
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 242

The Social Security (Students and Income-Related Benefits Amendment) Regulations (Northern Ireland) 2000

Amendment of the Housing Benefit (General) Regulations

4.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(1) shall be amended in accordance with paragraphs (2) to (10).

(2) In regulation 46(1)(2) (interpretation of Part VII — students)—

(a) in the appropriate place there shall be inserted the following definition—

““access funds” means—

- (a) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993, or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, made for the purpose of assisting students in financial difficulties;
- (b) grants made under section 7 of the Further and Higher Education Act 1992 and described as “learner support funds” or grants made under section 68 of that Act and described as “access bursary funds” or “hardship funds”, or
- (c) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;”;

(b) for the definitions of “grant”(3) and “sandwich course”(4) there shall be respectively substituted the following definitions—

““grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds;”;

““sandwich course” has the meaning prescribed in regulation 5(2) of the Education (Student Support) Regulations (Northern Ireland) 2000, regulation 5(2) of the Education (Student Support) Regulations 2000 or regulation 5(2) of the Education (Student Loans) (Scotland) Regulations 2000, as the case may be;”;

(c) in the definition of “period of study” for sub-paragraph (i) of paragraph (b)(5) there shall be substituted the following sub-paragraph—

“(i) in a case where the student’s grant or loan is assessed at a rate appropriate to his studying throughout the year or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one, the day before the start of the next year of the course, or”.

(1) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 Nos. 297 and 305, S.R. 1991 Nos. 47 and 337, S.R. 1992 No. 549, S.R. 1994 No. 88, S.R. 1996 Nos. 93 and 405, S.R. 1998 No. 81 and S.R. 1999 No. 317

(2) Regulation 46 was renumbered regulation 46(1) by regulation 2(2) of S.R. 2000 No. 241

(3) Definition of “grant” was amended by regulation 3(5)(a) of S.R. 1990 No. 297

(4) Definition of “sandwich course” was amended by regulation 4(4)(b)(iv) of S.R. 1996 No. 405

(5) In the definition of “period of study” paragraph (b) was amended by regulation 9(b)(ii) of S.R. 1991 No. 337

(3) In regulation 48A(6) (full-time students to be treated as not liable to make payments in respect of a dwelling) for sub-paragraph (g)(7) of paragraph (2) there shall be substituted the following sub-paragraph—

“(g) in respect of whom—

- (i) a grant has been made under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000 or under regulation 13 of the Education (Student Support) Regulations 2000;
- (ii) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986;
- (iii) a payment has been made under section 2 of the Education Act 1962;
- (iv) a supplementary requirement has been determined under paragraph 9 of Part II of Schedule 2 to the Education (Mandatory Awards) Regulations 1999, or
- (v) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred,

on account of his disability by reason of deafness.”.

(4) In regulation 51(1)(8) (eligible rent) for “£18·75” there shall be substituted “£19·20”.

(5) In regulation 53 (calculation of grant income)—

(a) in paragraph (2A)(9)—

- (i) in sub-paragraph (a) for “£250” there shall be substituted “£255”;
- (ii) in sub-paragraph (b) for “£303” there shall be substituted “£311”;

(b) in paragraph (3) before “A student’s grant income shall be apportioned” there shall be inserted “Subject to paragraphs (3A) and (3B),”;

(c) after paragraph (3) there shall be inserted the following paragraphs—

“(3A) Any amount intended for the maintenance of dependents under Part III of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 shall be apportioned equally over the period of 52 weeks or, if there are 53 benefit weeks (including part-weeks) in the year, 53 weeks.

(3B) Any amount intended for the maintenance of dependents to which neither paragraph (3A) nor regulation 57(2) (other amounts to be disregarded) apply, shall be apportioned over the same period as the student’s loan is apportioned or would have been apportioned had he had one.”.

(6) Regulation 57(10) (other amounts to be disregarded) shall be amended by renumbering that regulation as regulation 57(1) and adding the following paragraph—

“(2) Where a grant for school meals for dependent children or a grant for meals for dependent children aged 3 or 4 is paid pursuant to any regulations made under Article 3 of

(6) Regulation 48A was inserted by regulation 3(6) of S.R. 1990 No. 297 and amended by regulation 5 of S.R. 1992 No. 549
(7) Sub-paragraph (g) was inserted by regulation 3(2)(a) of S.R. 1990 No. 305 and amended by regulation 6(a) of S.R. 1991 No. 47
(8) Regulation 51(1) was amended by regulation 4(3) of S.R. 1999 No. 317
(9) Regulation 53(2A) was substituted by regulation 4(4)(b) of S.R. 1999 No. 317
(10) Relevant amending Regulations are S.R. 1994 No. 88 and S.R. 1999 No. 317

the Education (Student Support) (Northern Ireland) Order 1998⁽¹¹⁾ that payment shall be disregarded as income.”.

(7) In regulation 57A⁽¹²⁾ (treatment of student loans)—

(a) for paragraph (1)⁽¹³⁾, there shall be substituted the following paragraphs—

“(1) A student loan shall be treated as income unless it is a hardship loan in which case it shall be disregarded.

(1A) For the purposes of paragraph (1), “hardship loan” means a loan made under regulation 21 of the Education (Student Support) Regulations (Northern Ireland) 2000, regulation 21 of the Education (Student Support) Regulations 2000 or regulation 12 of the Education (Student Loans) (Scotland) Regulations 2000.”;

(b) for paragraph (2)⁽¹⁴⁾ there shall be substituted the following paragraph—

“(2) In calculating the weekly amount of the loan to be taken into account as income—

(a) in respect of a course that is of a single academic year’s duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with, and including—

(i) the start of the single academic year, or

(ii) where the course is of less than an academic year’s duration, the first day of the course,

and ending with the last day of the course;

(b) in respect of the final academic year of a course (not being a course of a single year’s duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with, and including, the earlier of—

(i) the first day of the first benefit week in September, or

(ii) the first day of the first benefit week following the beginning of the autumn term,

and ending with the last day of the last benefit week before the last day of the course;

(c) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with, and including, the earlier of—

(i) the first day of the first benefit week in September, or

(ii) the first day of the the first benefit week following the beginning of the autumn term,

and ending with the last day of the last benefit week in June,

and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.”;

(c) in paragraph (5)⁽¹⁵⁾—

(i) in sub-paragraph (a) for “£250” there shall be substituted “£255”;

(ii) in sub-paragraph (b) for “£303” there shall be substituted “£311”.

(8) After regulation 57A (treatment of student loans) there shall be inserted the following regulation—

⁽¹¹⁾ S.I. 1998/1760 (N.I. 14)

⁽¹²⁾ Regulation 57A was inserted by regulation 3(9) of S.R. 1990 No. 297

⁽¹³⁾ Paragraph (1) was substituted by regulation 4(6)(a) of S.R. 1999 No. 317

⁽¹⁴⁾ Paragraph (2) was amended by regulation 12 of S.R. 1991 No. 337

⁽¹⁵⁾ Paragraph (5) was added by regulation 4(6)(b) of S.R. 1999 No. 317

“Treatment of payments from access funds

57B.—(1) This regulation applies to payments from access funds that are not payments to which regulation 59(2) or (3) (income treated as capital) applies.

(2) A payment from access funds, other than a payment to which paragraph (3) applies, shall be disregarded as income.

(3) Subject to paragraph (4) and paragraph 35 of Schedule 4, any payments from access funds which are intended and used for food, household fuel, rent or rates or both or ordinary clothing or footwear (“rent or rates” and “ordinary clothing or footwear” have the same meanings as in paragraph 15(2) of Schedule 4), of a single claimant or, as the case may be, of the claimant or any other member of his family, shall be disregarded as income to the extent of £20 per week.

(4) Where a payment from access funds is made—

- (a) on, and including, or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan, or
- (b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment shall be disregarded as income.”.

(9) Regulation 59 (income treated as capital) shall be amended by renumbering that regulation as regulation 59(1) and adding the following paragraphs—

“(2) An amount paid from access funds as a single lump sum shall be treated as capital.

(3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, household fuel, rent or rates or both or ordinary clothing or footwear (“rent or rates” and “ordinary clothing or footwear” have the same meanings as in paragraph 15(2) of Schedule 4) of a single claimant or, as the case may be, of the claimant or any other member of his family, shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.”.

(10) In paragraph 35(16) of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) after “regulation 57A(2) (treatment of student loans)” there shall be inserted “, regulation 57B(3) (treatment of payments from access funds)”.