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STATUTORY INSTRUMENTS

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**2013 No. 379**

**The Employment and Support Allowance Regulations 2013**

**PART 8**

**Sanctions**

**Interpretation**

**50.** For the purposes of this Part—

[<sup>F1</sup>“current sanctionable failure” means a failure of the following kinds in relation to which the Secretary of State has not yet determined whether the amount of an award of benefit is to be reduced—

- (a) a sanctionable failure,
- (b) a JSA sanctionable failure, or
- (c) a UC sanctionable failure;]

“JSA sanctionable failure” means a failure by a claimant which is sanctionable under section 6K of the Jobseekers Act 1995;

“low-level sanction” means a reduction of an employment and support allowance in accordance with section 11J of the Act for a sanctionable failure by the claimant to comply with—

- (a) a work-focused interview requirement imposed under section 11F(2) of the Act (persons subject to work preparation requirement and work-focused interview requirement);
- (b) a work preparation requirement imposed under section 11F(2) of the Act; or
- (c) a requirement under section 11G of the Act (connected requirements);

“lowest-level sanction” means a reduction of an employment and support allowance in accordance with section 11J of the Act for a sanctionable failure by the claimant to comply with a requirement imposed under section 11E(2) of the Act (persons subject to work-focused interview requirement only);

“reduction period” means the number of days for which a reduction in the amount of an award of an employment and support allowance is to have effect;

[<sup>F2</sup>“relevant failure” means—

- (a) a sanctionable failure giving rise to a low-level sanction,
- (b) a UC sanctionable failure giving rise to a sanction under section 27 of the Welfare Reform Act 2012 to which regulation 104 of the Universal Credit Regulations 2013 applies, or
- (c) a JSA sanctionable failure giving rise to a sanction under section 6K of the Jobseekers Act 1995 to which regulation 21 of the Jobseeker’s Allowance Regulations 2013 applies;]

“sanctionable failure” means a failure which is sanctionable under section 11J of the Act;

“total outstanding reduction period” means the total number of days for which no reduction has yet been applied for all of the claimant's low-level sanctions, lowest-level sanctions and reductions to which regulation 61 applies;

“UC sanctionable failure” means a failure by a claimant which is sanctionable under section 26 or 27 of the Welfare Reform Act 2012.

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**Textual Amendments**

- F1** Words in reg. 50 inserted (with application in accordance with reg. 2 of the amending S.I.) by [The Social Security \(Jobseeker's Allowance, Employment and Support Allowance and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/678\)](#), regs. 1, **7(2)(a)**
- F2** Words in reg. 50 inserted (with application in accordance with reg. 2 of the amending S.I.) by [The Social Security \(Jobseeker's Allowance, Employment and Support Allowance and Universal Credit\) \(Amendment\) Regulations 2016 \(S.I. 2016/678\)](#), regs. 1, **7(2)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2013, Section 50.