
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

Sanctions: transition from jobseeker's allowance

- 32.**—(1) This regulation applies where—
- (a) an award of universal credit is made to a person who was previously entitled to jobseeker's allowance (“the JSA award”);
 - (b) immediately before the relevant date, payments in respect of the JSA award were reduced under section 19 (as it applied either before or after substitution by the Act⁽¹⁾) or section 19A of the Jobseekers Act 1995 (“the 1995 Act”), or under regulation 69B of the Jobseeker's Allowance Regulations 1996⁽²⁾ (“the 1996 Regulations”); and
 - (c) if the JSA award was made to a joint-claim couple within the meaning of the 1995 Act and the reduction related to—
 - (i) in the case of a reduction under section 19 as it applied before substitution by the Act, circumstances relating to only one member of the couple; or,
 - (ii) in the case of a reduction under section 19 as it applied after substitution by the Act, a sanctionable failure by only one member of the couple,the award of universal credit was made to that person.
- (2) In this regulation, the “relevant date” means—
- (a) in relation to a JSA award which terminated otherwise than by virtue of regulation 16, the date on which the JSA award terminated;
 - (b) in relation to a JSA award which terminated by virtue of regulation 16 (in so far as it was an award of income-based jobseeker's allowance), or which continued in existence as an award of new style JSA (in so far as it was an award of contribution-based jobseeker's allowance), the day before the first date of entitlement to universal credit.
- (3) Where this regulation applies—
- (a) the circumstances or failure which led to reduction of the JSA award (in either case, “the JSA failure”) is to be treated, for the purposes of the Universal Credit Regulations, as—
 - (i) a failure which is sanctionable under section 26 of the Act, where the reduction was under section 19 of the 1995 Act; or

(1) See s.46.

(2) S.I.1996/207; reg 69B was inserted by S.I. 2012/2568.

- (ii) a failure which is sanctionable under section 27 of the Act, where the reduction was under section 19A of the 1995 Act or regulation 69B of the 1996 Regulations;
- (b) the award of universal credit is to be reduced in relation to the JSA failure, in accordance with the provisions of this regulation and Chapter 2 of Part 8 of the Universal Credit Regulations (Sanctions), as modified by this regulation; and
- (c) the reduction is to be treated, for the purposes of the Universal Credit Regulations, as a reduction under section 26 or, as the case may be, section 27 of the Act.
- (4) The reduction period for the purposes of the Universal Credit Regulations is to be the number of days which is equivalent to the length of the period of reduction of jobseeker's allowance which is applicable to the person under regulation 69, 69A or 69B of the 1996 Regulations, minus—
- (a) the number of days (if any) in that period in respect of which the amount of jobseeker's allowance was reduced; and
- (b) the number of days (if any) in the period starting with the day after the relevant date and ending with the day before the first date on which the person is entitled to universal credit.
- (5) Accordingly, regulation 101 of the Universal Credit Regulations (General principles for calculating reduction periods) applies in relation to the JSA failure as if, in paragraphs (1) and (3), for the words “in accordance with regulations 102 to 105”, there were substituted the words “in accordance with regulation 32 of the Universal Credit (Transitional Provisions) Regulations 2013”.
- (6) Where the JSA award was made to a joint-claim couple within the meaning of the 1995 Act and the JSA failure related to only one member of the couple, the daily reduction rate for the purposes of the Universal Credit Regulations⁽³⁾ is the amount calculated in accordance with regulation 74B(3) of the 1996 Regulations⁽⁴⁾ in respect of the JSA award, divided by seven and rounded down to the nearest 10 pence, unless regulation 111(2) or (3) of the Universal Credit Regulations (Daily Reduction Rate) applies.
- (7) Where the daily reduction rate is to be determined in accordance with paragraph (6), regulation 111(1) of the Universal Credit Regulations applies in relation to the JSA failure as if, for the words from “an amount equal to” to the end there were substituted the words “an amount determined in accordance with regulation 32 of the Universal Credit (Transitional Provisions) Regulations 2013”.

(3) See reg 111.

(4) Reg 74B was inserted by S.I. 2000/1978 and amended by S.I. 2010/509.