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STATUTORY INSTRUMENTS

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**2006 No. 2144**

**SOCIAL SECURITY**

**The Social Security (Adult Learning Option) Amendment Regulations 2006**

<i>Made</i>	- - - -	<i>2nd August 2006</i>
<i>Laid before Parliament</i>		<i>8th August 2006</i>
<i>Coming into force</i>	- -	<i>1st September 2006</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 30C(3), 123(1)(a), 124(1)(e), 137(1) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(1).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(2).

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Adult Learning Option) Amendment Regulations 2006 and shall come into force on 1st September 2006.

**Amendment of the Income Support (General) Regulations 1987**

2.—(1) The Income Support (General) Regulations 1987(3) are amended in accordance with the provisions of this regulation.

(2) At the end of regulation 4ZA(3)(c) (prescribed categories of person)(4), insert “; or” followed by the following sub-paragraph—

“(d) he is taking part in the scheme known as the Adult Learning Option (which is provided in pursuance of arrangements made by or on behalf of the Secretary of State under section 2 of the Employment and Training Act 1973(5)).”.

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- (1) 1992 c.4. Section 30C was inserted by section 3(1) of the Social Security (Incapacity for Work) Act 1994 (c.18). Section 124(1)(e) was inserted by paragraph 30 of Schedule 2 to the Jobseekers Act 1995 (c.18) and was amended by Schedule 3 to the State Pension Credit Act 2002 (c.16). Section 137(1) is an interpretation provision and is cited because of the meaning there given to the word “prescribed”. Section 175(1) and (4) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2).
- (2) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992.
- (3) S.I. 1987/1967.
- (4) Regulation 4ZA was inserted by S.I. 1996/206. Relevant amending instruments are S.I.s 2000/636 and 2000/1981.
- (5) 1973 c.50. Section 2 was substituted by section 25 of the Employment Act 1988 (c.19) and amended by Schedule 7 to the Employment Act 1989 (c.38) and section 47(1) of the Trade Union Reform and Employment Rights Act 1993 (c.19).

### **Amendment of the Social Security (Incapacity Benefit) Regulations 1994**

3.—(1) The Social Security (Incapacity Benefit) Regulations 1994<sup>(6)</sup> are amended in accordance with the provisions of this regulation.

(2) At the end of regulation 4(2)(c) (days not to be treated as days of incapacity for work)<sup>(7)</sup>, insert “, or” followed by the following sub-paragraph—

- “(d) to any part of such a payment made—
- (i) as a consequence of the person taking part in the scheme known as the Adult Learning Option (which is provided in pursuance of arrangements made by or on behalf of the Secretary of State under section 2 of the Employment and Training Act 1973), and
  - (ii) which is not intended to meet the cost of living expenses to which paragraph (3) applies.”.

(3) After regulation 4(2), insert—

- “(3) This paragraph applies to living expenses which relate to—
- (a) food,
  - (b) ordinary clothing or footwear,
  - (c) household fuel,
  - (d) rent for which housing benefit is payable,
  - (e) any housing costs (to the extent that they are met under regulation 83(f) or 84(1)(g) of the Jobseeker’s Allowance Regulations 1996<sup>(8)</sup> or regulation 17(1)(e) or 18(1)(f) of the Income Support (General) Regulations 1987<sup>(9)</sup> (housing costs)) of the claimant or, where the claimant is a member of the family, any other member of his family, or
  - (f) any council tax or water charges for which that claimant or member is liable.”.

2nd August 2006

*John Hutton*  
Secretary of State for Work and Pensions

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<sup>(6)</sup> S.I. 1994/2946.

<sup>(7)</sup> Regulation 4(2)(c) was inserted by S.I. 2000/678.

<sup>(8)</sup> S.I. 1996/207. Relevant amending instrument is S.I. 2001/3767.

<sup>(9)</sup> Relevant amending instruments are S.I. 1988/1288, 1996/206 and 2001/3767.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Income Support (General) Regulations 1987 ([S.I. 1987/1967](#)) and the Social Security (Incapacity Benefit) Regulations 1994 ([S.I. 1994/2946](#)).

Regulation 2 amends the Income Support (General) Regulations 1987 so that a full-time student can remain entitled to income support if they go on the scheme known as the Adult Learning Option.

Regulation 3 amends the Social Security (Incapacity Benefit) Regulations 1994 so that a person can remain entitled to incapacity benefit if they go on the Adult Learning Option and receive a training premium.

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