1998 No. 1426

SOCIAL SECURITY

The Training for Work (Miscellaneous Provisions) (Amendment) Order 1998

Made - - - -	*9th June 1998*
Laid before Parliament	*10th June 1998*
Coming into force	*3rd July 1998*

Whereas arrangements known as "Training for Work" have been made by the Secretary of State under section 2 of the Employment and Training Act 1973**(a)** ("the 1973 Act"):

And whereas the Secretary of State, in exercise of the powers conferred on him by section 26(1) and (2) of the Employment Act 1988**(b)** and all other powers enabling him in that behalf, made the Training for Work (Miscellaneous Provisions) Order 1995**(c)** ("the principal Order") affecting the treatment of payments received by participants using facilities under the arrangements:

And whereas those arrangements are henceforward to be known instead as "work-based training for adults":

Now, therefore, the Secretary of State, in exercise of those powers, makes the following order:–

Citation, commencement and application

1.—(1) This Order may be cited as the Training for Work (Miscellaneous Provisions) (Amendment) Order 1998 and shall come into force on 3rd July 1998.

(2) This Order applies, subject to paragraph (4), with effect from the date of its coming into force,–

(a) in the case of any person who was a Training for Work Participant at any time prior to the date of coming into force of this Order and whose participation under those arrangements, whether known as Training for Work or work based training for adults, continues, or, as the case may be, continued after that date;

(b) in the case of any person who was a participant in work based training for adults at any time prior to the date of coming into force of this Order and whose participation under those arrangements, continues, or, as the case may be, continued after that date; and

(c) in the case of any other person who, on or after the date of the coming into force of this Order became or becomes a participant in work based training for adults.

(3) For the purposes of paragraph (2) a person is, or, as the case may be, was a participant in work based training for adults if he is, or, as the case may be, was using facilities provided in pursuance of the arrangements known by that name.

(a) 1973 c. 50: section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 19).
(b) 1988 c. 19.
(c) S.I. 1995/1780.

(4) Nothing in this Order shall affect the treatment provided for by the principal Order of any payment in respect of any period before the coming into force of this Order.

Amendment of the principal Order

2.—(1) Where this Order applies, the principal Order shall have effect subject to the amendments provided for in this Article.

(2) For the words "Training for Work", wherever they appear, except in the case of reference to the title of the principal Order or of the 1993 Order, there shall be substituted the words "work based training for adults".

(3) The Schedule to this Order shall be substituted for the Schedule to the principal Order.

Signed by order of the Secretary of State.

Andrew Smith
Minister of State,
Department for Education and Employment

9th June 1998

SCHEDULE

Article 2

LIST OF SUBORDINATE LEGISLATION

The Social Security (Credits) Regulations 1975**(a)**
The Social Security (Overlapping Benefits) Regulations 1979**(b)**
The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983**(c)**
The Income Support (General) Regulations 1987**(d)**
The Social Security (Claims and Payments) Regulations 1987**(e)**
The Income Support (Transitional) Regulations 1987**(f)**
The Housing Benefit (General) Regulations 1987**(g)**
The Family Credit (General) Regulations 1987**(h)**
The Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1989**(i)**
The Students' Allowances (Scotland) Regulations 1991**(j)**
The Income Support (General) Amendment No. 4 Regulations 1991**(k)**
The Income Support (General) Amendment No. 6 Regulations 1991**(l)**
The Disability Working Allowance (General) Regulations 1991**(m)**
The Child Support (Maintenance Assessment Procedure) Regulations 1992**(n)**
The Council Tax Benefit (General) Regulations 1992**(o)**
The Child Support (Maintenance Assessment and Special Cases) Regulations 1992**(p)**
The Education Authority Bursaries (Scotland) Regulations 1995**(q)**
The Jobseeker's Allowance Regulations 1996**(r)**
The Jobseeker's Allowance (Transitional Provisions) Regulations 1996**(s)**
The Social Security (Back to Work Bonus) (No. 2) Regulations 1996**(t)**
The Housing Renewal Grants Regulations 1996**(u)**
The Education (Mandatory Awards) Regulations 1997**(v)**

(**a**) S.I. 1975/556; relevant amending instruments are S.I. 1987/414, 1988/1439 and 1545, 1989/1627, 1991/387 and 1996/2367.
(**b**) S.I. 1979/597; relevant amending instruments are S.I. 1982/1173, 1988/1446 and 1991/387.
(**c**) S.I. 1983/1598; relevant amending instruments are S.I. 1989/872 and 1324 and 1991/387.
(**d**) S.I. 1987/1967; relevant amending instruments are S.I. 1988/663 and 1445, 1989/1678, 1991/387, 1992/468 and 2115, 1993/2119, 1994/2139 and 1995/482 and 1613.
(**e**) S.I. 1987/1968; relevant amending instruments are S.I. 1990/2208 and 1991/387.
(**f**) S.I. 1987/1969; relevant amending instruments are S.I. 1989/1626 and 1991/387.
(**g**) S.I. 1987/1971; relevant amending instruments are S.I. 1988/909 and 1971, 1990/546, 1991/387, 1992/432, 1995/2303 and 1996/194.
(**h**) S.I. 1987/1973; relevant amending instruments are S.I. 1988/660 and 1970, 1991/387, 1992/573, 1993/2119, 1994/2139 and 1995/2303.
(**i**) S.I. 1989/76; the relevant amending instrument is S.I. 1991/387.
(**j**) S.I. 1991/1522.
(**k**) S.I. 1991/1559.
(**l**) S.I. 1991/2334.
(**m**) S.I. 1991/2887; relevant amending instruments are S.I. 1992/2155, 1993/2119, 1994/2139 and 1995/2303.
(**n**) S.I. 1992/1813; relevant amending instruments are S.I. 1993/913 and 1995/1045.
(**o**) S.I. 1992/1814; relevant amending instruments are S.I. 1993/688 and 2118, 1994/578 and 2137 and 1996/194.
(**p**) S.I. 1992/1815; relevant amending instruments are S.I. 1993/913 and 1995/1045.
(**q**) S.I. 1995/1739.
(**r**) S.I. 1996/207; the relevant amending instrument is S.I. 1997/827.
(**s**) S.I. 1996/2567, to which there are amendments not relevant to this Order.
(**t**) S.I. 1996/2570, to which there are amendments not relevant to this Order.
(**u**) S.I. 1996/2890, to which there are amendments not relevant to this Order.
(**v**) S.I. 1997/431.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Training for Work (Miscellaneous Provisions) Order 1995 (S.I. 1995/1780) to take account of a change in the name given to the arrangements formerly known as Training for Work to work based training for adults.

The Training for Work (Miscellaneous Provisions) Order 1995 provides that, for the purposes of Part I of the Social Security Contributions and Benefits Act 1992 (c. 4) and the Jobseekers Act 1995 (c. 18) and of the subordinate legislations specified in the Schedule to the Order,

(a) a person using facilities provided under those arrangements and receiving training allowances in connection with the use of the facilities shall be treated as participating in arrangements for training under section 2 of the Employment and Training Act 1973 (c. 50). Any payment made to such a person in connection with his use of those facilities shall be treated in the same manner as a payment made in respect of such training; and

(b) a person using facilities under the arrangements and receiving remuneration from an employer instead of training allowances in connection with the use of the facilities shall be treated as employed by that employer. Any payment made to such a person by the employer in connection with his use of those facilities shall be treated as earnings.

This Order, where it applies (see Article 1(2)), substitutes the name "work based training for adults" for "Training for Work". Where it applies it also substitutes a new Schedule for the Schedule to the 1995 Order.