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DRAFT STATUTORY INSTRUMENTS

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**2013 No.**

**The Universal Credit Regulations 2013**

**PART 8**

**CLAIMANT RESPONSIBILITIES**

**CHAPTER 2**

**SANCTIONS**

*Miscellaneous*

**Application of ESA or JSA sanctions to universal credit**

**112.** Schedule 11 has effect in relation to persons who are, or have been, entitled to an employment and support allowance or a jobseeker's allowance and who are, or become, entitled to universal credit.

**Failures for which no reduction is applied**

**113.—**(1) No reduction is to be made under section 26 or 27 of the Act for a sanctionable failure where—

- (a) the sanctionable failure is listed in section 26(2)(b) or (c) (failure to apply for a particular vacancy for paid work, or failure to take up an offer of paid work) and the vacancy is because of a strike arising from a trade dispute;
- (b) the sanctionable failure is listed in section 26(2)(d) (claimant ceases paid work or loses pay), and the following circumstances apply—
  - (i) the claimant's work search and work availability requirements are subject to limitations imposed under section 17(4) and 18(3) in respect of work available for a certain number of hours,
  - (ii) the claimant takes up paid work, or is in paid work and takes up more paid work that is for a greater number of hours, and
  - (iii) the claimant voluntarily ceases that paid work, or more paid work, or loses pay, within a trial period;
- (c) the sanctionable failure is that the claimant voluntarily ceases paid work, or loses pay, because of a strike arising from a trade dispute;
- (d) the sanctionable failure is that the claimant voluntarily ceases paid work as a member of the regular or reserve forces, or loses pay in that capacity;
- (e) the sanctionable failure is listed in section 26(4) (failure to take up an offer of paid work, or to cease paid work or lose pay before making a claim), and the period of the reduction that would otherwise apply under regulation 102(4) is the same as, or shorter than, the

number of days beginning with the day after the date of the sanctionable failure and ending with the date of claim;

- (f) the sanctionable failure is that the claimant voluntarily ceases paid work in one of the following circumstances—
  - (i) the claimant has been dismissed because of redundancy after volunteering or agreeing to be dismissed,
  - (ii) the claimant has ceased work on an agreed date without being dismissed in pursuance of an agreement relating to voluntary redundancy, or
  - (iii) the claimant has been laid-off or kept on short-time to the extent specified in section 148 of the Employment Rights Act 1996, and has complied with the requirements of that section; or
- (g) the sanctionable failure is that the claimant by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay, but the claimant’s weekly earnings (or, if the claimant is a member of a couple, their joint weekly earnings) have not fallen below the level which the Secretary of State considers sufficient for the purposes of regulation 99(6) (circumstances in which requirements must not be imposed).

(2) In this regulation “regular or reserve forces” has the same meaning as in section 374 of the Armed Forces Act 2006<sup>(1)</sup>.

**Sanctionable failures under section 26 - work placements**

**114.**—(1) Mandatory Work Activity is prescribed as a work placement for the purpose of section 26(2)(a) of the Act (failure to undertake a work placement of a prescribed description).

(2) “Mandatory Work Activity” is a scheme designed to provide work or work-related activity with a view to assisting claimants to improve their prospects of obtaining paid work.

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(1) 2006 c.52.