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DRAFT STATUTORY INSTRUMENTS

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**1998 No.**

**The Social Security (New Deal Pilot) Regulations 1998**

**PART III**

**CONSEQUENTIAL PROVISIONS**

**Scope of Part III**

**11.**—(1) Regulations 12 and 14 to 17 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) (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 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 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 1998 in regulation 2(1) of those Regulations”.

(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>.

**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 there was added the following paragraph—

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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. 1991/387 and 1992/432.  
(4) The definition of “training allowance” was amended by S.I. 1989/1323, 1991/236 and 387 and 1995/2986.  
(5) The definition of “training allowance” was amended by S.I. 1996/1517.

“(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 1998 in regulation 2(1) of those Regulations”.

(2) Regulation 6 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 at the end(6) there was added the following paragraph–

“(l) 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 1998 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)(7) 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 1998 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)(8) 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 1998 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 1998 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)(10)–

(i) at the beginning, there were inserted the words “Subject to paragraph (13A),”;

(ii) the words from “; but this paragraph” to the end of the paragraph were omitted;

(c) after paragraph (13) there were inserted the following paragraph–

“(13A) Paragraph (13) shall not apply–

(a) to a claimant who is engaged by a charitable or voluntary organisation or who is a volunteer if the adjudication officer is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or

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(6) Paragraph (k) was added by S.I. [1992/2155](#) and amended by S.I. [1994/2139](#).

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

(8) Paragraph (3) was, in both cases, substituted by S.I. [1994/2139](#).

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

(10) Paragraph (13) was amended by S.I. [1997/2863](#).

- (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); 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 1998 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 1998 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)(a)(**12**)—
    - (i) at the beginning, there were inserted the words “Subject to paragraph (6A),”;
    - (ii) the words from “; but this paragraph” to the end of the paragraph were omitted;
  - (c) after paragraph (6) there were inserted the following paragraph—
    - “(6A) Paragraph (6) shall not apply—
      - (a) to a claimant who is engaged by a charitable or voluntary organisation or who is a volunteer if the adjudication officer 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 1998 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 1998 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)—
    - (i) at the beginning, there were inserted the words “Subject to paragraph (5A),”;
    - (ii) the words from “; but this paragraph” to the end of the paragraph were omitted;

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

(12) Paragraph (6) was amended by S.I. [1997/2863](#).

(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](#).

(c) after paragraph (5) there were inserted the following paragraph–

“(5A) Paragraph (5) shall not apply–

- (a) to a claimant who is engaged by a charitable or voluntary organisation or who is a volunteer if the adjudication officer 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 1998 in regulation 2(1) of those Regulations.”.

(4) Both regulation 29 of the Disability Working Allowance Regulations(15) and regulation 26 of the Family Credit Regulations(16) (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 1998 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)–

- (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 adjudication officer 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 1998 in regulation 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(17) (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–

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(15) The relevant amendments to regulation 29 were made by S.I. [1997/2863](#) and [1998/2117](#).

(16) The relevant amendments to regulation 26 were made by S.I. [1997/2863](#) and [1998/2117](#).

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

“(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 1998 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 subparagraph (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 1998 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) refers are—

- (a) regulation 34 of the Council Tax Benefit Regulations(18);
- (b) regulation 37 of the Disability Working Allowance Regulations(19);
- (c) regulation 34 of the Family Credit Regulations(20);
- (d) regulation 43 of the Housing Benefit Regulations(21).

### **Income to be disregarded**

**16.**—(1) Each of the Schedules specified in paragraph (2) (which relate to sums to be disregarded in the calculation of income other than earnings), shall be modified in their application to persons to whom this Part applies as if at the end of each of those Schedules there were added the following paragraphs bearing the specified respective 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 1998 in regulation 2(1) of those Regulations but this paragraph does not apply to any part of any allowance under section 2(2)(d) of the 1973 Act.

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 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 1998 in regulation 2(1) of those Regulations.”.

(2) The respective paragraph numbers and Schedules for the purposes of paragraph (1) are—

- (a) paragraphs 68 and 69 of Schedule 4 to the Council Tax Benefit Regulations(22);
- (b) paragraphs 61 and 62 of Schedule 3 to the Disability Working Allowance Regulations(23);
- (c) paragraphs 63 and 64 of Schedule 2 to the Family Credit Regulations(24);
- (d) paragraphs 69 and 70 of Schedule 4 to the Housing Benefit Regulations(25);
- (e) paragraphs 67 and 68 of Schedule 9 to the Income Support Regulations(26);
- (f) paragraphs 65 and 66 of Schedule 7 to the Jobseeker’s Allowance Regulations(27).

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(18) Paragraph (3A) was inserted by S.I. 1998/2164.

(19) Paragraph (3A) was inserted by S.I. 1998/2117.

(20) Paragraph (3A) was inserted by S.I. 1998/2117.

(21) Paragraph (3A) was inserted by S.I. 1998/2164.

(22) Paragraph 67 was added by S.I. 1998/2164.

(23) Paragraph 60 was added by S.I. 1998/2117.

(24) Paragraph 62 was added by S.I. 1998/2117.

(25) Paragraph 68 was added by S.I. 1998/2164.

(26) Paragraph 66 was added by S.I. 1998/2117.

(27) Paragraph 64 was added by S.I. 1998/2117.

### Capital to be disregarded

17.—(1) Each of the Schedules specified in paragraph (2) (which relate to capital to be disregarded), shall be modified in their application to persons to whom this Part applies as if at the end of each of those Schedules, there were added the following paragraphs 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 1998 in regulation 2(1) of those Regulations but only for a period of 52 weeks from the date of receipt of the payment.

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 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 1998 in regulation 2(1) of those Regulations but only for a period of 52 weeks from the date of receipt of the payment.”.

(2) The respective paragraph numbers and Schedules specified for the purposes of paragraph (1) are—

- (a) paragraphs 57 and 58 of Schedule 5 to the Council Tax Benefit Regulations(28);
- (b) paragraphs 55 and 56 of Schedule 4 to the Disability Working Allowance Regulations(29);
- (c) paragraphs 56 and 57 of Schedule 3 to the Family Credit Regulations(30);
- (d) paragraphs 57 and 58 of Schedule 5 to the Housing Benefit Regulations(31);
- (e) paragraphs 54 and 55 of Schedule 10 to the Income Support Regulations(32);
- (f) paragraphs 49 and 50 of Schedule 8 to the Jobseeker’s Allowance Regulations(33).

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(28) Paragraph 56 was added by S.I. 1998/2164.

(29) Paragraph 54 was added by S.I. 1998/2117.

(30) Paragraph 55 was added by S.I. 1998/2117.

(31) Paragraph 56 was added by S.I. 1998/2164.

(32) Paragraph 53 was added by S.I. 1998/2117.

(33) Paragraph 48 was added by S.I. 1998/2117.