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STATUTORY INSTRUMENTS

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**2011 No. 1707**

**SOCIAL SECURITY**

**The Social Security (Miscellaneous  
Amendments) (No. 2) Regulations 2011**

<i>Made</i>	- - - -	<i>12th July 2011</i>
<i>Laid before Parliament</i>		<i>14th July 2011</i>
<i>Coming into force</i>	- -	<i>5th August 2011</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(a), 136(3) and (5)(a) and (b), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup>, sections 17A(1) and (5)(b), 19(8)(b) and (10)(c), 35(1) and 36(2) and (4) of the Jobseekers Act 1995<sup>(2)</sup>, and sections 17(1) and (3)(a) and (b), 24(1) and 25(2) and (3) of the Welfare Reform Act 2007<sup>(3)</sup>.

In accordance with section 173(1)(b) of the Social Security Administration Act 1992<sup>(4)</sup>, the Secretary of State has obtained the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it.

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Miscellaneous Amendments) (No. 2) Regulations 2011 and shall come into force on 5th August 2011.

**Amendments to the Jobseeker's Allowance Regulations 1996**

2.—(1) The Jobseeker's Allowance Regulations 1996<sup>(5)</sup> are amended as follows.

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- (1) 1992 c. 4. Section 123(1) was amended by section 103 of, and Schedule 9 to, the Local Government Finance Act 1992 (c. 14), and by section 60 of, and Schedule 6 to, the Tax Credits Act 2002 (c.21). Section 137(1) is an interpretation provision and is cited because of the meaning given to the word "prescribed". Section 175(1) and (4) were amended by section 2 of, and paragraph 29(1) and (2) of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).
- (2) 1995 c. 18. Section 17A was inserted by section 1 of the Welfare Reform Act 2009 (c. 24). Section 35(1) is an interpretation provision and is cited because of the meaning given to the words "prescribed" and "regulations". Section 36(4) was amended by paragraph 63 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999.
- (3) 2007 c. 5. Section 24(1) is an interpretation provision and is cited because of the meaning given to the words "prescribed" and "regulations".
- (4) 1992 c. 5.
- (5) S.I. 1996/207.

(2) In regulation 73(2C) (good cause for the purposes of section 19(5)(b))(6) for the words from “provided that person” to the end substitute—

“provided that either—

- (a) that person is aged 16 or 17 on the first day of that person’s participation in Work Experience; or
- (b) that person—
  - (i) attends on the first day of that person’s Work Experience,
  - (ii) gives up not later than one week after the date on which that person begins Work Experience, and
  - (iii) does not lose the Work Experience place through misconduct.”.

(3) For regulation 75(1)(a)(vi) (interpretation)(7) substitute—

“(vi) Work Experience, being a programme which consists of work experience, job search skills and job skills (and which is not employment), provided in pursuance of arrangements made by or on behalf of the Secretary of State under section 2 of the Employment and Training Act 1973, and which—

- (aa) subject to sub-paragraph (bb), is of between two and eight weeks duration,
- (bb) is of between two and twelve weeks duration where, during the first eight weeks of the claimant’s participation in Work Experience, and as a result of that participation, the claimant is offered and accepts an apprenticeship made under Government arrangements made respectively for England, Wales or Scotland.”.

### **Amendments to the Jobseeker’s Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011**

**3.—**(1) The Jobseeker’s Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011(8) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) after the definition of “the Council Tax Regulations” insert—
 

““full-time student” has the same meaning as in regulation 1(3) of the Jobseeker’s Allowance Regulations;”;
- (b) after the definition of “the Jobseeker’s Allowance Regulations” insert—
 

““New Enterprise Allowance” means an employment initiative provided in pursuance of arrangements made by or on behalf of the Secretary of State under section 2 of the Employment and Training Act 1973 designed to assist claimants into self-employed earner’s employment;”;
- (c) after the definition of “the Scheme” insert—
 

““self-employed earner’s employment” has the same meaning as in the Benefits Act;”.

(3) After regulation 5 (circumstances in which the requirement to participate in the Scheme is suspended or ceases to apply), insert—

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(6) Paragraph (2C) was inserted by [S.I. 2011/789](#).

(7) Paragraph (vi) was inserted by [S.I. 2011/789](#).

(8) [S.I. 2011/917](#).

**“Requirement to meet the jobseeking conditions**

**5A.**—(1) A claimant who is participating in the Scheme is not required to meet the condition set out in section 1(2)(c) of the Act (conditions for entitlement to a jobseeker’s allowance: actively seeking employment) if the claimant is also participating in New Enterprise Allowance.

(2) A claimant who is participating in the Scheme is not required to meet the conditions set out in section 1(2)(a) and (c) of the Act (conditions for entitlement to a jobseeker’s allowance: available for and actively seeking employment) if the claimant is a full-time student.”.

**Consequential amendments to the Income Support (General) Regulations 1987 and the Employment and Support Allowance Regulations 2008**

**4.**—(1) In this regulation—

- (a) “the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008<sup>(9)</sup>; and
- (b) “the Income Support Regulations” means the Income Support (General) Regulations 1987<sup>(10)</sup>.

(2) Paragraph (3) applies to the following provisions (which relate to interpretation)—

- (a) regulation 2(1) of the Income Support Regulations; and
- (b) regulation 2(1) of the Employment and Support Allowance Regulations.

(3) In each of the provisions to which this paragraph applies insert the following definitions in the appropriate alphabetical places—

““the Employment, Skills and Enterprise Scheme” means a scheme within section 17A (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.) of the Jobseekers Act 1995, known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist claimants to obtain employment or self-employment, and which may include for any individual work-related activity (including work experience or job search);”;

““the Mandatory Work Activity Scheme” means a scheme within section 17A of the Jobseekers Act 1995, known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to provide work or work-related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting claimants to improve their prospects of obtaining employment;”.

(4) Paragraph (5) applies to the following provisions (which relate to notional income)—

- (a) regulation 42(4ZA) of the Income Support Regulations<sup>(11)</sup>; and
- (b) regulation 107(5) of the Employment and Support Regulations<sup>(12)</sup>.

(5) In each of the provisions to which this paragraph applies insert the following sub-paragraph after sub-paragraph (c)—

“(ca) in respect of a person’s participation in the Employment, Skills and Enterprise Scheme or the Mandatory Work Activity Scheme; or”.

(6) Paragraph (7) applies to the following provisions (which relate to notional capital)—

<sup>(9)</sup> S.I. 2008/794.

<sup>(10)</sup> S.I. 1987/1967.

<sup>(11)</sup> Paragraph (4ZA) was inserted by S.I. 1998/2117, and was amended by S.I. 1999/2640, 3156, 2001/1029, 2003/455, 2006/588, 2008/698, 2767 and 2010/641.

<sup>(12)</sup> Paragraph (5) was amended by S.I. 2008/2428 and 2010/241.

- (a) regulation 51(3A) of the Income Support Regulations(13); and
  - (b) regulation 115(5) of the Employment and Support Allowance Regulations(14).
- (7) In each of the provisions to which this paragraph applies insert the following sub-paragraph after sub-paragraph (b)—
- “(ba) in respect of a person’s participation in the Employment, Skills and Enterprise Scheme or the Mandatory Work Activity Scheme;”.
- (8) Paragraph (9) applies to the following Schedules (which relate to sums to be disregarded in the calculation of income other than earnings)—
- (a) Schedule 9 to the Income Support Regulations; and
  - (b) Schedule 8 to the Employment and Support Allowance Regulations.
- (9) In each Schedule to which this paragraph applies insert the following paragraph after paragraph 1—
- “**1A.** Any payment in respect of any travel of other expenses incurred, or to be incurred, by the claimant in respect of that claimant’s participation in the Employment, Skills and Enterprise Scheme or the Mandatory Work Activity Scheme.”.
- (10) Paragraph (11) applies to the following Schedules (which relate to capital to be disregarded)—
- (a) Schedule 10 to the Income Support Regulations; and
  - (b) Schedule 9 to the Employment and Support Allowance Regulations.
- (11) In each Schedule to which this paragraph applies insert the following paragraph after paragraph 1—
- “**1A.** Any payment in respect of any travel or other expenses incurred, or to be incurred, by the claimant in respect of that claimant’s participation in the Employment, Skills and Enterprise Scheme or the Mandatory Work Activity Scheme, but only for 52 weeks beginning with the date of receipt of the payment.”.

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

*Steve Webb*  
Minister of State  
Department for Work and Pensions

12th July 2011

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(13) Paragraph (3A) was inserted by S.I. 1998/2117, and was amended by S.I. 1999/2640, 3156, 2001/1029, 2003/455, 2004/2308, 2005/2294, 3391, 2006/588, 2008/698, 2767 and 2010/641.

(14) Paragraph (5) was amended by S.I. 2008/2428 and 2010/641.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend a number of different regulations relating to employment programmes and training schemes.

Regulation 2 amends the Jobseeker's Allowance Regulations 1996 to extend the maximum period for which the Work Experience employment programme can run from 8 weeks to 12 weeks where during the course of the Work Experience an apprenticeship is offered to and accepted by a participant and to ensure that 16 and 17 year olds who participate in Work Experience are not sanctioned for failing to participate.

Regulation 3 amends the Jobseeker's Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011 to provide that claimants participating on the New Enterprise Allowance initiative, under the Scheme, are not required to meet the jobseeker's allowance eligibility criteria of having to actively seek employment, and to provide that claimants who are full-time students participating in the Scheme are not required to fulfil the jobseeker's allowance eligibility criteria of having to be available for employment.

Regulation 4 amends the Income Support (General) Regulations 1987 and the Employment and Support Allowance Regulations 2008 to provide that expenses paid to participants in the Employment, Skills and Enterprise Scheme or the Mandatory Work Activity Scheme are disregarded when calculating their partner's entitlement to income support or employment and support allowance.

A full impact assessment has not been published for this instrument as it has no impact on the private sector and civil society organisations.