Draft Statutory Instrument laid before Parliament under section 37(2) of the Jobseekers Act 1995 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1999 No.

SOCIAL SECURITY

The Social Security (New Deal Pilot) Amendment Regulations 1999

Made - - - -	*1999*
Coming into force - -	*1st April 1999*

Whereas a draft of this instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995(**1**) and approved by resolution of each House of Parliament:

Now therefore, the Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 12(1) and (4)(b), 29(1), (3) and (6)(a) and (c), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995(**2**) and sections 123(1), 136(3) and (5)(b) and (c), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(**3**), and of all other powers enabling him in that behalf, after consultation in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to him to be representative of the authorities concerned(**4**) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**5**) and whereas these Regulations are made with a view to ascertaining whether their provisions will, or will be likely to, encourage persons to obtain work or will, or will be likely to, facilitate the obtaining by persons of work(**6**), hereby makes the following Regulations:

Citation, commencement and duration

1.—(1) These Regulations may be cited as the Social Security (New Deal Pilot) Amendment Regulations 1999 and shall come into force on 1st April 1999.

(**1**) 1995 c. 18.
(**2**) Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".
(**3**) 1992 c. 4; sections 123 and 137 were amended to have effect in relation to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14), paragraphs 1 and 9; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word "prescribed".
(**4**) *See* section 176(1) of the Social Security Administration Act 1992 (c. 5).
(**5**) *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.
(**6**) *See* section 29(8) of the Jobseekers Act 1995 (c. 18).

(2) These Regulations shall cease to have effect on 29th November 1999, unless revoked with effect from an earlier date.

Amendment of the Social Security (New Deal Pilot) Regulations 1998

2.—(1) The Social Security (New Deal Pilot) Regulations 1998(**7**) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 11 (scope of Part III), for the number "17" there shall be substituted the number "18".

(3) For regulation 12(1) (definition of "training allowance"), there shall be substituted the following paragraph–

"(1) The definition of "training allowance" in each of the regulations specified in paragraph (2) below (which are interpretation provisions) shall be modified in its application to persons to whom this Part applies as if at the end there were added the words–

"nor does it include any top-up payment made to a person ("the participant") pursuant to–

(i) section 2 of the Employment and Training Act 1973 in respect of the participant's participation in 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 1998 in regulation 2(1) of those Regulations ("the intensive activity period"); or

(ii) a written arrangement entered into between the Secretary of State and the person who has arranged for the participant's participation in the intensive activity period and which is made in respect of the participant's participation in that period."."

(4) In regulation 16(1) (income to be disregarded)–

(a) in the first paragraph of the modifications added by that regulation, the words from "but this paragraph" to the end of that paragraph shall be omitted;

(b) for the second paragraph of the modifications added by that regulation, there shall be substituted the following paragraph–

"Any top-up payment made to a person ("the participant") pursuant to–

(a) section 2 of the Employment and Training Act 1973 in respect of the participant's participation in 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 1998 in regulation 2(1) of those Regulations ("the intensive activity period"); or

(b) a written arrangement entered into between the Secretary of State and the person who has arranged for the participant's participation in the intensive activity period and which is made in respect of the participant's participation in that period." .

(5) For the second paragraph of the modifications added by regulation 17(1) (capital to be disregarded), there shall be substituted the following paragraph–

"Any top-up payment made to a person ("the participant") pursuant to–

(a) section 2 of the Employment and Training Act 1973 in respect of the participant's participation in the intensive activity period of the New Deal pilots for 25 plus as

(**7**) S.I. 1998/2825.

defined for the purposes of the Social Security (New Deal Pilot) Regulations 1998 in regulation 2(1) of those Regulations ("the intensive activity period"); or

(b) a written arrangement entered into between the Secretary of State and the person who has arranged for the participant's participation in the intensive activity period and which is made in respect of the participant's participation in that period, but only for the period of 52 weeks beginning on the date of receipt of the payment.".

(6) After regulation 17, there shall be added the following regulation–

"**Self-employment route of the intensive activity period of the New Deal pilots for 25 plus**

18.—(1) Both regulation 102A of the Jobseeker's Allowance Regulations and regulation 39A of the Income Support Regulations(**8**) (which relate to participants in the self-employment route of the Employment Option of the New Deal) shall be modified in their application to persons to whom this Part applies as if–

(a) regulation 102A and regulation 39A were renumbered regulation 102A(1) and regulation 39A(1) respectively;

(b) for the definition of "self-employment route" in the renumbered paragraph (1) there was substituted the following definition–

> ""self-employment route" means receiving assistance in pursuing self-employed earner's employment whilst participating 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 1998 in regulation 2(1) of those Regulations;";

(c) after the renumbered paragraph (1), there was added the following paragraph–

> "(2) For the purposes of this Chapter, the last day upon which assistance is received under the self-employment route shall be the day–
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> (a) upon which there is at least £2,000 in the participant's special account;
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> (b) which is 26 weeks after the day upon which the participant first received such assistance; or
>
> (c) which is the last day upon which the participant received such assistance,
>
> whichever shall first occur." .

(2) The provisions specified in paragraph (3) shall be modified in their application to persons to whom this Part applies as if for the references to a person receiving, or having received, assistance under an employment programme specified in regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker's Allowance Regulations(**9**), there were substituted references to a person receiving or, as the case may be, having received, assistance in pursuing self-employed earner's employment whilst participating 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 1998 in regulation 2(1) of those Regulations.

(3) The provisions to which paragraph (2)(**10**) refers are–

(a) in the Council Tax Benefit Regulations, regulation 31(7), paragraph 66 of Schedule 4 and paragraphs 7 and 55 of Schedule 5;

(**8**) Both regulation 102A and regulation 39A were inserted by S.I. 1998/1174.
(**9**) Regulation 75(1)(a)(ii)(aa)(ii) was inserted by S.I. 1998/1174.
(**10**) The provisions referred to in paragraph (3) were amended or, as the case may be, inserted by S.I. 1998/1174.