STATUTORY INSTRUMENTS

2019 No. 1357

SOCIAL SECURITY

The Jobseeker's Allowance and Universal Credit (Higher-Level Sanctions) (Amendment) Regulations 2019

Made - - -	*at 9.52 a.m. on 16th October 2019*
Laid before Parliament	*at 4.00 p.m. on 16th October 2019*
Coming into force - -	*27th November 2019*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6J(5)(b) and (6), 19(4)(b) and (5), 35(1) and 36(4)(a) of the Jobseekers Act 1995(**a**) and sections 26(6)(b) and (7) and 42(1) and (3)(a) of the Welfare Reform Act 2012(**b**).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(**c**), the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

Citation and commencement

1. These Regulations may be cited as the Jobseeker's Allowance and Universal Credit (Higher-Level Sanctions) (Amendment) Regulations 2019 and come into force on 27th November 2019.

Amendment of the Jobseeker's Allowance Regulations 1996

2. In the table in paragraph (1) of regulation 69 (the period of a reduction under section 19: higher-level sanctions) of the Jobseeker's Allowance Regulations 1996(**d**)—

(a) in the row beginning "where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 52 weeks"—

(i) in paragraph (b) (26 weeks), in the second column (reduction period), for "156 weeks" substitute "26 weeks";

(ii) omit paragraph (c) (156 weeks) and the corresponding entry in the second column;

(b) in the row beginning "where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 2 weeks", omit paragraph (c) (156 weeks) and the corresponding entry in the second column.

(**a**) 1995 c. 18. Section 6J was inserted by section 49(3) of the Welfare Reform Act 2012 (c. 5). Section 19 was substituted by section 46(1) of that Act. Section 35(1) is cited for the meaning of the word "regulations".
(**b**) 2012 c. 5.
(**c**) 1992 c. 5.
(**d**) S.I. 1996/207, amended by S.I. 2012/2568 and 2016/678.

Amendment of the Universal Credit Regulations 2013

3. In the table in paragraph (2) of regulation 102 (higher-level sanction) of the Universal Credit Regulations 2013(**a**)—

(a) in the row beginning "where there have been one or more previous sanctionable failures by the claimant giving rise to a higher-level sanction and the date of the most recent previous sanctionable failure is within 365 days"—

(i) in paragraph (d) (182 days), in the second column (reduction period where claimant aged 18 or over), for "1095 days" substitute "182 days";

(ii) omit paragraph (e) (1095 days) and the corresponding entry in the second column;

(b) in the row beginning "where there have been one or more previous sanctionable failures by the claimant giving rise to a higher-level sanction and the date of the most recent previous sanctionable failure is within 14 days", omit paragraph (e) (1095 days) and the corresponding entry in the second column.

Amendment of the Jobseeker's Allowance Regulations 2013

4. In the table in paragraph (1) of regulation 19 (higher-level sanction) of the Jobseeker's Allowance Regulations 2013(**b**)—

(a) in the row beginning "where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is within 365 days"—

(i) in paragraph (b) (182 days), in the second column (reduction period), for "1095 days" substitute "182 days";

(ii) omit paragraph (c) (1095 days) and the corresponding entry in the second column;

(b) in the row beginning "where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is within 14 days", omit paragraph (c) (1095 days) and the corresponding entry in the second column.

Transitional provision

5.—(1) Where, on the date that these Regulations come into force, the amount of an award of jobseeker's allowance is subject to a reduction under section 19 of the Jobseekers Act 1995 for a period of 156 weeks, the reduction is to be terminated where, since the date that the reduction took effect, the award has been reduced for a period of at least 26 weeks.

(2) Where, on the date that these Regulations come into force, the amount of an award of jobseeker's allowance is subject to a reduction under section 6J of the Jobseekers Act 1995 for a period of 1095 days, the reduction is to be terminated where, since the date that the reduction took effect, the award has been reduced for a period of at least 182 days.

(3) Where, on the date that these Regulations come into force, the amount of an award of universal credit is subject to a reduction under section 26 of the Welfare Reform Act 2012, or which is treated as a reduction under section 26 of that Act by virtue of regulation 32(3) of the Universal Credit (Transitional Provisions) Regulations 2014(**c**), for a period of 1095 days, the reduction is to be terminated where, since the date that the reduction took effect, the award has been reduced for a period of at least 182 days.

Signed by authority of the Secretary of State for Work and Pensions

Mims Davies
Parliamentary Under-Secretary of State

(**a**) S.I. 2013/376, amended by S.I. 2016/678; there is another amending instrument but it is no longer relevant.
(**b**) S.I. 2013/378, amended by S.I. 2016/678; there is another amending instrument but it is no longer relevant.
(**c**) S.I. 2014/1230.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations 1996, the Universal Credit Regulations 2013 and the Jobseeker's Allowance Regulations 2013 so that the maximum period of a higher-level sanction under section 19 of the Jobseekers Act 1995 is 26 weeks and the maximum period of a higher-level sanction under section 6J of the Jobseekers Act 1995 and section 26 of the Welfare Reform Act 2012 is 182 days.

Transitional provisions are also made which apply where, on the date that the Regulations come into force, the amount of an award of jobseeker's allowance or universal credit is subject to a reduction for a higher-level sanction for a period of 156 weeks or 1095 days, as the case may be. In such a case, the reduction is to be terminated when the award of jobseeker's allowance or universal credit has been reduced for a period of at least 26 weeks or 182 days, as the case may be.

This means that where, on the date that these Regulations come into force, an award which is subject to a reduction for a higher-level sanction for a period of 156 weeks or 1095 days—

— has been reduced for at least 26 weeks or 182 days, the reduction will be terminated on that date;

— has been reduced for less than 26 weeks or 182 days, the reduction will terminate once the award has been reduced for 26 weeks or 182 days.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.

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