

STATUTORY RULES OF NORTHERN IRELAND

2016 No. 216

The Universal Credit Regulations (Northern Ireland) 2016

PART 8

CLAIMANT RESPONSIBILITIES

CHAPTER 2

SANCTIONS

Reduction periods

General principles for calculating reduction periods

98.—(1) The number of days for which a reduction in the amount of an award is to have effect (“the reduction period”) is to be determined in relation to each sanctionable failure in accordance with regulations 99 to 102, subject to paragraphs (3) and (4).

(2) Reduction periods are to run consecutively.

(3) If the reduction period calculated in relation to a sanctionable failure in accordance with regulations [F199] to 102 would result in the total outstanding reduction period exceeding 546 days, the reduction period in relation to that failure is to be adjusted so that the total outstanding reduction period does not exceed 546 days.

^{F2}(4)

(5) In paragraph (3) “the total outstanding reduction period” is the total number of days for which no reduction in an award under Article 31 (higher-level sanctions) or 32 (other sanctions) of the Order has yet been applied.

Textual Amendments

F1 Word in [reg. 98\(3\)](#) substituted (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(3), **9(10)(a)**

F2 [Reg. 98\(4\)](#) omitted (coming into force in accordance with reg. 1(3) of the amending Rule) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(3), **9(10)(b)**

Higher-level sanctions

99.—(1) This regulation specifies the reduction period for a sanctionable failure under Article 31 of the Order (higher-level sanctions).

[F3(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—

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- (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.

<i>Circumstances in which reduction period applies</i>	<i>Reduction period where claimant aged 18 or over</i>	<i>Reduction period where claimant aged 16 or 17</i>
Where there has been no previous sanctionable failure by the claimant giving rise to a higher-level sanction	91 days	14 days
Where there have been one or more previous sanctionable failures by the claimant giving rise to a higher-level sanction and the date of the most recent previous sanctionable failure is not within 365 days beginning with the date of the current sanctionable failure	91 days	14 days
Where there have been one or more previous sanctionable failures by the claimant giving rise to a higher-level sanction and the date of the most recent previous sanctionable 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 sanctionable failure is—		
(a) 14 days		28 days
(b) 28 days		28 days
(c) 91 days	182 days	
(d) 182 days	546 days	
(e) 546 days	546 days	
Where there have been one or more previous sanctionable failures by the claimant giving rise to a higher-level sanction and the date of the most recent previous sanctionable failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—		
(a) 14 days		14 days
(b) 28 days		28 days
(c) 91 days	91 days	
(d) 182 days	182 days	
(e) 546 days	546 days]

(3) Where the other sanctionable failure referred to in paragraph (2) was a “pre-claim failure” it is disregarded in determining the reduction period in accordance with that paragraph.

(4) Where the sanctionable failure for which a reduction period is to be determined is a pre-claim failure, the period is the lesser of—

- (a) the period that would be applicable to the claimant under paragraph (2) if it were not a pre-claim failure, or
- (b) where the sanctionable failure relates to paid work that was due to last for a limited period, the period beginning with the day after the date of the sanctionable failure and ending with the date on which the limited period would have ended,

minus the number of days beginning with the day after the date of the sanctionable failure and ending on the day before the date of claim.

[^{F4}(5) In this regulation—

“higher-level sanction” means a sanction under Article 31 of the Order;

“pre-claim failure” means a failure sanctionable under Article 31(4) of the Order.]

Textual Amendments

- F3** Reg. 99(2) substituted (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(3), **9(11)(a)**
- F4** Reg. 99(5) substituted (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(3), **9(11)(b)**

Medium-level sanction

100.—(1) This regulation specifies the reduction period for a sanctionable failure under Article 32 of the Order (other sanctions) where it is a failure by the claimant to comply with—

- (a) a work search requirement under Article 22(1)(a) (to take all reasonable action to obtain paid work etc.), or
- (b) a work availability requirement under Article 23(1).

[^{F5}(2) 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.

<i>Circumstances in which reduction period applies</i>	<i>Reduction period where claimant aged 18 or over</i>	<i>Reduction period where claimant aged 16 or 17</i>
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (1)	28 days	7 days
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is not within 365 days beginning with the date of the current sanctionable failure	28 days	7 days
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is		

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<i>Circumstances in which reduction period applies</i>	<i>Reduction period where claimant aged 18 or over</i>	<i>Reduction period where claimant aged 16 or 17</i>
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 sanctionable failure is—		
(a) 7 days		14 days
(b) 14 days		14 days
(c) 28 days	91 days	
(d) 91 days	91 days	
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—		
(a) 7 days		7 days
(b) 14 days		14 days
(c) 28 days	28 days	
(d) 91 days	91 days]

Textual Amendments

F5 [Reg. 100\(2\)](#) substituted (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(3), **9(12)**

Low-level sanction

101.—(1) This regulation specifies the reduction period for a sanctionable failure under Article 32 of the Order (other sanctions) where—

- (a) the claimant falls within Article 26 (claimants subject to work preparation requirement) or 27 (claimants subject to all work-related requirements) of the Order on the date of that failure; and
- (b) it is a failure to comply with—
 - (i) a work-focused interview requirement under Article 20(1),
 - (ii) a work preparation requirement under Article 21(1),
 - (iii) a work search requirement under Article 22(1)(b) (to take any particular action specified by the Department to obtain paid work etc.), or
 - (iv) a requirement under Article 28(1), (3) or (4) (connected requirements: interviews and verification of compliance).

(2) Where the claimant is aged 18 or over on the date of the sanctionable failure, the reduction period is the total of—

- (a) the number of days beginning with the date of the sanctionable failure and ending with—
- (i) the day before the date on which the claimant meets a compliance condition specified by the Department,
 - (ii) the day before the date on which the claimant falls within Article 24 of the Order (claimants subject to no work-related requirements),
 - (iii) the day before the date on which the claimant is no longer required to take a particular action specified as a work preparation requirement by the Department under Article 21, or
 - (iv) the date on which the award terminates (other than by reason of the claimant ceasing to be, or becoming, a member of a couple),
- whichever is soonest, and

[^{F6}(b) 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 the claimant's case</i>	<i>Number of days</i>
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (1)	7 days
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable 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 sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable 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 sanctionable 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 sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—	
(a) 7 days	7 days
(b) 14 days	14 days
(c) 28 days	28 days.]

(3) Where the claimant is aged 16 or 17 years on the date of the sanctionable failure, the reduction period is—

- (a) the number of days beginning with the date of the sanctionable failure and ending with —
- (i) the day before the date on which the claimant meets a compliance condition specified by the Department,
 - (ii) the day before the date on which the claimant falls within Article 24 of the Order (claimants subject to no work-related requirements),

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- (iii) the day before the date on which the claimant is no longer required to take a particular action specified as a work preparation requirement by the Department under Article 21, or
- (iv) the date on which the award terminates (other than by reason of the claimant ceasing to be, or becoming, a member of a couple),

whichever is soonest, and

[^{F7}(b) if there was another sanctionable failure of a kind mentioned in paragraph (1) within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure, 7 days.]

Textual Amendments

- F6** Reg. 101(2)(b) substituted (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(3), **9(13)(a)**
- F7** Reg. 101(3)(b) substituted (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(3), **9(13)(b)**

Lowest-level sanction

102.—(1) This regulation specifies the reduction period for a sanctionable failure under Article 32 of the Order (other sanctions) where it is a failure by a claimant who falls within Article 25 of the Order (claimants subject to work-focused interview requirement only) to comply with a requirement under that Article.

(2) The reduction period is the number of days beginning with the date of the sanctionable failure and ending with—

- (a) the day before the date on which the claimant meets a compliance condition specified by the Department;
- (b) the day before the date on which the claimant falls within Article 24 of the Order (claimants subject to no work-related requirements), or
- (c) the day on which the award terminates (other than by reason of the claimant ceasing to be, or becoming, a member of a couple),

whichever is soonest.

When reduction to have effect

Start of the reduction

103. A reduction period determined in relation to a sanctionable failure takes effect from—

- (a) the first day of the assessment period in which the Department determines that the amount of the award is to be reduced under Article 31 or 32 of the Order (higher-level or other sanctions) (but see also regulation 104(2))(reduction period to continue where award terminates)),
- (b) if the amount of the award of universal credit for the assessment period referred to in paragraph (a) is not reduced in that period, the first day of the next assessment period, or

- (c) if the amount of the award for the assessment period referred to in paragraph (a) or (b) is already subject to a reduction because of a previous sanctionable failure, the first day in respect of which the amount of the award is no longer subject to that reduction.

Reduction period to continue where award terminates

104.—(1) If an award of universal credit terminates while there is an outstanding reduction period, the period continues to run as if a daily reduction were being applied and if the claimant becomes entitled to a new award (whether as a single or joint claimant) before that period expires, that award is subject to a reduction for the remainder of the total outstanding reduction period.

(2) If an award of universal credit terminates before the Department determines that the amount of the award is to be reduced under Article 31 or 32 of the Order (higher-level or other sanctions) in relation to a sanctionable failure and that determination is made after the claimant becomes entitled to a new award the reduction period in relation to that failure is to have effect for the purposes of paragraph (1) as if that determination had been made on the day before the previous award terminated.

Modifications etc. (not altering text)

- C1** Reg. 104 excluded (coming into force in accordance with reg.1 of the amending Rule) by The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/226), regs. 1, 35(a)

Suspension of a reduction where fraud penalty applies

105.—(1) A reduction in the amount of an award under Article 31 or 32 of the Order (higher-level or other sanctions) is to be suspended for any period during which the provisions of section 5B, section 6 or section 8 of the Social Security Fraud Act (Northern Ireland) 2001 ^{M1} (loss of benefit in case of conviction, penalty or caution for benefit offence, loss of benefit for second or subsequent conviction of benefit offence and effect of offence on benefits for members of offender's family) apply to the award.

(2) The reduction ceases to have effect on the day on which that period begins and begins again on the day after that period ends.

Marginal Citations

- M1** 2001 c. 17 (N.I.); section 5B was inserted by section 19(1) of the Welfare Reform Act (Northern Ireland) 2010 c. 13 (N.I.).

When a reduction is to be terminated

106.—(1) A reduction in the amount of an award under Article 31 or 32 of the Order (higher-level or other sanctions) is to be terminated where—

- (a) since the date of the most recent sanctionable failure which gave rise to a reduction, the claimant has been in paid work for a period of, or for periods amounting in total to, at least 6 months, and
- (b) the claimant's monthly earnings during that period or those periods were equal to or exceeded—
- (i) the claimant's individual threshold,

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- “(ia) where the claimant has no individual threshold, the amount that a person would be paid for 16 hours per week at the hourly rate in regulation 4 of the National Minimum Wage Regulations, converted to a monthly amount by multiplying by 52 and dividing by 12, or”
- (ii) if paragraph (4) of regulation 89 (threshold for an apprentice) applies, the amount applicable under that paragraph.
- (2) The termination of the reduction has effect—
- (a) where the date on which paragraph (1) is satisfied falls within a period of entitlement to universal credit, from the beginning of the assessment period in which that date falls, or
- (b) where that date falls outside a period of entitlement to universal credit, from the beginning of the first assessment period in relation to any subsequent award.
- (3) A claimant who is treated as having earned income in accordance with regulation 63 (minimum income floor) in respect of an assessment period is to be taken to have monthly earnings equal to their individual threshold in respect of any week falling within that assessment period.

Amount of reduction

Amount of reduction for each assessment period

107.—(1) Where it has been determined that an award of universal credit is to be reduced under Article 31 or 32 of the Order (higher-level or other sanctions), the amount of the reduction for each assessment period in respect of which a reduction has effect is to be calculated as follows.

Step 1

Take the number of days—

- (a) (a) in the assessment period; or
- (b) (b) if lower, in the total outstanding reduction period,

and deduct any days in that assessment period for which the reduction is suspended in accordance with regulation 105 (suspension of a reduction where fraud penalty applies).

Step 2

Multiply the number of days produced by step 1 by the daily reduction rate (see regulation 108).

Step 3

If necessary, adjust the amount produced by step 2 so that it does not exceed—

- (c) (c) the amount of the standard allowance applicable to the award; or
- (d) (d) in the case of a joint claim where a determination under Article 31 or 32 of the Order (higher-level or other sanctions) applies only in relation to one claimant, half the amount of that standard allowance.

Step 4

Deduct the amount produced by steps 2 and 3 from the amount of the award for the assessment period after any deduction has been made in accordance with Part 7 (the benefit cap).

Daily reduction rate

108.—(1) The daily reduction rate for the purposes of regulation 107 (amount of reduction for each assessment period) is, unless paragraph (2) or (3) applies, an amount equal to the amount of the standard allowance that is applicable to the award multiplied by 12 and divided by 365.

(2) The daily reduction rate is 40% of the rate set out in paragraph (1) if, at the end of the assessment period—

- (a) the claimant is aged 16 or 17,
- (b) the claimant falls within Article 24 of the Order (claimants subject to no work-related requirements) by virtue of —
 - (i) paragraph (2)(c) of that Article (responsible carer for a child under the age of 1), or
 - (ii) regulation 88(1)(c), (d) or (f) (claimant within 11 weeks before, or 15 weeks after confinement, adopter or responsible foster parent of a child under the age of 1), or
- (c) the claimant falls within Article 25 (claimants subject to work-focused interview requirement only).

(3) The daily reduction rate is nil if, at the end of the assessment period, the claimant falls within Article 24 of the Order by virtue of having limited capability for work and work-related activity.

(4) The amount of the rate in paragraphs (1) and (2) is to be rounded down to the nearest 10 pence.

(5) In the case of joint claimants—

- (a) each joint claimant is considered individually for the purpose of determining the rate applicable under paragraphs (1) to (3), and
- (b) half of any applicable rate is applied to each joint claimant accordingly.

Miscellaneous

Application of ESA or JSA sanctions to universal credit

109. 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

110.—(1) No reduction is to be made under Article 31 or Article 32 of the Order (higher-level or other sanctions) for a sanctionable failure where—

- (a) the sanctionable failure is listed in Article 31(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 Article 31(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 Article 22(4) and Article 23(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,

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- (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 Article 31(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 99(4) (higher-level sanction) 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 Article 183 of the Employment Rights (Northern Ireland) Order 1996, and has complied with the requirements of that Article, 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 monthly earnings (or, if the claimant is a member of a couple, their joint monthly earnings) have not fallen below the amount specified in regulation 97(14) (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 ^{M2}.

Marginal Citations

M2 2006 c. 52.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, CHAPTER 2.