

1997 No. 2863

SOCIAL SECURITY

The Social Security Amendment (New Deal)
Regulations 1997

<i>Made</i> - - - -	<i>11th December 1997</i>
<i>Laid before Parliament</i>	<i>12th December 1997</i>
<i>Coming into force</i>	<i>5th January 1998</i>

The Secretary of State for Education and Employment, in relation to regulations 2, 3, 6, 7 and 8, and the Secretary of State for Social Security, in relation to the remainder of the Regulations, in exercise of the powers conferred by sections 4(5), 12(4)(a) and (b), 19(2), (8)(b) and (10)(c), 20(4), 35(1) and 36(1), (2) and (4) of, and paragraphs 3(b) and 14(a) of Schedule 1 to, the Jobseekers Act 1995(a) and sections 123(1), 135(1), 136(5)(a) and (b), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(b), and of all other powers enabling each of them in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(c) and after consultation in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to the Secretary of State to be representative of the authorities concerned(d), hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Amendment (New Deal) Regulations 1997 and shall come into force on 5th January 1998.

(2) In these Regulations -

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(e);

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(f);

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987(g);

-
- (a) 1995 c.18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.
- (b) 1992 c.4; sections 123(1)(e) and 137 were amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c.14), paragraphs 1 and 9; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
- (c) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992, (c.5); paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.
- (d) See section 176(1) of the Social Security Administration Act 1992 (c.5).
- (e) S.I. 1992/1814.
- (f) S.I. 1991/2887.
- (g) S.I. 1987/1973.

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(a);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(b);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(c).

[Regulation 2 amends regulation 3 of S.I. 1996/207.]

[Regulation 3 amends regulation 4 of S.I. 1996/207.]

[Regulation 4 amends regulation 48 of S.I. 1996/207.]

[Regulation 5 amends regulation 54 of S.I. 1996/207.]

[Regulation 6 amends regulation 69 of S.I. 1996/207.]

[Regulation 7 amends regulation 73 of S.I. 1996/207.]

[Regulation 8 amends regulation 75 of S.I. 1996/207.]

[Regulation 9 amends regulation 105 of S.I. 1996/207.]

[Regulation 10 amends regulation 113 of S.I. 1996/207.]

[Regulation 11 amends regulation 140 of S.I. 1996/207.]

[Regulation 12 adds regulation 140A to S.I. 1996/207.]

[Regulation 13 amends Schedule 2 to S.I. 1996/207.]

[Regulation 14 amends Schedule 7 to S.I. 1996/207.]

[Regulation 15 amends Schedule 8 to S.I. 1996/207.]

[Regulation 16 amends Schedule 3 to S.I. 1987/1967.]

[Regulation 17 amends regulations 26, 34, Schedule 4 and Schedule 5 to S.I. 1992/1814, regulations 29, 37, Schedule 3 and Schedule 4 to S.I. 1991/2887, regulations 26, 34, Schedule 2 and Schedule 3 to S.I. 1987/1973, regulations 35, 43, Schedule 4 and Schedule 5 to S.I. 1987/1971 and regulations 42, 51, Schedule 9 and Schedule 10 to S.I. 1987/1967.]

►[Regulation 18 revoked by reg. 8(1) of S.I. 1998/1174 as from 1.6.98.]◄

Signed by authority of the Secretary of State for Education and Employment

9th December 1997

Andrew Smith
Minister of State,
Department for Education and Employment

Signed by authority of the Secretary of State for Social Security

11th December 1997

Keith Bradley
Parliamentary Under Secretary of State,
Department of Social Security

(a) S.I. 1987/1971.
(b) S.I. 1987/1967.
(c) S.I. 1996/207.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) ("the Jobseeker's Allowance Regulations"), the Income Support (General) Regulations 1987 (S.I. 1987/1967) ("the Income Support Regulations"), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Family Credit (General) Regulations 1987 (S.I. 1987/1973) and the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887).

In particular, they amend the Jobseeker's Allowance Regulations by substituting a new regulation 75 into those Regulations (see regulation 8 of these Regulations). Regulation 75 is an interpretation provision. It prescribes employment programmes and training schemes for the purposes of section 19 of the Jobseekers Act 1995 and the Jobseeker's Allowance Regulations. The effect is that if a person, without good cause, refuses or fails to participate in one of those programmes or schemes, or loses his place on one of those programmes or schemes due to misconduct, he will receive a sanction under section 19. The employment programmes and the training scheme which are prescribed in regulation 75 for the first time by these Regulations are those set out in regulation 75(1)(a)(ii) -known as the Employment Option of the New Deal, the Voluntary Sector Option of the New Deal and the Environment Task Force Option of the New Deal -and regulation 75(1)(b)(ii) -known as the Full-Time Education and Training Option of the New Deal.

These Regulations also amend regulation 69 of the Jobseeker's Allowance Regulations to provide a different period for a sanction that is applied in relation to one of the new employment programmes and the new training scheme (see regulation 6 of these Regulations), and they provide an additional case, applicable in relation to the new employment programmes and the new training scheme, where a person is to be regarded as having good cause for the purposes of section 19(5)(b) of the Jobseekers Act (see regulation 7 of these Regulations).

The Regulations also allow claims for jobseeker's allowance separated by periods on certain New Deal programmes to link (regulation 4) and for people on the Full-Time Education and Training Option of the New Deal not to be treated as receiving relevant education (regulation 5).

Where a person may not be entitled to a jobseeker's allowance as a result of any act or omission whilst on a New Deal programme or scheme, regulation 11 amends the Jobseeker's Allowance Regulations so as to provide that such a person shall not be a person in hardship. Regulation 12 amends those Regulations so as to prescribe the period during which such a person shall not be a person in hardship.

These Regulations also amend both the Jobseeker's Allowance Regulations (regulation 13) and the Income Support Regulations (regulation 16) by allowing certain periods of participation in the New Deal to be treated as periods of entitlement to those benefits for the purpose of applying the rules on payment of housing costs in those benefits.

These Regulations also make various amendments to the rules on the treatment of income and capital in the benefits referred to in the first paragraph above which are consequential on the introduction of the New Deal -

-they provide that certain payments made to providers pursuant to the New Deal shall not be treated as either notional income (regulations 9(a) and 17(1) and (2)) or as notional capital of the participant (regulations 10 and 17(5) and (6));

-they provide that where a claimant performs a service in connection with the claimant's participation in an employment programme for not less than three days in a week and a training allowance is not paid, he shall not be attributed with notional earnings (regulations 9(b) and 17(3) and (4));

-they provide that certain payments of child care expenses reimbursed in respect of a claimant's participation in the New Deal shall be disregarded (regulations 14(a) and 17(7) and (8));

-they provide that certain other payments made to New Deal participants shall be disregarded both as income other than earnings (regulations 14(b) and 17(9) and (10)) and as capital (regulations 15 and 17(11) and (12));

Regulation 18 makes a technical amendment relating to the numbering of paragraphs in Schedule 4 to the Housing Benefit (General) Regulations 1987.

These Regulations do not impose any charge on business.