
STATUTORY INSTRUMENTS

1995 No. 1752

SOCIAL SECURITY

The Training for Work (Scottish Enterprise and Highlands and Islands Enterprise Programmes) Order 1995

<i>Made</i>	- - - -	<i>7th July 1995</i>
<i>Laid before Parliament</i>		<i>11th July 1995</i>
<i>Coming into force</i>	- -	<i>1st August 1995</i>

Whereas arrangements have been made by Scottish Enterprise and Highlands and Islands Enterprise under section 2(3) of the Enterprise and New Towns (Scotland) Act 1990⁽¹⁾ to set up a Training for Work Scottish Enterprise Programme and a Training for Work Highlands and Islands Enterprise Programme respectively (“the Training for Work Programmes”);

And whereas it appears to the Secretary of State that the Training for Work Programmes make provision for persons using facilities provided in pursuance of those arrangements to receive payments in connection with their use of those facilities:

Now, therefore, the Secretary of State in exercise of the powers conferred on him by section 26(1) and (2) of the Employment Act 1988⁽²⁾ and of all other powers enabling him in that behalf hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Training for Work (Scottish Enterprise and Highlands and Islands Enterprise Programmes) Order 1995 and shall come into force on 1st August 1995.

(2) In this Order unless the context otherwise requires—

“the 1990 Act” means the Enterprise and New Towns (Scotland) Act 1990;

“employer” means a person for whom and under whose supervision and control a trainee works in connection with his participation in a Training for Work Programme;

“facilities” means facilities provided in pursuance of a Training for Work Programme;

“Training for Work Programme” means the Training for Work Scottish Enterprise Programme or the Training for Work Highlands and Islands Enterprise Programme;

(1) 1990 c. 35; section 2(3) was amended by the Trade Union Reform and Employment Rights Act 1993 (c. 19), Schedule 10.

(2) 1988 c. 19; section 26(1) was amended by the Enterprise and New Towns (Scotland) Act 1990, Schedule 4, paragraph 16 and by the Trade Union Reform and Employment Rights Act 1993, Schedule 8, paragraph 38.

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“training allowance” means a payment made directly or indirectly by the Secretary of State to a trainee in connection with his use of facilities; and

“trainee” means a person using facilities.

Application

2. This Order applies only to the treatment in respect of a period commencing on or after 8th August 1995 of a trainee and of payments made to him on or after that date in connection with his use of facilities in respect of such period for the purposes of—

- (a) Part I of the Social Security Contributions and Benefits Act 1992⁽³⁾; and
- (b) the subordinate legislation specified in the Schedule to this Order.

Treatment of trainees in receipt of or eligible for training allowance

3. Subject to article 4, in respect of any period for which a trainee receives or is eligible to receive a training allowance he shall be treated as not being employed but as participating in arrangements for training under section 2(3) of the 1990 Act; and accordingly any payment made to such trainee during that period in connection with his use of facilities shall be treated in the same manner as a payment made in respect of such training.

Treatment of trainees entitled to remuneration from employer

4. In respect of any period for which a trainee receives no training allowance but receives or is entitled to receive payment by way of remuneration from his employer in connection with his use of facilities he shall be treated as employed by his employer; and any such payment made to him by his employer shall be treated as earnings.

Revocation

5. The Training for Work (Scottish Enterprise and Highlands and Islands Enterprise Programmes) Order 1993⁽⁴⁾ is hereby revoked.

St Andrew’s House,
Edinburgh
7th July 1995

George Kynoch
Parliamentary Under Secretary of State, Scottish
Office

(3) 1992 c. 4.
(4) S.I.1993/498.

SCHEDULE

Article 2

LIST OF SUBORDINATE LEGISLATION

- The Social Security (Credits) Regulations 1975**(5)**;
The Social Security (Overlapping Benefits) Regulations 1979**(6)**;
The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983**(7)**;
The Income Support (General) Regulations 1987**(8)**;
The Social Security (Claims and Payments) Regulations 1987**(9)**;
The Income Support (Transitional) Regulations 1987**(10)**;
The Housing Benefit (General) Regulations 1987**(11)**;
The Family Credit (General) Regulations 1987**(12)**;
The European Communities (Iron and Steel Employees Re-adaptation Benefits Scheme) (No.2) Regulations 1988**(13)**;
The Social Security (Payments on account, Overpayments and Recovery) Regulations 1988**(14)**;
The Education Authority Bursaries (Scotland) Regulations 1988**(15)**;
The Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1989**(16)**;
The Students' Allowances (Scotland) Regulations 1991**(17)**;
The Income Support (General) Amendment No.4 Regulations 1991**(18)**;
The Income Support (General) Amendment No.6 Regulations 1991**(19)**;
The Disability Working Allowance (General) Regulations 1991**(20)**;
The Council Tax Benefit (General) Regulations 1992**(21)**;
The Child Support (Maintenance Assessment and Special Cases) Regulations 1992**(22)**;
The Education (Mandatory Awards) (No.2) Regulations 1993**(23)**;
The Housing Renovation etc. Grants (Reductions of Grant) Regulations 1994**(24)**.

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- (5) [S.I.1975/556](#); relevant amending instruments are [S.I.1978/409](#), [1987/414](#), [1988/1230](#), [1439](#) and [1545](#), [1989/1627](#) and [1991/387](#).
- (6) [S.I.1979/597](#); relevant amending instruments are [S.I.1982/1173](#), [1988/1446](#) and [1991/387](#).
- (7) [S.I.1983/1598](#); relevant amending instruments are [S.I.1989/972](#) and [1324](#) and [1991/387](#).
- (8) [S.I.1987/1967](#); relevant amending instruments are [S.I.1988/663](#) and [1445](#), [1989/1678](#), [1991/387](#), [1992/468](#) and [2115](#), [1993/2119](#) and [1994/2139](#).
- (9) [S.I.1987/1968](#); the relevant amending instruments are [S.I.1990/2208](#) and [1991/387](#).
- (10) [S.I.1987/1969](#); the relevant amending instruments are [S.I.1989/1626](#) and [1991/387](#).
- (11) [S.I.1987/1971](#); relevant amending instruments are [S.I.1988/909](#) and [1971](#), [1990/546](#), [1991/387](#), [1992/432](#), [1993/317](#) and [2118](#) and [1994/578](#) and [2137](#).
- (12) [S.I.1987/1973](#); relevant amending instruments are [S.I.1988/660](#), [1438](#) and [1970](#), [1991/387](#), [1992/573](#) and [1993/2119](#) and [2139](#).
- (13) [S.I.1988/538](#); the relevant amending instrument is [S.I.1991/387](#).
- (14) [S.I.1988/664](#), to which there are amendments not relevant to this Order.
- (15) [S.I.1988/1042](#); the relevant amending instrument is [S.I.1990/1347](#).
- (16) [S.I.1989/76](#); the relevant amending instrument is [S.I.1991/387](#).
- (17) [S.I.1991/1522](#); to which there are amendments not relevant to this Order.
- (18) [S.I.1991/1559](#).
- (19) [S.I.1991/2334](#); to which there are amendments not relevant to this Order.
- (20) [S.I.1991/2887](#); the relevant amending instruments are [S.I.1992/2155](#), [1993/2119](#) and [1994/2139](#).
- (21) [S.I.1992/1814](#); relevant amending instruments are [S.I.1993/688](#), [2118](#), [1994/578](#) and [2137](#).
- (22) [S.I.1992/1815](#); to which there are amendments not relevant to this Order.
- (23) [S.I.1993/2914](#); to which there are amendments not relevant to this Order.
- (24) [S.I.1994/648](#); the relevant amending instrument is [S.I.1995/838](#).

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the treatment for the purposes of Part I of the Social Security Contributions and Benefits Acts 1992 (c. 4) and the subordinate legislation specified in the Schedule to the Order of—

- (a) a person using facilities provided under the Training for Work Scottish Enterprise programme or the Training for Work Highlands and Islands Enterprise programme; and
- (b) a payment made to such person in connection with his use of such facilities.

Such person if he receives or is eligible for an allowance paid directly or indirectly by the Secretary of State in connection with his use of such facilities is to be treated (save where he is entitled to receive payment by way of remuneration from his employer in connection with his use of facilities) as not being employed but as participating in arrangements for training under section 2(3) of the Enterprise and New Towns (Scotland) Act 1990 and payments made to him in connection with his use of facilities are to be treated in the same manner as payments made in respect of training (article 3).

Where such person is entitled to receive payment by way of remuneration from his employer in connection with his use of facilities he is to be treated as employed and any such payment is to be treated as earnings (article 4).

The Training for Work (Scottish Enterprise and Highlands and Islands Enterprise Programmes) Order 1993 is revoked. That Order provided that any payments received by such a person were to be treated as payments made in respect of training.