
STATUTORY INSTRUMENTS

2004 No. 963

SOCIAL SECURITY

The Social Security (Income-Related Benefits Self-Employment Route Amendment) Regulations 2004

<i>Made</i>	- - - -	<i>30th March 2004</i>
<i>Laid before Parliament</i>		<i>5th April 2004</i>
<i>Coming into force</i>	- -	<i>4th May 2004</i>

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), (4) and (5)(b) and (c), 137(1) and (2)(d), and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992⁽¹⁾ and sections 12(1) to (3) and (4) (b), 35(1) and 36(2) of, and paragraph 1(2)(b) of Schedule 1 to, the Jobseekers Act 1995⁽²⁾, 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⁽³⁾, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it⁽⁴⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations shall be cited as the Social Security (Income-Related Benefits Self-Employment Route Amendment) Regulations 2004 and shall come into force on 4th May 2004.

(2) In these Regulations—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992⁽⁵⁾;

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987⁽⁶⁾;

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- (1) 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
(2) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.
(3) See section 176(1)(a) of the Social Security Administration Act 1992 (c. 5), which was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992.
(4) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (c. 5); paragraph 67(a) of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in section 170(5) in respect of which regulations must normally be referred to the Committee.
(5) S.I. 1992/1814.
(6) S.I. 1987/1971.

“the Income Support Regulations” means the Income Support (General) Regulations 1987⁽⁷⁾;
 “the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996⁽⁸⁾.

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) for the definition of “self-employment route”⁽⁹⁾ there shall be substituted—

““self-employment route” means assistance in pursuing self-employed earner’s employment whilst participating in—

- (a) an employment zone programme; or
- (b) a programme provided or other arrangements made pursuant to section 2 of the Employment and Training Act 1973⁽¹⁰⁾ (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990⁽¹¹⁾ (functions in relation to training for employment etc.);”.

Other amendment of the Income Support Regulations

3. In the Income Support Regulations in regulation 6(1)⁽¹²⁾ (persons not treated as engaged in remunerative work) after sub-paragraph (d) there shall be inserted as sub-paragraph (dd)—

“(dd) he is receiving assistance under the self-employment route;”.

Other amendment of the Jobseeker’s Allowance Regulations

4. In the Jobseeker’s Allowance Regulations in paragraph (bb) of regulation 53⁽¹³⁾ (persons treated as not engaged in remunerative work) for the words after “receiving assistance” there shall be substituted “under the self-employment route”.

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

30th March 2004

Des Browne
 Minister of State,
 Department for Work and Pensions

(7) S.I. 1987/1967.

(8) S.I. 1996/207.

(9) The definition of “self-employment route” was inserted by S.I. 2000/2910 and amended by S.I. 2001/652 and 2001/1029 in each case and, in relation to the Income Support Regulations and the Jobseeker’s Allowance Regulations, it was also amended by S.I. 2002/1411 and 2002/2314.

(10) 1973 c. 50. Section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 19). It was amended by section 29(4) of, and Schedule 7 to, the Employment Act 1989 (c. 38) and, in relation to Scotland only, by section 47(1) of the Trade Union Reform and Employment Rights Act 1993 (c. 19).

(11) 1990 c. 35. Section 2 applies to Scotland only. It was amended by sections 47(2) and (4) and 51 of, and Schedule 10 to, the Trade Union Reform and Employment Rights Act 1993 (c. 19) and by S.I. 1999/1820.

(12) The relevant amending instruments are S.I. 1988/1445 and 1999/2556.

(13) The relevant amending instrument is S.I. 2000/2910.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 2 amends each of these sets of Regulations so as to replace the existing definition of “self-employment route”. The amendment will allow the provisions in these sets of Regulations which relate to the self-employment route to be extended to persons receiving assistance in pursuing self-employed earner’s employment whilst taking part in any programmes provided or arrangements made pursuant to section 2 of the Employment and Training Act [1973 \(c. 50\)](#) or section 2 of the Enterprise and New Towns (Scotland) Act [1990 \(c. 35\)](#).

Regulations 3 and 4 amend the Income Support Regulations and the Jobseeker’s Allowance Regulations to provide that persons receiving assistance under the self-employment route who do not fall within any of the existing exceptions shall not be treated as engaged in remunerative work.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.