STATUTORY INSTRUMENTS

2016 No. 678

SOCIAL SECURITY

The Social Security (Jobseeker's Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016

Made - - - -	*27th June 2016*
Laid before Parliament	*4th July 2016*
Coming into force - -	*25th July 2016*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 6J(5)(b) and (6), 6K(4)(b) and (5)(b), 19(4)(b) and (5), 19A(4)(b) and (5)(b), 19B(1), (4)(b) and (6), 35(1) and 36(4)(a) of the Jobseekers Act 1995(**a**), sections 11J(3)(b), (4)(b) and (7), 12(3) and (4)(c), 13(3) and (4)(c), 24(1) and 25(5)(a) of the Welfare Reform Act 2007(**b**) and sections 19(2)(d), 26(6)(b), (7) and (8)(c), 27(4)(b), (5)(b) and (9)(c), 28(1) and (2)(f), 37(6), 40 and 42(1) and (3)(a) of the Welfare Reform Act 2012(**c**).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(**d**), 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 Social Security (Jobseeker's Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016 and come into force on 25th July 2016.

Application

2. The amendments in regulations 3, 4, 5(5) to (9), 6 and 7 apply to a failure by a claimant that occurs on or after 25th July 2016 and which is sanctionable under—

(a) section 6J, 6K, 19, 19A or 19B of the Jobseekers Act 1995,

(b) section 11J, 12 or 13 of the Welfare Reform Act 2007, or

(c) section 26 or 27 of the Welfare Reform Act 2012.

(**a**) 1995 c. 18. Sections 19, 19A and 19B were inserted by section 46(1) of the Welfare Reform Act 2012 (c. 5) and are repealed by Schedule 14 to that Act from a date to be appointed. Sections 6J and 6K were inserted by section 49(3) of that Act. Section 35 is cited for the meaning of "regulations".

(**b**) 2007 c. 5. Section 11J was inserted, and sections 12 and 13 are amended, by section 57(2) of the Welfare Reform Act 2012. Section 24 is cited for the meaning of "regulations".

(**c**) 2012 c. 5.

(**d**) 1992 c. 5.

Amendment of the Jobseeker's Allowance Regulations 1996

3.—(1) The Jobseeker's Allowance Regulations 1996(**a**) are amended as follows.

(2) In regulation 69 (period of a reduction under section 19: higher-level sanctions)—

(a) for paragraph (1) substitute—

"(1) Subject to paragraphs (3) and (4), a reduction under section 19 (higher-level sanctions) in the circumstances described in the first column of the following table is to have effect for the period set out in the second column.

Circumstances in which reduction period applies	*Reduction period*
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (2)	13 weeks
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 not within 52 weeks beginning with the date of the current sanctionable failure	13 weeks
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, but not within 2 weeks, beginning with the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is or, but for paragraph (4), would have been —	
(a) 13 weeks	26 weeks
(b) 26 weeks	156 weeks
(c) 156 weeks	156 weeks
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 beginning with the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is or, but for paragraph (4), would have been—	
(a) 13 weeks	13 weeks
(b) 26 weeks	26 weeks
(c) 156 weeks	156 weeks.";

(b) in paragraph (2)—

(i) at the end of sub-paragraph (a), insert "and";

(ii) omit sub-paragraph (c) and the "and" preceding it.

(3) In regulation 69A (period of a reduction under section 19A: other sanctions)—

(a) for paragraph (1) substitute—

"(1) A reduction under section 19A (other sanctions) in the circumstances described in the first column of the following table is to have effect for the period set out in the second column.

Circumstances in which reduction period applies	*Reduction period*
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (2)	4 weeks
Where there have been one or more previous sanctionable failures by the	4 weeks

(**a**) S.I. 1996/207, amended by S.I. 2012/2568; there are other amending instruments but none is relevant.

claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is not within 52 weeks beginning with the date of the current sanctionable failure	
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, but not within 2 weeks, beginning with the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is—	
(a) 4 weeks	13 weeks
(b) 13 weeks	13 weeks
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 beginning with the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is—	
(a) 4 weeks	4 weeks
(b) 13 weeks	13 weeks.”;

(b) in paragraph (2)—

(i) at the end of sub-paragraph (a), insert “and”;

(ii) omit sub-paragraph (c) and the “and” preceding it.

(4) In regulation 69B (period of a reduction under section 19B: claimants ceasing to be available for employment etc.), for paragraph (6) substitute—

“(6) Subject to paragraph (7), a reduction under this regulation in the circumstances described in the first column of the following table is to have effect for the period set out in the second column.

Circumstances in which reduction period applies	*Reduction period*
Where there has been only one occasion on which the claimant’s previous entitlement ceased	4 weeks
Where there have been two or more occasions on which the claimant’s previous entitlement ceased and the date of the most recent occasion is not within 52 weeks beginning with the date of the next most recent occasion	4 weeks
Where there have been two or more occasions on which the claimant’s previous entitlement ceased and the date of the most recent occasion is within 52 weeks, but not within 2 weeks, beginning with the date of the next most recent occasion and the period of reduction applicable on that occasion is or, but for paragraph (7), would have been—	
(a) 4 weeks	13 weeks
(b) 13 weeks	13 weeks
Where there have been two or more occasions on which the claimant’s previous entitlement ceased and the date of the most recent occasion is within 2 weeks beginning with the date of the next most recent occasion and the period of reduction applicable on that occasion is or, but for paragraph (7), would have been—	
(a) 4 weeks	4 weeks
(b) 13 weeks	13 weeks.”

Amendment of the Employment and Support Allowance Regulations 2008

4. In regulation 63 of the Employment and Support Allowance Regulations 2008(**a**) (reduction of employment and support allowance)—

(a) for paragraph (7) substitute—

"(7) The fixed period that applies in the circumstances described in the first column of the following table is set out in the second column.

Circumstances applicable to claimant's case	*Fixed period*
Where there has been no previous failure by the claimant that falls within paragraph (8)	1 week
Where there have been one or more previous failures by the claimant that fall within paragraph (8) and the date of the most recent previous failure is not within 52 weeks beginning with the date of the current failure	1 week
Where there have been one or more previous failures by the claimant that fall within paragraph (8) and the date of the most recent previous failure is within 52 weeks, but not within 2 weeks, beginning with the date of the current failure and the period of reduction applicable to the most recent previous failure is or, but for paragraph (3), would have been—	
(a) 1 week	2 weeks
(b) 2 weeks	4 weeks
(c) 4 weeks	4 weeks
Where there have been one or more previous failures by the claimant that fall within paragraph (8) and the date of the most recent previous failure is within 2 weeks beginning with the date of the current failure and the period of reduction applicable to the most recent previous failure is or, but for paragraph (3), would have been—	
(a) 1 week	1 week
(b) 2 weeks	2 weeks
(c) 4 weeks	4 weeks.";

(b) in paragraph (8)—

(i) at the end of sub-paragraph (a), insert "and";

(ii) omit sub-paragraph (c) and the "and" preceding it.

Amendment of the Universal Credit Regulations 2013

5.—(1) The Universal Credit Regulations 2013(**b**) are amended as follows.

(2) In regulation 2 (interpretation), after the definition of "national insurance contribution" insert—

""National Minimum Wage Regulations" means the National Minimum Wage Regulations 2015(**c**);".

(3) In regulation 41(3) (when an assessment may be carried out), for "regulation 11 of the National Minimum Wage Regulations 1999" substitute "regulation 4 of the National Minimum Wage Regulations".

(4) In regulation 90 (claimants subject to no work-related requirements—the earnings thresholds)—

(**a**) S.I. 2008/794, amended by S.I. 2012/2756; there are other amending instruments but none is relevant.
(**b**) S.I. 2013/376; relevant amending instruments are S.I. 2014/597 and 2015/1754.
(**c**) S.I. 2015/621, amended by S.I. 2016/68; there are other amending instruments but none is relevant.

(a) in paragraph (2), for "regulation 11 or regulation 13(1) or (2)" substitute "regulation 4 or regulation 4A(1)(a) to (c)";

(b) in paragraph (3)(b)(ii), for "regulation 11" substitute "regulation 4";

(c) in the full-out words at the end of paragraph (4), for "regulation 13(3)" substitute "regulation 4A(1)(d)";

(d) omit paragraph (7).

(5) In regulation 100 (introduction), after paragraph (1) insert—

"(1A) In this Chapter references to a "current sanctionable failure" are to a sanctionable failure in relation to which the Secretary of State has not yet determined whether the amount of an award of universal credit is to be reduced under section 26 or 27 of the Act.".

(6) In regulation 101 (general principles for calculating reduction periods), omit paragraph (4).

(7) In regulation 102 (higher-level sanctions)—

(a) for paragraph (2) substitute—

"(2) Where the sanctionable failure is not a pre-claim failure, the reduction in the circumstances described in the first column of the following table is the period set out in—

(a) the second column, where the claimant is aged 18 or over on the date of the sanctionable failure;

(b) the third column, where the claimant is aged 16 or 17 on the date of the sanctionable failure.

Circumstances in which reduction period applies	*Reduction period where claimant aged 18 or over*	*Reduction period where claimant aged 16 or 17*
Where there has been no previous sanctionable failure by the claimant giving rise to a higher-level sanction	91 days	14 days
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 not within 365 days beginning with the date of the current sanctionable failure	91 days	14 days
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, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—		
(a) 14 days	–	28 days
(b) 28 days	–	28 days
(c) 91 days	182 days	–
(d) 182 days	1095 days	–
(e) 1095 days	1095 days	–
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 beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—		
(a) 14 days	–	14 days

(b) 28 days	–	28 days
(c) 91 days	91 days	–
(d) 182 days	182 days	–
(e) 1095 days	1095 days	–.";

(b) for paragraph (5) substitute—

"(5) In this regulation—

"higher-level sanction" means a sanction under section 26 of the Act;

"pre-claim failure" means a failure sanctionable under section 26(4) of the Act.".

(8) In regulation 103 (medium-level sanctions), for paragraph (2) substitute—

"(2) The reduction in the circumstances described in the first column of the following table is the period set out in—

(a) the second column, where the claimant is aged 18 or over on the date of the sanctionable failure;

(b) the third column, where the claimant is aged 16 or 17 on the date of the sanctionable failure.

Circumstances in which reduction period applies	*Reduction period where claimant aged 18 or over*	*Reduction period where claimant aged 16 or 17*
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (1)	28 days	7 days
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is not within 365 days beginning with the date of the current sanctionable failure	28 days	7 days
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—		
(a) 7 days	–	14 days
(b) 14 days	–	14 days
(c) 28 days	91 days	–
(d) 91 days	91 days	–
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—		
(a) 7 days	–	7 days
(b) 14 days	–	14 days
(c) 28 days	28 days	–
(d) 91 days	91 days	–."

(9) In regulation 104 (low-level sanctions)—

(a) for paragraph (2)(b) substitute—

"(b) in the circumstances described in the first column of the following table, the number of days set out in the second column.

Circumstances applicable to claimant's case	*Number of days*
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (1)	7 days
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is not within 365 days beginning with the date of the current sanctionable failure	7 days
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—	
(a) 7 days	14 days
(b) 14 days	28 days
(c) 28 days	28 days
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—	
(a) 7 days	7 days
(b) 14 days	14 days
(c) 28 days	28 days.";

(b) for paragraph (3)(b) substitute—

"(b) if there was another sanctionable failure of a kind mentioned in paragraph (1) within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure, 7 days.".

(10) In regulation 109 (when a reduction is to be terminated), in paragraph (1)(b)—

(a) at the end of paragraph (i), omit "or";

(b) after paragraph (i), insert—

"(ia) where the claimant has no individual threshold, the amount that a person would be paid at the hourly rate specified in regulation 4 or regulation 4A(1)(a) to (c) of the National Minimum Wage Regulations for 16 hours per week, converted to a monthly amount by multiplying by 52 and dividing by 12, or".

(11) In regulation 119 (recoverability of hardship payments), for paragraphs (2) and (3) substitute—

"(2) Paragraph (1) does not apply in relation to any assessment period in which—

(a) the single claimant, or each joint claimant, falls within section 19 of the Act by virtue of regulation 90 (claimants subject to no work-related requirements – the earnings threshold);

(b) where regulation 90 applies to one of the joint claimants only, the joint claimants' combined monthly earnings are equal to or exceed the amount of the individual threshold; or

(c) where regulation 90 does not apply to the single claimant or to either of the joint claimants, that claimant or the joint claimants' combined monthly earnings are

equal to or exceed the amount that a person of the same age as the claimant, or the youngest of the joint claimants, would be paid at the hourly rate specified in regulation 4 or regulation 4A(1)(a) to (c) of the National Minimum Wage Regulations for 16 hours per week, converted to a monthly amount by multiplying by 52 and dividing by 12.

(3) Paragraph (1) ceases to apply where, since the last day on which the claimant's or the joint claimants' award was subject to a reduction under section 26 or 27 of the Act—

(a) the single claimant, or each joint claimant, has fallen within section 19 of the Act by virtue of regulation 90 (claimants subject to no work-related requirements – the earnings threshold);

(b) where regulation 90 applied to one of the joint claimants only, the joint claimants' have had combined monthly earnings that are equal to or exceed the amount of the individual threshold; or

(c) where regulation 90 did not apply to the single claimant or to either of the joint claimants, that claimant or the joint claimants' have had combined monthly earnings that are equal to or exceed the amount that a person of the same age as the claimant, or the youngest of the joint claimants, would be paid at the hourly rate specified in regulation 4 or regulation 4A(1)(a) to (c) of the National Minimum Wage Regulations for 16 hours per week, converted to a monthly amount by multiplying by 52 and dividing by 12,

for a period of, or more than one period where the total of those periods amounts to, at least 6 months.".

Amendment of the Jobseeker's Allowance Regulations 2013

6.—(1) The Jobseeker's Allowance Regulations 2013(**a**) are amended as follows.

(2) In regulation 17 (interpretation), before the definition of "ESA sanctionable failure" insert—

""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) an ESA sanctionable failure, or

(c) a UC sanctionable failure;".

(3) In regulation 18 (general principles for calculating reduction periods), omit paragraph (4)(a).

(4) In regulation 19 (higher-level sanctions)—

(a) for paragraph (1) substitute—

"(1) Where the sanctionable failure is not a pre-claim failure, the reduction for a higher-level sanction in the circumstances described in the first column of the following table is the period set out in the second column.

Circumstances in which reduction period applies	*Reduction period*
Where there has been no previous relevant failure by the claimant	91 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent relevant failure is not within 365 days beginning with the date of the current sanctionable failure	91 days
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, but not within 14 days, beginning with the date of the	

(**a**) S.I. 2013/378, amended by S.I. 2014/597; there are other amending instruments but none is relevant.

current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 91 days	182 days
(b) 182 days	1095 days
(c) 1095 days	1095 days
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 beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 91 days	91 days
(b) 182 days	182 days
(c) 1095 days	1095 days.”;

(b) after paragraph (3) insert—

“(4) In this regulation “relevant failure” means—

(a) a sanctionable failure giving rise to a higher-level sanction, or

(b) a UC sanctionable failure giving rise to a sanction under section 26 of the Welfare Reform Act 2012.”.

(5) For regulation 20 (medium-level sanctions) substitute—

“**20.**—(1) The reduction for a medium-level sanction in the circumstances described in the first column of the following table is the period set out in the second column.

Circumstances in which reduction period applies	*Reduction period*
Where there has been no previous relevant failure by the claimant	28 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is not within 365 days beginning with the date of the current sanctionable failure	28 days
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, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 28 days	91 days
(b) 91 days	91 days
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 beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 28 days	28 days
(b) 91 days	91 days.

(2) In this regulation “relevant failure” means—

(a) a sanctionable failure giving rise to a medium-level sanction, or

(b) a UC sanctionable failure giving rise to a sanction under section 27 of the Welfare Reform Act 2012 to which regulation 103 of the Universal Credit Regulations 2013 applies.”.

(6) In regulation 21 (low-level sanctions), for paragraph (3) substitute—

"(3) In the circumstances described in the first column of the following table, the number of days set out in the second column.

Circumstances applicable to claimant's case	*Number of days*
Where there has been no previous relevant failure by the claimant	7 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is not within 365 days beginning with the date of the current sanctionable failure	7 days
Where there have been one or more previous relevant failure by the claimant and the date of the most recent previous relevant failure is within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 7 days	14 days
(b) 14 days	28 days
(c) 28 days	28 days
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 beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 7 days	7 days
(b) 14 days	14 days
(c) 28 days	28 days.

(4) In this regulation "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) an ESA sanctionable failure giving rise to a sanction under section 11J of the Welfare Reform Act 2007 to which regulation 52 of the Employment and Support Allowance Regulations 2013 applies.".

Amendment of the Employment and Support Allowance Regulations 2013

7.—(1) The Employment and Support Allowance Regulations 2013(**a**) are amended as follows.

(2) In regulation 50 (interpretation)—

(a) before the definition of "JSA sanctionable failure" insert—

""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;";

(b) before the definition of "sanctionable failure" insert—

""relevant failure" means—

(a) a sanctionable failure giving rise to a low-level sanction,

(**a**) S.I. 2013/379, amended by S.I. 2014/597; there are other amending instruments but none is relevant.

(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;".

(3) In regulation 51 (general principles for calculating reduction periods), omit paragraph (4)(a).

(4) In regulation 52 (low-level sanction), for paragraph (b) substitute—

"(b) in the circumstances described in the first column of the following table, the number of days set out in the second column.

Circumstances applicable to claimant's case	*Number of days*
Where there has been no previous relevant failure by the claimant	7 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is not within 365 days beginning with the date of the current sanctionable failure	7 days
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, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 7 days	14 days
(b) 14 days	28 days
(c) 28 days	28 days
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 beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 7 days	7 days
(b) 14 days	14 days
(c) 28 days	28 days."

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

Freud
Minister of State,
Department for Work and Pensions

27th June 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Employment and Support Allowance Regulations 2008 (S.I. 2008/794), the Universal Credit Regulations 2013 (S.I. 2013/376), the Jobseeker's Allowance Regulations 2013 (S.I. 2013/378) and the Employment and Support Allowance Regulations 2013 (S.I. 2013/379).

Regulations 3, 4, 5(5) to (9), 6 and 7 amend the sanctions provisions in the above Regulations. In each case, a table setting out the reduction periods that apply depending on the circumstances in which the failure has occurred is substituted for the existing provisions so as to ensure that in all cases where a failure has occurred within 14 days of a previous one the reduction period for the

subsequent failure is for the same duration as the previous reduction period. The length of the actual reduction periods is not altered.

The amendments in those regulations will apply to a failure that occurs on or after 25th July 2016 and which is sanctionable under section 6J, 6K, 19, 19A or 19B of the Jobseekers Act 1995 (c. 18), section 11J, 12 or 13 of the Welfare Reform Act 2007 (c. 5) or section 26 or 27 of the Welfare Reform Act 2012 (c. 5).

Regulation 5(10) amends regulation 109 of the UC Regulations, which makes provision for the termination of a reduction for claimants who have been earning over a specific amount for a 6 month period, so as to include provision enabling a reduction to be terminated in relation to a claimant who has no individual threshold because they fall within section 19 of the Welfare Reform Act 2012 by reason other than the amount of their earnings.

Regulation 5(11) amends regulation 119 of the UC Regulations, which makes provision for the recovery of hardship payments, so as to include provision enabling hardship payments to not be recoverable, and for hardship payments to cease to be recoverable, from a claimant or joint claimants who have no individual threshold.

Regulation 5(2) inserts a definition of the National Minimum Wage Regulations and regulation 5(3) and (4) make amendments substituting relevant references to those Regulations for out-of-date references to previous legislation.

An impact assessment has not been produced for this instrument as it has no impact on business or civil society organisations.

© Crown copyright 2016

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 978-0-11-114772-6

£6.00

UK201606275 07/2016 19585

http://www.legislation.gov.uk/id/uksi/2016/678

9 780111 147726