
 S T A T U T O R Y I N S T R U M E N T S

1999 No. 3156

SOCIAL SECURITY

The Social Security (New Deal Pilot) Regulations 1999

Made - - - - - 25th November 1999

Coming into force - - - 29th November 1999

Whereas a draft of this instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995(a) and approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State for Education and Employment, in relation to Parts I and II of the Regulations, the Secretary of State for Social Security, in relation to Part III of the Regulations (other than in relation to provisions relating to disabled person's tax credit and working families' tax credit(b)), and the Treasury, in relation to provisions in Part III of the Regulations relating to disabled person's tax credit and working families' tax credit, in exercise of the powers conferred by sections 6(4), 12(1), (4)(a) and (b), 19(2), (8)(b) and (10)(c), 20(4) and (6), 21, 29(1), (3), (5), (6)(a) and (c), 35(1)(c) and 36(1), (2) and (4) of, and paragraph 1(2)(b) of Schedule 1 to, the Jobseekers Act 1995 and sections 123(1), 136(3), (5)(a), (b) and (c), 137(1) and (2)(d) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(d) and of all other powers enabling each of them in that behalf, 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 for Social Security to be representative of the authorities concerned(e) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(f), and whereas these Regulations are made with a view to ascertaining whether their provisions will, or will be likely to, encourage persons to obtain work or will, or will be likely to, facilitate the obtaining by persons of work, hereby make the following Regulations:

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- (a) 1995 c. 18.
 - (b) Disability working allowance and family credit were renamed respectively as disabled person's tax credit and working families' tax credit by section 1(1) of the Tax Credits Act 1999 (c. 10).
 - (c) Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".
 - (d) 1992 c. 4; sections 123 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"; section 137(2)(d) was substituted by paragraph 35(3) of Schedule 2 to the Jobseekers Act 1995.
 - (e) See section 176(1) of the Social Security Administration Act 1992 (c. 5).
 - (f) See section 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 enactments regulations under which must normally be referred to the committee.

PART I

GENERAL

Citation, commencement and duration

1.—(1) These Regulations may be cited as the Social Security (New Deal Pilot) Regulations 1999 and shall come into force on 29th November 1999 immediately following the expiry of the Social Security (New Deal Pilot) Regulations 1998**(a)**.

(2) These Regulations shall cease to have effect on 28th November 2000, unless revoked with effect from an earlier date.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Jobseekers Act 1995;

“appropriate office” means an office, by whatever name it is from time to time known, of the Department for Education and Employment which is identified by reference to its name as at the date these Regulations come into force in one or more of the Schedules to these Regulations, and where such an office closes, the references in the Schedules to that office in relation to a person shall be construed as references to the office which that person is required to attend instead of that office;

“benefit” means jobseeker’s allowance or any earnings credited to a person in accordance with regulation 8A of the Social Security (Credits) Regulations 1975**(b)**;

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

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

“employment officer” means a person who is at any time an employment officer for the purposes of section 19 of the Act;

“employment-related course” has the same meaning as in regulation 1(3) of the Jobseeker’s Allowance Regulations;

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

“full-time student” has the same meaning as in regulation 1(3) of the Jobseeker’s Allowance Regulations;

“gateway interview” means an interview with an employment officer to identify and discuss matters that could help a person find work and matters that are preventing him from finding work;

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

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

“the intensive activity period of the New Deal pilots for 25 plus” means the programme provided in pursuance of arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973**(h)** for which only persons who are aged 25 years or over may be eligible, known as the intensive activity period of the New Deal pilots for 25 plus, and which includes for any individual, jobsearch activity and one or more of the following, namely training, study, assistance in pursuing self-employed earner’s employment and work experience;

(a) S.I. 1998/2825, amended by S.I. 1999/976 and 1999/2554.

(b) S.I. 1975/556; relevant amending instrument is S.I. 1996/2367.

(c) S.I. 1992/1814.

(d) S.I. 1991/2887.

(e) S.I. 1987/1973.

(f) S.I. 1987/1971.

(g) S.I. 1987/1967.

(h) 1973 c. 10; section 2 was amended by section 25 of the Employment Act 1988 (c. 19).

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(a);

“part-time student” has the same meaning as in regulation 1(3) of the Jobseeker’s Allowance Regulations;

“week” means any period of 7 days.

(2) In regulations 3 to 5, the references to receiving benefit for not less than the periods or, as the case may be, for less than the period, referred to in those regulations means receiving benefit—

- (a) without any period of interruption, or
- (b) with a period of interruption which did not exceed 28 days, or
- (c) with a number of periods of interruption, none of which exceeded 28 days,

and any period of interruption which did not exceed 28 days shall be taken into account in calculating the periods referred to in regulations 3 to 5.

(3) In these Regulations a reference—

- (a) to a numbered regulation is to the regulation in these Regulations bearing that number;
- (b) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number; and
- (c) to a numbered Schedule is to the Schedule to these Regulations bearing that number.

PART II

THE INTENSIVE ACTIVITY PERIOD OF THE NEW DEAL PILOTS FOR 25 PLUS

Application: persons aged 25 and over in receipt of benefit for 12 months

3. This regulation shall apply to any person who—
- (a) on or after the date these Regulations come into force attends an appropriate office listed in Schedule 1 pursuant to a notice under regulation 23 of the Jobseeker’s Allowance Regulations, and
 - (b) on any day when he so attends is aged 25 or over but under pensionable age and has been receiving benefit for a period of not less than 12 months.

Application: persons aged 25 and over in receipt of benefit for 18 months

4. This regulation shall apply to any person who—
- (a) on or after the date these Regulations come into force attends an appropriate office listed in Schedule 2 pursuant to a notice under regulation 23 of the Jobseeker’s Allowance Regulations, and
 - (b) on any day when he so attends is aged 25 or over but under pensionable age and has been receiving benefit for a period of not less than 18 months.

Application: volunteers

5. This regulation shall apply to any person who—
- (a) on or after the date these Regulations come into force, attends an appropriate office listed in Schedule 3 pursuant to a notice under regulation 23 of the Jobseeker’s Allowance Regulations and when he so attends volunteers to attend a gateway interview,
 - (b) on the day he so attends, is aged 25 or over but under pensionable age and has been receiving benefit for a period of less than 18 months, and
 - (c) in respect of whom an employment officer agrees that he may be given a gateway interview.

(a) S.I. 1996/207; relevant amending instruments are S.I. 1996/1516, 1996/1517, 1996/2538, 1997/454, 1997/563, 1997/2863, 1998/563, 1998/1174 and 1998/1274.

Sanction

6.—(1) In relation to a person to whom paragraph (2) applies, “employment programme” in section 19 of the Act means, in addition to the programmes listed in regulation 75(1) of the Jobseeker’s Allowance Regulations, the intensive activity period of the New Deal pilots for 25 plus.

(2) This paragraph applies to any person to whom regulation 3, 4, or 5 applies and who has been given or sent a notice in writing by an employment officer advising him that if he fails to participate in the intensive activity period of the New Deal pilots for 25 plus his jobseeker’s allowance could cease to be payable or could be payable at a lower rate.

(3) In relation to a person to whom paragraph (2) applies, the prescribed period for the purposes of section 19(2) of the Act shall begin on the first day of the week following the date on which a jobseeker’s allowance is determined not to be payable to the person and shall be—

- (a) two weeks in any case which does not fall within sub-paragraph (b) below;
- (b) four weeks in any case in which on a previous occasion a jobseeker’s allowance was determined not to be payable to him in circumstances falling within section 19(5) of the Act that relate to the intensive activity period of the New Deal pilots for 25 plus and the first date on which a jobseeker’s allowance was not payable to him as a result of that determination falls within the period of 12 months preceding the date of the determination mentioned in (3) above.

(4) In this regulation, “week” has the same meaning as “benefit week” in regulation 1(3) of the Jobseeker’s Allowance Regulations.

Interpretation of section 19 of the Jobseekers Act 1995 and Part V of the Jobseeker’s Allowance Regulations

7. In relation to a person to whom regulation 3, 4 or 5 applies, “employment” in section 19 of the Act, except subsection (9), and in Part V of the Jobseeker’s Allowance Regulations means employed earner’s employment other than employed earner’s employment in which a person is employed whilst participating in the intensive activity period of the New Deal pilots for 25 plus; and “employed earner” shall be construed accordingly.

Availability for employment

8.—(1) In relation to a person to whom regulation 3, 4 or 5 applies—

- (a) regulation 15(a) of the Jobseeker’s Allowance Regulations shall be modified in its application to him as if the following words were added after the words “full-time student” where those words appear for the first time—

“, other than where he is a full-time student by virtue of undertaking an employment-related course as part of the intensive activity period of the New Deal pilots for 25 plus;”; and

- (b) if in any week in which he is participating in the intensive activity period of the New Deal pilots for 25 plus he is as part of that programme undertaking as a full-time student or a part-time student an employment-related course for not less than three days in that week, he shall be treated as available for employment for that week.

(2) In this regulation, “week” has the same meaning as “benefit week” in regulation 1(3) of the Jobseeker’s Allowance Regulations.

Good Cause

9. Without prejudice to any other circumstances in which a person may be regarded as having good cause for any act or omission for the purposes of section 19(5)(b) of the Act, and in addition to the circumstances listed in regulation 73 of the Jobseeker’s Allowance Regulations, a person to whom regulation 3, 4 or 5 applies is to be regarded as having good cause for an act or omission in relation to the intensive activity period of the New Deal pilots for 25 plus for the purposes of section 19(5)(b) where he has already participated in the intensive activity period of the New Deal pilots for 25 plus for one continuous period of 13 weeks or two or more periods amounting in total to 13 weeks.

Payability of allowance

10. An income-based jobseeker's allowance shall be payable to a person to whom regulation 3, 4 or 5 applies even though section 19 of the Act prevents payment of a jobseeker's allowance to him if—

- (a) an allowance would not otherwise be payable because the circumstances in section 19(5)(c) of the Act apply in relation to the intensive activity period of the New Deal pilots for 25 plus, and
- (b) he has already participated in the intensive activity period of the New Deal pilots for 25 plus for one continuous period of 13 weeks or two or more periods amounting in total to 13 weeks;

and the applicable amount of a person to whom this regulation applies shall be the amount determined in accordance with regulation 83, 84, 85, 86, 145 or 148 of the Jobseeker's Allowance Regulations, as appropriate.

PART III

CONSEQUENTIAL PROVISIONS

Scope of Part III

11.—(1) Regulations 12 and 14 to 18 shall only apply in relation to a person to whom regulation 3, 4 or 5 applies in so far as those regulations relate to that person's participation in the intensive activity period of the New Deal pilots for 25 plus.

(2) Regulation 13 shall only apply in any week in which a person to whom regulation 3, 4 or 5 applies is participating in the intensive activity period of the New Deal pilots for 25 plus.

Definition of "training allowance"

12.—(1) The definition of "training allowance" in each of the regulations specified in paragraph (2) below (which are interpretation provisions) shall be modified in its application to persons to whom this Part applies as if at the end there were added the words—

"nor does it include any top-up payment made to a person ("the participant") pursuant to

- (i) section 2 of the Employment and Training Act 1973 in respect of the participant's participation in the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations ("the intensive activity period"); or
- (ii) a written arrangement entered into between the Secretary of State and the person who has arranged for the participant's participation in the intensive activity period and which is made in respect of the participant's participation in that period."

(2) The regulations to which paragraph (1) refers are—

- (a) regulation 2(1) of the Council Tax Benefit Regulations;
- (b) regulation 2(1) of the Disability Working Allowance Regulations(a);
- (c) regulation 2(1) of the Family Credit Regulations(b);
- (d) regulation 2(1) of the Housing Benefit Regulations(c);
- (e) regulation 2(1) of the Income Support Regulations(d);
- (f) regulation 1(3) of the Jobseeker's Allowance Regulations(e).

(a) The definition of "training allowance" was inserted by S.I. 1992/2155.

(b) The definition of "training allowance" was inserted by S.I. 1992/573.

(c) The definition of "training allowance" was inserted by S.I. 1990/546 and amended by S.I. 1991/387 and 1992/432.

(d) The definition of "training allowance" was amended by S.I. 1989/1323, 1991/236 and 387 and 1995/2986.

(e) The definition of "training allowance" was amended by S.I. 1996/1517.

Remunerative work

13.—(1) Regulation 53 of the Jobseeker's Allowance Regulations (persons treated as not engaged in remunerative work) shall be modified in its application to persons to whom this Part applies as if at the end there was added the following paragraph—

“(j) he is participating in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations”.

(2) Regulation 6(1), of the Income Support Regulations (persons treated as not engaged in remunerative work) shall be modified in its application to persons to whom this Part applies as if at the end(a) there was added the following sub-paragraph—

“(l) he is participating in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations”.

(3) Both regulation 4 of the Council Tax Benefit Regulations and regulation 4 of the Housing Benefit Regulations (remunerative work) shall be modified in their application to persons to whom this Part applies as if after paragraph (5)(b) there was inserted the following paragraph—

“(5A) A person shall not, for the purposes of these Regulations, be treated as engaged in remunerative work in any benefit week in which he is participating in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations.”.

(4) Both regulation 4 of the Family Credit Regulations and regulation 6 of the Disability Working Allowance Regulations (remunerative work) shall be modified in their application to persons to whom this Part applies as if after paragraph (3)(c)(c) there was added the following sub-paragraph—

“(d) he is participating in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations.”.

Notional income

14.—(1) Regulation 105 of the Jobseeker's Allowance Regulations (notional income) shall be modified in its application to persons to whom this Part applies as if—

(a) in sub-paragraph (c) of paragraph (10A)(d), after head (iii), there was added the following head—

“(iv) in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations but only to the extent that it is not used for a purpose specified in paragraph (10)(a)(ii)”;

(b) in paragraph (13)(e)—

(i) at the beginning, there were inserted the words “Subject to paragraph (13A),”;

(ii) the words from “; but this paragraph” to the end of the paragraph were omitted;

(c) after paragraph (13) there were inserted the following paragraph—

“(13A) Paragraph (13) shall not apply—

(a) to a claimant who is engaged by a charitable or voluntary organisation or who is a volunteer if the Secretary of State is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or

(b) in a case where the service is performed in connection with the claimant's participation in—

(i) an employment or training programme in accordance with regulation 19(1)(q);
or

(a) Sub-paragraph (k) was added by S.I. 1992/2155 and amended by S.I. 1994/2139. Regulation 6 was re-numbered by S.I. 1999/2556.

(b) Paragraph (5) was, in both cases, amended by S.I. 1996/1510.

(c) Paragraph (3) was, in both cases, substituted by S.I. 1994/2139.

(d) Paragraph (10A) was inserted by S.I. 1998/2117.

(e) Paragraph (13) was amended by S.I. 1997/2863.

- (ii) the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations.”.

(2) Regulation 42 of the Income Support Regulations (notional income) shall be modified in its application to persons to whom this Part applies as if—

- (a) in sub-paragraph (c) of paragraph (4ZA)(a), after head (iii), there was added the following head—

“(iv) in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations but only to the extent that it is not used for a purpose specified in paragraph (4)(a)(ii);”;

- (b) for paragraph (6A)(b)(b) there was substituted the following sub-paragraph—

“(b) in a case where the service is performed in connection with the claimant’s participation in—

- (i) an employment and training programme in accordance with regulation 19(1)(q) of the Jobseeker’s Allowance Regulations 1996; or
- (ii) the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations.”.

(3) Both regulation 26 of the Council Tax Benefit Regulations(c) and regulation 35 of the Housing Benefit Regulations(d) (which relate to notional income) shall be modified in their application to persons to whom this Part applies as if—

- (a) in sub-paragraph (c) of paragraph (3A), after head (iii), there was added the following head—

“(iv) in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations but only to the extent that it is not used for a purpose specified in paragraph (3)(a);”;

- (b) in paragraph (5)—

- (i) at the beginning, there were inserted the words “Subject to paragraph (5A),”;
- (ii) the words from “; but this paragraph” to the end of the paragraph were omitted;

- (c) after paragraph (5) there were inserted the following paragraph—

“(5A) Paragraph (5) shall not apply—

- (a) to a claimant who is engaged by a charitable or voluntary organisation or who is a volunteer if the appropriate authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
- (b) in a case where the service is performed in connection with the claimant’s participation in—
 - (i) an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker’s Allowance Regulations 1996; or
 - (ii) the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations.”.

(4) Both regulation 29 of the Disability Working Allowance Regulations(e) and regulation 26 of the Family Credit Regulations(f) (which relate to notional income) shall be modified in their application to persons to whom this Part applies as if—

- (a) in sub-paragraph (c) of paragraph (3A), after head (iii), there was added the following head—

(a) Paragraph (4ZA) was inserted by S.I. 1998/2117.
 (b) Paragraph (6A) was inserted by S.I. 1999/2554.
 (c) The relevant amendments to regulation 26 were made by S.I. 1997/2863 and 1998/2164.
 (d) The relevant amendments to regulation 35 were made by S.I. 1997/2863 and 1998/2164.
 (e) The relevant amendments to regulation 29 were made by S.I. 1997/2863 and 1998/2117.
 (f) The relevant amendments to regulation 26 were made by S.I. 1997/2863 and 1998/2117.

“(iv) in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations but only to the extent that it is not used for a purpose specified in paragraph (3)(a);”;

(b) in paragraph (4)—

(i) at the beginning, there were inserted the words “Subject to paragraph (4A),”;

(ii) the words from “; but this paragraph” to the end of the paragraph were omitted;

(c) after paragraph (4) there were inserted the following paragraph—

“(4A) Paragraph (4) shall not apply—

(a) to a claimant who is engaged by a charitable or voluntary organisation or who is a volunteer if the Board is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or

(b) in a case where the service is performed in connection with the claimant’s participation in—

(i) an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker’s Allowance Regulations 1996; or

(ii) the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations.”.

Notional capital

15.—(1) Both regulation 113(3A) of the Jobseeker’s Allowance Regulations and regulation 51(3A) of the Income Support Regulations(a) (notional capital) shall be modified in their application to persons to whom this Part applies as if in sub-paragraph (b), after head (iii), there was added the following head—

“(iv) in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations but only to the extent that it is not used for a purpose specified in paragraph (3)(a)(ii).”.

(2) Paragraph (3A) of each of the regulations specified in paragraph (3) (which relate to notional capital) shall be modified in their application to persons to whom this Part applies as if in sub-paragraph (b), after head (iii), there was added the following head—

“(iv) in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations but only to the extent that it is not used for a purpose specified in paragraph (3)(a).”.

(3) The regulations to which paragraph (2) refers are—

(a) regulation 34 of the Council Tax Benefit Regulations(b);

(b) regulation 37 of the Disability Working Allowance Regulations(c);

(c) regulation 34 of the Family Credit Regulations(d);

(d) regulation 43 of the Housing Benefit Regulations(e).

Income to be disregarded

16.—(1) Each of the Schedules specified in paragraph (2) (which relate to sums to be disregarded in the calculation of income other than earnings), shall be modified in their application to persons to whom this Part applies as if at the end of each of those Schedules there were added the following paragraphs bearing the specified respective paragraph numbers—

“Any child care expenses reimbursed to the claimant in respect of his participation in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations.

(a) Paragraph (3A) was inserted, in both cases by S.I. 1998/2117.

(b) Paragraph (3A) was inserted by S.I. 1998/2164.

(c) Paragraph (3A) was inserted by S.I. 1998/2117.

(d) Paragraph (3A) was inserted by S.I. 1998/2117.

(e) Paragraph (3A) was added by S.I. 1998/2164.

Any top-up payment made to a person (“the participant”) pursuant to—

- (a) section 2 of the Employment and Training Act 1973 in respect of the participant’s participation in the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations (“the intensive activity period”); or
- (b) a written arrangement entered into between the Secretary of State and the person who has arranged for the participant’s participation in the intensive activity period and which is made in respect of the participant’s participation in that period.”.

(2) The respective paragraph numbers and Schedules for the purposes of paragraph (1) are—

- (a) paragraphs 68 and 69 of Schedule 4 to the Council Tax Benefit Regulations(1);
- (b) paragraphs 61 and 62 of Schedule 3 to the Disability Working Allowance Regulations(2);
- (c) paragraphs 63 and 64 of Schedule 2 to the Family Credit Regulations(3);
- (d) paragraphs 69 and 70 of Schedule 4 to the Housing Benefit Regulations(4);
- (e) paragraphs 67 and 68 of Schedule 9 to the Income Support Regulations(5);
- (f) paragraphs 65 and 66 of Schedule 7 to the Jobseeker’s Allowance Regulations(6).

Capital to be disregarded

17.—(1) Each of the Schedules specified in paragraph (2) (which relate to capital to be disregarded), shall be modified in their application to persons to whom this Part applies as if at the end of each of those Schedules, there were added the following paragraphs bearing the respective specified paragraph numbers—

“Any child care expenses reimbursed to the claimant in respect of his participation in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations, but only for a period of 52 weeks from the date of receipt of the payment.

Any top-up payment made to a person (“the participant”) pursuant to—

- (a) section 2 of the Employment and Training Act 1973 in respect of the participant’s participation in the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations (“the intensive activity period”); or
- (b) a written arrangement entered into between the Secretary of State and the person who has arranged for the participant’s participation in the intensive activity period and which is made in respect of the participant’s participation in that period, but only for the period of 52 weeks beginning on the date of receipt of the payment.”.

(2) The respective paragraph numbers and Schedules specified for the purposes of paragraph (1) are—

- (a) paragraphs 57 and 58 of Schedule 5 to the Council Tax Benefit Regulations(7);
- (b) paragraphs 55 and 56 of Schedule 4 to the Disability Working Allowance Regulations(8);
- (c) paragraphs 56 and 57 of Schedule 3 to the Family Credit Regulations(9);
- (d) paragraphs 57 and 58 of Schedule 5 to the Housing Benefit Regulations(10);
- (e) paragraphs 54 and 55 of Schedule 10 to the Income Support Regulations(11);
- (f) paragraphs 49 and 50 of Schedule 8 to the Jobseeker’s Allowance Regulations(12).

(1) Paragraph 67 was added by S.I. 1998/2164.

(2) Paragraph 60 was added by S.I. 1998/2117.

(3) Paragraph 62 was added by S.I. 1998/2117.

(4) Paragraph 68 was added by S.I. 1998/2164.

(5) Paragraph 66 was added by S.I. 1998/2117.

(6) Paragraph 64 was added by S.I. 1998/2117.

(7) Paragraph 56 was added by S.I. 1998/2164.

(8) Paragraph 54 was added by S.I. 1998/2117.

(9) Paragraph 55 was added by S.I. 1998/2117.

(10) Paragraph 56 was added by S.I. 1998/2164.

(11) Paragraph 53 was added by S.I. 1998/2117.

(12) Paragraph 48 was added by S.I. 1998/2117.

Self-employment route of the intensive activity period of the New Deal pilots for 25 plus

18.—(1) Both regulation 102A of the Jobseeker’s Allowance Regulations and regulation 39A of the Income Support Regulations^(a) (which relate to participants in the self-employment route of the Employment Option of the New Deal) shall be modified in their application to persons to whom this Part applies as if—

(a) regulation 102A and regulation 39A were renumbered regulation 102A(1) and regulation 39A(1) respectively;

(b) for the definition of “self-employment route” in the renumbered paragraph (1) there was substituted the following definition—

““self-employment route” means receiving assistance in pursuing self-employed earner’s employment whilst participating in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations;”;

(c) after the renumbered paragraph (1), there was added the following paragraph—

“(2) For the purposes of this Chapter, the last day upon which assistance is received under the self-employment route shall be the day—

(a) upon which there is at least £2,000 in the participant’s special account;

(b) which is 26 weeks after the day upon which the participant first received such assistance; or

(c) which is the last day upon which the participant received such assistance;

whichever shall first occur.”.

(2) The provisions specified in paragraph (3) shall be modified in their application to persons to whom this Part applies as if for the references to a person receiving, or having received, assistance under an employment programme specified in regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker’s Allowance Regulations^(b), there were substituted references to a person receiving or, as the case may be, having received, assistance in pursuing self-employed earner’s employment whilst participating in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations.

(3) The provisions to which paragraph (2)(c) refers are—

(a) in the Council Tax Benefit Regulations, regulations 31(7), paragraph 66 of Schedule 4 and paragraphs 7 and 55 of Schedule 5;

(b) in the Disability Working Allowance Regulations, regulation 34(7), paragraph 59 of Schedule 3 and paragraphs 6 and 53 of Schedule 4;

(c) in the Family Credit Regulations, regulations 31(7), paragraph 61 of Schedule 2 and paragraphs 6 and 54 of Schedule 3;

(d) in the Housing Benefit Regulations, regulation 40(7), paragraph 66 of Schedule 4 and paragraphs 7 and 55 of Schedule 5;

(e) in the Income Support Regulations, paragraph 64 of Schedule 9^(d) and paragraphs 6 and 52 of Schedule 10;

(f) in the Jobseeker’s Allowance Regulations, paragraph 62 of Schedule 7 and paragraphs 11 and 47 of Schedule 8.

Transitional provision

19. References in these Regulations to a person to whom regulation 3, 4 or 5 applies shall include a person to whom regulation 3, 4 or 5 of the Social Security (New Deal Pilot) Regulations 1998 applied immediately before those regulations expired.

(a) Both regulation 102A and 39A were inserted by S.I. 1998/1174.

(b) Regulation 75(1)(a)(ii)(aa)(ii) was inserted by S.I. 1998/1174.

(c) The provisions referred to in paragraph (3) were amended or, as the case may be, inserted by S.I. 1998/1174.

(d) The first paragraph 64 was omitted by S.I. 1998/2117.

Signed for the purposes of Part I and II of these Regulations on behalf of the Secretary of State for Education and Employment

Tessa Jowell
Minister of State

16th November 1999

Department for Education and Employment

Signed for the purposes of Part III of these Regulations (other than in relation to provisions relating to disabled person's tax credit and working families' tax credit) on behalf of the Secretary of State for Social Security

Angela Eagle
Parliamentary Under-Secretary of State
Department of Social Security

22nd November 1999

Signed for the purposes of provisions in Part III of these Regulations relating to disabled person's tax credit and working families' tax credit on behalf of the Treasury

Jim Dowd
Bob Ainsworth

25th November 1999

Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE 1

Regulation 3

<i>Region</i>	<i>Pilot Areas</i>	<i>Appropriate Office</i>
London and South East	Bexley & Greenwich	Bexleyheath Jobcentre Eltham Jobcentre Erith Jobcentre Sidcup Jobcentre Woolwich Arsenal Jobcentre Woolwich Riverside Jobcentre
	Portsmouth & SE Hampshire	Portsmouth Central Jobcentre Portsmouth North Jobcentre
North West	West Lancashire	Ormskirk Jobcentre Skelmersdale Jobcentre
	Wigan	Ashton in Makerfield Jobcentre Atherton Jobcentre Hindley Jobcentre Leigh Jobcentre Wigan (Hallgate) Jobcentre Wigan (King Street) Jobcentre
Scotland	Fife	Cowdenbeath Jobcentre Dunfermline Jobcentre Leven Jobcentre
	Western Isles	Stornoway Jobcentre
South West	Exeter & East Devon	Axminster Jobcentre Exeter Jobcentre Exmouth Jobcentre Honiton Jobcentre Okehampton Jobcentre Sidmouth Jobcentre Tiverton Jobcentre
Wales	West Wales	Ammanford Jobcentre Carmarthen Jobcentre Fishguard Jobcentre Garnant Jobcentre Haverfordwest Jobcentre Llanelli Jobcentre Llandeilo Jobcentre Milford Haven Jobcentre Neyland Jobcentre Pembroke Dock Jobcentre Tenby Jobcentre Tumble Jobcentre
West Midlands	Solihull	Chelmsley Wood Jobcentre Solihull Jobcentre
Yorkshire and Humberside	Sheffield	Bailey Court Jobcentre Hillsborough Jobcentre Rockingham Court Jobcentre Sheffield (Peel House) Jobcentre

SCHEDULE 2

Regulation 4

<i>Region</i>	<i>Pilot Areas</i>	<i>Appropriate Office</i>
East Midlands and Eastern	Leicestershire	Coalville Jobcentre Hinckley Jobcentre Leicester (Aquis House) Jobcentre Leicester (Charles Street) Jobcentre Leicester (Eldon Street) Jobcentre Leicester (Highcross Street) Jobcentre Leicester (Highfields) Jobcentre Loughborough Jobcentre Lutterworth Jobcentre Market Harborough Jobcentre Melton Mowbray Jobcentre Oakham Jobcentre Wigston Jobcentre
	Suffolk and Waveney	Beccles Jobcentre Bury St. Edmunds Jobcentre Felixstowe Jobcentre Haverhill Jobcentre Ipswich Jobcentre Leiston Jobcentre Lowestoft Jobcentre Mildenhall Jobcentre Newmarket Jobcentre Stowmarket Jobcentre Sudbury Jobcentre Woodbridge Jobcentre
London and South East	Camden & North Islington	Camden Town Jobcentre Finsbury Park Jobcentre
	Ealing, Hillingdon, Hounslow & Richmond	Acton Jobcentre Chiswick Jobcentre Ealing Jobcentre Feltham Jobcentre Hayes Jobcentre Hounslow Jobcentre Richmond & Twickenham Jobcentre Ruislip Jobcentre Southall Jobcentre Uxbridge Jobcentre
	Hackney & City	Barnsbury Jobcentre Dalston Jobcentre Hackney Jobcentre Shoreditch Jobcentre Victoria Park Jobcentre
	North Essex	Braintree Jobcentre Chelmsford Jobcentre Clacton Jobcentre Colchester High St Jobcentre Colchester Southway Jobcentre Harwich Jobcentre Witham Jobcentre

<i>Region</i>	<i>Pilot Areas</i>	<i>Appropriate Office</i>
Northern	Southampton & SW Hampshire	Eastleigh Jobcentre Hythe Jobcentre Lymington Jobcentre Romsey Jobcentre Southampton B Jobcentre Southampton C Jobcentre Woolston Jobcentre
	Teesside (Tees North)	Billingham Jobcentre Hartlepool Jobcentre Stockton Jobcentre Thornaby Jobcentre
	Tyneside North	North Shields Jobcentre Wallsend Jobcentre West Moor Jobcentre Whitley Bay Jobcentre
Scotland	Forth Valley	Alloa Jobcentre Bo'ness Jobcentre Denny Jobcentre Falkirk Jobcentre Grangemouth Jobcentre Stirling Jobcentre
	Lanarkshire	Airdrie Jobcentre Cambuslang Jobcentre Cumbernauld Jobcentre East Kilbride Jobcentre Kilsyth Jobcentre Lanark Jobcentre Rutherglen Jobcentre Wishaw Jobcentre
South West	Bristol & South Gloucester	Bedminster Jobcentre Bishopsworth Jobcentre Bristol Central Jobcentre Broadweir Jobcentre Easton Jobcentre Filton Jobcentre Hartcliffe Jobcentre Kingswood Jobcentre Knowle Jobcentre Shirehampton Jobcentre Westbury-on-Trym Jobcentre Yate Jobcentre
	Cornwall	Bodmin Jobcentre Bude Jobcentre Camborne Jobcentre Hayle Jobcentre Helston Jobcentre Launceston Jobcentre Liskeard Jobcentre Looe Jobcentre Newquay Jobcentre Penryn & Falmouth Jobcentre Penzance Jobcentre Redruth Jobcentre St Austell Jobcentre St Ives Jobcentre Truro Jobcentre Wadebridge Jobcentre

<i>Region</i>	<i>Pilot Areas</i>	<i>Appropriate Office</i>	
Wales	Bridgend & Glamorgan Valleys	Aberdare Jobcentre	
		Bridgend Jobcentre	
		Ferndale Jobcentre	
		Llantrisant Jobcentre	
		Maesteg Jobcentre	
		Mountain Ash Jobcentre	
		Pontypridd Jobcentre	
		Porth Jobcentre	
		Porthcawl Jobcentre	
		Pyle Jobcentre	
		Tonypany Jobcentre	
		Tonyrefail Jobcentre	
		Treorchy Jobcentre	
West Midlands	Coventry	Cheylesmore Jobcentre	
		Park Court Jobcentre	
		Tile Hill Jobcentre	
	Hereford & Worcester	Bromsgrove Jobcentre	
		Droitwich Jobcentre	
		Evesham Jobcentre	
		Hereford Jobcentre	
		Kidderminster Jobcentre	
		Ledbury Jobcentre	
		Leominster Jobcentre	
Malvern Jobcentre			
Pershore Jobcentre			
Redditch Jobcentre			
Ross-on-Wye Jobcentre			
Stourport-on-Severn Jobcentre			
Worcester Jobcentre			
Yorkshire and Humberside		Rotherham	Chapletown Jobcentre
			Dinnington Jobcentre
			Maltby Jobcentre
			Rotherham Jobcentre
	Woodhouse Jobcentre		
	South Humber	Barton Jobcentre	
		Goole Jobcentre	
		Grimsby (Bridge House) Jobcentre	
		Grimsby (Viking House) Jobcentre	
		Immingham Jobcentre	
Scunthorpe (Bridge House) Jobcentre			
Scunthorpe (Station House) Jobcentre			

SCHEDULE 3

Regulation 5

<i>Region</i>	<i>Pilot Areas</i>	<i>Appropriate Office</i>
East Midlands and Eastern	Suffolk and Waveney	Beccles Jobcentre Bury St. Edmunds Jobcentre Felixstowe Jobcentre Haverhill Jobcentre Ipswich Jobcentre Leiston Jobcentre Lowestoft Jobcentre Mildenhall Jobcentre Newmarket Jobcentre Stowmarket Jobcentre Sudbury Jobcentre Woodbridge Jobcentre
Northern	Teesside (Tees North)	Billingham Jobcentre Hartlepool Jobcentre Stockton Jobcentre Thornaby Jobcentre
South West	Cornwall	Bodmin Jobcentre Bude Jobcentre Camborne Jobcentre Hayle Jobcentre Helston Jobcentre Launceston Jobcentre Liskeard Jobcentre Looe Jobcentre Newquay Jobcentre Penryn & Falmouth Jobcentre Penzance Jobcentre Redruth Jobcentre St Austell Jobcentre St Ives Jobcentre Truro Jobcentre Wadebridge Jobcentre
West Midlands	Hereford & Worcester	Bromsgrove Jobcentre Droitwich Jobcentre Evesham Jobcentre Hereford Jobcentre Kidderminster Jobcentre Ledbury Jobcentre Leominster Jobcentre Malvern Jobcentre Pershore Jobcentre Redditch Jobcentre Ross-on-Wye Jobcentre Stourport-on-Severn Jobcentre Worcester Jobcentre

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the pilot scheme established by the Social Security (New Deal Pilot) Regulations 1998 (S.I. 1998/2825), which were amended by the Social Security (New Deal Pilot) Amendment Regulations 1999 (S.I. 1999/976), with a further pilot scheme. The scheme relates to persons who claim a jobseeker's allowance and who fulfil the criteria in regulation 3, 4 or 5 as to age, the period over which they have been receiving benefit and the location of appropriate offices at which they are claiming benefit, as identified in one of the Schedules.

Regulation 6 has the effect that if such a person without good cause refuses or fails to participate in the employment programme known as the intensive activity period of the New Deal pilots for 25 plus, or loses his place on such a programme due to misconduct, he will receive a sanction under section 19 of the Jobseekers Act 1995 ("the 1995 Act") and the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) ("the 1996 Regulations"). The effect of this will be a two week or four week loss or reduction in his jobseeker's allowance.

Regulation 7 has the effect that a person participating in the intensive activity period of the New Deal pilots for 25 plus shall be liable only to the employment programme sanctions under section 19(5) of the 1995 Act, rather than the sanctions under section 19(6).

Regulation 8 treats as available for employment in any week a person participating in the intensive activity period of the New Deal pilots for 25 plus and who is on an employment-related course for not less than 3 days in that week. Regulation 8 also disapplies regulation 15(a) of the 1996 Regulations (circumstances in which a person is not to be regarded as available) where a person is participating in such a course.

Regulation 9 adds to the list of circumstances to be regarded as good cause for any act or omission for the purposes of section 19 of the 1995 Act.

Regulation 10 sets out circumstances in which an income-based jobseeker's allowance is payable to a person even though section 19 of the 1995 Act would normally prevent it.

Part III of these Regulations makes various consequential amendments to the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), 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) so as to enable participants in the intensive activity period of the New Deal pilots for 25 plus to continue to claim those benefits—

- regulation 12 modifies the definition of "training allowance" which applies for the purposes of those benefits in relation to participants in the pilot scheme;
- regulation 13 provides that participants in the pilot scheme shall not be treated as in remunerative work;
- regulation 14 ensures that certain payments made to participants in the pilot scheme are not treated as either notional income or notional earnings, and regulation 15 ensures that such payments are not treated as notional capital;
- regulations 16 and 17 ensure that certain payments made to participants in the pilot scheme are disregarded as both income and capital;
- regulation 18 provides that participants in the pilot scheme who are receiving assistance in pursuing self-employed earner's employment are subject to special rules as to the treatment of their income and capital.

Regulation 19 provides that these Regulations apply to a person to whom the Social Security (New Deal Pilot) Regulations 1998 applied immediately before they ceased to have effect.

These Regulations do not impose any charge on business.

STATUTORY INSTRUMENTS

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