

2009 No. 1562

SOCIAL SECURITY

The Flexible New Deal (Miscellaneous Provisions) Order 2009

Made - - - - *23rd June 2009*

Laid before Parliament *29th June 2009*

Coming into force - - *5th October 2009*

Arrangements known as “the Flexible New Deal” have been made by the Secretary of State under section 2 of the Employment and Training Act 1973(a) which appear to him to make provision for persons using facilities provided in pursuance of those arrangements to receive payments in connection with their use of those facilities.

The Secretary of State makes the following Order in exercise of the powers conferred by sections 26(1)(a), (c) and (d) and (2) of the Employment Act 1988(b).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Flexible New Deal (Miscellaneous Provisions) Order 2009.

(2) It shall come into force on 5th October 2009.

(3) In this Order—

“the Flexible New Deal” means the employment programme specified in regulation 75(1)(a)(v) of the Jobseeker’s Allowance Regulations 1996(c);

“facilities” includes the provision of services;

“New Deal participant”, in relation to any time, means a person who is at that time participating in the Flexible New Deal;

“trading payment” means a payment made to a Flexible New Deal participant in consideration of goods or services supplied by that person in the course of participating in the Flexible New Deal;

“training allowance” means a payment made by the Secretary of State to a person in connection with that person’s participation in the Flexible New Deal.

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

2.—(1) The provisions of this article shall apply to the following legislation—

(a) 1973. c. 50. Section 2 was substituted by section 25(1) of the Employment Act 1988 (c.19).
(b) 1988 c. 19. Sub-section (1) was amended by the Enterprise and New Towns (Scotland) Act 1990 (c. 35), section 38 and by the Trade Union Reform and Employment Rights Act 1993 (c. 19) , section 49; sub-section (1A) was inserted by section 149 of the Learning and Skills Act 2000 (c. 21).
(c) S.I. 1996/207. Regulation 75(1)(a)(v) is inserted by S.I. 2009/480 on 5th October 2009.

- (a) Part 1 of the Social Security Contributions and Benefits Act 1992(a);
- (b) the Jobseekers Act 1995(b); and
- (c) the subordinate legislation specified in the Schedule to this Order.

(2) If, for any period commencing on or after the day on which this Order comes into force, a Flexible New Deal participant receives, or is eligible to receive, a training allowance, that person is to be treated for that period and in respect of participation in the Flexible New Deal as not being employed but as participating in arrangements for training under section 2 of the Employment and Training Act 1973.

(3) Except as mentioned in paragraph (4), any payment made to a Flexible New Deal participant during that period in connection with that person's use of facilities provided in pursuance of those arrangements shall be treated in the same manner as a payment of training allowance made in respect of such training.

(4) Paragraph (3) does not apply in respect of any trading payment made to a Flexible New Deal participant who is receiving assistance in pursuing self-employed earner's employment whilst participating in that programme.

Signed by authority of the Secretary of State for Work and Pensions

Jim Knight
Minister of State,
Department for Work and Pensions

23rd June 2009

SCHEDULE

Article 2(1)(c)

List of Subordinate Legislation

The Social Security (Credits) Regulations 1975(c)

The Social Security (Overlapping Benefits) Regulations 1979(d)

The Social Security (Claims and Payments) Regulations 1987(e)

The Child Support (Maintenance Assessment Procedure) Regulations 1992(f)

The Child Support (Maintenance Assessments and Special Cases) Regulations 1992(g)

The Jobseeker's Allowance Regulations 1996(h)

The Housing Renewal Grants Regulations 1996(i)

Child Support (Maintenance Calculation Procedure) Regulations 2000(j)

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- (a) 1992 c. 4.
 - (b) 1995 c. 18.
 - (c) S.I. 1975/556.
 - (d) S.I. 1979/597.
 - (e) S.I. 1987/1968.
 - (f) S.I. 1992/1813.
 - (g) S.I. 1992/1815.
 - (h) S.I. 1996/207.
 - (i) S.I. 1996/2890.
 - (j) S.I. 2001/157.

The Housing Benefit Regulations 2006**(a)**

The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**(b)**

The Council Tax Benefit Regulations 2006**(c)**

The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**(d)**

The Education Authority Bursaries (Scotland) Regulations 2007**(e)**

The Education (Student Support) (No. 2) Regulations 2008**(f)**

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- (a)** S.I. 2006/213.
 - (b)** S.I. 2006/214.
 - (c)** S.I. 2006/215.
 - (d)** S.I. 2006/216.
 - (e)** S. S.I. 2007/149.
 - (f)** S.I. 2008/1582.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that a person using facilities provided in pursuance of the employment programme known as “the Flexible New Deal” as defined in regulation 75(1)(a)(v) of the Jobseeker’s Allowance Regulations 1996 and receiving or entitled to receive from the Secretary of State a training allowance in connection with the use of those facilities (which include the provision of services) shall be treated for certain purposes as not being employed but as participating in arrangements for training under section 2 of the Employment and Training Act 1973.

This Order provides that any payment made to such a person in connection with the use of those facilities, except a trading payment, shall be treated as a payment of training allowance made in respect of such training.

The provisions of this Order apply for the purposes of Part I of the Social Security Contributions and Benefits Act 1992, the Jobseekers Act 1995 and of the subordinate legislation specified in the Schedule.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.

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