
STATUTORY INSTRUMENTS

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 continuing award

18.—(1) This article applies where—

- (a) the amending provisions have come into force under article 4(1) in relation to the case of a claim for universal credit referred to in article 4(2)(b) to (d) (and any award that is made in respect of the claim) or an award of universal credit referred to in article 4(2)(e) or (f);
- (b) the person in question had an old style JSA award immediately before the appointed day which consisted of or included a contribution-based allowance (which allowance therefore continues as a new style JSA award);
- (c) immediately before the appointed day, payments under that award 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) or 19A (other sanctions) of the 1995 Act, 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.); and
- (d) 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), 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;
- (b) the award (in its continuation as a new style JSA award) 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 (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 the number of days (if any) in that period in respect of which the amount of a jobseeker's allowance was reduced.

(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 18 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 18 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”.