

2000 No. 678

SOCIAL SECURITY

The Social Security (Approved Work) Regulations 2000

<i>Made</i> - - - -	<i>8th March 2000</i>
<i>Laid before Parliament</i>	<i>13th March 2000</i>
<i>Coming into force</i>	<i>3rd April 2000</i>

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 30C(3), 86A, 90(a), 122, 123(1)(a), (d) and (e), 136(5)(a), 137(1), 171D, 171G(2) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a) and sections 12(4)(a), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995(b) and the Treasury in exercise of the powers conferred by section 3(2) of the Social Security Contributions and Benefits Act 1992(c), and with the concurrence of the Secretary of State, and of all other powers enabling them in that behalf, 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(d) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(e), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Approved Work) Regulations 2000 and shall come into force on 3rd April 2000.

Notional income

2.—(1) In regulation 105 of the Jobseeker's Allowance Regulations 1996(f) (notional income)—

(a) in paragraph (13)—

- (i) at the beginning, there shall be inserted the words “Subject to paragraph (13A),”;
- (ii) the words from “; but this paragraph” to the end of the paragraph shall be omitted;

(a) 1992 c. 4. Section 123(1)(d) was inserted and section 137 amended, with respect to council tax benefit, by Schedule 9 to the Local Government Finance Act 1992 (c. 14). Sections 30C, 86A, 171D and 171G were inserted by the Social Security (Incapacity for Work) Act 1994 (c. 18) and section 175 was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Sections 122, 137(1) and 171G(2) are cited because of the meaning ascribed to the word “prescribed”.

(b) 1995 c. 18. Section 35(1) is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

(c) Section 3(2) was amended by paragraph 3 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999.

(d) See section 176(1) of the Social Security Administration Act 1992 (c. 5).

(e) 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.

(f) S.I. 1996/207; the relevant amending instruments are S.I. 1997/2863 and 1999/2860 (C. 75).

(b) after paragraph (13) there shall be inserted the following paragraph–

“(13A) Paragraph (13) shall not apply–

(a) to a claimant who is engaged by a charitable or voluntary organisation or who is a volunteer if the Secretary of State is satisfied in any of those cases that it is reasonable for him to provide those services free of charge;

(b) in a case where the service is performed in connection with–

(i) the claimant’s participation in an employment or training programme in accordance with regulation 19(1)(q); or

(ii) the claimant’s or the claimant’s partner’s participation in an employment or training programme as defined in regulation 19(3) for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme.”.

(2) In regulation 42 of the Income Support (General) Regulations 1987(a) (notional income)–

(a) for paragraph (6A)(b) there shall be substituted the following sub-paragraph–

“(b) in a case where the service is performed in connection with–

(i) the claimant’s participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker’s Allowance Regulations 1996; or

(ii) the claimant’s or the claimant’s partner’s participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or”;

(b) in paragraph (6B)(a), the words “throughout that period” shall be omitted.

(3) In both regulation 26 of the Council Tax Benefit (General) Regulations 1992(b) and regulation 35 of the Housing Benefit (General) Regulations 1987(c) (which relate to notional income)–

(a) in paragraph (5)–

(i) at the beginning, there shall be inserted the words “Subject to paragraph (5A),”;

(ii) the words from “; but this paragraph” to the end of the paragraph shall be omitted;

(b) after paragraph (5) there shall be inserted the following paragraph–

“(5A) Paragraph (5) shall not apply–

(a) to a claimant who is engaged by a charitable or voluntary organisation or who is a volunteer if the appropriate authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or

(b) in a case where the service is performed in connection with–

(i) the claimant’s participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker’s Allowance Regulations 1996; or

(ii) the claimant’s or the claimant’s partner’s participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme.”.

(a) S.I. 1987/1967; paragraphs (6A) and (6B) of regulation 42 were inserted by S.I. 1999/2554.

(b) S.I. 1992/1814; the relevant amending instruments are S.I. 1995/560 and 1997/2863.

(c) S.I. 1987/1971; the relevant amending instruments are S.I. 1991/1599, 1995/560 and 1997/2863.

Amendment of the Social Security (New Deal Pilot) Regulations 1999

3.—(1) Regulation 14 of the Social Security (New Deal Pilot) Regulations 1999(a) (notional income) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1), for sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs—

“(b) in paragraph (13), after the words “Subject to paragraph (13A)” there were inserted the words “and paragraph (13B)”;

(c) after paragraph (13A) there were inserted the following paragraph—

“(13B) Paragraph (13) shall not apply in a case where the service is performed in connection with the claimant’s participation in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations.”.

(3) In paragraph (2), for sub-paragraph (b) there shall be substituted the following sub-paragraphs—

“(b) in paragraph (6), after the words “Subject to paragraph (6A)” there were inserted the words “and paragraph (6D)”;

(c) after paragraph (6C) there were inserted the following paragraph—

“(6D) Paragraph (6) shall not apply in a case where the service is performed in connection with the claimant’s participation in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations.”.

(4) In paragraph (3), for sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs—

“(b) in paragraph (5), after the words “Subject to paragraph (5A)” there were inserted the words “and paragraph (5B)”;

(c) after paragraph (5A) there were inserted the following paragraph—

“(5B) Paragraph (5) shall not apply in a case where the service is performed in connection with the claimant’s participation in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1999 in regulation 2(1) of those Regulations.”.

Amendment of the Social Security (Incapacity for Work) (General) Regulations 1995

4.—(1) The Social Security (Incapacity for Work) (General) Regulations 1995(b) shall be amended in accordance with the following paragraphs of this regulation.

(2) In sub-paragraph (3)(b) of regulation 6(c) (information required for determining capacity for work), for the words “regulations 10 to 14” there shall be substituted the words “regulations 10, 11 to 14”.

(3) After regulation 10(d) (certain persons with a severe condition to be treated as incapable of work), there shall be inserted the following regulation—

“Certain persons participating in approved work to be treated as incapable of work

10A.—(1) A person to whom this regulation applies shall be treated as incapable of work on any day in a period of incapacity for work on which he does any approved work in respect of which no payment in the nature of earnings is expected or made.

(a) S.I. 1999/3156.

(b) S.I. 1995/311.

(c) Regulation 6 was amended by S.I. 1995/987, 1996/1345 and 1999/3109.

(d) Regulation 10 was amended by S.I. 1995/987, 1996/3207, 1997/1009 and 1999/3109.

- (2) Subject to paragraph (3), this regulation applies to a person who is—
- (a) incapable of work or treated as incapable of work;
 - (b) receiving a prescribed benefit; and
 - (c) engaged in approved work on a trial basis.
- (3) Where a person to whom this regulation applies is determined to be capable of work, paragraph (1) shall cease to apply in his case.
- (4) In this regulation—
- “approved work” means, in relation to a person, work arranged in writing by the Employment Service of the Department for Education and Employment with an employer in respect of him;
 - “a prescribed benefit” means any benefit, allowance or advantage under the Contributions and Benefits Act (other than statutory sick pay, statutory maternity pay or industrial injuries benefit) or the Jobseekers Act 1995, and for which entitlement is dependent on incapacity for work;
 - “trial basis” means such trial period and other related matters as may be agreed between the person, the Department for Education and Employment and an employer in relation to the approved work.”.

(4) In paragraph (2) of regulation 16(a) (person who works to be treated as capable of work), for the words “Act” there shall be substituted the words “Act or approved work under regulation 10A)”.

Amendment of the Social Security (Incapacity Benefit) Regulations 1994

5. After regulation 4(2)(b) of the Social Security (Incapacity Benefit) Regulations 1994(b) (days not to be treated as days of incapacity for work), there shall be inserted the following sub-paragraph—

- “(c) where, such payment as is made, is for the sole purpose of travelling or meal expenses incurred or to be incurred under the arrangement made under section 2(1) of the Employment and Training Act 1973 or section 2(3) of the Enterprise and New Towns (Scotland) Act 1990.”.

Amendment of the Social Security (Incapacity Benefit—Increases for Dependants) Regulations 1994

6. After regulation 9(2) of the Social Security (Incapacity Benefit—Increases for Dependants) Regulations 1994(c) there shall be inserted the following paragraph—

- “(2A) For the purposes of, and subject to, paragraph (1), where, on any day, an adult dependant is a person who does approved work on a trial basis within the meaning of regulation 10A of the Social Security (Incapacity for Work) (General) Regulations 1995(d) (certain persons participating in work trials to be treated as incapable of work), the beneficiary shall be treated as entitled to an increase under section 86A of the Contributions and Benefits Act(e).”.

Amendment of the Social Security (Severe Disablement Allowance) Regulations 1984

7. After regulation 7(1B) of the Social Security (Severe Disablement Allowance) Regulations 1984(f) (days for which persons are to be regarded as incapable of work for the purposes of severe disablement allowance) there shall be inserted the following paragraph—

- “(1C) For the purposes of severe disablement allowance, a person shall be treated as incapable of work on any day where he is treated as incapable of work under regulation

(a) Regulation 16 was amended by S.I. 1995/987, 1996/3207 and 1999/3109.

(b) Regulation 4 was amended by S.I. 1999/2226.

(c) S.I. 1994/2945.

(d) S.I. 1995/311. Regulation 10A was inserted by regulation 4 of these Regulations.

(e) Section 86A was inserted by the Social Security (Incapacity for Work) Act 1994 (c. 18).

(f) S.I. 1984/1303. Regulation 7 was amended by S.I. 1994/2947 and 1998/2231.

10A of the Social Security (Incapacity for Work) (General) Regulations 1995(a) (certain persons participating in approved work to be treated as incapable of work).”.

Amendment of the Social Security Benefit (Computation of Earnings) Regulations 1996

8. In regulation 4(2) of the Social Security Benefit (Computation of Earnings) Regulations 1996(b) (notional earnings) for the words from “but this paragraph” to the end there shall be substituted—

“but this paragraph shall not apply to a claimant—

- (i) who is engaged by a charitable or voluntary organisation or is a volunteer if the Secretary of State is satisfied in any of those cases that it is reasonable for him to provide his services free of charge; or
- (ii) who is participating in an employment or training programme for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; and for this purpose “employment or training programme” has the meaning given in regulation 19(3) of the Jobseeker’s Allowance Regulations 1996 and “training allowance” has the meaning given in regulation 1(3) of those Regulations(c).”.

Signed by authority of the Secretary of State for Social Security who also concurs in the making of regulation 8.

7th March 2000

Signed by

Angela Eagle
Parliamentary Under-Secretary of State,
Department of Social Security

8th March 2000

Greg Pope
Clive J.C. Betts
Two of the Lords Commissioners of Her
Majesty’s Treasury

(a) S.I. 1995/311. Regulation 10A was inserted by regulation 4 of these Regulations.
(b) S.I. 1996/2745. Regulation 4 was amended by paragraphs 1 and 3 of Schedule 16 to S.I. 1999/3178 (C. 81).
(c) S.I. 1996/207.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Social Security (New Deal Pilot) Regulations 1999 (S.I. 1999/3156), the Social Security (Incapacity for Work) (General) Regulations 1995 (S.I. 1995/311), the Social Security (Incapacity Benefit) Regulations 1994 (S.I. 1994/2946), the Social Security (Incapacity Benefit—Increases for Dependants) Regulations 1994 (S.I. 1994/2945), the Social Security (Severe Disablement Allowance) Regulations 1984 (S.I. 1984/1303) and the Social Security Benefit (Computation of Earnings) Regulations 1996 (S.I. 1996/2745).

Regulation 2(1), (2)(a) and (3) make amendments to the regulations relating to the income-related benefits and jobseeker's allowance to ensure that persons who are participating in approved work, such as Work Trials or work placements, are not attributed with notional earnings for the purpose of ascertaining entitlement to those benefits.

Regulation 2(2)(b) makes a technical amendment to the Income Support (General) Regulations 1987 relating to the New Deal for Lone Parents to ensure that the notional earnings rules apply to those taking a break in their period of work experience.

Regulation 3 makes amendments to the Social Security (New Deal Pilot) Regulations 1999 which are consequential on those made in regulation 2(1), (2)(a) and (3).

Regulation 4 amends the Social Security (Incapacity for Work) (General) Regulations 1995 so that persons who are participating in approved work in the nature of the Department for Employment and Education work trials or preparation, as piloted by the Social Security (Incapacity, Earnings and Work Trials) Pilot Schemes Regulations 1999 (S.I. 1999/1088), are treated as incapable of work.

Regulation 5 amends regulation 4 of the Social Security (Incapacity Benefit) Regulations 1994 so that travelling and meal expenses paid as the sole training allowance do not cause a person to be treated as capable of work.

Regulation 6 amends the Social Security (Incapacity Benefit—Increases for Dependants) Regulations 1994 so that recipients of incapacity benefit who have dependants who do approved work in the nature of the Department of Employment and Education work trial or preparation scheme are not disallowed the increase.

Regulation 7 amends the Social Security (Severe Disablement Allowance) Regulations 1984 so that the participants in approved work continue to receive severe disablement allowance.

Regulation 8 amends the Social Security Benefit (Computation of Earnings) Regulations 1996 so that persons participating in approved work, such as work trials or work placements, are not attributed with notional earnings for the purpose of computing earnings in relation to their benefit or retirement pension, or increases for dependants under Part IV of the Social Security Contributions and Benefit Act 1992.

These Regulations do not impose any charge on business.

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