
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 216

The Universal Credit Regulations (Northern Ireland) 2016

PART 8

CLAIMANT RESPONSIBILITIES

CHAPTER 2

SANCTIONS

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,
- (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⁽¹⁾.

⁽¹⁾ 2006 c. 52.