STATUTORY INSTRUMENTS

2016 No. 678

SOCIAL SECURITY

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

Made - - - -	*27th June 2016*
Laid before Parliament	*4th July 2016*
Coming into force - -	*25th July 2016*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 6J(5)(b) and (6), 6K(4)(b) and (5)(b), 19(4)(b) and (5), 19A(4)(b) and (5)(b), 19B(1), (4)(b) and (6), 35(1) and 36(4)(a) of the Jobseekers Act 1995(**1**), sections 11J(3)(b), (4)(b) and (7), 12(3) and (4)(c), 13(3) and (4)(c), 24(1) and 25(5)(a) of the Welfare Reform Act 2007(**2**) and sections 19(2)(d), 26(6)(b), (7) and (8)(c), 27(4)(b), (5)(b) and (9)(c), 28(1) and (2)(f), 37(6), 40 and 42(1) and (3)(a) of the Welfare Reform Act 2012(**3**).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(**4**), the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

Citation and commencement

1. These Regulations may be cited as the Social Security (Jobseeker's Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016 and come into force on 25th July 2016.

Application

2. The amendments in regulations 3, 4, 5(5) to (9), 6 and 7 apply to a failure by a claimant that occurs on or after 25th July 2016 and which is sanctionable under—

(**1**) 1995 c. 18. Sections 19, 19A and 19B were inserted by section 46(1) of the Welfare Reform Act 2012 (c. 5) and are repealed by Schedule 14 to that Act from a date to be appointed. Sections 6J and 6K were inserted by section 49(3) of that Act. Section 35 is cited for the meaning of "regulations".
(**2**) 2007 c. 5. Section 11J was inserted, and sections 12 and 13 are amended, by section 57(2) of the Welfare Reform Act 2012. Section 24 is cited for the meaning of "regulations".
(**3**) 2012 c. 5.
(**4**) 1992 c. 5.

(a) section 6J, 6K, 19, 19A or 19B of the Jobseekers Act 1995,

(b) section 11J, 12 or 13 of the Welfare Reform Act 2007, or

(c) section 26 or 27 of the Welfare Reform Act 2012.

Amendment of the Jobseeker's Allowance Regulations 1996

3.—(1) The Jobseeker's Allowance Regulations 1996(**5**) are amended as follows.

(2) In regulation 69 (period of a reduction under section 19: higher-level sanctions)—

(a) for paragraph (1) substitute—

"(1) Subject to paragraphs (3) and (4), a reduction under section 19 (higher-level sanctions) in the circumstances described in the first column of the following table is to have effect for the period set out in the second column.

Circumstances in which reduction period applies	*Reduction period*
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (2)	13 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is not within 52 weeks beginning with the date of the current sanctionable failure	13 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 52 weeks, but not within 2 weeks, beginning with the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is or, but for paragraph (4), would have been —	
(a) 13 weeks	26 weeks
(b) 26 weeks	156 weeks
(c) 156 weeks	156 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 2 weeks beginning with the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is or, but for paragraph (4), would have been—	
(a) 13 weeks	13 weeks
(b) 26 weeks	26 weeks
(c) 156 weeks	156 weeks.";

(b) in paragraph (2)—

(i) at the end of sub-paragraph (a), insert "and";

(ii) omit sub-paragraph (c) and the "and" preceding it.

(3) In regulation 69A (period of a reduction under section 19A: other sanctions)—

(**5**) S.I. 1996/207, amended by S.I. 2012/2568; there are other amending instruments but none is relevant.

(a) for paragraph (1) substitute—

"(1) A reduction under section 19A (other sanctions) in the circumstances described in the first column of the following table is to have effect for the period set out in the second column.

Circumstances in which reduction period applies	*Reduction period*
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (2)	4 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is not within 52 weeks beginning with the date of the current sanctionable failure	4 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 52 weeks, but not within 2 weeks, beginning with the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is—	
(a) 4 weeks	13 weeks
(b) 13 weeks	13 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 2 weeks beginning with the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is—	
(a) 4 weeks	4 weeks
(b) 13 weeks	13 weeks.";

(b) in paragraph (2)—

(i) at the end of sub-paragraph (a), insert "and";

(ii) omit sub-paragraph (c) and the "and" preceding it.

(4) In regulation 69B (period of a reduction under section 19B: claimants ceasing to be available for employment etc.), for paragraph (6) substitute—

"(6) Subject to paragraph (7), a reduction under this regulation in the circumstances described in the first column of the following table is to have effect for the period set out in the second column.

Circumstances in which reduction period applies	*Reduction period*
Where there has been only one occasion on which the claimant's previous entitlement ceased	4 weeks
Where there have been two or more occasions on which the claimant's previous entitlement ceased and the date of the most recent occasion is not within 52 weeks beginning with the date of the next most recent occasion	4 weeks
Where there have been two or more occasions on which the claimant's previous entitlement ceased and the date of the most recent occasion is within 52 weeks, but not within 2 weeks, beginning with the date of the next most recent occasion	

Circumstances in which reduction period applies	*Reduction period*
and the period of reduction applicable on that occasion is or, but for paragraph (7), would have been—	
(a) 4 weeks	13 weeks
(b) 13 weeks	13 weeks
Where there have been two or more occasions on which the claimant's previous entitlement ceased and the date of the most recent occasion is within 2 weeks beginning with the date of the next most recent occasion and the period of reduction applicable on that occasion is or, but for paragraph (7), would have been—	
(a) 4 weeks	4 weeks
(b) 13 weeks	13 weeks."

Amendment of the Employment and Support Allowance Regulations 2008

4. In regulation 63 of the Employment and Support Allowance Regulations 2008(**6**) (reduction of employment and support allowance)—

(a) for paragraph (7) substitute—

"(7) The fixed period that applies in the circumstances described in the first column of the following table is set out in the second column.

Circumstances applicable to claimant's case	*Fixed period*
Where there has been no previous failure by the claimant that falls within paragraph (8)	1 week
Where there have been one or more previous failures by the claimant that fall within paragraph (8) and the date of the most recent previous failure is not within 52 weeks beginning with the date of the current failure	1 week
Where there have been one or more previous failures by the claimant that fall within paragraph (8) and the date of the most recent previous failure is within 52 weeks, but not within 2 weeks, beginning with the date of the current failure and the period of reduction applicable to the most recent previous failure is or, but for paragraph (3), would have been—	
(a) 1 week	2 weeks
(b) 2 weeks	4 weeks
(c) 4 weeks	4 weeks
Where there have been one or more previous failures by the claimant that fall within paragraph (8) and the date of the most recent previous failure is within 2 weeks beginning with the date of the current failure and the period of reduction applicable to the most recent previous failure is or, but for paragraph (3), would have been—	
(a) 1 week	1 week
(b) 2 weeks	2 weeks

(**6**) S.I. 2008/794, amended by S.I. 2012/2756; there are other amending instruments but none is relevant.

Circumstances applicable to claimant's case	*Fixed period*
(c) 4 weeks	4 weeks.";

(b) in paragraph (8)—

(i) at the end of sub-paragraph (a), insert "and";

(ii) omit sub-paragraph (c) and the "and" preceding it.

Amendment of the Universal Credit Regulations 2013

5.—(1) The Universal Credit Regulations 2013(**7**) are amended as follows.

(2) In regulation 2 (interpretation), after the definition of "national insurance contribution" insert —

""National Minimum Wage Regulations" means the National Minimum Wage Regulations 2015(**8**);".

(3) In regulation 41(3) (when an assessment may be carried out), for "regulation 11 of the National Minimum Wage Regulations 1999" substitute "regulation 4 of the National Minimum Wage Regulations".

(4) In regulation 90 (claimants subject to no work-related requirements—the earnings thresholds) —

(a) in paragraph (2), for "regulation 11 or regulation 13(1) or (2)" substitute "regulation 4 or regulation 4A(1)(a) to (c)";

(b) in paragraph (3)(b)(ii), for "regulation 11" substitute "regulation 4";

(c) in the full-out words at the end of paragraph (4), for "regulation 13(3)" substitute "regulation 4A(1)(d)";

(d) omit paragraph (7).

(5) In regulation 100 (introduction), after paragraph (1) insert—

"(1A) In this Chapter references to a "current sanctionable failure" are to a sanctionable failure in relation to which the Secretary of State has not yet determined whether the amount of an award of universal credit is to be reduced under section 26 or 27 of the Act.".

(6) In regulation 101 (general principles for calculating reduction periods), omit paragraph (4).

(7) In regulation 102 (higher-level sanctions)—

(a) for paragraph (2) substitute—

"(2) Where the sanctionable failure is not a pre-claim failure, the reduction in the circumstances described in the first column of the following table is the period set out in—

(a) the second column, where the claimant is aged 18 or over on the date of the sanctionable failure;

(b) the third column, where the claimant is aged 16 or 17 on the date of the sanctionable failure.

(**7**) S.I. 2013/376; relevant amending instruments are S.I. 2014/597 and 2015/1754.
(**8**) S.I. 2015/621, amended by S.I. 2016/68; there are other amending instruments but none is relevant.