
STATUTORY INSTRUMENTS

1998 No. 1425

SOCIAL SECURITY

The New Deal (Miscellaneous Provisions) (Amendment) Order 1998

<i>Made</i>	- - - -	<i>9th June 1998</i>
<i>Laid before Parliament</i>		<i>10th June 1998</i>
<i>Coming into force</i>	- -	<i>3rd July 1998</i>

Whereas arrangements known as “the New Deal” have been made by the Secretary of State under section 2 of the Employment and Training Act 1973(1) (“the 1973 Act”):

And whereas the Secretary of State, in exercise of the powers conferred on him by section 26(1) and (2) of the Employment Act 1988(2) and all other powers enabling him in that behalf, made the New Deal (Miscellaneous Provisions) Order 1998(3) (“the principal Order”) affecting the treatment of payments received by participants in the programmes within the New Deal known as “the Full-time Education and Training Option”, “the Voluntary Sector Option” and “the Environment Task Force Option” using facilities under the arrangements:

And whereas the New Deal includes, in addition to “the Full-time Education and Training Option”, “the Voluntary Sector Option” and “the Environment Task Force Option”, a programme of employment or employment related training known as “the Employment Option”:

And whereas it appears to the Secretary of State that the Employment Option makes provision for persons using facilities provided in pursuance of them to receive payments in connection with their use of those facilities:

Now, therefore, the Secretary of State, in exercise of those powers, makes the following Order:—

Citation and commencement

1. This Order may be cited as the New Deal (Miscellaneous Provisions) (Amendment) Order 1998 and shall come into force on 3rd July 1998.

(1) 1973 c. 50; section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 19).
(2) 1988 c. 19.
(3) S.I. 1998/217.

Amendment of the principal Order

2.—(1) The principal Order shall have effect subject to the amendments provided for in this Article.

(2) In Article 1(2) (interpretation);

(a) before the definition of “the New Deal”, there shall be inserted the following definition:

““facilities” means facilities provided for the participant in pursuance of one or more of the New Deal Components;”;

(b) in the definition of “the New Deal Components”, after “the Voluntary Sector Option” there shall be inserted “, the Employment Option”;

(c) after the definition of “the New Deal Components”, there shall be inserted the following definition:

““trading receipt” means, in relation to a New Deal Participant under the Employment Option, any payment made to him in consideration of goods or services supplied by him in the course of his participation under that option;” and

(d) in the passage following the definition of “training allowance”, the words after “facilities” to the end of the paragraph shall be deleted.

(3) For Article 2 (treatment of persons and payments for the purposes of the Social Security Contributions and Benefits Act 1992(4), the Jobseekers Act 1995(5) and specified subordinate legislation), there shall be substituted the following provision:

“2.—(1) The provisions of this article apply for the purposes of—

(a) Part I of the Social Security Contributions and Benefits Act 1992,

(b) the Jobseekers Act 1995 and

(c) the subordinate legislation specified in the Schedule to this Order.

(2) 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 New Deal Participant and is participating in either the Full-time Education and Training Option, the Voluntary Sector Option or the Environment Task Force Option, that person receives, or is eligible to receive, a training allowance, he is to be treated for that period or those periods and in respect of his participation 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 or those periods in connection with his use of facilities shall be treated in the same manner as a payment of training allowance made in respect of such training.

(3) If, for any period or periods commencing with or falling after the date on which this paragraph comes into force, during which a person is a New Deal Participant and is participating in the Employment Option in a capacity other than that of employee, that person receives, or is eligible to receive, a training allowance, he is to be treated for that period or those periods and in respect of his participation as not being employed but as participating in arrangements for training under section 2 of the 1973 Act; and accordingly any payment, other than a trading receipt, made to such a person during that period or those periods in connection with his use of facilities shall be treated in the same manner as a payment of training allowance made in respect of such training.”.

(4) 1992 c. 4.

(5) 1995 c. 18.

Signed by order of the Secretary of State.

9th June 1998

Andrew Smith
Minister of State,
Department for Education and Employment

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the New Deal (Miscellaneous Provisions) Order 1998 (S.I. 1998/217) to provide, additionally, that, for the purposes of Part I of the Social Security Contributions and Benefits Act 1992 (c. 4) and the Jobseekers Act 1995 (c. 18) and of the subordinate legislation specified in the Schedule to the Order, a person using facilities provided in pursuance of the employment or employment-related training programme known as “the Employment Option” under the arrangements known as the New Deal otherwise than as an employee and receiving or entitled to receive from the Secretary of State a training allowance in connection with the use of those 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 other than a trading receipt shall be treated as a payment of training allowance made in respect of such training.

The effect of the New Deal (Miscellaneous Provisions) Order 1998 in relation to participants in the Full-time Education and Training Option, the Voluntary Sector Option or the Environment Task Force Option of the New Deal is unchanged by these amendments.