STATUTORY INSTRUMENTS

2013 No. 2540

SOCIAL SECURITY

The Industrial Injuries Benefit (Employment Training Schemes and Courses) Regulations 2013

Made - - - -	*2nd October 2013*
Laid before Parliament	*9th October 2013*
Coming into force - -	*31st October 2013*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 95A, 122(1) and 175(1), (3), (4) and (5) of the Social Security Contributions and Benefits Act 1992(**a**) and section 66(3) of the Welfare Reform Act 2012(**b**).

In accordance with section 172(2) of the Social Security Administration Act 1992(**c**) reference has been made to the Industrial Injuries Advisory Council.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Industrial Injuries Benefit (Employment Training Schemes and Courses) Regulations 2013.

(2) They come into force on 31st October 2013.

(3) In these Regulations—

"the Employment and Training Act" means the Employment and Training Act 1973(**d**);

"the Contributions and Benefits Act" means the Social Security Contributions and Benefits Act 1992;

"the Jobseekers Act" means the Jobseekers Act 1995(**e**).

Employment training scheme and employment training course

2. The following descriptions of employment training scheme and employment training course are prescribed for the purposes of section 95A(1) of the Contributions and Benefits Act—

(a) an employment training scheme or employment training course provided pursuant to arrangements made by or on behalf of the Secretary of State or the Scottish or Welsh

(**a**) 1992 c.4. Section 95A was inserted by section 66(1) of the Welfare Reform Act 2012 (c.5). Section 122(1) is an interpretation provision and is cited for the meaning of "prescribe".
(**b**) 2012 c.5.
(**c**) 1992 c.5.
(**d**) 1973 c.50.
(**e**) 1995 c.18.

Ministers under section 2 of the Employment and Training Act(**a**) (arrangements for the purpose of assisting persons to select, train for, obtain and retain employment);

(b) an employment training scheme or employment training course which constitutes, or participation in which forms part of, a scheme of a description prescribed under section 17A of the Jobseekers Act(**b**) (schemes for assisting persons to obtain employment: "work for your benefit" schemes etc.);

(c) an employment training scheme or employment training course in which a person participates pursuant to—

(i) a requirement to undertake work-related activity imposed under regulations under section 13 of the Welfare Reform Act 2007(**c**); or

(ii) a work preparation requirement within the meaning of section 6C of the Jobseekers Act(**d**), section 11C of the Welfare Reform Act 2007 or section 16 of the Welfare Reform Act 2012.

Employer

3. The persons prescribed for the purposes of section 95A(2) of the Contributions and Benefits Act are any persons providing an employment training scheme or employment training course of a description prescribed under regulation 2 above.

Payment of industrial injuries benefit where payments were previously payable under section 11(3) of the Employment and Training Act

4. Where, before section 66 of the Welfare Reform Act 2012 (trainees) came into force for all purposes, payments were payable to a person in consequence of an injury or disease under section 11(3) of the Employment and Training Act (power to make payments in respect of trainees equivalent to social security benefits in respect of employees), that person is entitled to equivalent payments of industrial injuries benefit.

Outstanding claims

5. Any claim for payments in consequence of an injury or disease under section 11(3) of the Employment and Training Act, which was made but not determined before section 66 of the Welfare Reform Act 2012 came into force for all purposes, is to be treated as a claim for industrial injuries benefit.

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

Freud
Parliamentary Under Secretary of State,
Department for Work and Pensions

2nd October 2013

(**a**) Section 2 was substituted by section 25 of the Employment Act 1988 (c.19) and amended by Schedule 7 to the Employment Act 1989 (c.38) and section 47 of the Trade Union Reform and Employment Rights Act 1993 (c. 19). So far as exercisable in relation to Scotland, the functions of the Secretary of State under section 2 are now exercisable concurrently by the Secretary of State and the Scottish Ministers by virtue of sections 53 and 56 of the Scotland Act 1998 (c.46), so far as the functions relate to training for employment (see section H3 of Schedule 5 to that Act). So far as exercisable in relation to Wales, the functions of the Secretary of State under section 2 are (subject to certain exceptions) now exercisable concurrently by the Secretary of State and the Welsh Ministers by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672), article 2 and Schedule 1, and the Government of Wales Act 2006 (c.32), Schedule 11 paragraphs 30(1) and 30(2)(a).

(**b**) Section 17A was inserted by section 1 of the Welfare Reform Act 2009 (c. 24). It is repealed by Schedule 14 to the Welfare Reform Act 2012 but this repeal is not yet in force for all purposes.

(**c**) 2007 c.5. There are amendments to section 13 that are not relevant to this instrument. Section 57 of the Welfare Reform Act 2012 substitutes sections 11 to 16 of the Welfare Reform Act 2007 with new sections 11 to 11K, but that substitution is not yet in force for all purposes.

(**d**) Section 6C is inserted by section 49 of the Welfare Reform Act 2012 but is not yet in force for all purposes.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 66(1) of the Welfare Reform Act 2012 (c.5) inserts section 95A of the Social Security Contributions and Benefits Act 1992 ("the Contributions and Benefits Act") (c.4).

Section 95A(1) provides that references to "employed earner's employment" in the industrial injuries and diseases provisions (defined in section 95(4) of the Contributions and Benefits Act) include participation in employment training schemes and courses of a description prescribed in regulations. Regulation 2 of these Regulations prescribes these employment training schemes and courses.

Section 95A(2) provides that references to an "employer", in relation to participation in such schemes and courses, are references to persons prescribed in regulations. Regulation 3 of these Regulations provides that the employer is any person providing an employment training scheme or course prescribed by regulation 2.

Section 66(3) of the Welfare Reform Act 2012 enables regulations to provide for the payment of industrial injuries benefit (defined in section 122(1) of the Contributions and Benefits Act) to persons to whom payments were previously payable under section 11(3) of the Employment and Training Act 1973 (c.50), and for claims to such payments to be treated as claims for industrial injuries benefit. Regulations 4 and 5 of these Regulations make provision to that effect. Section 66 of the Welfare Reform Act 2012 comes into force for all purposes on 31st October 2013: see the Welfare Reform Act 2012 (Commencement No. 12) Order 2013 (S.I. 2013/2534 (C.102).

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

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£4.00

UK2013100325 10/2013 19585

http://www.legislation.gov.uk/id/uksi/2013/2540

ISBN 978-0-11-110448-4

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