
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) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814).

In particular, regulations 2(a) and 6 define respectively the Intensive Activity Period for 50 plus ("IAP for 50 plus") and the Intensive Activity Period ("IAP"). Regulation 6 provides that individuals aged between 25 and 49 participating in the IAP are considered to be participating in an employment programme for the purposes of sections 19 and 20A of the Jobseekers Act 1995 and the Jobseeker's Allowance Regulations. The effect of this is that if such a person, without good cause, refuses or fails to participate in the IAP or loses his place on the IAP because of misconduct, he will receive a sanction under section 19 or 20A. By definition, those aged 50 or over who are participating in the IAP for 50 plus are not considered to be participating in an employment programme for those purposes and are therefore not liable to sanction.

Regulation 4 amends regulation 69 of the Jobseeker's Allowance Regulations to provide a different period for a sanction that is applied in relation to the IAP. Regulation 5 provides an additional case where a person is to be regarded as having good cause for the purpose of sections 19(5)(b) and 20A(2)(b) of the Jobseekers Act 1995.

Where a person may not be entitled to a jobseeker's allowance as a result of any act or omission whilst on the IAP or is subject to sanctions in respect of that act or omission whilst a member of a joint-claim couple, regulation 9 amends the Jobseeker's Allowance Regulations so as to provide that such a person shall not be a person in hardship or, as the case may be, the couple of which he is a member shall not be a couple in hardship. Regulation 10 amends those Regulations so as to prescribe the period during which such a person shall not be a person in hardship and the period during which the couple of which that person is a member, shall not be a couple in hardship.

The Regulations also amend the Jobseeker's Allowance Regulations so as to allow claims for jobseeker's allowance separated by periods on the IAP or IAP for 50 plus to link (regulation 3). These Regulations also amend both the Jobseeker's Allowance Regulations (regulation 11) and the Income Support Regulations (regulation 14) by allowing certain periods of participation in the IAP or IAP for 50 plus 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 and by extending to 52 weeks, certain maximum periods which link separate periods of benefit entitlement where a claimant has ceased to be entitled to income support or income-based jobseeker's allowance because he is participating in the IAP or the IAP for 50 plus.

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 IAP and the IAP for 50 plus—

—they amend the definition of "self-employment route" (regulations 2(b) and 15(2)(b) and (3)) to provide that income paid to people who are receiving assistance in pursuing self-employed earner's employment whilst participating in the IAP or IAP for 50 plus and which derives directly from the receipt of such assistance shall, for the purposes of jobseeker's allowance and income support, be subject to special rules as to its calculation and the date it is taken into account and treated as paid. This amendment also enables certain disregards to apply in all the benefits referred to in the first paragraph above in respect of the income and capital of such participants;

—they provide that certain payments made to providers pursuant to the IAP or IAP for 50 plus shall not be treated as either notional income (regulations 7(a) and 15(4) and (5)) or as notional capital of the participant (regulations 8 and 15(8) and (9));

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—they provide that where a claimant performs a service in connection with the claimant’s participation in an IAP or IAP for 50 plus for not less than three days in a week and a training allowance is not paid, that shall be an exception to the rule so that he shall not be attributed with notional earnings (regulations 7(b) and 15(6) and (7));

—they provide that certain payments of child care expenses reimbursed in respect of a claimant’s participation in the IAP or IAP for 50 plus shall be disregarded (regulations 12(a) and 15(10) and (11));

—they provide that certain other payments made to IAP or IAP for 50 plus participants shall be disregarded both as income other than earnings (regulations 12(b) and 15(12) and (13)) and as capital (regulations 13 and 15(14) and (15)).

Regulation 15(1) makes a minor technical amendment in relation to the definition of the New Deal options and regulation 15(2)(a) and (3) inserts a definition of the IAP for 50 plus to apply across all the benefits.

These Regulations do not impose any charge on business.

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