

2002 No. 2314

SOCIAL SECURITY

**The Social Security Amendment (Employment Programme)
Regulations 2002**

Made - - - - - *5th September 2002*

Laid before Parliament *12th September 2002*

Coming into force - - *14th October 2002*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 136(3) and 5(b), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a) and sections 12(1) and (4)(b), 19(10)(c), 35(1), 36(2) and (4), and paragraph 3(b) of Schedule 1 of the Jobseekers Act 1995(b) and of all other powers enabling him in that behalf, after consultation in respect of the provisions in these Regulations relating to housing benefit and council tax benefit with organisations appearing to him to be representative of the authorities concerned(c) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(d), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security Amendment (Employment Programme) Regulations 2002 and shall come into force on 14th October 2002.

Amendment of the Jobseeker's Allowance Regulations 1996

2.—(1) The Jobseeker's Allowance Regulations 1996(e) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (3) of regulation 1 (interpretation) for paragraph (a) of the definition of "self-employment route"(f) there shall be substituted—

“(a) the Self-Employed Employment Option of the New Deal which is specified in regulation 75(1)(a)(ii)(aa); or”.

(3) In paragraph (2)(f)(i) of regulation 48 (linking periods)(g) before the words "Employment Option" the words "Self-Employed" shall be inserted.

(a) 1992 c. 4; section 123(1)(e) was substituted by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 1(1); section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word "prescribed".

(b) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".

(c) See section 176(1) of the Social Security Administration Act 1992 (c. 5).

(d) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act added that Act to the list of "relevant enactments" in respect of which regulations must normally be referred to the Committee.

(e) S.I. 1996/207.

(f) The definition of "self-employment route" was inserted by S.I. 2000/2910. The relevant amending instruments are S.I. 2001/652 and 1029 and S.I. 2002/1411.

(g) Sub-paragraph (f) was inserted by S.I. 1997/2863.

- (4) In paragraph (1) of regulation 75 (interpretation)(a)—
- (a) sub-paragraphs (a)(i)(aa)(Jobplan Workshop) and (a)(i)(ee)(Programme Centre Workshop)(b) shall be omitted;
 - (b) for sub-paragraph (a)(ii)(aa)(Employment Option of the New Deal)(c) there shall be substituted the following sub-paragraph—
 - “(aa) the Self-Employed Employment Option of the New Deal, being a programme which lasts for any individual for up to 26 weeks and which includes for that individual assistance in pursuing self-employed earner’s employment;”.
- (5) After paragraph 60 of Schedule 7 (sums to be disregarded in the calculation of income other than earnings)(d) the following paragraph shall be inserted—
- “**60A.** Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in a training scheme specified in regulation 75(1)(b)(ii) (Full-Time Education and Training Option of the New Deal).”.
- (6) After paragraph 45 of Schedule 8 (capital to be disregarded)(e) the following paragraph shall be inserted—
- “**45A.** Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in a training scheme specified in regulation 75(1)(b)(ii) (Full-Time Education and Training Option of the New Deal) but only for the period of 52 weeks from the date of receipt of the payment.”.

Amendment of the Income Support (General) Regulations 1987

- 3.—(1) The Income Support (General) Regulations 1987(f) shall be amended in accordance with the following provisions of this regulation.
- (2) For paragraph (a) of the definition of “self-employment route” in regulation 2(1) (interpretation)(g) there shall be substituted—
- “(a) the Self-Employed Employment Option of the New Deal which is specified in regulation 75(1)(a)(ii)(aa) of the Jobseeker’s Allowance Regulations 1996; or”.
- (3) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in sub-paragraph (b)(i) of paragraph 62(h) for the words “those Regulations” there shall be substituted “the Jobseeker’s Allowance Regulations 1996”;
 - (b) after paragraph 62 the following paragraph shall be inserted—
 - “**62A.** Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in a training scheme specified in regulation 75(1)(b)(ii) of the Jobseeker’s Allowance Regulations 1996 (Full-Time Education and Training Option of the New Deal).”.
- (4) In Schedule 10 (capital to be disregarded)—
- (a) in sub-paragraph (b)(i) of paragraph 50(i) for the words “those Regulations” there shall be substituted “the Jobseeker’s Allowance Regulations 1996”;
 - (b) after paragraph 50 the following paragraph shall be inserted—
 - “**50A.** Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in a training scheme specified in regulation 75(1)(b)(ii) of the Jobseeker’s Allowance Regulations 1996 (Full-Time Education and Training Option of the New Deal) but only for the period of 52 weeks from the date of receipt of the payment.”.

(a) Regulation 75 was substituted by regulation 8 of S.I. 1997/2863.
 (b) Sub-paragraph (a)(i)(ee) was substituted by S.I. 1998/1698.
 (c) Sub-paragraph (a)(ii)(aa) was substituted by S.I. 1998/1174.
 (d) Paragraph 60 was substituted by S.I. 2001/1029.
 (e) Paragraph 45 was amended by S.I. 2001/1029.
 (f) S.I. 1987/1967.
 (g) The definition was inserted by S.I. 2000/2910. The relevant amending instruments are S.I. 2001/652 and 1029 and S.I. 2002/1411.
 (h) Paragraph 62 was amended by S.I. 2001/1029.
 (i) Paragraph 50 was amended by S.I. 2001/1029.

Amendment of the Housing Benefit (General) Regulations 1987

4.—(1) The Housing Benefit (General) Regulations 1987(a) shall be amended in accordance with the following provisions of this regulation.

(2) After paragraph 64 of Schedule 4(b) (sums to be disregarded in the calculation of income other than earnings) the following paragraph shall be inserted—

“64A. Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in a training scheme specified in regulation 75(1)(b)(ii) of the Jobseeker’s Allowance Regulations 1996 (Full-Time Education and Training Option of the New Deal).”.

(3) After paragraph 53 of Schedule 5 (capital to be disregarded) the following paragraph shall be inserted—

“53A. Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in a training scheme specified in regulation 75(1)(b)(ii) of the Jobseeker’s Allowance Regulations 1996 (Full-Time Education and Training Option of the New Deal) but only for a period of 52 weeks from the date of receipt of payment.”.

Amendment of the Council Tax Benefit (General) Regulations 1992

5.—(1) The Council Tax Benefit (General) Regulations 1992(c) shall be amended in accordance with the following provisions of this regulation.

(2) After paragraph 64 of Schedule 4(d) (sums to be disregarded in the calculation of income other than earnings) the following paragraph shall be inserted—

“64A. Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in a training scheme specified in regulation 75(1)(b)(ii) of the Jobseeker’s Allowance Regulations 1996 (Full-Time Education and Training Option of the New Deal).”.

(3) After paragraph 53 of Schedule 5 (capital to be disregarded) the following paragraph shall be inserted—

“53A. Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in a training scheme specified in regulation 75(1)(b)(ii) of the Jobseeker’s Allowance Regulations 1996 (Full-Time Education and Training Option of the New Deal) but only for a period of 52 weeks from the date of receipt of payment.”.

Signed by authority of the Secretary of State for Work and Pensions.

5th September 2002

Maria Eagle
Parliamentary Under-Secretary of State,
Department for Work and Pensions

(a) S.I. 1987/1971.

(b) Paragraph 64 of Schedule 4 and paragraph 53 of Schedule 5 were inserted by S.I. 2001/1029.

(c) S.I. 1992/1814.

(d) Paragraph 64 of Schedule 4 and paragraph 53 of Schedule 5 were inserted by S.I. 2001/1029.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814).

In particular, these Regulations amend the definition of the Employment Option of the New Deal in regulation 75 of the Jobseeker's Allowance Regulations so that the employed earner's Employment Option of the New Deal becomes subject to sanctions of discretionary length and is omitted from the linking provisions set out in regulation 48. These Regulations also omit "Jobplan Workshop" and "Programme Centre Workshop" from the definition of "employment programme" set out in regulation 75.

These Regulations also provide that mandatory top-up payments made under section 2 of the Employment and Training Act 1973 in relation to the Full-Time Education and Training Option of the New Deal shall be disregarded in the calculation of income or capital for jobseeker's allowance, income support, housing benefit and council tax benefit.

These Regulations do not impose a charge on business.

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