

STATUTORY INSTRUMENTS

2016 No. 678

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

Amendment of the Jobseeker's Allowance Regulations 2013

- 6.—(1) The Jobseeker's Allowance Regulations 2013⁽¹⁾ are amended as follows.
- (2) In regulation 17 (interpretation), before the definition of “ESA sanctionable failure” insert—
““current sanctionable failure” means a failure of the following kinds in relation to which the Secretary of State has not yet determined whether the amount of an award of benefit is to be reduced—
- (a) a sanctionable failure,
 - (b) an ESA sanctionable failure, or
 - (c) a UC sanctionable failure;”.
- (3) In regulation 18 (general principles for calculating reduction periods), omit paragraph (4)(a).
- (4) In regulation 19 (higher-level sanctions)—
- (a) for paragraph (1) substitute—
“(1) Where the sanctionable failure is not a pre-claim failure, the reduction for a higher-level sanction in the circumstances described in the first column of the following table is the period set out in the second column.

<i>Circumstances in which reduction period applies</i>	<i>Reduction period</i>
Where there has been no previous relevant failure by the claimant	91 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent relevant failure is not within 365 days beginning with the date of the current sanctionable failure	91 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant 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 relevant failure is—	
(a) 91 days	182 days
(b) 182 days	1095 days
(c) 1095 days	1095 days

⁽¹⁾ S.I. 2013/378, amended by S.I. 2014/597; there are other amending instruments but none is relevant.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Circumstances in which reduction period applies</i>	<i>Reduction period</i>
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 91 days	91 days
(b) 182 days	182 days
(c) 1095 days	1095 days.”;

(b) after paragraph (3) insert—

“(4) In this regulation “relevant failure” means—

- (a) a sanctionable failure giving rise to a higher-level sanction, or
- (b) a UC sanctionable failure giving rise to a sanction under section 26 of the Welfare Reform Act 2012.”.

(5) For regulation 20 (medium-level sanctions) substitute—

“**20.**—(1) The reduction for a medium-level sanction in the circumstances described in the first column of the following table is the period set out in the second column.

<i>Circumstances in which reduction period applies</i>	<i>Reduction period</i>
Where there has been no previous relevant failure by the claimant	28 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is not within 365 days beginning with the date of the current sanctionable failure	28 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant 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 relevant failure is—	
(a) 28 days	91 days
(b) 91 days	91 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 28 days	28 days
(b) 91 days	91 days.

(2) In this regulation “relevant failure” means—

- (a) a sanctionable failure giving rise to a medium-level sanction, or
- (b) a UC sanctionable failure giving rise to a sanction under section 27 of the Welfare Reform Act 2012 to which regulation 103 of the Universal Credit Regulations 2013 applies.”.

(6) In regulation 21 (low-level sanctions), for paragraph (3) substitute—

“(3) 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 relevant failure by the claimant	7 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant 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 relevant failure by the claimant and the date of the most recent previous relevant 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 relevant 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 relevant failures by the claimant and the date of the most recent previous relevant failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 7 days	7 days
(b) 14 days	14 days
(c) 28 days	28 days.

- (4) In this regulation “relevant failure” means—
- (a) a sanctionable failure giving rise to a low-level sanction,
 - (b) a UC sanctionable failure giving rise to a sanction under section 27 of the Welfare Reform Act 2012 to which regulation 104 of the Universal Credit Regulations 2013 applies, or
 - (c) an ESA sanctionable failure giving rise to a sanction under section 11J of the Welfare Reform Act 2007 to which regulation 52 of the Employment and Support Allowance Regulations 2013 applies.”.