

## SCHEDULE 11

Regulation 110

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

#### **Moving an ESA sanction to UC**

1.—(1) This paragraph applies where—

- (a) a person is, or has ceased to be, entitled to an employment and support allowance;
- (b) there is a reduction relating to the award of the employment and support allowance under section 11J of the Welfare Reform Act 2007<sup>(1)</sup>; and
- (c) the person becomes entitled to universal credit.

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

(3) The period for which the reduction is to have effect is the number of days which apply to the person under regulations 52 and 53 of the ESA Regulations minus—

- (a) any days which have already resulted in a reduction to the amount of the employment and support allowance; and
- (b) if the award of the employment and support allowance has terminated, any days falling after the date of that termination and before the date on which the award of universal credits starts,

and that period is to be added to the total outstanding reduction period.

(4) The amount of the reduction in the award of universal credit for any assessment period in which the reduction is applied is the amount calculated in accordance with regulation 110.

#### **Moving a JSA sanction to UC**

2.—(1) This paragraph applies where—

- (a) a person is, or has ceased to be, entitled to a jobseeker's allowance;
- (b) there is a reduction relating to the person's award of a jobseeker's allowance under section 6J or 6K of the Jobseekers Act 1995<sup>(2)</sup>; and
- (c) the person becomes entitled to universal credit.

(2) Any reduction relating to the award of the jobseeker's allowance is to be applied to the award of universal credit.

(3) The period for which the reduction is to have effect is the number of days which apply to the person under regulations 19 to 21 of the Jobseeker's Allowance Regulations 2013<sup>(3)</sup> minus—

- (a) any days which have already resulted in a reduction to the amount of the jobseeker's allowance; and
- (b) if the award of the jobseeker's allowance has terminated, any days falling after the date of that termination and before the date on which the award of universal credits starts,

and that period is to be added to the total outstanding reduction period.

(4) The amount of the reduction in the award of universal credit for any assessment period in which the reduction is applied is the amount calculated in accordance with regulation 110.

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(1) 2007 Section 11J was inserted by section 57 of the Welfare Reform Act 2012.

(2) 1995 c.18. Sections 6J and 6K were inserted by section 49(3) of the Welfare Reform Act 2012.

(3) S.I. 2013/XXX

### **Effect of ESA or JSA sanction on escalation of UC sanction**

**3. Where—**

- (a) a reduction in relation to an award of an employment and support allowance or an award of a jobseeker's allowance is applied to an award of universal credit by virtue of paragraph 1 or 2;
- (b) there is a subsequent sanctionable failure under section 26 or 27 of the Act; and
- (c) the failure giving rise to the reduction in relation to the award of an employment and support allowance or the award of a jobseeker's allowance ("the previous failure") and the reduction period determined for that failure correspond with a failure specified under section 26 or 27 of the Act to which the same reduction period would apply under Chapter 2 of Part 8 of these Regulations,

for the purposes of determining the reduction period for that subsequent failure, the previous failure is to be treated as if it were the corresponding failure under section 26 or 27 of the Act.