accordance with the provisions of this regulation and Chapter 2 of Part 8 of the Universal Credit Regulations (sanctions), as modified by this regulation; and
- (c) the reduction is to be treated, for the purposes of the Universal Credit Regulations, as a reduction under Article 32 of the Order.

(4) The reduction period for the purposes of regulation 98(1) of the Universal Credit Regulations is a period of the number of days which is equivalent to the length of the fixed period applicable to the person under regulation 63(7) of the ESA Regulations 2008 in relation to the ESA failure, minus—

- (a) the number of days (if any) in that period in respect of which the amount of old style ESA was reduced; and

⁽¹⁾ Regulation 63 was amended by regulation 10(8) of [S.R. 2011 No. 265](#).

(b) if the ESA award terminated before the first date of entitlement to universal credit in connection with the current award, the number of days (if any) in the period after termination of that award, before the start of the universal credit award.

(5) Accordingly, regulation 98 of the Universal Credit Regulations (general principles for calculating reduction periods) applies in relation to the ESA failure as if—

(a) in paragraph (1) for “in accordance with regulations 99 to 102”; and

(b) in paragraph (3) for “in accordance with regulations 100 to 102”,

there were substituted “in accordance with regulation 31 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016”.

(6) For the purposes of this regulation, a determination that payments in respect of the ESA award are to be reduced under regulation 63 of the ESA Regulations 2008 is to be taken into account even if the ESA award subsequently terminated (in so far as it was an award of income-related employment and support allowance) on a date before the date on which that determination was made, by virtue of an order made under Article 2(2) of the Order.