
STATUTORY INSTRUMENTS

1997 No. 2863

SOCIAL SECURITY

The Social Security Amendment (New Deal) Regulations 1997

Made - - - - *11th December 1997*
Laid before Parliament *12th December 1997*
Coming into force - - *5th January 1998*

The Secretary of State for Education and Employment, in relation to regulations 2, 3, 6, 7 and 8, and the Secretary of State for Social Security, in relation to the remainder of the Regulations, in exercise of the powers conferred by sections 4(5), 12(4)(a) and (b), 19(2), (8)(b) and (10)(c), 20(4), 35(1) and 36(1), (2) and (4) of, and paragraphs 3(b) and 14(a) of Schedule 1 to, the Jobseekers Act 1995(1) and sections 123(1), 135(1), 136(5)(a) and (b), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(2), and of all other powers enabling each of them in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(3) and after consultation in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to the Secretary of State to be representative of the authorities concerned(4), hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Amendment (New Deal) Regulations 1997 and shall come into force on 5th January 1998.

(2) In these Regulations—

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

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- (1) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.
- (2) 1992 c. 4; sections 123(1)(e) and 137 were amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14), paragraphs 1 and 9; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
- (3) See sections 170 and 173(1)(b) of the [Social Security Administration Act 1992, \(c.5\)](#); paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.
- (4) See section 176(1) of the Social Security Administration Act 1992 (c. 5).
- (5) S.I. 1992/1814.

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(6);

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987(7);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(8);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(9);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(10).

Meaning of certain expressions used in the Jobseekers Act 1995

2. In regulation 3 of the Jobseeker’s Allowance Regulations, for the definition of “employment” there shall be substituted the following—

““employment”, except as provided in regulations 4 and 75, includes any trade, business, profession, office or vocation;”.

Interpretation of Parts II, IV and V of the Jobseeker’s Allowance Regulations

3. In regulation 4 of the Jobseeker’s Allowance Regulations, in the definition of “employment”—

(a) the words “, 19” shall be omitted; and

(b) for the words “Parts II, IV and V” there shall be substituted the words “Parts II and IV”.

Linking periods

4. In paragraph (2) of regulation 48 of the Jobseeker’s Allowance Regulations, after sub-paragraph (e)(11), there shall be added the following sub-paragraph—

“(f) any period throughout which the claimant was participating—

(i) in the Employment Option of the New Deal as specified in regulation 75(1)(a)(ii)(aa);

(ii) either in the Voluntary Sector Option of the New Deal as specified in regulation 75(1)(a)(ii)(bb) or in the Environment Task Force Option of the New Deal as specified in regulation 75(1)(a)(ii)(cc) and was not entitled to a jobseeker’s allowance because, as a consequence of his participation in either of those options, the claimant was engaged in remunerative work or failed to satisfy the condition specified either in section 2(1)(c) or in section 3(1)(a).”.

Relevant education

5. At the end of regulation 54 of the Jobseeker’s Allowance Regulations there shall be added the following paragraph—

“(5) A young person who is participating in the Full-Time Education and Training Option of the New Deal as specified in regulation 75(1)(b)(ii) shall not be treated as receiving relevant education.”.

(6) S.I. 1991/2887.

(7) S.I. 1987/1973.

(8) S.I. 1987/1971.

(9) S.I. 1987/1967.

(10) S.I. 1996/207.

(11) Regulation 48(2)(e) was inserted by S.I. 1996/2538 and amended by S.I. 1997/454.

Prescribed period for the purposes of section 19(2) of the Jobseekers Act 1995

6. For sub-paragraph (ii) of paragraph (a) of regulation 69 of the Jobseeker's Allowance Regulations there shall be substituted the following—

“(ii) either—

- (aa) where the determination mentioned in (i) above does not relate to an employment programme specified in regulation 75(1)(a)(ii), or the training scheme specified in regulation 75(1)(b)(ii), on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstances falling within section 19(5), or
- (bb) where the determination mentioned in (i) above relates to an employment programme specified in regulation 75(1)(a)(ii), or the training scheme specified in regulation 75(1)(b)(ii), on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstances falling within section 19(5) that relate to such a programme or scheme, and”.

Good cause for the purposes of section 19(5)(b)

7. In regulation 73 of the Jobseeker's Allowance Regulations⁽¹²⁾ the following paragraph shall be inserted after paragraph (2)—

“(2A) Without prejudice to any other circumstances in which a person may be regarded as having good cause for any act or omission for the purposes of section 19(5)(b), a person is to be regarded as having good cause for any act or omission for those purposes if—

- (a) the act or omission relates to an employment programme specified in regulation 75(1)(a)(ii) or the training scheme specified in regulation 75(1)(b)(ii), and
- (b) he had not, prior to that act or omission, been given or sent a notice in writing by an employment officer referring to the employment programme or training scheme in question (“the specified programme”) and advising him that if any of the circumstances mentioned in section 19(5)(b) arise in his case in relation to the specified programme his jobseeker's allowance could cease to be payable or could be payable at a lower rate.”.

Interpretation of section 19 of the Jobseekers Act 1995 and Part V of the Jobseeker's Allowance Regulations

8. For regulation 75 of the Jobseeker's Allowance Regulations there shall be substituted the following—

“Interpretation

75.—(1) For the purposes of section 19 and of this Part:

- (a) “an employment programme” means—
 - (i) any one of the following programmes of advice, guidance or job search assistance provided in pursuance of arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973⁽¹³⁾, known as—

⁽¹²⁾ Regulation 73 was amended by S.I. 1996/1516.

⁽¹³⁾ 1973 c. 50; section 2 was substituted by section 25 of the Employment Act 1988 (c. 19) and amended by section 47 of the Trade Union Reform and Employment Rights Act 1993 (c. 19).

- (aa) Jobplan Workshop, being a programme of up to one week to provide advice and guidance on jobs, training and employment opportunity;
 - (bb) 1-2-1, being a programme of up to 6 interviews to give advice, support and encouragement and to identify matters that are preventing a return to work;
 - (cc) Workwise (in Scotland, Worklink), being a programme of up to 4 weeks of guidance and practical assistance in job search;
 - (dd) Jobfinder, being a programme of up to 7 interviews to give advice, support and guidance in job search and with emphasis on obtaining employment as soon as possible; and
 - (ee) Restart course, being a programme of up to 2 weeks with emphasis on job search; and
- (ii) any one of the following programmes, 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 for which only persons who are aged 18 years or over and less than 26 years immediately prior to entry may be eligible, known as—
- (aa) the Employment Option of the New Deal, being a programme which lasts for any individual for up to 26 weeks and which includes for that individual employed earner's employment, training and support;
 - (bb) the Voluntary Sector Option of the New Deal, being a programme which lasts for any individual for up to six months and which includes for that individual employed earner's employment or a work placement combined in either case with training, support and job search;
 - (cc) the Environment Task Force Option of the New Deal, being a programme which lasts for any individual for up to six months and which includes for that individual employed earner's employment or a work placement combined in either case with training, support and job search.
- (b) "a training scheme" means—
- (i) a scheme for training for which persons aged less than 18 years are eligible and for which persons aged 18 years or over and less than 25 years may be eligible, provided in England and Wales directly or indirectly by a Training and Enterprise Council pursuant to its arrangement with the Secretary of State (whether that arrangement is known as an Operating Agreement or by any other name) and, in Scotland, directly or indirectly by a Local Enterprise Company pursuant to its arrangement with, as the case may be, Scottish Enterprise or Highlands and Islands Enterprise (whether that arrangement is known as an Operating Contract or by any other name); and
 - (ii) the scheme, 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 for which only persons who are aged 18 years or over and less than 26 years immediately prior to entry may be eligible, known as the Full-Time Education and Training Option of the New Deal, being a scheme which lasts for any individual for up to one year and which includes for that

individual some or all of the following, namely education, training, work experience and support in job search skills.

(2) In section 19, except subsection (2), and in this Part, except regulation 69 and the first occasion on which the word occurs in regulation 72(5A)(a), “week” means any period of 7 consecutive days.

(3) In section 19(2), regulation 69 and the first occasion on which the word occurs in regulation 72(5A)(a), “week” means benefit week.

(4) In section 19, except subsection (9), and in this Part, “employment” means employed earner’s employment other than such employment in which a person is employed whilst participating in an employment programme falling within paragraph (1)(a)(ii); and “employed earner” shall be construed accordingly.

(5) In section 19(9), “employment” means employed earner’s employment.”.

Notional income

9. In regulation 105 of the Jobseeker’s Allowance Regulations—

- (a) in paragraph (10)(**14**), after the words “(concessionary coal)” there shall be inserted the words “or to section 2 of the Employment and Training Act 1973 in respect of a person’s participation in an employment programme specified in regulation 75(1)(a)(ii) or in a training scheme specified in regulation 75(1)(b)(ii)”;
- (b) in paragraph (13), after the words “free of charge” there shall be added the words “or in a case where the service is performed in connection with the claimant’s participation in an employment or training programme in accordance with regulation 19(1)(q)”.

Notional capital

10. In regulation 113 of the Jobseeker’s Allowance Regulations, in paragraph (3), after the words “Independent Living Funds” there shall be inserted the words “or pursuant to section 2 of the Employment and Training Act 1973 in respect of a person’s participation in an employment programme specified in regulation 75(1)(a)(ii) or in a training scheme specified in regulation 75(1)(b)(ii)”.

Meaning of “person in hardship”

11. In regulation 140 of the Jobseeker’s Allowance Regulations—

- (a) in paragraph (2)(**15**), after the words “paragraph (3)” there shall be inserted the words “or (4A)”;
- (b) after paragraph (4) there shall be inserted the following paragraph—

“(4A) In paragraph (2), a “person in hardship” does not include a claimant to whom section 19(5)(b) or (c) applies by virtue of any act or omission relating to an employment programme specified in regulation 75(1)(a)(ii) or to the training scheme specified in regulation 75(1)(b)(ii).”.

Period when a person is not a person in hardship

12. After regulation 140 of the Jobseeker’s Allowance Regulations there shall be inserted the following regulation—

(14) Regulation 105(10) was amended by S.I. 1997/2197.

(15) Regulation 140(2) was amended by S.I. 1996/1516.

“Period when a person is not a person in hardship

140A.—(1) A claimant who is not a person in hardship by virtue of regulation 140(4A) shall not be a person in hardship throughout the period of—

- (a) 4 weeks in a case to which regulation 69(a) applies; or
- (b) 2 weeks in any other case,

beginning on the day from which the decision that section 19(5)(b) or (c) applies by virtue of an act or omission specified in regulation 140(4A) (“the New Deal decision”), has effect by virtue of regulation 69 or, as the case may be, by virtue of regulation 56A(6) of the Social Security (Adjudication) Regulations 1995⁽¹⁶⁾.

(2) Where a claimant who is not a person in hardship by virtue of regulation 140(4A) was a person in hardship for the purposes of regulation 142 immediately before the commencement of the period referred to in paragraph (1), that claimant shall, subject to paragraph (3), again become a person in hardship for the purposes of regulation 142 on the day following the expiration of that period.

(3) A claimant to whom paragraph (2) applies shall not again become a person in hardship for the purposes of regulation 142 if—

- (a) the day following the day the period referred to in paragraph (1) expires is a day within a period in respect of which a subsequent New Deal decision applies by virtue of paragraph (1); or
- (b) on the day following the expiry of the period referred to in paragraph (1), he is not a person in hardship for the purposes of regulation 142.”.

Housing costs

13.—(1) Schedule 2 to the Jobseeker’s Allowance Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph 4⁽¹⁷⁾, after sub-paragraph (4) there shall be inserted the following sub-paragraph—

“(4A) For the purposes of sub-paragraph (4), a person shall be treated as entitled to a jobseeker’s allowance during any period when he or his partner was not so entitled because—

- (a) that person or his partner was participating in an employment programme specified in regulation 75(1)(a)(ii); and
- (b) in consequence of such participation that person, or his partner, was engaged in remunerative work or failed to satisfy the condition specified either in section 2(1)(c) or in section 3(1)(a).”.

(3) In paragraph 13⁽¹⁸⁾—

(a) in sub-paragraph (1), after head (e) there shall be inserted the following head—

“(ee) where the claimant—

- (i) is a member of a couple or a polygamous marriage and the claimant’s partner was, immediately before the participation by any member of that couple or polygamous marriage in an employment programme specified in regulation 75(1)(a)(ii), in receipt of income-based jobseeker’s allowance

⁽¹⁶⁾ S.I. 1995/1801; regulation 56A inserted by S.I. 1996/1518.

⁽¹⁷⁾ Paragraph 4 was amended by S.I. 1996/1517 and 2538.

⁽¹⁸⁾ Paragraph 13 was amended by S.I. 1996/1516, 1517 and 2538 and 1997/827.

and his applicable amount included an amount for the couple or for the partners of the polygamous marriage; and

- (ii) has, immediately after that participation in that programme, begun to receive income-based jobseeker's allowance as a result of an election under regulation 4(3B) of the Claims and Payments Regulations⁽¹⁹⁾ by the members of the couple or polygamous marriage,

the claimant shall be treated as having been in receipt of a jobseeker's allowance for the same period as his partner had been or had been treated, for the purposes of this Schedule, as having been;"

- (b) after sub-paragraph (3) there shall be inserted the following sub-paragraph—

“(3A) For the purposes of this Schedule, a claimant who has ceased to be entitled to a jobseeker's allowance because—

- (a) that claimant or his partner was participating in an employment programme specified in regulation 75(1)(a)(ii), and
- (b) in consequence of such participation the claimant or his partner was engaged in remunerative work or failed to satisfy the condition specified either in section 2(1)(c) or in section 3(1)(a),

shall be treated as if he had been in receipt of a jobseeker's allowance for the period during which he or his partner was participating in that programme.”

- (c) in sub-paragraph (4), for the words “(1) and (3)” there shall be substituted the words “(1), (3) and (3A)”.

Income to be disregarded

14. In Schedule 7 to the Jobseeker's Allowance Regulations—

- (a) in paragraph 14—

- (i) after sub-paragraph (c) there shall be added the following sub-paragraph—

“(d) any child care expenses reimbursed to the claimant in respect of his participation in an employment programme specified in regulation 75(1)(a)(ii) or in a training scheme specified in regulation 75(1)(b)(ii),”

- (ii) for “(b) or (c)” there shall be substituted “(b), (c) or (d)”;

- (b) at the end⁽²⁰⁾ there shall be added the following paragraphs—

“**60.** 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 Voluntary Sector Option of the New Deal as specified in regulation 75(1)(a)(ii)(bb) or in the Environment Task Force Option of the New Deal as specified in regulation 75(1)(a)(ii)(cc).

61. Any discretionary payment to meet, or to help to meet, special needs, made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person's participation in the Full-Time Education and Training Option of the New Deal as specified in regulation 75(1)(b)(ii).”

⁽¹⁹⁾ Regulation 4(3B) was inserted by S.I. 1996/1460.

⁽²⁰⁾ Paragraph 59 was added by S.I. 1997/65.

Capital to be disregarded

15. At the end of Schedule 8 to the Jobseeker's Allowance Regulations, there shall be added the following paragraphs—

“45. 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 Voluntary Sector Option of the New Deal as specified in regulation 75(1)(a)(ii)(bb) or in the Environment Task Force Option of the New Deal as specified in regulation 75(1)(a)(ii)(cc) but only for a period of 52 weeks from the date of receipt of the payment.

46. Any discretionary payment to meet, or to help to meet, special needs made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person's participation in the Full-Time Education and Training Option of the New Deal as specified in regulation 75(1)(b)(ii) but only for a period of 52 weeks from the date of receipt of the payment.”.

Amendment of Schedule 3 to the Income Support Regulations

16.—(1) Schedule 3 to the Income Support Regulations(21) (housing costs) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph 4(22), after sub-paragraph (4) there shall be inserted the following sub-paragraph—

“(4A) For the purposes of sub-paragraph (4), a person shall be treated as entitled to income support during any period when he or his partner was not so entitled because—

- (a) that person or his partner was participating in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996; and
- (b) in consequence of such participation that person or his partner was engaged in remunerative work or had an income in excess of the claimant's applicable amount as prescribed in Part IV.”.

(3) In paragraph 14(23)—

(a) in sub-paragraph (1), after head (e) there shall be inserted the following head—

“(ee) where the claimant—

- (i) is a member of a couple or a polygamous marriage and the claimant's partner was, immediately before the participation by any member of that couple or polygamous marriage in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996, in receipt of income support and his applicable amount included an amount for the couple or for the partners of the polygamous marriage; and
- (ii) has, immediately after that participation in that programme, begun to receive income support as a result of an election under regulation 4(3) of the Social Security (Claims and Payments) Regulations 1987 by the members of the couple or polygamous marriage,

the claimant shall be treated as having been in receipt of income support for the same period as his partner had been or had been treated, for the purposes of this Schedule, as having been;”;

(21) Schedule 3 was substituted by S.I. 1995/1613.

(22) Paragraph 4 was amended by S.I. 1995/2927 and 1996/1944.

(23) Paragraph 14 was amended by S.I. 1995/2927 and 1996/206 and 1944.

- (b) after sub-paragraph (3) there shall be inserted the following sub-paragraph—
- “(3ZA) For the purposes of this Schedule, a claimant who has ceased to be entitled to income support because—
- (a) that claimant or his partner was participating in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations 1996; and
 - (b) in consequence of such participation the claimant or his partner was engaged in remunerative work or had an income in excess of the claimant’s applicable amount as prescribed in Part IV,
- shall be treated as if he had been in receipt of income support for the period during which he or his partner was participating in that programme.”;
- (c) in sub-paragraph (3A), for the words “(1) and (3)” there shall be substituted the words “(1), (3) and (3ZA)”;
- (d) after sub-paragraph (3A) there shall be inserted the following sub-paragraph—
- “(3B) For the purposes of this Schedule, in determining whether a person is entitled to or to be treated as entitled to income support, entitlement to a contribution-based jobseeker’s allowance immediately before a period during which that person or his partner is participating in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations 1996 shall be treated as entitlement to income support for the purposes of any requirement that a person is, or has been, entitled to income support for any period of time.”.

Common amendments

17.—(1) In each of the regulations specified in paragraph (2) of this regulation, after the words “(concessionary coal)” there shall be inserted the words “or to section 2 of the Employment and Training Act 1973 in respect of a person’s participation in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations 1996 or in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations”.

(2) The regulations to which paragraph (1) of this regulation refers (which relate to notional income)**(24)** are—

- (a) regulation 26(3) of the Council Tax Benefit Regulations;
- (b) regulation 29(3) of the Disability Working Allowance Regulations;
- (c) regulation 26(3) of the Family Credit Regulations;
- (d) regulation 35(3) of the Housing Benefit Regulations;
- (e) regulation 42(4) of the Income Support Regulations.

(3) In each of the regulations specified in paragraph (4) of this regulation, after the words “free of charge” there shall be added the words “or in a case where the service is performed in connection with the claimant’s participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker’s Allowance Regulations 1996”.

(4) The regulations to which paragraph (3) of this regulation refers (which relate to notional earnings) are—

- (a) regulation 26(5) of the Council Tax Benefit Regulations**(25)**;
- (b) regulation 29(4) of the Disability Working Allowance Regulations**(26)**;

(24) With respect to the regulations referred to in paragraph (2), the relevant amending instrument is S.I. [1997/2197](#).

(25) Regulation 26(5) was amended by S.I. [1995/560](#).

(26) Regulation 29(4) was amended by S.I. [1995/516](#).

- (c) regulation 26(4) of the Family Credit Regulations(27);
- (d) regulation 35(5) of the Housing Benefit Regulations(28);
- (e) regulation 42(6) of the Income Support Regulations(29).

(5) In each of the regulations specified in paragraph (6) of this regulation, after the words “Independent Living Funds” there shall be inserted the words “or pursuant to section 2 of the Employment and Training Act 1973 in respect of a person’s participation in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations 1996 or in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations”.

(6) The regulations to which paragraph (5) of this regulation refers (which relate to notional capital)(30) are—

- (a) regulation 34(3) of the Council Tax Benefit Regulations;
- (b) regulation 37(3) of the Disability Working Allowance Regulations;
- (c) regulation 34(3) of the Family Credit Regulations;
- (d) regulation 43(3) of the Housing Benefit Regulations;
- (e) regulation 51(3) of the Income Support Regulations.

(7) In each specified paragraph of the Schedules specified in paragraph (8) of this regulation (which relate to sums to be disregarded in the calculation of income other than earnings)—

- (a) after sub-paragraph (c) there shall be added the following sub-paragraph—

“(d) any child care expenses reimbursed to the claimant in respect of his participation in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations 1996 or in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations.”;

- (b) for “(b) or (c)” there shall be substituted “(b), (c) or (d)”.

(8) The respective paragraph number and Schedules for the purposes of paragraph (7) of this regulation are—

- (a) paragraph 11 of Schedule 4 to the Council Tax Benefit Regulations;
- (b) paragraph 11 of Schedule 3 to the Disability Working Allowance Regulations;
- (c) paragraph 11 of Schedule 2 to the Family Credit Regulations(31).
- (d) paragraph 11 of Schedule 4 to the Housing Benefit Regulations(32).
- (e) paragraph 13 of Schedule 9 to the Income Support Regulations(33).

(9) At the end of the Schedules specified in paragraph (10) of this regulation (which relate to sums to be disregarded in the calculation of income other than earnings) there shall be added the following paragraphs bearing the specified respective paragraph numbers—

“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 Voluntary Sector Option of the New Deal as specified in regulation 75(1)(a)(ii)(bb) of the Jobseeker’s Allowance Regulations 1996 or in the Environment Task Force Option of the New Deal as specified in regulation 75(1)(a)(ii)(cc) of those Regulations.

(27) Regulation 26(4) was amended by S.I. 1995/516.

(28) Regulation 35(5) was amended by S.I. 1991/1599 and 1995/560.

(29) Regulation 42(6) was amended by S.I. 1995/516.

(30) With respect to the regulations referred to in paragraph (6), the relevant amending instrument is S.I. 1993/963.

(31) Paragraph 11 was substituted by S.I. 1988/660 and amended by S.I. 1991/387.

(32) Paragraph 11 was substituted by S.I. 1988/909 and amended by S.I. 1991/387.

(33) Paragraph 13 was substituted by S.I. 1988/663 and amended by S.I. 1991/387.

Any discretionary payment to meet, or to help meet, special needs made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person's participation in the Full-Time Education and Training Option of the New Deal as specified in regulation 75(1)(b)(ii) of the Jobseeker's Allowance Regulations 1996."

(10) The respective paragraph numbers and Schedules for the purposes of paragraph (9) of this regulation(34) are—

- (a) paragraphs 64 and 65 of Schedule 4 to the Council Tax Benefit Regulations;
- (b) paragraphs 57 and 58 of Schedule 3 to the Disability Working Allowance Regulations;
- (c) paragraphs 59 and 60 of Schedule 2 to the Family Credit Regulations;
- (d) paragraphs 64 and 65 of Schedule 4 to the Housing Benefit Regulations;
- (e) paragraphs 62 and 63 of Schedule 9 to the Income Support Regulations.

(11) At the end of each of the Schedules specified in paragraph (12) of this regulation (which relate to capital to be disregarded) there shall be added the following paragraphs bearing the specified respective paragraph numbers—

"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 Voluntary Sector Option of the New Deal as specified in regulation 75(1)(a)(ii)(bb) of the Jobseeker's Allowance Regulations 1996 or in the Environment Task Force Option of the New Deal as specified in regulation 75(1)(a)(ii)(cc) of those Regulations but only for a period of 52 weeks from the date of receipt of the payment.

Any discretionary payment to meet, or to help meet, special needs made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person's participation in the Full-Time Education and Training Option of the New Deal as specified in regulation 75(1)(b)(ii) of the Jobseeker's Allowance Regulations 1996 but only for a period of 52 weeks from the date of receipt of the payment."

(12) The respective paragraph numbers and Schedules for the purposes of paragraph (11) of this regulation are—

- (a) paragraphs 53 and 54 of Schedule 5 to the Council Tax Benefit Regulations(35);
- (b) paragraphs 51 and 52 of Schedule 4 to the Disability Working Allowance Regulations(36);
- (c) paragraphs 52 and 53 of Schedule 3 to the Family Credit Regulations(37);
- (d) paragraphs 53 and 54 of Schedule 5 to the Housing Benefit Regulations(38);
- (e) paragraphs 50 and 51 of Schedule 10 to the Income Support Regulations(39).

Consequential amendments

18. In Schedule 4 to the Housing Benefit Regulations—

- (a) the second paragraph designated "62"(40) shall be omitted;
- (b) after paragraph 65 there shall be inserted the following paragraph—

"66. Any payment made under the Community Care (Direct Payments) Act 1996(41) or under section 12B of the Social Work (Scotland) Act 1968(42)."

(34) The preceding paragraphs to those referred to in paragraph (10) were inserted by S.I. 1997/65.

(35) Paragraph 52 was added by S.I. 1996/3195 and renumbered by S.I. 1997/454.

(36) Paragraph 50 was added by S.I. 1996/3195 and renumbered by S.I. 1997/454.

(37) Paragraph 51 was added by S.I. 1996/3195 and renumbered by S.I. 1997/454.

(38) Paragraph 52 was added by S.I. 1996/3195 and renumbered by S.I. 1997/454.

(39) Paragraph 49 was added by S.I. 1996/2431.

(40) The second paragraph designated "62" was inserted by S.I. 1997/65.

(41) 1996 c. 30.

Signed by authority of the Secretary of State for Education and Employment

9th December 1997

Andrew Smith
Minister of State,
Department for Education and Employment

Signed by authority of the Secretary of State for Social Security

11th December 1997

Keith Bradley
Parliamentary Under Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations 1996 (S.I.1996/207) ("the Jobseeker's Allowance Regulations"), the Income Support (General) Regulations 1987 (S.I. 1987/1967) ("the Income Support Regulations"), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Family Credit (General) Regulations 1987 (S.I. 1987/1973) and the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887).

In particular, they amend the Jobseeker's Allowance Regulations by substituting a new regulation 75 into those Regulations (see regulation 8 of these Regulations). Regulation 75 is an interpretation provision. It prescribes employment programmes and training schemes for the purposes of section 19 of the Jobseekers Act 1995 and the Jobseeker's Allowance Regulations. The effect is that if a person, without good cause, refuses or fails to participate in one of those programmes or schemes, or loses his place on one of those programmes or schemes due to misconduct, he will receive a sanction under section 19. The employment programmes and the training scheme which are prescribed in regulation 75 for the first time by these Regulations are those set out in regulation 75(1)(a)(ii) - known as the Employment Option of the New Deal, the Voluntary Sector Option of the New Deal and the Environment Task Force Option of the New Deal -and regulation 75(1)(b)(ii) -known as the Full-Time Education and Training Option of the New Deal.

These Regulations also amend regulation 69 of the Jobseeker's Allowance Regulations to provide a different period for a sanction that is applied in relation to one of the new employment programmes and the new training scheme (see regulation 6 of these Regulations), and they provide an additional case, applicable in relation to the new employment programmes and the new training scheme, where a person is to be regarded as having good cause for the purposes of section 19(5)(b) of the Jobseekers Act (see regulation 7 of these Regulations).

The Regulations also allow claims for jobseeker's allowance separated by periods on certain New Deal programmes to link (regulation 4) and for people on the Full-Time Education and Training Option of the New Deal not to be treated as receiving relevant education (regulation 5).

Where a person may not be entitled to a jobseeker's allowance as a result of any act or omission whilst on a New Deal programme or scheme, regulation 11 amends the Jobseeker's Allowance Regulations so as to provide that such a person shall not be a person in hardship. Regulation 12 amends those Regulations so as to prescribe the period during which such a person shall not be a person in hardship.

These Regulations also amend both the Jobseeker's Allowance Regulations (regulation 13) and the Income Support Regulations (regulation 16) by allowing certain periods of participation in the New Deal to be treated as periods of entitlement to those benefits for the purpose of applying the rules on payment of housing costs in those benefits.

These Regulations also make various amendments to the rules on the treatment of income and capital in the benefits referred to in the first paragraph above which are consequential on the introduction of the New Deal—

- they provide that certain payments made to providers pursuant to the New Deal shall not be treated as either notional income (regulations 9(a) and 17(1) and (2)) or as notional capital of the participant (regulations 10 and 17(5) and (6));
- they provide that where a claimant performs a service in connection with the claimant's participation in an employment programme for not less than three days in a week and a training

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allowance is not paid, he shall not be attributed with notional earnings (regulations 9(b) and 17(3) and (4));

- they provide that certain payments of child care expenses reimbursed in respect of a claimant's participation in the New Deal shall be disregarded (regulations 14(a) and 17(7) and (8));
- they provide that certain other payments made to New Deal participants shall be disregarded both as income other than earnings (regulations 14(b) and 17(9) and (10)) and as capital (regulations 15 and 17(11) and (12));

Regulation 18 makes a technical amendment relating to the numbering of paragraphs in Schedule 4 to the Housing Benefit (General) Regulations 1987.

These Regulations do not impose any charge on business.