

2001 No. 278

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Students and Income-Related Benefits
Amendment) Regulations (Northern Ireland) 2001**

Made 11th July 2001

Coming into operation in accordance with regulation 1

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 132(3) and (4)(b) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and Article 14(1) and (4)(b) of the Jobseekers (Northern Ireland) Order 1995(b), and now vested in it(c), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(d), in so far as regulations 2(1) and (2)(a), 3(1), (2) and (3)(a), (4)(a) and (5), 4(a), 5(3), 6(a) and 7 are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of those regulations should not be referred to it(e), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Students and Income-Related Benefits Amendment) Regulations (Northern Ireland) 2001 and shall come into operation—

- (a) for the purposes of this regulation and regulations 2 and 5, on 1st August 2001;
- (b) for the purposes of regulations 3, 4 and 6 in so far as those regulations relate to income support and jobseeker's allowance—
 - (i) in a case of a student whose period of study begins on or after 1st August 2001 but before 27th August 2001, on the day the period of study begins;
 - (ii) in any other case, on 27th August 2001;
- (c) for the purposes of regulations 3, 4 and 6 (in so far as those regulations relate to housing benefit) and regulation 7—

(a) 1992 c. 7
(b) S.I. 1995/2705 (N.I. 15)
(c) See Article 8(b) of S.R. 1999 No. 481
(d) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); see also Article 6(b) of S.R. 1999 No. 481
(e) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 c. 8

- (i) in a case of a student whose period of study begins on or after 1st August 2001 but before 27th August 2001, on the first Monday of that period;
 - (ii) in any other case, on 27th August 2001.
- (2) In these Regulations—
- “the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(a);
 - “the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(b);
 - “the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(c).
- (3) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to an Act of the Assembly.

Definitions

- 2.—(1) In the provisions specified in paragraph (2)—
- (a) immediately before the first definition there shall be inserted the following definition—
 - “ “academic year” means the period of twelve months beginning on, and including, 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;”;
 - (b) in the definition of “access funds”—
 - (i) in paragraph (b), for “and described as “access bursary funds” or “hardship funds”, or” there shall be substituted “for the purpose of providing funds on a discretionary basis to be paid to students;”;
 - (ii) after paragraph (c) there shall be added the following—
 - “or
 - (d) discretionary payments, known as “learner support funds”, which are made available to students in further education by institutions out of funds provided by the Learning and Skills Council for England under sections 5, 6 and 9 of the Learning and Skills Act 2000(e);”;

(a) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 No. 297, S.R. 1991 No. 47, S.R. 1996 No. 405, S.R. 1998 No. 81, S.R. 1999 No. 317 and S.R. 2000 Nos. 241 and 242

(b) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 146, S.R. 1990 No. 297, S.R. 1991 No. 46, S.R. 1996 No. 405, S.R. 1997 No. 412, S.R. 1998 No. 81, S.R. 1999 No. 317 and S.R. 2000 Nos. 241 and 242

(c) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1997 No. 130, S.R. 1998 No. 81, S.R. 1999 No. 317 and S.R. 2000 Nos. 241 and 242

(d) 1954 c. 33 (N.I.)

(e) 2000 c. 21

- (c) in the definition of “contribution”—
- (i) after “Department” there shall be inserted “, the Scottish Ministers”;
 - (ii) for “Secretary of State” in both places where those words occur there shall be substituted “Scottish Ministers”;
- (d) for paragraph (c) of the definition of “standard maintenance grant” there shall be substituted the following—
- “(c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980(a), the amount of money specified as the “standard maintenance allowance” for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland(b), or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority and paid under the Further and Higher Education (Scotland) Act 1992(c);”;
- (e) at the end of the definition of “student loan” there shall be added “and shall include, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Students’ Allowances (Scotland) Regulations 1999(d)”;
- (f) the definition of “year” shall be omitted.
- (2) The provisions specified for the purposes of paragraph (1) (interpretation) are—
- (a) regulation 46(1) of the Housing Benefit Regulations(e);
 - (b) regulation 61(1) of the Income Support Regulations(f);
 - (c) regulation 130 of the Jobseeker’s Allowance Regulations(g).

Disregards and deductions

3.—(1) In sub-paragraph (a) of each of the provisions specified in paragraph (3) for the sum “£255” there shall be substituted the sum “£260”.

(a) 1980 c. 44
 (b) The relevant leaflets are SAS2, SAS4 and SAS6
 (c) 1992 c. 13
 (d) S.I. 1999/1131 (S. 91)
 (e) The definition of “access funds” was inserted by S.R. 2000 No. 242, the definition of “contribution” was substituted by S.R. 1996 No. 405 and amended by S.R. 1998 No. 81 and S.R. 1999 No. 317, the definition of “standard maintenance grant” was substituted by S.R. 1996 No. 405 and amended by S.R. 2000 No. 241, the definitions of “student loan” and “year” were substituted by S.R. 1999 No. 317 and regulation 46 was renumbered by regulation 2(2) of S.R. 2000 No. 241
 (f) The definition of “access funds” was inserted by S.R. 2000 No. 242, the definition of “contribution” was substituted by S.R. 1996 No. 405 and amended by S.R. 1998 No. 81 and S.R. 1999 No. 317, the definition of “standard maintenance grant” was substituted by S.R. 1996 No. 405 and amended by S.R. 2000 No. 241, the definitions of “student loan” and “year” were substituted by S.R. 1999 No. 317 and regulation 61 was renumbered by regulation 3(3) of S.R. 2000 No. 241
 (g) The definition of “access funds” was inserted by S.R. 2000 No. 242, the definition of “contribution” was amended by S.R. 1998 No. 81 and S.R. 1999 No. 317, the definition of “standard maintenance grant” was amended by S.R. 2000 No. 241 and the definitions of “student loan” and “year” were substituted by S.R. 1999 No. 317

(2) For sub-paragraph (b) of each of the provisions specified in paragraph (3) there shall be substituted the following sub-paragraph—

“(b) the sum of £319 towards the costs of books and equipment.”.

(3) The provisions specified for the purposes of paragraphs (1) and (2) (which relate respectively to sums to be disregarded from the calculation of grant income and from student loans) are—

(a) regulations 53(2A)(a) and 57A(5)(b) of the Housing Benefit Regulations;

(b) regulations 62(2A)(c) and 66A(5)(d) of the Income Support Regulations;

(c) regulations 131(3)(e) and 136(5)(f) of the Jobseeker’s Allowance Regulations.

(4) There shall be inserted as—

(a) regulation 53(2B) of the Housing Benefit Regulations;

(b) regulation 62(2B) of the Income Support Regulations;

(c) regulation 131(3A) of the Jobseeker’s Allowance Regulations,

the following paragraph—

“There shall also be excluded from a student’s grant income—

(a) any grant of £250 for an only or eldest dependant child payable under regulation 15(1)(c) of the Education (Student Support) Regulations (Northern Ireland) 2001(g) (grants for dependants);

(b) any grant of £500 in respect of expenditure on travel, books and equipment for the purpose of attending his course which is payable under regulation 15(8) of those Regulations;

(c) any grant for childcare costs payable under regulation 16 of those Regulations (grants for dependants — childcare costs);

(d) any grant in respect of a lone parent’s child care costs which is payable under regulation 4(1)(c) of the Students’ Allowances (Scotland) Regulations 1999 and which is specified as such on the student’s award notice.”.

(5) In regulation 51(1) of the Housing Benefit Regulations(h) (eligible rent) for the sum “£19.20” there shall be substituted the sum “£19.65”.

(a) Paragraph (2A) was substituted by regulation 4(4)(b) of S.R. 1999 No. 317 and amended by regulation 4(5) of S.R. 2000 No. 242

(b) Regulation 57A was inserted by regulation 3(9) of S.R. 1990 No. 297 and paragraph (5) was amended by regulation 4(7)(c) of S.R. 2000 No. 242

(c) Paragraph (2A) was substituted by regulation 3(3)(b) of S.R. 1999 No. 317 and amended by regulation 2(3)(b) of S.R. 2000 No. 242

(d) Regulation 66A was inserted by regulation 4(7) of S.R. 1990 No. 297 and paragraph (5) was amended by regulation 2(4)(c) of S.R. 2000 No. 242

(e) Paragraph (3) was substituted by regulation 2(3)(b) of S.R. 1999 No. 317 and amended by regulation 3(5)(b) of S.R. 2000 No. 242

(f) Paragraph (5) was amended by regulation 3(6)(c) of S.R. 2000 No. 242

(g) S.R. 2001 No. 277

(h) Regulation 51(1) was amended by regulation 4(4) of S.R. 2000 No. 242

Treatment of student loans

4. After paragraph (2)(a)(a) in—

(a) regulation 57A of the Housing Benefit Regulations;

(b) regulation 66A of the Income Support Regulations;

(c) regulation 136 of the Jobseeker's Allowance Regulations,

there shall be inserted the following sub-paragraph—

“(aa) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the benefit week immediately following that which includes the first day of that academic year and ending with the benefit week which includes the last day of that academic year but excluding any benefit weeks falling entirely within the quarter during which, in the opinion of the Department, the longest of any vacation is taken and for the purposes of this sub-paragraph “quarter” shall have the same meaning as for the purposes of the Education (Student Support) Regulations (Northern Ireland) 2001;”.

Treatment of loan income of former students

5.—(1) For regulation 40(3A) of the Income Support Regulations(b) (calculation of income other than earnings) there shall be substituted the following paragraphs—

“(3A) Paragraph (3AA) applies where—

(a) a relevant payment has been made to a person in an academic year, and

(b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

(3AA) The amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a person to whom paragraph (3A) applies, shall be calculated by applying the formula—

$$\frac{A - (B \times C)}{D}$$

where—

A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under regulation 66A(5);

(a) Paragraph (2) was substituted in each instance by S.R. 2000 No. 242

(b) Paragraph (3A) was inserted by regulation 4(4)(b) of S.R. 1990 No. 297 and was amended by regulation 8 of S.R. 1991 No. 46, regulation 5(3) of S.R. 1997 No. 412 and by the Schedule to S.R. 2000 No. 241

- B = the number of benefit weeks from the benefit week immediately following that which includes the first day of that academic year to the benefit week immediately before that which includes the day on which the person abandoned, or was dismissed from, his course;
- C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under regulation 66A(2) had the person not abandoned, or been dismissed from, his course and, in the case of a person who was not entitled to income support immediately before he abandoned, or was dismissed from, his course, had that person, at that time, been entitled to income support;
- D = the number of benefit weeks in the assessment period.

(3AB) In paragraphs (3A) and (3AA)—

“academic year” and “student loan” shall have the same meanings as for the purposes of Chapter VIII (students);

“assessment period” means the period beginning with the benefit week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the benefit week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person and for the purposes of this definition “quarter” shall have the same meaning as for the purposes of the Education (Student Support) Regulations (Northern Ireland) 2001;

“relevant payment” means either a student loan or an amount intended for the maintenance of dependents referred to in regulation 62(3B) or both.”.

(2) For regulation 103(5) of the Jobseeker’s Allowance Regulations(a) (calculation of income other than earnings) there shall be substituted the following paragraphs—

“(5) Paragraph (5ZA) applies where—

- (a) a relevant payment has been made to a person in an academic year, and
- (b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

(5ZA) The amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a person to whom paragraph (5) applies, shall be calculated by applying the formula—

$$\frac{A - (B \times C)}{D}$$

(a) Paragraph (5) was amended by regulation 5(11) of S.R. 1997 No. 130

where—

- A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under regulation 136(5);
- B = the number of benefit weeks from the benefit week immediately following that which includes the first day of that academic year to the benefit week immediately before that which includes the day on which the person abandoned, or was dismissed from, his course;
- C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under regulation 136(2) had the person not abandoned, or been dismissed from, his course and, in the case of a person who was not entitled to a jobseeker's allowance immediately before he abandoned, or was dismissed from, his course, had that person, at that time, been entitled to a jobseeker's allowance;
- D = the number of benefit weeks in the assessment period.

(5ZB) In paragraphs (5) and (5ZA)—

“academic year” and “student loan” shall have the same meanings as for the purposes of Chapter IX (students);

“assessment period” means the period beginning with the benefit week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the benefit week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person and for the purposes of this definition “quarter” shall have the same meaning as for the purposes of the Education (Student Support) Regulations (Northern Ireland) 2001;

“relevant payment” means either a student loan or an amount intended for the maintenance of dependents referred to in regulation 131(5A) or both.”.

(3) For regulation 33(3A) of the Housing Benefit Regulations^(a) (calculation of income other than earnings) there shall be substituted the following paragraphs—

“(3A) Paragraph (3B) applies where—

- (a) a relevant payment has been made to a person in an academic year, and
- (b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

(3B) The amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a

(a) Paragraph (3A) was inserted by regulation 3(4)(b) of S.R. 1990 No. 297 and amended by regulation 4 of S.R. 1991 No. 47

person to whom paragraph (3A) applies, shall be calculated by applying the formula—

$$\frac{A - (B \times C)}{D}$$

where—

- A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under regulation 57A(5);
- B = the number of benefit weeks from the benefit week immediately following that which includes the first day of that academic year to the benefit week which includes the day on which the person abandoned, or was dismissed from, his course;
- C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under regulation 57A(2) had the person not abandoned, or been dismissed from, his course and, in the case of a person who was not entitled to housing benefit immediately before he abandoned, or was dismissed from, his course, had that person, at that time, been entitled to housing benefit;
- D = the number of benefit weeks in the assessment period.

(3C) In paragraphs (3A) and (3B)—

“academic year” and “student loan” shall have the same meanings as for the purposes of Part VII (students);

“assessment period” means the period beginning with the benefit week immediately following that which includes the day on which the person abandoned, or was dismissed from, his course and ending with the benefit week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person and for the purposes of this definition “quarter” shall have the same meaning as for the purposes of the Education (Student Support) Regulations (Northern Ireland) 2001;

“relevant payment” means either a student loan or an amount intended for the maintenance of dependents referred to in regulation 53(3B) or both.”.

NHS Dependent Grants

6. At the beginning of—

- (a) regulation 53(3A)(a) of the Housing Benefit Regulations;
- (b) regulation 62(3A)(b) of the Income Support Regulations, and

(a) Regulation 53(3A) was inserted by regulation 4(5)(c) of S.R. 2000 No. 242
(b) Regulation 62(3A) was inserted by regulation 25(b) of S.R. 1988 No. 146

(c) regulation 131(5) of the Jobseeker's Allowance Regulations, (calculation of grant income) there shall be inserted "Any grant paid in respect of dependents under Article 44(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(a) (provisions relating to training) and".

Grants for school meals

7. In regulation 57(2) of the Housing Benefit Regulations(b) (other amounts to be disregarded) after "1998" there shall be inserted "or under the Students' Allowance (Scotland) Regulations 1999,".

Sealed with the Official Seal of the Department for Social Development
on 11th July 2001.

(L.S.)

Bryan Davis
Senior Officer of the Department for
Social Development

The Department of Finance and Personnel hereby consents to regulations 2(1) and (2)(a), 3(1), (2) and (3)(a), (4)(a) and (5), 4(a), 5(3), 6(a) and 7 of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel
on 11th July 2001.

(L.S.)

William Pauley
Senior Officer of the Department of
Finance and Personnel

(a) S.I. 1972/1265 (N.I. 14)

(b) Regulation 57(2) was added by regulation 4(6) of S.R. 2000 No. 242

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Housing Benefit (General) Regulations (Northern Ireland) 1987, the Income Support (General) Regulations (Northern Ireland) 1987 and the Jobseeker's Allowance Regulations (Northern Ireland) 1996 in so far as those Regulations apply to students and former students.

In particular, they—

insert a definition of “academic year”, amend the definitions of “access funds”, “contribution”, “standard maintenance grant” and “student loan” and omit the definition of “year” (regulation 2);

increase the amounts of grant and loan income to be disregarded in respect of books and equipment and for travel costs and allow the former to be disregarded even if a student's grant income includes an amount for books and equipment (regulation 3(1) to (3));

add new exclusions for grants paid to certain students who are lone parents, for childcare costs and for certain course-related expenditure and also increase the amount deducted from rent for calculating eligible rent (regulation 3(4) and (5));

provide rules as to the apportionment of student loans where the academic year starts other than on 1st September (regulation 4);

provide a formula for calculating the income of a former student who has received a student loan or an amount intended for the maintenance of dependents and who abandons, or is dismissed from, his course before the end of the penultimate term of the academic year (regulation 5);

ensure that grants paid to students receiving instruction as officers of hospital authorities are taken into account over 12 months and not 10 (regulation 6);

disregard school meal grants paid in Scotland as income in housing benefit (regulation 7).

In so far as these Regulations are required, for the purposes of regulations 2(1) and (2)(a), 3(1), (2) and (3)(a), (4)(a) and (5), 4(a), 5(3), 6(a) and 7, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, (“the 1992 Act”), after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise they make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the 1992 Act, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose any charge on business.

£2.50

Published by The Stationery Office Limited

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly
Dd. N10238. C3. 7/01. Gp. 130. 14567.