

2001 No. 652

SOCIAL SECURITY

**The Social Security (Miscellaneous Amendments) (No. 2)
Regulations 2001**

Made - - - - - 2nd March 2001

Laid before Parliament 5th March 2001

Coming into force in accordance with regulation 1

The Secretary of State for Education and Employment, in relation to regulation 5 and the Secretary of State for Social Security, in relation to the remainder of these Regulations, in exercise of the powers conferred upon them by sections 123(1)(a), (d) and (e), 124(1)(e), 136(3), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a), sections 3(1)(f), (2) and (4), 3A(1)(e) and (2), 17(1) and (1A), 19(8) and (10)(c), 20A(9), 21, 35(1) and 36(1) of, and paragraphs 8 and 8A of Schedule 1 to, the Jobseekers Act 1995(b) and sections 2A(1), (3)(b) and (d), 189(1) and (4) and 191 of the Social Security Administration Act 1992(c) 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 to be representative of the authorities concerned(d) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(e), hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations shall be cited as the Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 and shall come into force—

- (a) for the purposes of this regulation and regulations 2, 4 and 5(c), on 26th March 2001;
- (b) for all other purposes, on 1st April 2001.

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- (a) 1992 c. 4; section 123(1)(d) was inserted and section 137 amended, with respect to council tax benefit, by Schedule 9 to the Local Government Finance Act 1992 (c. 14). Section 124(1)(e) was added by paragraph 30(5) of Schedule 2 to the Jobseekers Act 1995 (c. 18). Section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
 - (b) Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”. Sections 3A, 17(1A) and 20A and paragraph 8A of Schedule 1 were inserted by Schedule 7 to the Welfare Reform and Pensions Act 1999 (c. 30), paragraphs 4(2), 11, 13 and 16(2).
 - (c) 1992 c. 5; section 2A was inserted by section 58 of the Welfare Reform and Pensions Act 1999. Section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.
 - (d) See section 176(1) of the Social Security Administration Act 1992.
 - (e) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; 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.

(2) In these Regulations—

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

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

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

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

Common amendments

2. In regulation 2(1) of each of the Council Tax Benefit Regulations, the Housing Benefit Regulations and the Income Support Regulations and in regulation 1(3) of the Jobseeker’s Allowance Regulations (interpretation)—

(a) in paragraph (b) of the definition of “self-employment route”(e), for the words “an employment zone programme” there shall be substituted the following—

“—

(i) an employment zone programme;

(ii) a course of training or instruction funded by or on behalf of the Secretary of State for Education and Employment, the National Assembly for Wales, the Scottish Enterprise or Highlands and Islands Enterprise”;

(b) in the definition of “training allowance”(f)—

(i) at the end of paragraph (a), there shall be added the words “, the Learning and Skills Council for England(g) or the National Assembly for Wales”;

(ii) at the end of paragraph (c), there shall be added the words “or the National Assembly for Wales”.

Other consequential amendments relating to students

3.—(1) In each of the provisions specified in paragraph (2) below—

(a) the definition of “the FEFC” shall be omitted;

(b) in the definition of “full-time course of study”—

(i) in paragraph (a), for the words “the FEFC” there shall be substituted the words “the Learning and Skills Council for England or by the National Council for Education and Training for Wales(h)”;

(ii) for paragraph (b) there shall be substituted the following paragraph—

“(b) a course of study which is funded in whole or in part by the Learning and Skills Council for England or by the National Council for Education and Training for Wales if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—

(i) in the case of a course funded by the Learning and Skills Council for England, in his learning agreement signed on behalf of the establishment which is funded by that Council for the delivery of that course; or

(ii) in the case of a course funded by the National Council for Education and Training for Wales, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or”.

(a) S.I. 1992/1814.

(b) S.I. 1987/1971.

(c) S.I. 1987/1967.

(d) S.I. 1996/207.

(e) The definition of “self-employment route” was inserted in each case by S.I. 2000/2910.

(f) The definition of “training allowance” was amended, in the Income Support Regulations, by S.I. 1991/236 and 387, 1989/1323 and 1995/2986 and in the Housing Benefit Regulations, by S.I. 1991/387 and 1992/432.

(g) The Council was established by section 1 of the Learning and Skills Act 2000 (c. 21).

(h) The Council was established by section 30 of the Learning and Skills Act 2000 (c. 21).

- (2) The provisions specified for the purposes of paragraph (1) above^(a) are—
- (a) regulation 38(1) of the Council Tax Benefit Regulations;
 - (b) regulation 46(1) of the Housing Benefit Regulations;
 - (c) regulation 61(1) of the Income Support Regulations.
- (3) In the definition of “full-time course of advanced education” in regulation 61(1) of the Income Support Regulations—
- (a) in paragraph (a), for the words “the FEFC” there shall be substituted the words “the Learning and Skills Council for England or by the National Council for Education and Training for Wales”;
 - (b) for paragraph (b) there shall be substituted the following paragraph—
 - “(b) a course of study which is funded in whole or in part by the Learning and Skills Council for England or by the National Council for Education and Training for Wales if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
 - (i) in the case of a course funded by the Learning and Skills Council for England, in his learning agreement signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
 - (ii) in the case of a course funded by the National Council for Education and Training for Wales, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or”.

Other amendment to the Income Support Regulations and to the Jobseeker’s Allowance Regulations

4. In both paragraph 28 of Schedule 1B to the Income Support Regulations^(b) (prescribed categories of person) and paragraph 16 of Schedule A1 to the Jobseeker’s Allowance Regulations^(c) (categories of members of a joint-claim couple who are not required to satisfy the conditions in section 1(2B)(b)), for the words “provided in England and Wales, directly or indirectly by a Training or Enterprise Council pursuant to its arrangement with the Secretary of State (whether that arrangement is known as an Operating Arrangement or by any other name)” there shall be substituted the words “secured by the Learning and Skills Council for England or by the National Council for Education and Training for Wales”.

Other amendments to the Jobseeker’s Allowance Regulations

5. In the Jobseeker’s Allowance Regulations—
- (a) in regulation 57(1) (interpretation of Part IV: young persons), after the definition of “chronically sick or mentally or physically disabled” there shall be inserted the following definition—

““the Connexions Service” means a person of any description with whom the Secretary of State has made an arrangement under section 114(2)(a) of the Learning and Skills Act 2000^(d) and section 10(1) of the Employment and Training Act 1973^(e) and any person to whom he has given a direction under section 114(2)(b) of the Learning and Skills Act 2000 and section 10(2) of the Employment and Training Act 1973;”;
 - (b) in both regulation 61(1)(d) and (e) (other young persons in prescribed circumstances) and regulation 62 (registration), after the words “the Careers Service”, in each place where those words occur, there shall be inserted the words “or the Connexions Service”;
 - (c) in the definition of “training” in regulation 57(1)(f) and in both regulations 75(1)(b)(i)(g) (interpretation of Part V: sanctions) and 170(2)(h) (persons in receipt of

(a) The relevant amending instruments in relation to these provisions are S.I. 1996/1944 and 2000/1981.

(b) Schedule 1B was inserted by S.I. 1996/206.

(c) Schedule 1A was inserted by S.I. 2000/1978.

(d) 2000 c. 21.

(e) 1973 c. 50.

(f) The definition of “training” was amended by S.I. 1998/1698.

(g) Regulation 75 was substituted by S.I. 1997/2863. The relevant amending instrument is S.I. 1998/1698.

(h) Regulation 170(2) was amended by S.I. 1998/1698.

a training allowance), for the words from “provided in England” to “in Scotland” there shall be substituted the words “secured by the Learning and Skills Council for England or by the National Council for Education and Training for Wales and, in Scotland, provided”.

Amendment of the Social Security (Work-focused Interviews) Regulations 2000

6. In the Social Security (Work-focused Interviews) Regulations 2000(a)—
- (a) in regulation 2(1) (interpretation), after the definition of “the Careers Service” there shall be inserted the following definition—
““the Connexions Service” means a person of any description with whom the Secretary of State has made an arrangement under section 114(2)(a) of the Learning and Skills Act 2000 and section 10(1) of the Employment and Training Act 1973 and any person to whom he has given a direction under section 114(2)(b) of the Learning and Skills Act 2000 and section 10(2) of the Employment and Training Act 1973;”;
 - (b) at the end of regulation 4(6) (persons required to take part in an interview), there shall be added the words “or with an officer of the Connexions Service”;
 - (c) in regulation 11(3) (taking part in an interview), after the words “the Careers Service” there shall be inserted the words “or with the Connexions Service”.

Signed in relation to regulation 5 of these Regulations by authority
of the Secretary of State for Education and Employment.

2nd March 2001

Tessa Jowell
Minister of State,
Department for Education and Employment

Signed in relation to the remainder of these Regulations by authority
of the Secretary of State for Social Security.

1st March 2001

P. Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

(a) S.I. 2000/897 to which there is an amendment which is not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) and the Social Security (Work-focused Interviews) Regulations 2000 (S.I. 2000/897).

In particular, these Regulations make necessary changes to those regulations to reflect the establishment of the Learning and Skills Council and the National Council for Education and Training for Wales ("the Councils") by the Learning and Skills Act 2000 (c. 21). Regulation 2(b) amends those regulations to reflect that certain training allowances are payable by the Learning and Skills Council and by the National Assembly for Wales. Regulations 3, 4 and 5(c) substitute references in those regulations to the Further Education and Funding Councils for both England and Wales and to a Training or Enterprise Council with references to the Councils. Regulations 5(a) and (b) and 6 reflect the establishment of the Connexions Service by that Act.

Regulation 2(a) amends the definition of the "self-employment route" in those regulations to include assistance in pursuing self-employed earner's employment whilst participating in a course of training or instruction funded by or on behalf of the Secretary of State for Education and Employment, the National Assembly for Wales, the Scottish Enterprise or Highlands and Islands Enterprise.

These Regulations do not impose any charge on business.

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