
DRAFT STATUTORY INSTRUMENTS

2013 No.

The Universal Credit (Transitional Provisions) Regulations 2013

PART 3

EFFECT OF TRANSITION TO UNIVERSAL CREDIT

CHAPTER 2

TRANSITION FROM EXISTING BENEFITS TO UNIVERSAL CREDIT

Escalation of sanctions: transition from employment and support allowance

31.—(1) This regulation applies where an award of universal credit is made to a person who was at any time previously entitled to employment and support allowance.

(2) Where this regulation applies, for the purposes of determining the reduction period under regulation 104 of the Universal Credit Regulations (Low-level sanction) in relation to a sanctionable failure by the person, other than a failure which is treated as sanctionable by virtue of regulation 30—

- (a) a reduction of universal credit in accordance with regulation 30; and
- (b) any reduction of an employment and support allowance under the 2008 Regulations which did not result in a reduction under regulation 30,

is, subject to paragraph (3), to be treated as arising from a sanctionable failure for which the reduction period which applies is the number of days which is equivalent to the length of the fixed period which applied under regulation 63 of the 2008 Regulations.

(3) In determining a reduction period under regulation 104 of the Universal Credit Regulations in accordance with paragraph (2), no account shall be taken of—

- (a) a reduction of universal credit in accordance with regulation 30 if, at any time after that reduction, the person was entitled to an existing benefit;
- (b) a reduction of an employment and support allowance under the 2008 Regulations if, at any time after that reduction, the person was entitled to universal credit, new style ESA or new style JSA, and was subsequently entitled to an existing benefit.