2000 No. 3133

SOCIAL SECURITY, NORTHERN IRELAND
TAXES, NORTHERN IRELAND

The Tax Credits (New Deal Pilot Consequential Amendments) (Northern Ireland) Regulations 2000

Made - - - -	*27th November 2000*
Laid before Parliament	*27th November 2000*
Coming into force	*28th November 2000*

The Treasury, in exercise of the powers conferred by sections 122(1)(b) and (c), 132(3) and (4)(a), (b) and (c), 133(1) and (2)(d) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) and now vested in them(**b**), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and duration

1.—(1) These Regulations may be cited as the Tax Credits (New Deal Pilot Consequential Amendments) (Northern Ireland) Regulations 2000 and shall come into force on 28th November 2000 immediately after the Tax Credits Schemes (Miscellaneous Amendments No. 4) (Northern Ireland) Regulations 2000(**c**).

(2) These Regulations shall cease to have effect on 27th November 2001, unless revoked with effect from an earlier date.

Interpretation

2. In these Regulations—

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**d**);

"the Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(**e**);

"the New Deal Pilot Regulations" means the Social Security (New Deal Pilot) Regulations (Northern Ireland) 2000(**f**);

"week" means any period of 7 days.

(**a**) 1992 c. 7; section 122(1)(b) and (c) was amended by paragraph 4(f) of Schedule 1 to the Tax Credits Act 1999 (c. 10). Section 133(2)(d) was substituted by paragraph 18(3) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)).

(**b**) See section 2(1)(a) of, and paragraphs 3(b) to (g) and 29 of Schedule 2 to, the Tax Credits Act 1999.

(**c**) S.I. 2000/2979.

(**d**) S.R. 1992 No. 78; relevant amending regulations are S.R. 1992 No. 403, S.R. 1994 No. 327, S.R. 1995 No. 86, S.R. 1997 No. 541, S.R. 1998 Nos. 182 and 326, S.R. 1999 No. 342 and S.I. 1999/2488.

(**e**) S.R. 1987 No. 463; relevant amending Regulations are S.R. 1992 No. 148, S.R. 1994 No. 327, S.R. 1995 No. 86, S.R. 1997 No. 541, S.R. 1998 Nos. 182 and 326, S.R. 1999 No. 342 and S.I. 1999/2488.

(**f**) S.R. 2000 No. 369.

Scope of these Regulations

3.—(1) Regulations 4 and 6 to 10 shall apply—

(a) in relation to a person to whom regulation 3 or 4 of the New Deal Pilot Regulations applies; and

(b) to the extent that the regulations referred to in sub-paragraph (a) relate to that person's participation in the intensive activity period of the New Deal pilot for 25 plus as defined in regulation 2(1) of those Regulations.

(2) Regulation 5 shall only apply in any week in which a person, to whom regulation 3 or 4 of the New Deal Pilot Regulations applies, is participating in the intensive activity period of the New Deal pilot for 25 plus as defined in paragraph (1)(b).

(3) The references in paragraphs (1) and (2) to a person to whom regulation 3 or 4 of the New Deal Pilot Regulations applies shall include references to a person to whom regulation 3 or 4 of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 1999(**a**) applied immediately before those Regulations expired.

Definition of "training allowance"

4. The definition of "training allowance" in both regulation 2 of the Disability Working Allowance Regulations(**b**) and regulation 2(1) of the Family Credit Regulations(**c**) (interpretation) shall be modified in its application to persons to whom this regulation applies as if at the end there were added—

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

(i) section 1 of the Employment and Training Act (Northern Ireland) 1950(**d**) in respect of the participant's participation in the intensive activity period of the New Deal pilot for 25 plus as defined in regulation 2(1) of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 2000 ("the intensive activity period"), or

(ii) a written arrangement entered into between the Department of Higher and Further Education, Training and Employment 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.".

Remunerative work

5. Both regulation 6 of the Disability Working Allowance Regulations and regulation 4 of the Family Credit Regulations (remunerative work) shall be modified in their application to persons to whom this regulation applies as if after paragraph (3)(c)(**e**) there were inserted the following sub-paragraph—

"or

(d) he is participating in the programme known as the intensive period of the New Deal pilot for 25 plus as defined in regulation 2(1) of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 2000.".

Notional income

6. Both regulation 29 of the Disability Working Allowance Regulations and regulation 26 of the Family Credit Regulations (notional income) shall be modified in their application to persons to whom this regulation applies as if—

(a) in paragraph (3A)(c)(**f**), after head (iii), there were added the following head—

"or

(**a**) S.R. 1999 No. 474.

(**b**) The definition of "training allowance" was added by regulation 2(2)(b) of S.R. 1992 No. 403.

(**c**) The definition of "training allowance" was added by regulation 2(c) of S.R. 1992 No. 148.

(**d**) 1950 c. 29; section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10)) and Article 5 of the Industrial Training (Northern Ireland) Order 1990 (S.I. 1990/1200 (N.I. 8)).

(**e**) Paragraph (3) was, in both cases, substituted by S.R. 1994 No. 327.

(**f**) Paragraph (3A) was inserted, in both cases, by S.R. 1998 No. 326.

(iv) in the programme known as the intensive activity period of the New Deal pilot for 25 plus as defined in regulation 2(1) of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 2000 but only to the extent that it is not used for a purpose specified in paragraph (3)(a).";

(b) in paragraph (4)(**a**)—

(i) for the word "Where" where it first occurs, there were substituted the words "Subject to paragraph (4A), where";

(ii) the words from "; but this paragraph" to the end were omitted;

(c) after paragraph (4) there were inserted the following paragraph—

"(4A) Paragraph (4) shall not apply—

(a) to a claimant who is engaged by a charitable or voluntary organisation or who is a volunteer if the Board are satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or

(b) in a case where the service is performed in connection with the claimant's participation in—

(i) an employment or training programme in accordance with regulation 19(1)(p) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996; or

(ii) the programme known as the intensive activity period of the New Deal pilot for 25 plus as defined in regulation 2(1) of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 2000.".

Notional capital

7. Both regulation 37(3A)(b) of the Disability Working Allowance Regulations(**b**) and regulation 34(3A)(b) of the Family Credit Regulations(**c**) (notional capital) shall be modified in their application to persons to whom this regulation applies as if after head (iii), there were added the following head—

"or

(iv) in the programme known as the intensive activity period of the New Deal pilot for 25 plus as defined in regulation 2(1) of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 2000 but only to the extent that it is not used for a purpose specified in paragraph (3)(a).".

Income to be disregarded

8.—(1) Both of the Schedules specified in paragraph (2) (sums to be disregarded in the calculation of income other than earnings) shall be modified in their application to persons to whom this regulation applies as if at the end of each of those Schedules there were added the following paragraphs bearing the specified respective paragraph numbers—

"Any child care expenses reimbursed to the claimant in respect of his participation in the programme known as the intensive activity period of the New Deal pilot for 25 plus as defined in regulation 2(1) of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 2000.

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

(a) section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of the participant's participation in the intensive activity period of the New Deal pilot for 25 plus as defined in regulation 2(1) of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 2000 ("the intensive activity period"), or

(b) a written arrangement entered into between the Department of Higher and Further Education, Training and Employment 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.".

(**a**) Paragraph (4) was, in both cases, amended by S.R. 1995 No. 86 and S.R. 1997 No. 541.
(**b**) Paragraph (3A) was inserted by regulation 3(2) and (3)(a) of S.R. 1998 No. 326.
(**c**) Paragraph (3A) was inserted by regulation 3(2) and (3)(b) of S.R. 1998 No. 326.

(2) The respective paragraph numbers and Schedules specified for the purposes of paragraph (1) are—

(a) paragraphs 67 and 68 of Schedule 3 to the Disability Working Allowance Regulations(**a**);

(b) paragraphs 69 and 70 of Schedule 2 to the Family Credit Regulations(**b**).

Capital to be disregarded

9.—(1) Both of the Schedules specified in paragraph (2) (capital to be disregarded) shall be modified in their application to persons to whom this regulation applies as if at the end of each of those Schedules there were added the following paragraphs bearing the specified respective paragraph numbers—

"Any child care expenses reimbursed to the claimant in respect of his participation in the programme known as the intensive activity period of the New Deal pilot for 25 plus as defined in regulation 2(1) of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 2000, but only for a period of 52 weeks from the date of receipt of the payment.

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

(a) section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of the participant's participation in the intensive activity period of the New Deal pilot for 25 plus as defined in regulation 2(1) of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 2000 ("the intensive activity period"), or

(b) a written arrangement entered into between the Department of Higher and Further Education, Training and Employment 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.".

(2) The respective paragraph numbers and Schedules specified for the purposes of paragraph (1) are—

(a) paragraphs 64 and 65 of Schedule 4 to the Disability Working Allowance Regulations(**c**);

(b) paragraphs 65 and 66 of Schedule 3 to the Family Credit Regulations(**d**).

Self-employment route of the intensive activity period of the New Deal pilot for 25 plus

10.—(1) Each of the provisions specified in paragraph (2) shall be modified in their application to persons to whom this regulation applies as if for the references to a person receiving, or having received, assistance under an employment programme specified in regulation 75(1)(a)(i)(bb) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**e**) 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 pilot for 25 plus as defined in regulation 2(1) of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 2000.

(2) The provisions to which paragraph (1) refers are—

(a) in the Disability Working Allowance Regulations(**f**), regulation 34(7), paragraph 58 of Schedule 3 and paragraphs 6(3) and 51 of Schedule 4;

(**a**) Paragraph 66 was added by regulation 8(4) of S.I. 2000/2979.
(**b**) Paragraph 68 was added by regulation 8(4) of S.I. 2000/2979.
(**c**) Paragraph 63 was added by regulation 9(2) of S.I. 2000/2979.
(**d**) Paragraph 64 was added by regulation 9(2) of S.I. 2000/2979.
(**e**) S.R. 1996 No. 198. Regulation 75 was substituted by regulation 8 of S.R. 1997 No. 541 and the regulation as substituted was amended by regulation 4(2) of S.R. 1998 No. 182.
(**f**) The relevant amending Regulations are S.R. 1998 No. 182.

(b) in the Family Credit Regulations(**a**), regulation 31(7), paragraph 60 of Schedule 2 and paragraphs 6(3) and 52 of Schedule 3.

Greg Pope
Jim Dowd

27th November 2000 Two of the Lords Commissioners of Her Majesty's Treasury

(**a**) The relevant amending Regulations are S.R. 1998 No. 182.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Family Credit (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 463) and the Disability Working Allowance (General) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 78), which are consequential on the establishment of a pilot scheme known as "the intensive activity period of the New Deal pilot for 25 plus" ("the pilot scheme") by the Social Security (New Deal Pilot) Regulations (Northern Ireland) 2000 (S.R. 2000 No. 369). Family credit and disability working allowance became known as working families' tax credit and disabled person's tax credit respectively (collectively "tax credit") on 5th October 1999. The principal effects of the amendments are to enable participants in the pilot scheme to continue to claim tax credits.

Regulation 1 provides for citation, commencement and duration.

Regulation 2 provides for interpretation.

Regulation 3 provides that the amendments in regulations 4 to 10 apply only in relation to a person's participation in the pilot scheme (and in consequence not, as regards regulations 4 and 6 to 10, participation in the separate pilot scheme known as "the New Deal Education and Training Opportunities for 25 plus").

Regulation 4 modifies the definition of "training allowance" which applies for the purposes of tax credits in relation to participants in the pilot scheme.

Regulation 5 provides that participants in the pilot scheme shall not be treated for tax credit purposes as in remunerative work.

Regulation 6 ensures that certain payments made to participants in the pilot scheme are not treated for tax credit purposes as either notional income or notional earnings, and regulation 7 ensures that such payments are not treated for tax credit purposes as notional capital.

Regulations 8 and 9 ensure that certain payments made to participants in the pilot scheme are disregarded for tax credit purposes as both income and capital.

Regulation 10 provides that participants in the pilot scheme who are receiving assistance in pursuing self-employed earner's employment are subject to special rules for tax credit purposes as to the treatment of their income and capital.

STATUTORY INSTRUMENTS

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