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STATUTORY INSTRUMENTS

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**2013 No. 983**

**The Welfare Reform Act 2012 (Commencement  
No. 9 and Transitional and Transitory Provisions  
and Commencement No. 8 and Savings and  
Transitional Provisions (Amendment)) Order 2013**

**Sanctions: transition from old style JSA in case of a new award**

17.—(1) This article applies where—

- (a) a person is entitled to a new style JSA award and they were previously entitled to an old style JSA award that was not in existence immediately before the first day on which the person in question is entitled to the new style JSA award;
- (b) immediately before that old style award terminated, payments were reduced under section 19 (as it applied both before and after substitution by the Act) (before substitution: circumstances in which a jobseeker's allowance is not payable; after substitution: higher-level sanctions)(1) or 19A (other sanctions) of the 1995 Act(2), or under regulation 69B of the JSA Regulations 1996 (the period of a reduction under section 19B : Claimants ceasing to be available for employment etc.)(3); and
- (c) if the old style 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 new style JSA award was made to that member of the couple.

(2) Where this article applies—

- (a) the circumstances or failure which led to reduction of the old style JSA award (in either case “the relevant failure”) is to be treated, for the purposes of the JSA Regulations 2013, as—
  - (i) a failure which is sanctionable under section 6J of the 1995 Act (higher-level sanctions)(4), where the reduction was under section 19 of the 1995 Act; or
  - (ii) a failure which is sanctionable under section 6K of the 1995 Act (other sanctions), where the reduction was under section 19A of the 1995 Act or regulation 69B of the JSA Regulations 1996;

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(1) Section 19 was substituted by section 46 of the Welfare Reform Act 2012 (c.5). Section 19 before substitution was amended by paragraph 12 of Schedule 7 to the Welfare Reform and Pensions Act 1999 (c.30) and paragraph 141 of Schedule 7 to the Social Security Act 1998 (c.14).

(2) Section 19A was inserted by section 46 of the Welfare Reform Act 2012 (c.5).

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

(4) Sections 6J and 6K were inserted by section 49(3) of the Welfare Reform Act 2012 (c.5).

- (b) the award of new style JSA is to be reduced in relation to the relevant failure, in accordance with the provisions of this article and Part 3 of the JSA Regulations 2013 (sanctions), as modified by this article; and
  - (c) the reduction is to be treated, for the purposes of the JSA Regulations 2013, as a reduction under section 6J or, as the case may be, section 6K of the 1995 Act.
- (3) The reduction period for the purposes of the JSA Regulations 2013 is to be the number of days which is equivalent to the length of the period of reduction of a jobseeker's allowance which is applicable to the person under regulation 69, 69A or 69B of the JSA Regulations 1996, minus—
- (a) the number of days (if any) in that period in respect of which the amount of a jobseeker's allowance was reduced; and
  - (b) the number of days (if any) in the period starting with the day after the day on which the old style JSA award terminated and ending with the day before the first day on which the person is entitled to a new style JSA award.
- (4) Accordingly, regulation 18 of the JSA Regulations 2013 (general principles for calculating reduction periods) applies in relation to the relevant failure as if—
- (a) in paragraph (1), for the words “in accordance with regulations 19, 20 and 21”, there were substituted the words “in accordance with article 17 of the Welfare Reform Act 2012 (Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions (Amendment)) Order 2013”; and
  - (b) in paragraph (3), for the words “in accordance with regulation 19, 20 or 21”, there were substituted the words “in accordance with article 17 of the Welfare Reform Act 2012 (Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions (Amendment)) Order 2013”.