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STATUTORY INSTRUMENTS

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**1998 No. 2117**

**The Social Security Amendment  
(New Deal) (No.2) Regulations 1998**

**Notional income**

- 2.—(1) In regulation 105 of the Jobseeker’s Allowance Regulations (notional income)—
- (a) in paragraph (10)(1), for the words from the beginning to “regulation 75(1)(b)(ii)” there shall be substituted the words “Any payment of income, other than a payment of income specified in paragraph (10A)”;
  - (b) after paragraph (10) there shall be inserted the following paragraph—
    - “(10A) Paragraph (10) shall not apply in respect of a payment of income made—
      - (a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No.2) Trust, the Fund, the Eileen Trust or the Independent Living Funds;
      - (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994(2) (concessionary coal); or
      - (c) pursuant to section 2 of the Employment and Training Act 1973(3) in respect of a person’s participation—
        - (i) in an employment programme specified in regulation 75(1)(a)(ii);
        - (ii) in a training scheme specified in regulation 75(1)(b)(ii); or
        - (iii) in a qualifying course within the meaning specified in regulation 17A(7)(4).”.
- (2) In regulation 42 of the Income Support Regulations(5) (notional income)—
- (a) in paragraph (4), for the words from the beginning to “regulation 75(1)(b)(ii) of those Regulations” there shall be substituted the words “Any payment of income, other than a payment of income specified in paragraph (4ZA)”;
  - (b) after paragraph (4) there shall be inserted the following paragraph—
    - “(4ZA) Paragraph (4) shall not apply in respect of a payment of income made—
      - (a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No.2) Trust, the Fund, the Eileen Trust or the Independent Living Funds;
      - (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal); or

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(1) Regulation 105(10) was amended by S.I. 1997/2197 and 2863.  
(2) 1994 c. 21.  
(3) 1973 c. 50; section 2 was substituted by section 25 of the Employment Act 1988 (c. 19) and then amended by Schedule 7 to the Employment Act 1989 (c. 38).  
(4) Regulation 17A was inserted by S.I. 1998/1274.  
(5) The relevant amending instruments are S.I. 1995/516, 1997/2197 and 2863.

- (c) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
  - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
  - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations; or
  - (iii) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations.”.
- (3) In both regulation 29 of the Disability Working Allowance Regulations and regulation 26 of the Family Credit Regulations<sup>(6)</sup> (which relate to notional income)—
  - (a) in paragraph (3), for the words from the beginning to “regulation 75(1)(b)(ii) of those Regulations” there shall be substituted the words “Any payment of income, other than a payment of income specified in paragraph (3A)”;
  - (b) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Paragraph (3) shall not apply in respect of a payment of income made—

    - (a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No.2) Trust, the Fund, the Eileen Trust or the Independent Living Funds;
    - (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal); or
    - (c) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
      - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
      - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations; or
      - (iii) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations.”.

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(6) The relevant amending instruments are S.I. [1997/2197](#) and [2863](#).