

1998 No. 217

SOCIAL SECURITY

The New Deal (Miscellaneous Provisions) Order 1998

<i>Made</i> - - - -	<i>6th February 1998</i>
<i>Laid before Parliament</i>	<i>9th February 1998</i>
<i>Coming into force</i>	<i>2nd March 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(a) (“the 1973 Act”):

And whereas the New Deal includes a number of programmes of employment or employment related training known individually as “the Full-time Education and Training Option”, “the Voluntary Sector Option” and “the Environment Task Force Option”:

And whereas it appears to the Secretary of State that these arrangements make 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 the powers conferred on him by section 26(1)(a), (c) and (d) and (2) of the Employment Act 1988(b) and all other powers enabling him in that behalf, hereby makes the following Order: -

Citation, commencement and interpretation

1.—(1) This Order may be cited as the New Deal (Miscellaneous Provisions) Order 1998 and shall come into force on 2nd March 1998.

(2) In this Order, unless the context otherwise requires -

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

Amdts. to art. 1 made by art. 2(2) of S.I. 1998/1425 as from 3.7.98.

“the New Deal” means the arrangements known by that name and made under section 2 of the 1973 Act for which only persons who are aged 18 years or over and less than 26 years immediately prior to entry are eligible and which are designed to help New Deal Participants to obtain work or to improve their prospects of obtaining work;

“the New Deal Components” means any of the following, that is to say, the programmes of employment or employment-related training under the New Deal known individually as “the Full-time Education and Training Option”, “the Voluntary Sector Option”▶, “the Employment Option◀” and “the Environment Task Force Option”;

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

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

Arts. 1-2

“training allowance” means a payment made directly by the Secretary of State to a New Deal Participant in connection with his participation in one or more of the New Deal components;

Words deleted by art. 2(2)(d) of S.I. 1998/1425 as from 3.7.98.

and a person is, or, as the case may be, was, at any material time, a “New Deal Participant” if he is, or, as the case may be, was, at that time, using facilities ►◄.

From 2.3.98 to 2.7.98 deleted words above read “provided for him in pursuance of one or more of the New Deal Components.”

Treatment of persons and payments for the purposes of the Social Security Contributions and Benefits Act 1992, the Jobseekers Act 1995 and specified subordinate legislation

Art. 2 substituted by art. 2(3) of S.I. 1998/1425 as from 3.7.98.

- 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.◄

Signed by order of the Secretary of State

6th February 1998

Andrew Smith
Minister of State,
Department for Education and Employment

SCHEDULE

Article 2

LIST OF SUBORDINATE LEGISLATION

The Social Security (Credits) Regulations 1975(a)
 The Social Security (Overlapping Benefits) Regulations 1979(b)
 The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983(c)
 The Income Support (General) Regulations 1987(d)
 The Social Security (Claims and Payments) Regulations 1987(e)
 The Income Support (Transitional) Regulations 1987(f)
 ►The Housing Benefit Regulations 2006;
 The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;◄
 The Family Credit (General) Regulations 1987(g)
 The Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1989(h)
 The Students' Allowances (Scotland) Regulations 1991(i)
 The Income Support (General) Amendment No. 4 Regulations 1991(j)
 The Income Support (General) Amendment No. 6 Regulations 1991(k)
 The Disability Working Allowance (General) Regulations 1991(l)
 The Child Support (Maintenance Assessment Procedure) Regulations 1992(m)
 ►The Council Tax Benefit Regulations 2006;
 The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;◄
 The Child Support (Maintenance Assessment and Special Cases) Regulations 1992(n)
 The Education Authority Bursaries (Scotland) Regulations 1995(o)
 The Jobseeker's Allowance Regulations 1996(p)
 The Jobseeker's Allowance (Transitional Provisions) Regulations 1996(q)
 The Social Security (Back to Work Bonus) (No. 2) Regulations 1996(r)
 The Housing Renewal Grants Regulations 1996(s)

References in Sch. substituted & inserted by para. 14(2)(a) of Sch. 2 to S.I. 2006/217 as from 6.3.06.

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- (a) S.I. 1975/556; relevant amending instruments are S.I. 1987/414, 1988/1439 and 1545, 1989/1627, 1991/387 and 1996/2367.
 (b) S.I. 1979/597; relevant amending instruments are S.I. 1982/1173, 1988/1446 and 1991/387.
 (c) S.I. 1983/1598; relevant amending instruments are S.I. 1989/872 and 1324 and 1991/387.
 (d) S.I. 1987/1967; relevant amending instruments are S.I. 1988/663 and 1445, 1989/1678, 1991/387, 1992/468 and 2115, 1993/2119, 1994/2139 and 1995/482 and 1613.
 (e) S.I. 1987/1968; relevant amending instruments are S.I. 1990/2208 and 1991/387.
 (f) S.I. 1987/1969; relevant amending instruments are S.I. 1989/1626 and 1991/387.
 (g) S.I. 1987/1973; relevant amending instruments are S.I. 1988/660 and 1970, 1991/387, 1992/573, 1993/2119, 1994/2139 and 1995/2303.
 (h) S.I. 1989/76; the relevant amending instrument is S.I. 1991/387.
 (i) S.I. 1991/1522.
 (j) S.I. 1991/1559.
 (k) S.I. 1991/2334.
 (l) S.I. 1991/2887; relevant amending instruments are S.I. 1992/2155, 1993/2119, 1994/2139 and 1995/2303.
 (m) S.I. 1992/1813; relevant amending instruments are S.I. 1993/913 and 1995/1045.
 (n) S.I. 1992/1815; relevant amending instruments are S.I. 1993/913 and 1995/1045.
 (o) S.I. 1995/1739.
 (p) S.I. 1996/207; the relevant amending instrument is S.I. 1997/827.
 (q) S.I. 1996/2567, to which there are amendments not relevant to this Order.
 (r) S.I. 1996/2570, to which there are amendments not relevant to this Order.
 (s) S.I. 1996/2890, to which there are amendments not relevant to this Order.

Sch.

Legislation added to list by reg. 9 of S.I. 2001/158 as from date on which S.I. of the Child Support, Pensions and Social Security Act 2000 comes into force in relation to that case.

The Education (Mandatory Awards) Regulations 1997**(a)**

►The Child Support (Maintenance Calculations and Special Cases) Regulations 2000

The Child Support (Maintenance Calculation Procedure) Regulations 2000**(b)**◄

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides 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 legislations specified in the Schedule to the Order, a person using facilities provided in pursuance of any of the employment or employment-related training programmes known as “the Full-time Education and Training Option”, “the Voluntary Sector Option” and “the Environment Task Force Option” under the arrangements known as the New Deal 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 sections 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 as a payment of training allowance made in respect of such training.

(a) S.I. 1997/431.

(b) S.I. 2001/157.