

# Chapter S8: JSA transition

## Introduction

S8001 This Chapter gives guidance on

1. when the provisions for claiming new style JSA apply (see S8020 et seq) **and**
2. what happens when the provisions for claiming new style ESA no longer apply (see S8100 et seq) **and**
3. transition from old style JSA (see S8125 et seq) **and**
4. transition from new style JSA (see S8160) **and**
5. sanctions (see S8200 et seq).

S8002 The conditions for claiming new style JSA differ depending on where the claimant lives, and whether it is a Live Service or digital service (known as Full Service) area. See ADM Chapter M3 (Claims for UC – Gateway conditions) for full details of the conditions for claiming UC in the Live Service area, including guidance on the gateway conditions, and ADM Chapter M5 (Claims for UC – Digital service area) for details on claims in the Full Service area, where the gateway conditions do not apply. The Appendix to each Chapter gives details of the postcode districts and part-districts for each area.

**Note:** Where the conditions for claiming JSA differ depending on whether the claimant lives in a Live Service or Full Service area, this is noted in the guidance.

S8003 The Live Service area is where claims can be made by

1. single and joint claimants who live in the relevant districts numbered up to and including the No. 27 relevant districts **and**
2. single claimants who live in the No. 29 - 49 and 53 - 80 relevant districts.

**Note:** But see S8004 for information about postcode districts or part-districts moving to the Full Service area.

S8004 The Full Service area is the No. 28 and 50 - 52 relevant districts. Starting from 27.1.16, a phased conversion of postcode districts or part-districts in the Live Service area began, converting them to digital service areas referred to as the designated postcodes where the gateway conditions no longer apply. See the Appendix to ADM Chapter M5 (Claims for UC – Digital service area) for details of the designated postcodes.

S8005 Where this Chapter refers to whether a claimant lives in or moves out of a relevant district, DMs should be aware that **all** postcodes in GB are now included in the relevant districts numbered up to the No. 80 relevant districts, including the

designated postcodes. However, a claimant may move from one relevant district to another

1. within the Live Service where different gateway conditions apply **or**
2. where the gateway conditions do not apply (Full Service).

S8006 - S8014

## Definitions

### Meaning of JSA

#### New style JSA

S8015 New style JSA is JSA as amended to remove JSA(IB), based on NI contributions only<sup>1</sup>.

*1 JS Act 95; WR Act 12, Sch 3 & Sch 14, Part 1;  
WR Act 12 (Commencement No. 9 etc.) Order, art 2(1), 4(1) & 7(1)*

#### Old style JSA

S8016 Old style JSA is JSA as it applies before the amendments referred to in S8015. It includes JSA(Cont) and JSA(IB)<sup>1</sup> (see DMG Volumes 4 – 7 for detailed guidance).

*1 JS Act 95; WR Act 12 (Commencement No. 9 etc.) Order, art 2(1)*

### Meaning of gateway conditions

S8017 Claimants in the Live Service area must

1. live in one of the relevant districts listed in S8003 **and**
2. satisfy the gateway conditions

to be eligible to claim UC and new style JSA<sup>1</sup>. The gateway conditions differ depending on the date of the claim and where the claimant lives. See ADM Chapter M3 (Claims for UC – Gateway conditions) for further details.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 3(3), 4(2) & Sch 5 [see list in Appendix for other Orders]*

### Meaning of new claimant partner

S8018 Where

1. a person is entitled to UC 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 UC as a single claimant immediately before the formation of the couple **and**

4. the couple is treated as having made a claim for UC<sup>1</sup> **and**
5. the DM is satisfied that the claimants meet the UC basic conditions of entitlement (other than the acceptance of a claimant commitment)<sup>2</sup>

the other member of the couple is known as a new claimant partner<sup>3</sup>.

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

*1 UC, PIP, JSA & ESA (C&P) Regs, reg 9(8); 2 WR Act 12, s 4(1)(a) – (d); 3 UC (TP) Reg, reg 2(1) & 7(1)*

S8019

## When the provisions for claiming new style JSA apply

### Introduction

S8020 S8021 et seq gives guidance on when the provisions for claiming new style JSA apply. However, the new style JSA provisions apply only for as long as the award continues. On any subsequent claim, DMs will have to consider again whether the new style or old style provisions apply. Also, DMs should note that the new style JSA provisions may no longer apply if the claimant's circumstances change (see S8100 et seq).

### Claims for new style JSA

S8021 The new style JSA provisions apply from

1. the first day of the period in respect of which the claim is made or treated as made<sup>1</sup> (for UC, only claims treated as made as in S8060 – S8064) **or**
2. the day after the day a new claimant partner and their former partner stopped being a couple<sup>2</sup> **or**
3. the day on which the person becomes entitled to UC<sup>3</sup> as in S8065 (Live Service only) or S8066.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 4(3)(a); 2 art 4(4) & (5); 3 art 4(3)(b) [see list in Appendix for other Orders]*

S8022 Where S8021 1. applies and 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 period<sup>1</sup>.

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

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 5(8); UC, PIP, JSA & ESA (C&P) Regs, reg 26(2); SS (C&P) Regs, reg 19 & Sch 4*

S8023 - S8039

## Claims for UC or JSA

- S8040 The new style JSA provisions apply<sup>1</sup> from the first day of the period of the claim where a person (including either of UC joint claimants)
1. makes a claim for UC or makes, or is treated as making, a claim for JSA for a period on or after a date detailed in the Appendix to
    - 1.1 ADM Chapter M3 (Claims for UC – Gateway conditions) for the Live Service area **or**
    - 1.2 ADM Chapter M5 (Claims for UC – Digital service area) for the Full Service area **and**
  2. on the day on which the claim is made or treated as made
    - 2.1 lives in one of the relevant districts (including the designated postcodes in the Full Service area) **and**
    - 2.2 for Live Service area only, meets the gateway conditions.

When determining whether a person meets the gateway conditions in the Live Service area, references to a claim for UC also includes a claim for JSA<sup>2</sup>.

**Note:** See S8017 for the meaning of the gateway conditions.

*1 WR Act (Commencement No. 9 etc.) Order, art 4(2)(a) [see list in Appendix for other Orders]; art 5(1); UC (TP) Regs, Part 2, Chapter 2*

- S8041 For the purposes of S8040
1. the guidance in DMG Chapter 02 applies<sup>1</sup> for deciding
    - 1.1 whether a claim for JSA is made or treated as made **and**
    - 1.2 the day on which the claim is made or treated as made<sup>2</sup> **and**
  2. the guidance in ADM Chapter A2 (Claims) applies<sup>3</sup> for deciding
    - 2.1 whether a claim for UC is made **and**
    - 2.2 the day on which the claim is made<sup>4</sup>.

*1 SS (C&P) Regs; 2 WR Act 12 (Commencement No. 9 etc.) Order, art 5(5); 3 UC, PIP, JSA & ESA (C&P) Regs; 4 WR Act 12 (Commencement No. 9 etc.) Order, art 2(2)*

S8042 - V8049

## Claim for UC – claimant gives incorrect information

- S8050 The new style JSA provisions apply<sup>1</sup> from the first day of the period in respect of which the UC claim is made where
1. a person (including either or both UC joint claimants) makes a claim for UC for a period on or after a date detailed in the Appendix to
    - 1.1 ADM Chapter M3 (Claims for UC – Gateway conditions) for the Live Service area **or**

- 1.2 ADM Chapter M5 (Claims for UC – Digital service area) for the Full Service area **and**
- 2. the person
  - 2.1 did not
    - 2.1.a live in one of the relevant districts (including the designated postcodes in the Full Service area) **or**
    - 2.1.b for the Live Service area only, meet the gateway conditions on the day on which the claim is made **and**
  - 2.2 gave incorrect information about
    - 2.2.a living in one of the relevant districts (including the designated postcodes in the Full Service area) **or**
    - 2.2.b for the Live Service area only, meet the gateway conditions **and**
- 3. after
  - 3.1 a decision has been made that the person is entitled to UC **and**
  - 3.2 one or more payments have been made
 

the DM discovers that the person gave incorrect information (and therefore the UC award continues because a payment has already been made).

**Note:** See S8017 for the meaning of the gateway conditions.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 4(2)(b) [see list in Appendix for other Orders]*

S8051 For the purposes of S8050 the guidance in ADM Chapter A2 (Claims) applies<sup>1</sup> for deciding

- 1. whether a claim for UC is made **and**
- 2. the day on which the claim is made<sup>2</sup>.

*1 UC, PIP, JSA & ESA (C&P) Regs; 2 WR Act 12 (Commencement No. 9 etc.) Order, art 5(1)*

S8052 - S8059

### **Couple treated as making UC claim**

S8060 The new style JSA provisions apply from the first day of the period in respect of which the UC claim is made, where<sup>1</sup>

- 1. a UC claimant forms a couple and their UC award is ended **and**
- 2. the other member of the couple was not entitled to UC **and**
- 3. they are joint claimants **and**
- 4. the member of the couple who was not entitled to UC is not entitled to SPC<sup>2</sup>.

Any old style JSA(Cont) becomes new style JSA and any old style JSA(IB) ends from the start of the first assessment period appropriate to the joint claim.

**Note:** In the Full Service area, this applies whether the UC claimant in 1. was a single claimant or a member of a different couple.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 4(1) & (2)(c) [see list in Appendix for other Orders]; UC, PIP, JSA & ESA (C&P) Regs, reg 9(8); 2 WR Act 12 (Commencement No. 9 etc.) Order, art 3(7)*

S8061 Where

1. a UC claim is treated as made by a couple as in S8060 **and**
  2. the new claimant partner was entitled to old style JSA as part of a different couple during part of the period for which the UC claim is treated as made
- the new style JSA provisions apply from the day after the day the new claimant partner and their former partner stopped being a couple<sup>1</sup>.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 4(4) & (5) [see list in Appendix for other Orders]*

S8062 For the purposes of S8060 the guidance in ADM Chapter A2 (Claims) applies<sup>1</sup> for deciding

1. whether a claim for UC is treated as made **and**
2. the day on which the claim is treated as made<sup>2</sup>.

*1 UC, PIP, JSA & ESA (C&P) Regs; 2 WR Act 12 (Commencement No. 9 etc.) Order, art 5(1)*

### **Former joint claimants – UC claim required**

S8063 The new style JSA provisions apply from the first day of the period in respect of which the UC claim was made, or treated as made, where<sup>1</sup>

1. an award of UC to joint claimants terminates because they separate **and**
2. the claimant who is not exempt from the requirement to make a claim makes a claim, or is treated as making a claim, for UC (whether or not jointly with another person) within one month, starting from the date they notify the Secretary of State that they ceased to be a couple **and**
3. neither the claimant who is not exempt from the requirement to make a claim nor their partner (if any) is entitled to SPC<sup>2</sup>.

**Note:** In the Full Service area, former UC joint claimants who separate are not required to claim UC in order to be awarded UC either as a single person or jointly with another person already entitled to UC.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 4(1) & (2)(d) [see list in Appendix for other Orders]; UC, PIP, JSA & ESA (C&P) Regs, reg 9(6); 2 WR Act 12 (Commencement No. 9 etc.) Order, art 3(8)*

S8064 For the purposes of S8063 the guidance in ADM Chapter A2 (Claims) applies<sup>1</sup> for deciding

1. whether a claim for UC is made or treated as made **and**

2. the day on which the claim is made or treated as made<sup>2</sup>.

*1 UC, PIP, JSA & ESA (C&P) Regs; 2 WR Act 12 (Commencement No. 9 etc.) Order, art 5(1)  
[see list in Appendix for other Orders]*

### **UC claim not required – earned income (Live Service only)**

S8065 The new style JSA provisions apply from the day on which the person

1. becomes entitled to UC where<sup>1</sup>
  - 1.1 they are no longer entitled to UC solely due to the level of earned income, but become entitled again within six months **or**
  - 1.2 on a claim for UC, they are not entitled to UC solely due to the level of earned income, but become entitled within six months and
2. is not entitled to SPC<sup>2</sup>.

**Note:** See ADM Chapter M4 (Claims for UC – Gateway conditions) for full guidance on when a UC claim is not required in these circumstances.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 4(1) & (2)(e) [see list in Appendix for other Orders];  
UC, PIP, JSA & ESA (C&P) Regs, reg 6(1) & (2); 2 WR Act 12 (Commencement No. 9 etc.) Order, art 3(9)*

### **UC claim not required – former single or joint claimants**

S8066 The new style JSA provisions apply from the day on which the person

1. becomes entitled to UC where<sup>1</sup>
  - 1.1 a UC joint claim couple separates and the person
    - 1.1.a does not notify the change of circumstances **or**
    - 1.1.b notifies it after the other member of the couple has notified the change<sup>2</sup> **or**
  - 1.2 awards of UC to two single claimants are terminated when they form a joint claim couple<sup>3</sup> **or**
  - 1.3 a joint award has ended because of the death of the other member of the couple<sup>3</sup> **and**
2. is not entitled to SPC<sup>5</sup>.

**Note:** In the Full Service area, former UC joint claimants who separate are not required to claim UC in order to be awarded UC either as a single person or jointly with another person already entitled to UC.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 4(1) & (2)(f) [see list in Appendix for other Orders];  
2 UC, PIP, JSA & ESA (C&P) Regs, reg 9(6); 3 reg 9(7); 4 reg 9(10)  
5 WR Act 12 (Commencement No. 9 etc.) Order, art 3(9)*

### **Claimant does not live in a relevant district or meet the gateway conditions**

S8067 The new style ESA provisions apply from the first day of the period in respect of which the UC claim was made, or treated as made, other than as in S8040 where

1. a claimant does not
  - 1.1 live in a relevant district **or**
  - 1.2 meet the gateway conditions in Live Service areas **and**
2. a claim for new style JSA is made in the circumstances of S8068<sup>1</sup>.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 4(1) & (2)(g) [see list in Appendix for other Orders]*

S8068 For the purposes of S8067 **2.**, the circumstances are that a claim for new style JSA is made or treated as made<sup>1</sup>

1. during the relevant period by
  - 1.1 a UC single claimant **or**
  - 1.2 either of joint UC claimantswhere their UC claim has been made, or treated as made, as in S8021 - S8064 **or**
2. during the relevant period by
  - 2.1 a UC single claimant **or**
  - 2.2 either of joint UC claimantswho have been awarded UC without a claim being made as in S8065 (Live Service only) or S8066 above **or**
3. by a person who can make a claim for UC as in S8063 but has not done so **or**
4. by a person who may be entitled to a UC award as in S8065 (Live Service only) or S8066 but there is no decision as to the person's entitlement.

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

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 4(2)(g) [see list in Appendix for other Orders]*

S8069 For the purposes of S8068 **1.** and **2.**, the relevant period<sup>1</sup> is

1. where S8021 - S8064 apply, any
  - 1.1 UC claim period **and**
  - 1.2 subsequent period in respect of which claimants have a UC award **or**
2. where S8065 (Live Service only) or V8066 apply, any period when claimants have a UC award.

**Note:** See S8070 for guidance on the UC claim period.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 5(3) [see list in Appendix for other Orders]*

S8070 For the purposes of S8069 **1.1**, a UC claim period<sup>1</sup> is a period when



1. a claim for UC<sup>2</sup> has been made but no decision has been made on it **or**
2. a claim for UC<sup>3</sup> has been treated as made but no decision has been made on it **or**
3. a decision has been made that there is no entitlement to UC **and**
  - 3.1 the DM is considering a revision<sup>4</sup> of that decision
    - 3.1.a because an application for a revision has been made **or**
    - 3.1.b on their own initiative **or**
  - 3.2 an appeal has been made and it has not been finally determined.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 5(4) [see list in Appendix for other Orders]; 2 art 4(2)(a), (b)(i) & (ii) & (d);  
3 art 4(2)(c); 4 SS Act 98, s 9*

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 period<sup>1</sup>.

However, the new style JSA 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 period<sup>2</sup>.

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

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 5(6); SS (C&P) Regs; 2 WR Act 12 (Commencement No. 9 etc.) Order, art 5(7); SS (C&P) Regs, reg 6(1F)(b) & (c), (4ZA) – (4ZD) & (4A)(a)(i) & (b)*

S8072 - S8079

## **Claim for UC may not be made: effect on claims for JSA**

S8080 **[See memo ADM 1/19]** Unless S8081 applies, where

1. a claimant
  - 1.1 makes a claim for new style JSA **and**
  - 1.2 lives in one of the relevant districts **and**
  - 1.3 meets the gateway conditions (in the Live Service area only) **and**
2. the Secretary of State has determined that they would not be able to claim UC<sup>1</sup>

the claim is treated as a claim for old style JSA<sup>2</sup>.

*1 UC (TP) Regs 14, reg 4(1); 2 WR Act 12 (Commencement No. 9 etc.) Order, art 5A(1) & 4(2)(a)*

S8081 The exception to S8080 is where the claim for new style JSA is made or treated as made

1. during the relevant period as in S8069 where the JSA claimant has made, or is treated as having made, a claim for UC<sup>1</sup> **or**
2. during the relevant period as in S8069 **1.** where
  - 2.1 the JSA claimant has made a claim for UC<sup>2</sup> **and**
  - 2.2 S8040 - S8041 or S8050 apply<sup>3</sup> **or**
3. at a time when the JSA claimant may be entitled to an award of UC without making a claim but a decision on the claimant's entitlement has not been made<sup>4</sup>.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 5A(2)(a); 2 Commencement Orders;  
3 WR Act 12 (Commencement No. 9 etc.) Order, art 5A(2)(b); 4 art 5A(2)(c)*

S8082 For the purposes of S8080 - S8081 the guidance in DMG Chapter 02 applies<sup>1</sup> for deciding

1. whether a claim for ESA is made or treated as made **and**
2. the day on which the claim is made or treated as made<sup>2</sup>.

*1 SS (C&P) Regs; 2 WR Act 12 (Commencement No. 9 etc.) Order, art 5A(3)*

S8083 - S8099

## When the provisions for new style JSA no longer apply

S8100 Where

1. a person has or had a new style JSA award<sup>1</sup> **and**
2. for any period of the new style JSA award the person<sup>2</sup>
  - 2.1 makes a claim, or is treated as making a claim, for UC **or**
  - 2.2 applies for a supersession of the decision relating to the new style award on the grounds of a relevant change of circumstances that would have related to JSA(IB) **and**
3. the person would have been entitled to JSA(IB)<sup>3</sup> **and**
4. the person does not have an award of UC for the period for which the application for supersession is made<sup>4</sup> **and**
5. on the day on which the UC claim is made or the application for supersession of the new style JSA award is received, the person
  - 5.1 a claim for UC could not be made or treated as made (see S8040, S8050, S8060, S8063 or S8065 - S8066)<sup>5</sup> **or**
  - 5.2 a claim for UC could be made, but the Secretary of State has determined that a claim may not be made<sup>6</sup>

the new style JSA provisions no longer apply from the first day of the period of the claim for UC or application for supersession of JSA<sup>1</sup>. This means that, unless they are awarded JSA(IB) following supersession, the person will need to claim an existing benefit instead. See ADM Chapter M3 for the meaning of existing benefit.

**Note:** ADM Chapter M3 (Claims for UC – Gateway conditions) and M5 (Claims for UC – Digital service area) for detailed guidance on when UC claims can be made or treated as made, and when a claim may not be made.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 6(1)(a); 2 art 6(1)(b); 3 art 6(1)(c); 4 art 6(1)(d); 5 art 6(1)(e)(i); 6 art 6(1)(e)(ii); UC (TP) Regs, reg 4; 7 WR Act 12 (Commencement No. 9 etc.) Order, art 6(2)*

S8101 For the purposes of S81001

1. the period in respect of which the application for supersession is made begins with the day from which the superseding decision takes effect<sup>1</sup>
2. where the time for making a claim for UC is extended<sup>2</sup> the first day of the period is the first day of the extended period<sup>3</sup>.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 6(4); SS Act 98, s 10(5); UC, PIP, JSA & ESA (D&A) Regs, reg 35 & Sch 1; 2 UC, PIP, JSA & ESA (C&P) Regs, reg 26(2); 3 WR Act 12 (Commencement No. 9 etc.) Order, art 6(5)*

S8102 For the purposes of S8100 the guidance in ADM Chapter A2 (Claims) applies<sup>1</sup> for deciding

1. whether a claim for UC is made or treated as made **and**
2. the day on which the claim is made or treated as made<sup>2</sup>.

*1 UC, PIP, JSA & ESA (C&P) Regs; 2 WR Act 12 (Commencement No. 9 etc.) Order, art 6(3)(a); 3 art 6(3)(b); UC (TP) Regs, Part 2, Chapter 2*

S8103 - S8109

## Claimant commitment and responsibilities

### New style JSA awards

S8110 Where

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

the requirements at S8111 - S8112 apply from the date from which **1.** applies<sup>1</sup>.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 7(1)*

S8111 In order to be entitled to JSA, the claimant must accept a claimant commitment<sup>1</sup>.

**Note:** See ADM Chapter R3 for detailed guidance on the claimant commitment.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 7(1)(a); WR Act 12, s 44(1) - (3) & 49(3); JS Act 95, s 1(2)(b) & 6A*

S8112 The claimant must also comply with the work-related requirements imposed by the Secretary of State, depending on which work-related requirements group the claimant falls into<sup>1</sup>. The claimant may be subject to

1. a work-focused interview requirement<sup>2</sup> **or**
2. a work preparation requirement<sup>3</sup> **or**
3. a work search requirement<sup>4</sup>. **or**
4. a work availability requirement<sup>5</sup>.

**Note:** See ADM Chapter R4 for detailed guidance on work-related requirements.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 7(1)(b); WR Act 12, s 49(1) - (5); JS Act 95, s 6; 2 s 6B; 3 s 6C; 4 s 6D; 5 s 6E*

S8113 - S8114

## Old style JSA awards

S8115 Where

1. the provisions for new style JSA no longer apply as in S8100 **and**
2. the claimant is entitled to an award of old style JSA instead

the conditions in S8111 - S8112 no longer apply<sup>1</sup>.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 7(3)*

S8116 A claimant to whom S8115 applies is subject to the old style JSA labour market conditions<sup>1</sup>. See DMG Chapter 21 for detailed guidance.

*1 JS Act 95, s 1*

S8117 - S8124

## Transition from old style JSA

S8125 Where

1. a person makes, or is treated as making, a claim for new style JSA<sup>1</sup> **or**
2. a person
  - 2.1 has an old style JSA 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 UC as specified in legislation<sup>2</sup> **and**
  - 2.2 the old style JSA award consists of or includes a contribution-based JSA (and so that allowance continues as a new style JSA award) **and**
3. in the circumstances set out in sub-paragraph 1. above, the condition in S8126 is satisfied

the new style JSA provisions<sup>3</sup> are modified as in V8128 et seq.

*1 JS Act 95; WR Act 12, Sch 14, Part 1; 2 WR Act 12 (Commencement No. 9 etc.) Order, art 4(2); 3 art 12(1)*

- S8126 The condition referred to in S8125 is that the person previously
1. made or was treated as having made, a claim for old style JSA (as a single claimant or a joint-claim couple)<sup>1</sup> **or**
  2. had a new style JSA award which became an old style award in the circumstances described in S8100 (and so that allowance continued as an old style JSA award)<sup>2</sup>.

*1 JS Act 95; 2 WR Act 12 (Commencement No. 9 etc.) Order, art 12(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 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 JSA legislation (see DMG 21377 and DMG 21380)<sup>1</sup>
2. a claimant whose jobseeking period began under old style JSA legislation and within the first 7 days, continued as such a period under new style JSA legislation, does not have to serve waiting days<sup>2</sup>
3. for JSPs
  - 3.1 the JSP as described in paragraph R1008 includes any period described in DMG 21008<sup>3</sup> **and**
  - 3.2 the days which count as days of entitlement to JSA in R1096 et seq, also include those described in DMG 21096 et seq<sup>4</sup>
4. in ADM Chapter C3 (International issues: Jobseekers Allowance), where a person who is temporarily absent from GB had an old style JSA award as in S8051 **2.**, any reference to entitlement to JSA includes a reference to an old style JSA award<sup>5</sup>
5. where a person has commenced a short period of sickness under old style JSA legislation, it continues to apply to that person where they move to new style JSA as if it was a period referred to in new style JSA legislation<sup>6</sup>. 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<sup>7</sup>.

*1 WR Act 12 (Commencement No. 9 etc) Order, art 12(3)(a); JSA Regs 13, reg 15(3)(b); JSA Regs 96, reg 14A(2) & (6); 2 WR Act (Commencement No. 9 etc) Order, art 12(3)(b); JSA Regs 13, reg 36(1); JSA Regs 96, reg 46(1)(a); 3 WR Act 12 (Commencement No. 9 etc) Order, art 12(3)(c)(i); JSA Regs 13, reg 37; JSA Regs 96, reg 47; 4 WR Act 12 (Commencement No. 9 etc) Order, art 12(3)(c)(ii); JSA Regs 13, reg 37(3); JSA Regs 96, reg 47(4); 5 WR Act 12 (Commencement No. 9 etc) Order, art 12(3)(d); JSA Regs 13, reg 41; 6 WR Act 12 (Commencement No. 9) Order, art 12(3)(e); JSA Regs, reg 55(1); 7 JSA Regs 13, reg 46(8)*

S8128 Where S8051 applies, for the purpose of determining the duration of the new style JSA award, any past periods of old style contribution-based JSA are taken into account<sup>1</sup>.

*1 WR Act 12 (Commencement No. 9 etc) Order, art 12(4); JS Act 95, s 5(1) & (2)*

S8129 - S8159

## Transition from new style JSA

S8160 Where<sup>1</sup> a person

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

the old style JSA provisions<sup>2</sup> are modified as in V8163 et seq.

*1 WR Act 12 (Commencement No. 9 etc) Order, art 13(1); 2 JS Regs 13)*

S8161 The condition in S8160 3. is that<sup>1</sup>

1. the person previously made, or was treated as having made, a claim for new style JSA<sup>2</sup> **or**
2. the person previously
  - 2.1 had an old style JSA award immediately before the appointed day in respect of a claim for UC<sup>3</sup> or an award of UC<sup>4</sup> **and**
  - 2.2 the old style JSA award consisted of or included a contributory ESA and that allowance therefore continued as a new style JSA award.

*1 WR Act 12 (Commencement No. 9 etc) Order, art 13(2); 2 WR Act 12, Sch 14, Part I;  
3 WR Act 12 (Commencement No. 9 etc) Order, art 4(2)(a) – (d); 4 art 4(2)(e) or (f)*

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 JSA in the three or six month period before the date they first attended their course of study<sup>1</sup>
2. a claimant who is a victim of domestic violence can be treated as available for employment under either the old or new style JSA legislation (see R4180 et seq, DMG 21378 & DMG 21381)<sup>2</sup>
3. claimants on a New Deal 25+ education based course are treated as available (see DMG 21415 - 21416) if they have been receiving, or getting NI credits because of, new style JSA<sup>3</sup>
4. claimants can be treated as ASE in any week during which they are taking active steps to establish themselves in S/E earner's employment for a maximum period of 8 weeks (see DMG 21769) for each period of continuous entitlement to new style JSA<sup>4</sup>
5. a claimant who is awarded new style JSA 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 JSA, does not have to serve waiting days<sup>5</sup>

6. a jobseeking period (see DMG 21008)<sup>6</sup>
  - 6.1 includes any period that forms a jobseeking period for the purposes of new style JSA<sup>7</sup> and
  - 6.2 any day that is to be treated as a day in respect of which the claimant was entitled to contribution-based JSA<sup>8</sup> (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 JSA<sup>9</sup>
7. where a person who is temporarily absent from GB had a new style JSA award as in S8071 2. above, the reference in new style JSA legislation<sup>10</sup> to entitlement to JSA included a reference to the old style JSA award
8. where a person has commenced a short period of sickness under new style JSA legislation, it continues to apply to that person where they move to old style JSA as if it was a period referred to in old style JSA legislation<sup>11</sup>. 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
9. 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 ESA<sup>12</sup>
10. the linking rules for housing costs (see DMG 23708) take account of new style ESA<sup>13</sup>, except the 12 week linking rule where between the two periods claimants are treated as entitled to JSA(IB) for certain reasons because their capital exceeds £16,000 or their income exceeds the applicable amount<sup>14</sup>.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 13(3)(za); JSA Regs 96, reg 11(2)(a) & (b);*

*2 WR Act 12 (Commencement No. 9 etc.) Order, art 13(3)(a); JSA Regs 96, reg 14A(3)(b); JSA Regs 13, reg 15;*

*3 WR Act 12 (Commencement No. 9 etc.) Order, art 13(3)(aa); JSA Regs 96, reg 17A(7);*

*4 WR Act 12 (Commencement No. 9 etc.) Order, art 13(3)(ab); JSA Regs 96, reg 19(1)(r);*

*5 WR Act 12 (Commencement No. 9 etc.) Order, art 13(3)(b); JSA Regs 96, reg 46; JSA Regs 13, reg 36(1);*

*6 WR Act 12 (Commencement No. 9 etc.) Order, art 13(3)(c); JSA Regs 96, reg 47;*

*7 JSA Regs 13, reg 37; 8 JSA Regs 96, reg 47(4); 9 JSA Regs 13, reg 37(3);*

*10 WR Act 12 (Commencement No. 9 etc.) Order, art 13(3)(d);*

*JSA Regs 96, reg 50(2)(b), (3)(a) & (c), (5)(a) & (c), (6AA)(a) & (6D)(b);*

*11 WR Act 12 (Commencement No. 9 etc.) Order, art 13(3)(e); JSA Regs 13, reg 46(1); JSA Regs 96, reg 55;*

*12 WR Act 12 (Commencement No. 9 etc.) Order, art 13(3)(f); JSA Regs, Sch 2, para 6(1) & 7(1);*

*13 WR Act 12 (Commencement No. 9 etc.) Order, art 13(3)(g);*

*JSA Regs 96, Sch 2, para 13(1)(a), (1)(b), (1)(c)(iv) & (1)(f)(iii); 14 Sch 2, para 13(1)(a)(ii)(bb)*

S8163 Where the guidance in S8160 - S8162 applies, the old style JSA legislation is to be read as if the reference to contribution based JSA includes a reference to a new style JSA award<sup>1</sup>.

*1 WR Act 12 (Commencement No. 9 etc) Order, art 13(4); JS Act 95, s 5(1) & (2)*

S8164 - S8209

## Sanctions

## Transition from old style JSA for a new award

S8210 Where<sup>1</sup>

1. 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 **and**
2. immediately before that old style award terminated, payments were reduced as a result of a sanction (both pre and post sanction legislation changes<sup>2</sup>) being imposed **and**
3. the old style JSA 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 JSA award was made to that member

the guidance in S8211 - S8213 applies.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 17(1); 2 JS Act 95, s 19 (pre & post 22.10.12 versions)*

S8211 Where the circumstances in S8210 are satisfied<sup>1</sup>

1. the reasons which led to a sanction being imposed on the old style JSA award (“the relevant failure”) is to be treated, for the purposes of new style JSA legislation<sup>2</sup>, as
  - 1.1 a failure which is sanctionable as a higher level sanction<sup>3</sup> **or**
  - 1.2 a failure which is sanctionable as an other sanction<sup>4</sup>
2. the award of new style JSA is to be reduced in relation to the relevant failure as in paragraph S8093 below<sup>5</sup> **and**
3. the reduction is to be treated for the purposes of the new style JSA legislation as a reduction under higher level or other level sanctions<sup>6</sup>.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 17(2); 2 JSA Regs 13; 3 JS Act 95, s 6J & 19; 4 s 6K & 19A; JSA Regs, reg 69B; 5 JSA Regs 13, Part 3; 6 JS Act 95, s 6K*

S8212 The reduction period for the purposes of the new style JSA legislation<sup>1</sup> is to be the number of days which is equivalent to the length of the period of reduction of JSA which is applicable to the person subject to a higher level sanction<sup>2</sup>, other level sanction<sup>3</sup> or to a person who ceases to be available<sup>4</sup>, minus

1. the number of days (if any) in that period in respect of which the amount of old style JSA 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 JSA award terminated and ending with the day before the first day on which the person is entitled to a new style JSA award.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 17(3); 2 JSA Regs, reg 69; 3 reg 69A; 4 reg 69B*



S8213 In the case of a new style JSA award where there is a transition from an old style JSA award, this guidance replaces<sup>1</sup> ADM Chapter S4 (JSA Sanctions – General principles) at S4026 - S4027 and S4030 - S4031.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 17(4)*

S8214 - S8229

## **Transition from old style JSA for a continuing award**

S8220 Where<sup>1</sup>

1. amending provisions have come into force as in S8125 in relation to a claim for UC<sup>2</sup>
2. the person in question had an old style JSA award immediately before the appointed day and that award consisted of or included a contribution based allowance (which therefore continues as a new style JSA award)
3. immediately before the appointed day, payments under that award were reduced due to
  - 3.1 pre 22.10.12 - circumstances in which JSA is not payable or post 22.10.12 – a higher level sanction<sup>3</sup> **or**
  - 3.2 other sanctions<sup>4</sup> **or**
  - 3.3 claimant ceases to be available<sup>5</sup> **and**
4. if the old style JSA award was made to a joint-claim couple<sup>6</sup> and the reduction related to
  - 4.1 circumstances in which JSA is not payable for one member of the joint-claim couple<sup>7</sup> **or**
  - 4.2 a higher level sanction in respect of one member of a joint-claim couple<sup>8</sup>

the new style JSA award was made to that member of the couple the guidance in S8221 - S8223 applies.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 18(1); 2 art 4(1); art 4(2)(b) – (fe);*

*3 JS Act 95, s 19; 4 s 19A; 5 JSA Regs, reg 69B; 6 JS Acts 1(4);*

*7 JSA Regs, reg 19 (pre 22.10.12); 8 reg 19 (post 22.10.12)*

S8221 Where the circumstances in S8220 are satisfied<sup>1</sup>

1. the reasons which led to the reduction of the old style JSA award (“the relevant failure”) is to be treated for the purposes of the new style JSA legislation<sup>2</sup> as
  - 1.1 a failure which is sanctionable as a higher level sanction<sup>3</sup> **or**
  - 1.2 a failure which is sanctionable as an other sanction<sup>4</sup>
2. the award (in its continuation as a new style JSA award) is to be reduced in relation to the relevant failure<sup>5</sup> as in S8222 **and**

3. the reduction is to be treated for the purposes of the new style JSA legislation as a reduction under higher level or other sanctions<sup>6</sup>.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 18(2); 2 JSA Regs 13; 3 JS Act 95, s 6J; 4 s 6K; JSA Regs, reg 69B; 5 JSA Regs 13, Part 3; 6 JS Act 95, s 6J & 6K*

S8222 The reduction period for the purposes of the new style JSA legislation<sup>1</sup> is to be the number of days which is equivalent to the length of the period of reduction of JSA which is applicable to the person subject to a higher level sanction<sup>2</sup>, other level sanction<sup>3</sup> or to a person who ceases to be available<sup>4</sup>, minus the number of days (if any) in that period in respect of which the amount of JSA was reduced.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 18(3); 2 JSA Regs, reg 69; 3 reg 69A; 4 reg 69B*

S8223 In the case of a new style JSA award where there is a transition from an old style JSA award, this guidance replaces<sup>1</sup> for that in ADM Chapter S4 (JSA Sanctions – General principles) at S4026 - S4027 and S4030 - S4031.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 18(4)*

S8224 – S8229

## Escalation of sanctions

S8230 The following guidance applies where<sup>1</sup>

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

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 19(1)*

S8231 Where S8230 applies<sup>1</sup>, 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 JSA award as in S8210 - S8223 **and**
2. a reduction of an old style JSA award due to
  - 2.1 pre 22.10.12 - circumstances in which JSA is not payable or post 22.10.12 - a higher level sanction<sup>2</sup> **or**
  - 2.2 other sanctions<sup>3</sup> **or**
  - 2.3 claimant ceases to be available<sup>4</sup>

which did not result in a reduction as in S8210 - S8223 above<sup>5</sup>

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 JSA legislation on sanctions.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 19(2); 2 JS Act 95, s 19 (pre and post 22.10.12); 3 s 19A; 4 JSA Regs, reg 69B; 5 WR Act 12 (Commencement No. 9 etc.) Order, art 17 & 18*

S8232 When calculating a reduction period<sup>1</sup> above for higher-level, medium-level or low-level sanctions under new style JSA<sup>2</sup> in accordance with S8231, no account is to be taken of

1. a reduction of a new style JSA award as in S8210 - S8223 above<sup>3</sup>, if at any time after that reduction, the person was entitled to an old style JSA award, an old style ESA award or IS
2. a reduction of an old style JSA award due to
  - 2.1 pre 22.10.12 - circumstances in which JSA is not payable or post 22.10.12 – a higher level sanction<sup>4</sup> **or**
  - 2.2 other sanctions<sup>5</sup> **or**
  - 2.3 claimant ceases to be available<sup>6</sup>

if, at any time after that reduction the person was entitled to UC, a new style JSA award or a new style ESA award and was subsequently entitled to an old style JSA award, an old style ESA award or IS.

*1 WR Act 12 (Commencement No. 9 etc.) Order, art 19(3); 2 JSA Regs 13, reg 19, 20 & 21;*

*3 WR Act 12 (Commencement No. 9 etc.) Order, art 17 & 18;*

*4 JS Act 95, s 19 (pre and post 22.10.12); 5 s 19A; 6 JSA Regs, reg 69B*

S8233 - S8234

## Termination of new style JSA sanctions

S8235 S8122 applies where

1. a new style JSA award ends while there is an outstanding reduction period<sup>1</sup> and during that period the claimant becomes entitled to an old style JSA award or IS<sup>2</sup> **or**
2. a new style JSA award continues as an old style JSA award as in S8101 and there is an outstanding reduction period on the last day of entitlement to new style JSA<sup>3</sup>.

*1 JSA Regs 13, reg 23; 2 WR Act 12 (Commencement No. 9 etc.) Order, art 20(1)(a); 3 art 20(1)(b)*

S8236 For the purposes of S8235 the new style JSA reduction period<sup>1</sup> will

1. no longer apply **and**
2. end on the first day of an old style JSA award<sup>2</sup>.

*1 JSA Regs 13, reg 23; 2 WR Act 12 (Commencement No. 9 etc.) Order, art 20(2)*

S8237 – S8999

# Appendix: WR Act 12 Commencement etc. Orders

WR Act 12 (Commencement No. 11 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment))  
Order 2013

WR Act 12 (Commencement No. 13 and Transitional and Transitory Provisions)  
Order 2013

WR Act 12 (Commencement No. 14 and Transitional and Transitory Provisions)  
Order 2013

WR Act 12 (Commencement No. 16 and Transitional and Transitory Provisions)  
Order 2014

WR Act 12 (Commencement No. 17 and Transitional and Transitory Provisions)  
Order 2014

WR Act 12 (Commencement No. 19 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment))  
Order 2014

WR Act 12 (Commencement No. 20 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment))  
Order 2014

WR Act 12 (Commencement No. 21 and Transitional and Transitory Provisions)  
Order 2015

WR Act 12 (Commencement No. 22 and Transitional and Transitory Provisions)  
Order 2015

WR Act 12 (Commencement No. 23 and Transitional and Transitory Provisions)  
Order 2015

WR Act 12 (Commencement No. 24 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment))  
Order 2015

WR Act 12 (Commencement No. 25 and Transitional and Transitory Provisions)  
Order 2015

WR Act 12 (Commencement No. 26 and Transitional and Transitory Provisions and Commencement No. 22, 23 and 24 and Transitional and Transitory Provisions (Modification))  
Order 2016

WR Act 12 (Commencement No. 27 and Transitional and Transitory Provisions and Commencement No. 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2016

WR Act 12 (Commencement No. 13, 14, 16, 19, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2016

WR Act 12 (Commencement No. 19, 22, 23 and 24 and Transitional and Transitory Provisions (Modification)) Order 2016

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