
DRAFT STATUTORY INSTRUMENTS

2013 No.

The Employment and Support Allowance Regulations 2013

PART 8

Sanctions

Sanctions where universal credit ends and the person is entitled to an employment and support allowance

61.—(1) This regulation applies where—

- (a) a person ceases to be entitled to universal credit;
- (b) there is a reduction relating to the person's award of universal credit under section 26 or 27 of the Welfare Reform Act 2012; and
- (c) the person is entitled to an employment and support allowance.

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

(3) The period for which the reduction relating to the award of employment and support allowance is to have effect is the number of days which apply to the person under regulation 102, 103, 104 or 105 of the Universal Credit Regulations 2013 minus any such days which—

- (a) have already resulted in a reduction in the amount of universal credit; or
- (b) fall after the date on which the person ceases to be entitled to universal credit and before the date on which the person becomes entitled to an employment and support allowance.

(4) The daily reduction rate for the reduction relating to the award of employment and support allowance is—

- (a) the amount referred to in regulation 60(1) where, on the date the claimant becomes entitled to an employment and support allowance, the claimant falls within—
 - (i) section 11E of the Act;
 - (ii) section 11D(2)(c) of the Act; or
 - (iii) regulation 47(1)(b), (c), (f) or (g);
- (b) zero where the claimant falls within section 11D(2)(a) of the Act; or
- (c) the amount referred to in regulation 59(1) in all other cases.

(5) The amount of the reduction of the claimant's award of an employment and support allowance is the number of days arrived at under paragraph (3) multiplied by the daily reduction rate referred to in paragraph (4).