

Chapter S8 - Jobseeker's Allowance transition

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Legislation Used in Chapter S8

Abbreviation	Full title
JS (NI) Order 95	Jobseekers (Northern Ireland) Order 1995 No. 2705
WR (NI) Order 15	Welfare Reform (Northern Ireland) Order 2015 No. 2006
UC, PIP, JSA & ESA (C&P) Regs (NI) 16	The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016 No. 220
UC (TP) Regs (NI) 16	The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 No. 226
SS (C&P) Regs (NI)	The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 No. 465
JSA Regs (NI) 96	Jobseeker's Allowance Regulations (Northern Ireland) 1996 No.198
JSA Regs (NI) 16	Jobseeker's Allowance Regulations (Northern Ireland) 2016 No. 218
WR (NI) Order 15 (Comm No.8 etc.) Order 17	The Welfare Reform (Northern Ireland) Order 15 (Commencement No. 8 Transitional and Transitory Provisions) Order 2017 No. 190

Chapter S8 - Jobseeker's Allowance transition

Introduction

S8001 This Chapter gives guidance on

1. when the provisions for claiming new style Jobseeker's Allowance apply (see S8020 et seq) **and**
2. transition from old style Jobseeker's Allowance (see S8125 et seq) **and**
3. transition from new style Jobseeker's Allowance (see S8160 et seq) **and**
4. sanctions (see S8210 et seq).

S8002 – S8014

Definitions

Meaning of Jobseeker's Allowance

New style Jobseeker's Allowance

S8015 New style Jobseeker's Allowance is Jobseeker's Allowance as amended to remove income-based Jobseeker's Allowance, based on National Insurance contributions only¹.

1 JS (NI) Order 95; WR (NI) Order 15, Sch 3 & Sch 12, Part 1; WR (NI) Order 15 (Comm No. 8 etc.) Order 17, art 2(1), 6(1) & 9(1)

Old style Jobseeker's Allowance

S8016 Old style Jobseeker's Allowance is Jobseeker's Allowance as it applies before the amendments referred to in S8015. It includes contribution-based Jobseeker's Allowance and income-based Jobseeker's Allowance¹ (see DMG Volumes 4 - 7 for detailed guidance).

1 JS (NI) Order 95; WR (NI) Order 15 (Comm No. 8 etc.) Order 17, art 2(1)

S8017

Meaning of new claimant partner

S8018 Where

1. a person is entitled to Universal Credit as a single person **and**
2. the award terminates when they become a member of a couple **and**
3. the other member of the couple was not entitled to Universal Credit as a single claimant immediately before the formation of the couple **and**
4. the couple is treated as having made a claim for Universal Credit¹ **and**

the other member of the couple is known as a new claimant partner².

Note: See ADM Chapter A2 (Claims) for detailed guidance on claims.

1 UC, PIP, JSA & ESA (C&P) Regs (NI) 16, reg 8(8); 2 UC (TP) Regs (NI) 16, reg 2(1) & 5(1)

S8019

When provisions for claiming new style Jobseeker's Allowance apply

Introduction

S8020 S8021 et seq gives guidance on when the provisions for claiming new style Jobseeker's Allowance apply. However, the new style Jobseeker's Allowance provisions apply only for as long as the award continues. On any subsequent claim, decision makers will have to consider again whether the new style or old style provisions apply. Also, decision makers should note that the new style Jobseeker's Allowance provisions may no longer apply if the claimant's circumstances change (see S8115).

Note: Since 5.12.18, the new style Jobseeker's Allowance provisions apply to all claims made in Northern Ireland, and on or after 1.2.19 to claims from people living outside Northern Ireland, unless any restriction on claiming Universal Credit applies. From 1.8.22 all restrictions on claims for Universal Credit have been removed. See Chapter M1 (Claims for Universal Credit) for further details.

Claims for new style Jobseeker's Allowance

S8021 The new style Jobseeker's Allowance provisions apply from the first day of the period of the claim where a person

1. makes a claim, or is treated as making a claim for Universal Credit or Jobseeker's Allowance for a period on or after 27.9.17¹ **and**
2. on the day on which claim is made or is treated as made lives in the No. 1 relevant district².

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 6(2)(a), 6(2)(d) & 6(3); 2 art 6(2)(c) & art 6(3)

S8022 Where S8021 1. applies, where the time for making a claim for is extended, the first day of the period for which the claim is made is the first day of the extended period¹.

Note: See DMG Chapter 02 and ADM Chapter A2 for guidance on extending the time for claiming.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 7(6); UC, PIP, JSA & ESA (C&P) Regs (NI) 16, reg 25(2); SS (C&P) Regs (NI), reg 19 & Sch 4

S8023 – S8039

Claims for Universal Credit or Jobseeker's Allowance

S8040 The new style Jobseeker's Allowance provisions apply¹ from the first day of the period of the claim where a person (including either of Universal Credit joint claimants)

1. makes a claim for Universal Credit or makes, or is treated as making, a claim for Jobseeker's Allowance for a period on or after a date detailed in the Appendix to ADM Chapter M1 (Claims for Universal Credit) **and**
2. on the day on which the claim is made or treated as made lives in a relevant district.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 6(2)

S8041 For the purposes of S8040

1. the guidance in DMG Chapter 02 applies¹ for deciding
 - 1.1 whether a claim for Jobseeker's Allowance is made or treated as made **and**
 - 1.2 the day on which the claim is made or treated as made² **and**
2. the guidance in ADM Chapter A2 (Claims) applies³ for deciding
 - 2.1 whether a claim for Universal Credit is made **and**
 - 2.2 the day on which the claim is made⁴.

1 SS (C&P) Regs (NI); 2 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 7(5);

3 UC, PIP, JSA & ESA (C&P) Regs (NI) 16; 4 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 2(2)

S8042 – S8049

Claim for Universal Credit - claimant gives incorrect information

S8050 The new style Jobseeker's Allowance provisions apply¹ from the first day of the period in respect of which the Universal Credit claim is made where

1. a person (including either or both Universal Credit joint claimants) makes a claim for Universal Credit for a period on or after a date detailed in the Appendix to ADM Chapter M1 (Claims for Universal Credit) **and**
2. the person
 - 2.1 did not live in a relevant district on the day on which the claim is made **and**
 - 2.2 gave incorrect information about living in a relevant district **and**

3. after
 - 3.1 a decision has been made that a person is entitled to Universal Credit **and**
 - 3.2 one or more payments have been made

the decision maker discovers that the person gave incorrect information (and therefore the Universal Credit award continues because a payment has already been made).

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 6(2)(b)

S8051 For the purposes of S8050 the guidance in ADM Chapter A2 (Claims) applies¹ for deciding

1. whether a claim for Universal Credit is made **and**
2. the day on which the claim is made².

1 UC, PIP, JSA & ESA (C&P) Regs (NI) 16; 2 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 2(2)

S8052 – S8066

Claimant does not live in a relevant district or designated postcode

S8067 Where a claimant does not live in a relevant district or designated postcode the new style Jobseeker's Allowance provisions apply from the first day in respect of which a claim for Jobseeker's Allowance other than one as in S8040 is made, or treated as made, during the relevant period by a single Universal Credit claimant who has, or either of two joint claimants of Universal Credit who have, made a claim for Universal Credit as in S8040 or S8050.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 6(2)(d) & (3)

S8068

S8069 For the purposes of S8067 the relevant period¹ is

1. any Universal Credit claim period **and**
2. subsequent period in respect of which claimants have a Universal Credit award.

Note: See S8070 for guidance on the Universal Credit claim period.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 7(3)

- S8070 For the purposes of S8069 a Universal Credit claim period¹ is a period when
1. a claim for Universal Credit has been made as in S8040 or S8050 but no decision has been made on it **or**
 2. a decision has been made that there is no entitlement to Universal Credit **and**
 - 2.1 the decision maker is considering a revision of that decision
 - 2.1.a because an application for a revision has been made **or**
 - 2.1.b on their own initiative **or**
 - 2.2 an appeal has been made and it has not been finally determined.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 7(4)

S8071 When deciding whether a claim is made in accordance with S8067 in the relevant period, it does not matter if the claim is treated as made prior to that period¹. However, the new style Jobseeker's Allowance provisions do not apply where the claimant

1. makes a defective claim **or**
2. gives notification of an intention to claim

prior to the relevant period and completes the claim during that period².

Note: See S8069 for guidance on the meaning of the relevant period.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 7(5) & (6); 2 art 7(7)

S8072 – S8109

Claimant commitment and responsibilities

New style Jobseeker's Allowance awards

S8110 Where

1. the new style Jobseeker's Allowance provisions apply as in S8020 et seq **and**
2. the claimant is entitled to an award of new style Jobseeker's Allowance

the requirements at S8111 - S8112 apply from the date from which **1.** applies.

S8111 In order to be entitled to Jobseeker's Allowance, the claimant must accept a claimant commitment¹.

Note: See Chapter R3 (JSA claimant responsibilities - the claimant commitment) for detailed guidance on the claimant commitment.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 9(1)(a); WR (NI) Order 15, art 50(1) - (4) & 55(4); JS (NI) Order 95, art 3(2)(b) & 8A

S8112 The claimant must also comply with the work-related requirements imposed by the Department, depending on which work-related requirements group the claimant falls into¹. The claimant may be subject to

1. a work-focused interview requirement² **or**
2. a work preparation requirement³ **or**
3. a work search requirement⁴ **or**
4. a work availability requirement⁵.

Note: See Chapter R4 (JSA claimant responsibilities - work-related requirements) for detailed guidance on work-related requirements.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 9(1)(b); WR (IN) Order 15, art 55(1)-(5); JS (NI) Order 95, art 8; 2 art 8B; 3 art 8C; 4 art 8D; 5 art 8E

S8113 – S8114

Old style Jobseeker's Allowance awards

S8115 Where

1. the provisions for new style Jobseeker's Allowance no longer apply as in S8110 **and**

2. the claimant is entitled to an award of old style Jobseeker's Allowance instead the conditions in S8111 - S8112 no longer apply¹.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 9(2)

S8116 A claimant to whom S8115 applies is subject to the old style Jobseeker's Allowance labour market conditions¹. See DMG Chapter 21 for detailed guidance.

1 JS (NI) Order 95, art 3

S8117 – S8124

Transition from old style Jobseeker's Allowance

S8125 Where

1. a person makes, or is treated as making, a claim for new style Jobseeker's Allowance¹ **or**
2. a person
 - 2.1 has an old style Jobseeker's Allowance award (as a single claimant or a joint-claim couple) immediately before the appointed day in relation to a case of a claim to or award of Universal Credit as specified in legislation² **and**
 - 2.2 the old style Jobseeker's Allowance award consists of or includes a contribution-based Jobseeker's Allowance (and so that allowance continues as a new style Jobseeker's Allowance award) **and**
3. in the circumstances set out in sub-paragraph 1. above, the condition in S8126 is satisfied

the new style Jobseeker's Allowance provisions³ are modified as in S8126 et seq.

1 JS (NI) Order 95; WR (NI) Order 15, Sch 12, Part 1;

2 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 6(2); 3 art 13(1)

S8126 The condition referred to in S8125 is that the person previously made or was treated as having made, a claim for old style Jobseeker's Allowance (as a single claimant or a joint-claim couple)¹.

1 JS (NI) Order 95; WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 13(2)

S8127 Where the guidance in paragraphs S8125 - S8126 applies

1. in the case of a claimant who is a victim of domestic violence, the provision in ADM R4190.2. that the claimant must not have had the benefit of the easement for 12 months prior to the date of notification applies also to easements under old style Jobseeker's Allowance legislation (see DMG 21377 and DMG 21380)¹
2. a claimant whose jobseeking period began under old style Jobseeker's Allowance legislation and within the first 7 days, continued as such a period under new style Jobseeker's Allowance legislation, does not have to serve waiting days²
3. for jobseeking periods

- 3.1** the jobseeking period as described in paragraph R1008 includes any period described in DMG 21008³ **and**
- 3.2** the days which count as days of entitlement to Jobseeker's Allowance in paragraph R1096 et seq, also include those described in DMG 21096 et seq⁴
- 4.** in ADM Chapter C3 (International issues: Jobseekers Allowance), where a person who is temporarily absent from Northern Ireland had an old style Jobseeker's Allowance award as in S8125 **2.**, any reference to entitlement to Jobseeker's Allowance includes a reference to an old style Jobseeker's Allowance award⁵
- 5.** where a person has commenced a short period of sickness under old style Jobseeker's Allowance legislation, it continues to apply to that person where they move to new style Jobseeker's Allowance as if it was a period referred to in new style Jobseeker's Allowance legislation⁶. This provision can only be applied twice in any jobseeking period (or 12 months where the jobseeking period exceeds 12 months) whether under old or new style legislation⁷.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 13(3)(a); JSA Regs (NI) 16, reg 15(3)(b); JSA Regs (NI) 96, reg 14A(2) & (6); 2 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 13(3)(b);

JSA Regs (NI) 16, reg 35(1); JSA Regs (NI) 96, reg 46(1)(a);

3 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 13(3)(c)(i); JSA Regs (NI) 16, reg 36;

JSA Regs (NI) 96, reg 47; 4 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 12(3)(c)(ii);

JSA Regs (NI) 16, reg 36(3); JSA Regs (NI) 96, reg 47(4);

5 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 13(3)(d); JSA Regs (NI) 16, reg 40;

6 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 13(3)(e); JSA Regs (NI) 96, reg 55(1);

7 JSA Regs (NI) 16, reg 45(8)

S8128 Where S8125 applies, for the purpose of determining the duration of the new style Jobseeker's Allowance award, any past periods of old style contribution-based Jobseeker's Allowance are taken into account¹.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 13(4); JS (NI) Order 95, art 6(1) & (2)

S8129 – S8159

Transition from new style Jobseeker's Allowance

S8160 Where¹ a person

1. makes, or is treated as making, a claim for old style Jobseeker's Allowance (whether or not as a joint-claim couple) **or**
2. has a new style Jobseeker's Allowance award that continues as an old style Jobseeker's Allowance award **and**
3. where 1. applies, the condition in S8161 below is satisfied

the old style Jobseeker's Allowance provisions² are modified as in S8163.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 14(1); 2 JSA Regs (NI) 16

S8161 The condition in S8160 3. is that¹

1. the person previously made, or was treated as having made, a claim for new style Jobseeker's Allowance² **or**
2. the person previously
 - 2.1 had an old style Jobseeker's Allowance award immediately before the appointed day in respect of a claim for Universal Credit³ or an award of Universal Credit **and**
 - 2.2 the old style Jobseeker's Allowance award consisted of or included a contributory Jobseeker's Allowance and that allowance therefore continued as a new style Jobseeker's Allowance award.

*1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 14(2); 2 WR (NI) Order 15, Sch 12, Part 1;
3 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 6(2)(a)-(b)*

S8162 Where the guidance in S8160 - S8161 applies

1. part-time students can restrict their availability (see DMG 21249) if they were in receipt of new style Jobseeker's Allowance in the three or six month period before the date they first attended their course of study¹
2. a claimant who is a victim of domestic violence can be treated as available for employment under either the old or new style Jobseeker's Allowance legislation (see R4180 et seq, DMG 21378 & DMG 21381)²
3. claimants can be treated as actively seeking employment in any week during which they are taking active steps to establish themselves in self-employed earner's employment for a maximum period of 8 weeks (see DMG 21769) for each period of continuous entitlement to new style Jobseeker's Allowance³

4. a claimant who is awarded new style Jobseeker's Allowance from the first day of a jobseeking period and from between the second and seventh day that award continued as an award of old style Jobseeker's Allowance, does not have to serve waiting days⁴
5. a jobseeking period (see DMG 21008)⁵
 - 5.1 includes any period that forms a jobseeking period for the purposes of new style Jobseeker's Allowance⁶ **and**
 - 5.2 any day that is to be treated as a day in respect of which the claimant was entitled to contribution-based Jobseeker's Allowance⁷ (see DMG 21097) shall include a day that is to be treated as a day in respect of which the claimant was entitled to new style Jobseeker's Allowance⁸
6. where a person has commenced a short period of sickness under new style Jobseeker's Allowance legislation, it continues to apply to that person where they move to old style Jobseeker's Allowance as if it was a period referred to in old style Jobseeker's Allowance legislation⁹. This provision can only be applied twice in any jobseeking period (or 12 months where the jobseeking period exceeds 12 months) whether under old or new style legislation
7. the amount of the award of existing housing costs (see DMG 23663) or new housing costs (see DMG 23667) take account of entitlement to new style Jobseeker's Allowance¹⁰
8. the linking rules for housing costs (see DMG 23708) take account of new style Jobseeker's Allowance¹¹, except the 12 week linking rule where between the two periods claimants are treated as entitled to income-based Jobseeker's Allowance for certain reasons because their capital exceeds £16,000 or their income exceeds the applicable amount¹².

¹ WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 14(3)(a); JSA Regs (NI) 96, reg 11(2)(a & (b);

² WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 14(3)(b); JSA Regs (NI) 96, reg 14A(3)(b);

JSA Regs (NI) 16, reg 15; ³ WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 14(3)(d);

JSA Regs (NI) 96, reg 19(1)(q); ⁴ JSA Regs (NI) 96, reg 46; JSA Regs (NI) 16, reg 35;

⁵ WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 14(3)(f); JSA Regs (NI) 96, reg 47;

⁶ JSA Regs (NI) 16, reg 36; ⁷ JSA Regs (NI) 96, reg 47(4); ⁸ JSA Regs (NI) 16, reg 36(3);

⁹ WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 14(3)(f); JSA Regs (NI) 16, reg 45(1);

JSA Regs (NI) 96, reg 55; ¹⁰ WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 14(3)(g);

JSA Regs (NI) 96, Sch 2, para 6(1) & 7(1); ¹¹ WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 14(3)(h);

JSA Regs (NI) 96, Sch 2, para 13(1)(a) & (1)(b); ¹² Sch 2, para 13(1)(a)(ii)(bb)

S8163 Where the guidance applies, the old style Jobseeker's Allowance legislation is to be read as if the reference to contribution-based Jobseeker's Allowance includes a reference to a new style Jobseeker's Allowance award¹.

¹ WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 14(4); JS (NI) Order 95, art 6(1) & (2)

S8164 – S8209

Sanctions

Transition from old style Jobseeker's Allowance for a new award

S8210 Where¹

1. a person is entitled to a new style Jobseeker's Allowance award and they were previously entitled to an old style Jobseeker's Allowance award that was not in existence immediately before the first day on which the person in question is entitled to the new style Jobseeker's Allowance award **and**
2. immediately before that old style award terminated, payments were reduced as a result of a sanction (both pre and post sanction legislation changes²) being imposed **and**
3. the old style Jobseeker's Allowance award was to a joint-claim couple and the sanction (both pre and post sanction legislation changes) was in respect of just one member of the couple and the new style Jobseeker's Allowance award was made to that member

the guidance in S8211 - S8213 below applies.

¹ *WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 18(1);*

² *JS (NI) Order 95, art 21 (pre & post 27.9.17 versions)*

S8211 Where the circumstances in S8210 are satisfied¹

1. the reasons which led to a sanction being imposed on the old style Jobseeker's Allowance award ("the relevant failure") is to be treated, for the purposes of new style Jobseeker's Allowance legislation², as
 - 1.1 a failure which is sanctionable as a higher level sanction³ **or**
 - 1.2 a failure which is sanctionable as an other sanction⁴
2. the award of new style Jobseeker's Allowance is to be reduced in relation to the relevant failure as in paragraph S8212 below⁵ **and**
3. the reduction is to be treated for the purposes of the new style Jobseeker's Allowance legislation as a reduction under higher level or other level sanctions⁶.

¹ *WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 18(2); 2 JSA Regs (NI) 16;*

³ *JS (NI) Order 95, art 8J & 21; 4 art 8K & 21A; JSA Regs (NI) 96, reg 69B; 5 JSA Regs (NI) 16, Part 3;*

⁶ *JS (NI) Order 95, art 8K*

S8212 The reduction period for the purposes of the new style Jobseeker's Allowance legislation¹ is to be the number of days which is equivalent to the length of the period of reduction of Jobseeker's Allowance which is applicable to the person subject to a higher level sanction², other level sanction³ or to a person who ceases to be available⁴, minus

1. the number of days (if any) in that period in respect of which the amount of old style Jobseeker's Allowance was reduced **and**
2. the number of days (if any) in the period starting with the day after the day on which the old style Jobseeker's Allowance award terminated and ending with the day before the first day on which the person is entitled to a new style Jobseeker's Allowance award.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 18(3); 2 JSA Regs (NI) 96, reg 69; 3 reg 69A; 4 reg 69B

S8213 In the case of a new style Jobseeker's Allowance award where there is a transition from an old style Jobseeker's Allowance award, this guidance replaces¹ ADM Chapter S4 (Jobseeker's Allowance Sanctions - General principles) at S4026 - S4027 and S4030 - S4031.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 18(4)

S8214 – S8219

Transition from old style Jobseeker's Allowance for a continuing award

S8220 Where¹

1. amending provisions have come into force as in S8125 in relation to a claim for Universal Credit²
2. the person in question had an old style Jobseeker's Allowance award immediately before the appointed day and that award consisted of or included a contribution based allowance (which therefore continues as a new style Jobseeker's Allowance award)
3. immediately before the appointed day, payments under that award were reduced due to
 - 3.1 pre 27.9.17 - circumstances in which Jobseeker's Allowance is not payable or post 27.9.17 - a higher level sanction³ **or**
 - 3.2 other sanctions⁴ **or**
 - 3.3 claimant ceases to be available⁵ **and**

4. if the old style Jobseeker's Allowance award was made to a joint-claim couple⁶ and the reduction related to
 - 4.1 circumstances in which Jobseeker's Allowance is not payable for one member of the joint-claim couple⁷ **or**
 - 4.2 a higher level sanction in respect of one member of a joint-claim couple⁸

the new style Jobseeker's Allowance award was made to that member of the couple the guidance in S8221 - S8223 applies.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 19(1); 2 art 6(1); art 6(2); JS (NI) Order 95, art 21; 4 art 21A; 5 JSA Regs (NI) 96, reg 69B; 6 JS (NI) Order 95, art 3(4); 7 art 21 (pre 27.9.17); 8 JS (NI) Order 95, art 21 (post 27.9.17)

S8221 Where the circumstances in S8220 are satisfied¹

1. the reasons which led to the reduction of the old style Jobseeker's Allowance award ("the relevant failure") is to be treated for the purposes of the new style Jobseeker's Allowance legislation² as
 - 1.1 a failure which is sanctionable as a higher level sanction³ **or**
 - 1.2 a failure which is sanctionable as an other sanction⁴
2. the award (in its continuation as a new style Jobseeker's Allowance award) is to be reduced in relation to the relevant failure⁵ as in S8222 **and**
3. the reduction is to be treated for the purposes of the new style Jobseeker's Allowance legislation as a reduction under higher level or other sanctions⁶.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 19(2); 2 JSA Regs (NI) 16; 3 JS (NI) Order 95, art 8J; 4 art 8K; JSA Regs (NI) 96, reg 69B; 5 JSA Regs (NI) 16, Part 3; 6 JS (NI) Order 95, art 8J & 8K

S8222 The reduction period for the purposes of the new style Jobseeker's Allowance legislation¹ is to be the number of days which is equivalent to the length of the period of reduction of Jobseeker's Allowance which is applicable to the person subject to a higher level sanction², other level sanction³ or to a person who ceases to be available⁴, minus the number of days (if any) in that period in respect of which the amount of Jobseeker's Allowance was reduced.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 19(3); 2 JSA Regs (NI) 96, reg 69; 3 reg 69A; 4 reg 69B

S8223 In the case of a new style Jobseeker's Allowance award where there is a transition from an old style Jobseeker's Allowance award, this guidance replaces¹ for that in ADM Chapter S4 (Jobseeker's Allowance Sanctions – General principles) at S4026 - S4027 and S4030 - S4031.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 19(4)

S8224 – S8229

Escalation of sanctions

S8230 The following guidance applies where¹

1. a person is entitled to a new style Jobseeker's Allowance award **and**
2. at any time previously the person was entitled to an old style Jobseeker's Allowance award.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 20(1)

S8231 Where S8230 applies¹, for the purposes of determining the relevant reduction period (high, medium or low level sanction) in relation to a sanctionable failure by the person other than a failure which is treated as sanctionable as set out in S8210 - S8223

1. a reduction of a new style Jobseeker's Allowance award as in S8210 - S8223 **and**
2. a reduction of an old style Jobseeker's Allowance award due to
 - 2.1 pre 27.9.17 - circumstances in which Jobseeker's Allowance is not payable or post 27.9.17 - a higher level sanction² **or**
 - 2.2 other sanctions³ **or**
 - 2.3 claimant ceases to be available⁴

which did not result in a reduction as in S8210 - S8223 above⁵

is (subject to S8232) to be treated as arising from a sanctionable failure for which the reduction period is the number of days which is equivalent to the length of the period which applied under the old style Jobseeker's Allowance legislation on sanctions.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 20(2); 2 JS (NI) Order 95, art 21 (pre and post 27.9.17); 3 art 21A; 4 JSA Regs (NI) 96, reg 69B; 5 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 18 & 19

S8232 When calculating a reduction period¹ above for higher-level, medium-level or low-level sanctions under new style Jobseeker's Allowance² in accordance with S8231, no account is to be taken of

1. a reduction of a new style Jobseeker's Allowance award as in S8210 - S8223 above³, if at any time after that reduction, the person was entitled to an old style Jobseeker's Allowance award, an old style Employment and Support Allowance award or Income Support
2. a reduction of an old style Jobseeker's Allowance award due to
 - 2.1 pre 27.9.17 - circumstances in which Jobseeker's Allowance is not payable or post 27.9.17 - a higher level sanction⁴ **or**

2.2 other sanctions⁵ or

2.3 claimant ceases to be available⁶

if, at any time after that reduction the person was entitled to Universal Credit, a new style Jobseeker's Allowance award or a new style Employment and Support Allowance award and was subsequently entitled to an old style Jobseeker's Allowance award, an old style Employment and Support Allowance award or Income Support.

1 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 20(3); 2 JSA Regs (NI) 16, reg 20, 21 & 22;

3 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 18 & 19;

4 JS (NI) Order 95, art 21 (pre and post 27.9.17); 5 art 21A; 6 JSA Regs (NI) 96, reg 69B

S8233 – S8234

Termination of new style Jobseeker's Allowance sanctions

S8235 S8236 applies where a new style Jobseeker's Allowance award ends while there is an outstanding reduction period¹ and during that period the claimant becomes entitled to an old style Jobseeker's Allowance award or Income Support².

1 JSA Regs (NI) 16, reg 24; 2 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 21(1)

S8236 For the purposes of S8235 the new style Jobseeker's Allowance reduction period¹ will

- 1.** no longer apply **and**
- 2.** end on the first day of an old style Jobseeker's Allowance award².

1 JSA Regs (NI) 16, reg 24; 2 WR (NI) Order 15, (Comm No. 8 etc.) Order 17, art 21(2)

S8237 – S8999

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