
STATUTORY INSTRUMENTS

1995 No. 1780

SOCIAL SECURITY

The Training for Work (Miscellaneous Provisions) Order 1995

Made - - - - - *12th July 1995*
Laid before Parliament *20th July 1995*
Coming into force - - - *15th August 1995*

Whereas arrangements have been made by the Secretary of State under section 2 of the Employment and Training Act 1973(1) (“the 1973 Act”) to set up a programme to be known as Training for Work: And whereas it appears to the Secretary of State that Training for Work makes provision for persons using facilities provided in pursuance of those arrangements to receive payments in connection with their use of those facilities:

Now, therefore, the Secretary of State, in exercise of the powers conferred on her by section 26(1) and (2) of the Employment Act 1988(2) and of all other powers enabling her in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Training for Work (Miscellaneous Provisions) Order 1995 and shall come into force on 15th August 1995.

Interpretation

2. In this Order, unless the context otherwise requires—

“employer” in relation to a Training for Work Participant means a person for whom and under whose supervision and control he works in connection with his participation in Training for Work;

“facilities” means facilities provided in pursuance of Training for Work;

“training allowance” means a payment made, directly or indirectly, by the Secretary of State to a Training for Work Participant in connection with his use of facilities;

and a person is, or, as the case may be, was at any material time, a “Training for Work Participant” if he is, or, as the case may be, was at that time, using facilities.

(1) 1973 c. 50; section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 19).
(2) 1988 c. 19.

Revocation and savings

3.—(1) The Training for Work (Miscellaneous Provisions) Order 1993⁽³⁾ (“the 1993 Order”) is hereby revoked.

(2) Notwithstanding the revocation of the 1993 Order, in respect of any period or periods falling before the coming into force of this Order persons to whom the 1993 Order applied, and the payments which those persons received in connection with their use of facilities, shall continue to be treated in the manner provided for by articles 2 and 3 of that Order.

Treatment of persons and payments for purposes of the Social Security Contributions and Benefits Act 1992 and the subordinate legislation specified in the Schedule

4.—(1) For the purpose of—

- (a) Part I of the Social Security Contributions and Benefits Act 1992⁽⁴⁾, and
- (b) the subordinate legislation specified in the Schedule to this Order,

if, for any period or periods commencing with or falling after the date on which this Order comes into force during which a person is a Training for Work Participant, that person receives or is eligible or entitled to receive a payment or payments from any person in connection with his use of facilities, his status during that period or those periods, the identity of his employer if he is to be treated as employed, and the manner in which that payment is or those payments are to be treated shall be determined in accordance with paragraphs (2) and (3) of this article.

(2) Subject to paragraph 3, for any period in respect of which the Training for Work Participant receives or is eligible to receive a training allowance he is to be treated as not being employed but as participating in arrangements for training under section 2 of the 1973 Act; and accordingly any payment made to such a person during that period in connection with his use of facilities shall be treated in the same manner as a payment made in respect of such training.

(3) For any period in respect of which the Training for Work Participant receives no training allowance but receives or is entitled to receive instead payment by way of remuneration from his employer in connection with his use of facilities, he is to be treated as being employed by his employer; and any such payment made to him by his employer is to be treated as earnings.

Signed by order of the Secretary of State.

12th July 1995

James Paice
Parliamentary Under Secretary of State,
Department for Education and Employment

(3) S.I. 1993/348.
(4) 1992 c. 4.

SCHEDULE

Article 2

LIST OF SUBORDINATE LEGISLATION

- The Social Security (Credits) Regulations 1975**(5)**
- The Social Security (Overlapping Benefits) Regulations 1979**(6)**
- The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983**(7)**
- The Income Support (General) Regulations 1987**(8)**
- The Social Security (Claims and Payments) Regulations 1987**(9)**
- The Income Support (Transitional) Regulations 1987**(10)**
- The Housing Benefit (General) Regulations 1987**(11)**
- The Family Credit (General) Regulations 1987**(12)**
- The European Communities (Iron and Steel Employees Re-adaptation Benefits Scheme) (No. 2) Regulations 1988**(13)**
- The Social Security (Payments on account, Overpayments and Recovery) Regulations 1988**(14)**
- The Education Authority Bursaries (Scotland) Regulations 1988**(15)**
- The Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1989**(16)**
- The Students' Allowances (Scotland) Regulations 1991**(17)**
- The Income Support (General) Amendment No. 4 Regulations 1991**(18)**
- The Income Support (General) Amendment No. 6 Regulations 1991**(19)**
- The Disability Working Allowance (General) Regulations 1991**(20)**
- The Council Tax Benefit (General) Regulations 1992**(21)**
- The Child Support (Maintenance Assessment and Special Cases) Regulations 1992**(22)**
- The Education (Mandatory Awards) (No. 2) Regulations 1993**(23)**
- The Housing Renovation etc. Grants (Reduction of Grant) Regulations 1994**(24)**

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- (5)** S.I. 1975/556; relevant amending instruments are S.I. 1978/409, 1987/414, 1988/1230, 1439 and 1545, 1989/1627 and 1991/387.
 - (6)** S.I. 1979/597; relevant amending instruments are S.I. 1982/1173, 1988/1446 and 1991/387.
 - (7)** S.I. 1983/1598; relevant amending instruments are S.I. 1989/872 and 1324 and 1991/387.
 - (8)** S.I. 1987/1967; relevant amending instruments are S.I. 1988/663 and 1445, 1989/1678, 1991/387, 1992/468 and 2115, 1993/2119 and 1994/2139.
 - (9)** S.I. 1987/1968; relevant amending instruments are S.I. 1990/2208 and 1991/387.
 - (10)** S.I. 1987/1969; relevant amending instruments are S.I. 1989/1626 and 1991/387.
 - (11)** S.I. 1987/1971; relevant amending instruments are S.I. 1988/909 and 1971, 1990/546, 1991/387, 1992/432, 1993/317 and 2118 and 1994/578 and 2137.
 - (12)** S.I. 1987/1973; relevant amending instruments are S.I. 1988/660, 1438 and 1970, 1991/387, 1992/573 and 1993/2119 and 2139.
 - (13)** S.I. 1988/538; the relevant amending instrument is S.I. 1991/387.
 - (14)** S.I. 1988/664, to which there are amendments not relevant to this Order.
 - (15)** S.I. 1988/1042; the relevant amending instrument is S.I. 1990/1347.
 - (16)** S.I. 1989/76; the relevant amending instrument is S.I. 1991/387.
 - (17)** S.I. 1991/1522.
 - (18)** S.I. 1991/1559.
 - (19)** S.I. 1991/2334.
 - (20)** S.I. 1991/2887; relevant amending instruments are S.I. 1992/2155, 1993/2119 and 1994/2139.
 - (21)** S.I. 1992/1814; the relevant amending instruments are S.I. 1993/688 and 2118 and 1994/578 and 2137.
 - (22)** S.I. 1992/1815.
 - (23)** S.I. 1993/2914.
 - (24)** S.I. 1994/648; the relevant amending instrument is S.I. 1995/838.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that, henceforward, for the purpose of Part I of the Social Security Contributions and Benefits Act 1992 (c. 4) and the subordinate legislation specified in the Schedule to the Order.

- (a) a person using facilities provided under the Training for Work programme and receiving training allowances in connection with the use of the facilities shall be treated as participating in arrangements for training under section 2 of the Employment and Training Act 1973 (c. 50). Any payment made to such a person in connection with his use of those facilities shall be treated in the same manner as a payment made in respect of such training; and
- (b) a person using facilities provided under the Training for Work programme and receiving remuneration from an employer instead of training allowances in connection with the use of the facilities shall be treated as employed by that employer. Any payment made to such a person by the employer in connection with his use of those facilities shall be treated as earnings.

The Order revokes the Training for Work (Miscellaneous Provisions) Order 1993 (S.I. 1993/348) but provides that the treatment which would have applied under that Order in respect of periods of participation in Training for Work falling before its revocation shall continue to apply in respect of those periods.