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STATUTORY INSTRUMENTS

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**2000 No. 3134**

**The Social Security (New Deal Pilot) Regulations 2000**

**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 2000 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<sup>(1)</sup>;
- (c) regulation 2(1) of the Family Credit Regulations<sup>(2)</sup>;
- (d) regulation 2(1) of the Housing Benefit Regulations<sup>(3)</sup>;
- (e) regulation 2(1) of the Income Support Regulations<sup>(4)</sup>;
- (f) regulation 1(3) of the Jobseeker’s Allowance Regulations<sup>(5)</sup>.

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(1) The definition of “training allowance” was inserted by [S.I. 1992/2155](#).

(2) The definition of “training allowance” was inserted by [S.I. 1992/573](#).

(3) The definition of “training allowance” was inserted by [S.I. 1990/546](#) and amended by [S.I. 1992/432](#).

(4) The definition of “training allowance” was amended by [S.I. 1989/1323](#) and [1991/236](#).

(5) The definition of “training allowance” was inserted 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(6) 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 2000 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 after sub-paragraph (k)(7) there was inserted the following sub-paragraph—

“(1) 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 2000 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)(8) 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 2000 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) 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 2000 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)(9), 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 2000 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), after the words “Subject to paragraph (13A)” there were inserted the words “and paragraph (13B)”;

(c) after paragraph (13A)(10) there were inserted the following paragraph—

“(13B) Paragraph (13) shall not apply in a case where the service is performed in connection with the claimant’s participation in the programme known as the intensive

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(6) Sub-paragraph (i) was added by [S.I. 1999/2165](#).

(7) Sub-paragraph (k) was added by [S.I. 1992/2155](#) and amended by [S.I. 1994/2139](#). Regulation 6 was renumbered by [S.I. 1999/2556](#).

(8) Paragraph (5) was, in both cases, amended by [S.I. 1996/1510](#).

(9) Paragraph (10A) was inserted by [S.I. 1998/2117](#).

(10) Paragraph (13A) was inserted by [S.I. 2000/678](#).

activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 2000 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)(**11**), 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 2000 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) in paragraph (6), after the words “Subject to paragraph (6A)” there were inserted the words “and paragraph (6D)”;

(c) after paragraph (6C)(**12**) there were inserted the following paragraph—

“(6D) Paragraph (6) shall not apply in a case where the service is performed in connection with the claimant’s 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 2000 in regulation 2(1) of those Regulations.”.

(3) Both regulation 26 of the Council Tax Benefit Regulations(**13**) and regulation 35 of the Housing Benefit Regulations(**14**) (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 2000 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), after the words “Subject to paragraph (5A)” there were inserted the words “and paragraph (5B)”

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

“(5B) Paragraph (5) shall not apply in a case where the service is performed in connection with the claimant’s 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 2000 in regulation 2(1) of those Regulations.”.

(4) Both regulation 29 of the Disability Working Allowance Regulations and regulation 26 of the Family Credit Regulations (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 2000 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)—

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(11) Paragraph (4ZA) was inserted by [S.I. 1998/2117](#).

(12) Paragraph (6C) was inserted by [S.I. 1999/2554](#).

(13) The relevant amendments to regulation 26 were made by [S.I. 1997/2863](#) and [1998/2164](#).

(14) The relevant amendments to regulation 35 were made by [S.I. 1997/2863](#) and [1998/2164](#).

- (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 2000 in regulations 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(**15**) (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 2000 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 2000 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) above refers are—

- (a) regulation 34 of the Council Tax Benefit Regulations(**16**);
- (b) regulation 37 of the Disability Working Allowance Regulations(**17**);
- (c) regulation 34 of the Family Credit Regulations(**18**);
- (d) regulation 43 of the Housing Benefit Regulations(**19**).

### **Income to be disregarded**

**16.**—(1) Each of the Schedules specified in paragraph (2) below (which relate to sums to be disregarded in the calculation of income other than earnings) shall be modified in their application to

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(15) Paragraph (3A) was inserted in both cases by [S.I. 1998/2117](#).

(16) Paragraph (3A) was inserted by [S. I. 1998/2164](#).

(17) Paragraph (3A) was inserted by [S. I. 1998/2117](#).

(18) Paragraph (3A) was inserted by [S. I. 1998/2117](#).

(19) Paragraph (3A) was inserted by [S. I. 1998/2164](#).

persons to whom this Part applies as if the following paragraphs were inserted 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 2000 in regulation 2(1) of those Regulations.

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 2000 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 of 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 specified for the purposes of paragraph (1) above are(20)—

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

### **Capital to be disregarded**

17.—(1) Each of the Schedules specified in paragraph (2) below (which relate to capital to be disregarded) shall be modified in their application to persons to whom this Part applies as if the following paragraphs were inserted 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 2000 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 2000 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) above are(21)—

- (a) paragraphs 57 and 58 of Schedule 5 to the Council Tax Benefit Regulations;

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(20) The specified paragraphs were inserted by modification by [S.I. 1999/3156](#).

(21) The specified paragraphs were inserted by modification by [S.I. 1999/3156](#).

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

### **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<sup>(22)</sup> (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 2000 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<sup>(23)</sup>, 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 2000 in regulation 2(1) of those Regulations.

- (3) The provisions to which paragraph (2) refers are—
  - (a) in the Council Tax Benefit Regulations, regulation 31(7), paragraph 66 of Schedule 4 and paragraph 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, regulation 31(7), paragraph 61 of Schedule 2 and paragraphs 6 and 54 of Schedule 3;

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<sup>(22)</sup> Both regulations 102A and 39A were inserted by [S.I. 1998/1174](#).

<sup>(23)</sup> Regulation 75(1)(a)(ii)(aa)(ii) was inserted by [S.I. 1998/1174](#).

- (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 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 1999 applied immediately before those regulations expired.