



# Welfare Reform Act 2012

## 2012 CHAPTER 5

### PART 1

#### UNIVERSAL CREDIT

### CHAPTER 2

#### CLAIMANT RESPONSIBILITIES

##### *Reduction of benefit*

## 26 Higher-level sanctions

- (1) The amount of an award of universal credit is to be reduced in accordance with this section in the event of a failure by a claimant which is sanctionable under this section.
- (2) It is a failure sanctionable under this section if a claimant falling within section 22—
  - (a) fails for no good reason to comply with a requirement imposed by the Secretary of State under a work preparation requirement to undertake a work placement of a prescribed description;
  - (b) fails for no good reason to comply with a requirement imposed by the Secretary of State under a work search requirement to apply for a particular vacancy for paid work;
  - (c) fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work;
  - (d) by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay.
- (3) It is a failure sanctionable under this section if by reason of misconduct, or voluntarily and for no good reason, a claimant falling within section 19 by virtue of subsection (3) of that section ceases paid work or loses pay so as to cease to fall within that section and to fall within section 22 instead.

*Status: Point in time view as at 28/10/2013.*

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- (4) It is a failure sanctionable under this section if, at any time before making the claim by reference to which the award is made, the claimant—
- (a) for no good reason failed to take up an offer of paid work, or
  - (b) by reason of misconduct, or voluntarily and for no good reason, ceased paid work or lost pay,
- and at the time the award is made the claimant falls within section 22.
- (5) For the purposes of subsections (2) to (4) regulations may provide—
- (a) for circumstances in which ceasing to work or losing pay is to be treated as occurring or not occurring by reason of misconduct or voluntarily;
  - (b) for loss of pay below a prescribed level to be disregarded.
- (6) Regulations are to provide for—
- (a) the amount of a reduction under this section;
  - (b) the period for which such a reduction has effect, not exceeding three years in relation to any failure sanctionable under this section.
- (7) Regulations under subsection (6)(b) may in particular provide for the period of a reduction to depend on either or both of the following—
- (a) the number of failures by the claimant sanctionable under this section;
  - (b) the period between such failures.
- (8) Regulations may provide—
- (a) for cases in which no reduction is to be made under this section;
  - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
  - (c) for the termination or suspension of a reduction under this section.

#### **Modifications etc. (not altering text)**

- C1** Pt. 1 modified by 1995 c. 18, Sch. 1 para. 2(3) (as inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **10(b)**)

#### **Commencement Information**

- I1** [S. 26\(1\)-\(5\)](#) in force at 29.4.2013 for specified purposes by [S.I. 2013/983](#), art. 3(2)-(6), [Sch. 1](#), [Sch. 2](#) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167)
- I2** [S. 26\(1\)-\(5\)](#) in force at 1.7.2013 and 29.7.2013 for specified purposes by [S.I. 2013/1511](#), art. 3, [Sch.](#) (as amended or modified: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (25.1.2017) by S.I. 2017/57; and (2.2.2018) by S.I. 2018/138)
- I3** [S. 26\(1\)-\(5\)](#) in force at 28.10.2013 for specified purposes by [S.I. 2013/2657](#), art. 3, [Sch.](#) (as amended or modified: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I.

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2015/634; (20.7.2015) by S.I. 2015/1537; (23.5.2016) by S.I. 2016/596; (25.1.2017) by S.I. 2017/57; and (2.2.2018) by S.I. 2018/138)

**I4** S. 26(2)(a) in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 para. 10

**I5** S. 26(6)-(8) in force at 25.2.2013 by S.I. 2013/358, art. 2(2), Sch. 2 para. 13

## 27 Other sanctions

- (1) The amount of an award of universal credit is to be reduced in accordance with this section in the event of a failure by a claimant which is sanctionable under this section.
- (2) It is a failure sanctionable under this section if a claimant—
  - (a) fails for no good reason to comply with a work-related requirement;
  - (b) fails for no good reason to comply with a requirement under section 23.
- (3) But a failure by a claimant is not sanctionable under this section if it is also a failure sanctionable under section 26.
- (4) Regulations are to provide for—
  - (a) the amount of a reduction under this section, and
  - (b) the period for which such a reduction has effect.
- (5) Regulations under subsection (4)(b) may provide that a reduction under this section in relation to any failure is to have effect for—
  - (a) a period continuing until the claimant meets a compliance condition specified by the Secretary of State,
  - (b) a fixed period not exceeding 26 weeks which is—
    - (i) specified in the regulations, or
    - (ii) determined in any case by the Secretary of State, or
  - (c) a combination of both.
- (6) In subsection (5)(a) “compliance condition” means—
  - (a) a condition that the failure ceases, or
  - (b) a condition relating to future compliance with a work-related requirement or a requirement under section 23.
- (7) A compliance condition specified under subsection (5)(a) may be—
  - (a) revoked or varied by the Secretary of State;
  - (b) notified to the claimant in such manner as the Secretary of State may determine.
- (8) A period fixed under subsection (5)(b) may in particular depend on either or both the following—
  - (a) the number of failures by the claimant sanctionable under this section;
  - (b) the period between such failures.
- (9) Regulations may provide—
  - (a) for cases in which no reduction is to be made under this section;
  - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
  - (c) for the termination or suspension of a reduction under this section.

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### Commencement Information

- 16** S. 27(1)-(3)(6)-(8) in force at 29.4.2013 for specified purposes by S.I. 2013/983, art. 3(2)-(6), Sch. 1, Sch. 2 (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167)
- 17** S. 27(1)-(3)(6)-(8) in force at 1.7.2013 and 29.7.2013 for specified purposes by S.I. 2013/1511, art. 3, Sch. (as amended or modified: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (25.1.2017) by S.I. 2017/57; and (2.2.2018) by S.I. 2018/138)
- 18** S. 27(1)-(3)(6)-(8) in force at 28.10.2013 for specified purposes by S.I. 2013/2657, art. 3, Sch. (as amended or modified: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.5.2016) by S.I. 2016/596; (25.1.2017) by S.I. 2017/57; and (2.2.2018) by S.I. 2018/138)
- 19** S. 27(4)(5)(9) in force at 25.2.2013 by S.I. 2013/358, art. 2(2), Sch. 2 para. 14

## 28 Hardship payments

- (1) Regulations may make provision for the making of additional payments by way of universal credit to a claimant (“hardship payments”) where—
- (a) the amount of the claimant's award is reduced under section 26 or 27, and
  - (b) the claimant is or will be in hardship.
- (2) Regulations under this section may in particular make provision as to—
- (a) circumstances in which a claimant is to be treated as being or not being in hardship;
  - (b) matters to be taken into account in determining whether a claimant is or will be in hardship;
  - (c) requirements or conditions to be met by a claimant in order to receive hardship payments;
  - (d) the amount or rate of hardship payments;
  - (e) the period for which hardship payments may be made;
  - (f) whether hardship payments are recoverable.

### Commencement Information

- 110** S. 28 in force at 25.2.2013 by S.I. 2013/358, art. 2(2), Sch. 2 para. 15

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**Changes to legislation:**

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