

2002 No. 222

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Students and Income-Related Benefits
Amendment) Regulations (Northern Ireland) 2002**

Made - - - - - 18th June 2002

Coming into operation in accordance with regulation 1(1)

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 129(2), 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(1), (2)(a), (3), (4)(a), (5), (6)(a), (7) and (8)(a), 5(1) to (5) and (6)(a), 6 and 7(1) and (2)(a) 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) 2002 and shall come into operation –

- (a) for the purposes of this regulation and regulation 2, on 1st August 2002;
- (b) for the purposes of regulations 3 to 7 –
 - (i) in the case of a student whose period of study begins on or after 1st August 2002 but before 26th August 2002, on the day the period of study begins;
 - (ii) in any other case, on 26th August 2002.

(2) In these Regulations –

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(f);

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(g);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(h).

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- (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
 - (f) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 No. 297, S.R. 1995 No. 129, S.R. 1996 No. 405, S.R. 1997 No. 127, S.R. 1998 No. 112, S.R. 1999 No. 317, S.R. 2000 Nos. 241, 242 and 268 and S.R. 2001 No. 278
 - (g) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 146, S.R. 1990 No. 297, S.R. 1996 No. 405, S.R. 1999 No. 317, S.R. 2000 Nos. 241 and 242 and S.R. 2001 No. 278
 - (h) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1999 No. 317, S.R. 2000 No. 242 and S.R. 2001 No. 278

(3) The Interpretation Act (Northern Ireland) 1954(a) 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) in the definition of “access funds” after paragraph (c) “or” shall be omitted and after paragraph (d) there shall be added the following paragraph –

“or

(e) Financial Contingency Funds made available by the National Assembly for Wales;”;

(b) for the definition of “periods of experience” there shall be substituted the following definition –

“ “periods of experience” means periods of work experience which form part of a sandwich course;”;

(c) in the definition of “sandwich course” –

(i) for “Education (Student Support) Regulations (Northern Ireland) 2000” there shall be substituted “Education (Student Support) Regulations (Northern Ireland) 2001(b)”;

(ii) for “Education (Student Support) Regulations 2000” there shall be substituted “Education (Student Support) Regulations 2002(c)”.

(2) The provisions specified for the purposes of paragraph (1) (students: interpretation) are –

(a) regulation 46(1) of the Housing Benefit Regulations(d);

(b) regulation 61(1) of the Income Support Regulations(e).

(3) In the Jobseeker’s Allowance Regulations –

(a) in regulation 1(2) (interpretation) in the definition of “sandwich course”(f) –

(i) for “Education (Student Support) Regulations (Northern Ireland) 2000” there shall be substituted “Education (Student Support) Regulations (Northern Ireland) 2001”;

(ii) for “Education (Student Support) Regulations 2000” there shall be substituted “Education (Student Support) Regulations 2002”;

(b) in regulation 130 (students: interpretation) –

(i) in the definition of “access funds”(g) after paragraph (c) “or” shall be omitted and after paragraph (d) there shall be added the following paragraph –

“or

(e) Financial Contingency Funds made available by the National Assembly for Wales;”;

(ii) for the definition of “periods of experience” there shall be substituted the following definition –

“ “periods of experience” means periods of work experience which form part of a sandwich course;”.

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

(b) S.R. 2001 No. 277

(c) S.I. 2002/195

(d) Regulation 46 was renumbered by regulation 2(2) of S.R. 2000 No. 241, the definition of “access funds” was inserted by regulation 4(2)(a) of S.R. 2000 No. 242 and amended, and paragraph (d) added, by regulation 2(1)(b) and (2)(a) of S.R. 2001 No. 278, the definition of “periods of experience” was amended by regulation 4(4)(b)(iii) of S.R. 1996 No. 405 and the definition of “sandwich course” was substituted by regulation 4(2)(b) of S.R. 2000 No. 242

(e) Regulation 61 was renumbered by regulation 3(3) of S.R. 2000 No. 241, the definition of “access funds” was inserted by regulation 2(2)(a) of S.R. 2000 No. 242 and amended, and paragraph (d) added, by regulation 2(1)(b) and (2)(b) of S.R. 2001 No. 278, the definition of “periods of experience” was amended by regulation 5(8)(b)(iii) of S.R. 1996 No. 405 and the definition of “sandwich course” was substituted by regulation 2(2)(b) of S.R. 2000 No. 242

(f) Definition of “sandwich course” was substituted by regulation 3(2)(b) of S.R. 2000 No. 242

(g) Definition of “access funds” was inserted by regulation 3(4)(a) of S.R. 2000 No. 242 and amended, and paragraph (d) added, by regulation 2(1)(b)(ii) and (2)(c) of S.R. 2001 No. 278

Disregards

3.—(1) In sub-paragraph (a) of each of the provisions specified in paragraph (3) for the sum “£260” there shall be substituted the sum “£265”.

(2) In sub-paragraph (b) of each of the provisions specified in paragraph (3) for the sum “£319” there shall be substituted the sum “£327”.

(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.

Calculation of grant income

4.—(1) In each of the provisions specified in paragraph (2) –

- (a) at the end of sub-paragraph (c) there shall be added “or under regulation 16 of the Education (Student Support) Regulations 2002”;
- (b) after sub-paragraph (c) there shall be inserted the following paragraph –
“(cc) the child care component of the National Assembly for Wales Learning Grant;”.

(2) The provisions specified for the purposes of paragraph (1) are –

- (a) regulation 53(2B) of the Housing Benefit Regulations(g);
- (b) regulation 62(2B) of the Income Support Regulations(h);
- (c) regulation 131(3A) of the Jobseeker’s Allowance Regulations(i).

(3) In each of the provisions specified in paragraph (4) –

- (a) in sub-paragraph (a) for “in that period” there shall be substituted “in the period beginning with the benefit week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the period of study”;
- (b) in sub-paragraph (b) for “in respect of which it is payable” there shall be substituted “beginning with the benefit week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable”.

(4) The provisions specified for the purposes of paragraph (3) are –

- (a) regulation 53(3) of the Housing Benefit Regulations(j);
- (b) regulation 62(3) of the Income Support Regulations(k);
- (c) regulation 131(4) of the Jobseeker’s Allowance Regulations(l).

(5) In each of the provisions specified in paragraph (6) –

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- (a) Paragraph (2A) was substituted by regulation 4(4)(b) of S.R. 1999 No. 317 and amended by regulation 3(1), (2) and (3)(a) of S.R. 2001 No. 278
 - (b) Regulation 57A was inserted by regulation 3(9) of S.R. 1990 No. 297 and paragraph (5) was added by regulation 4(6)(b) of S.R. 1999 No. 317 and amended by regulation 3(1), (2) and (3)(a) of S.R. 2001 No. 278. (c) Paragraph (2A) was substituted by regulation 3(3)(b) of S.R. 1999 No. 317 and amended by regulation 3(1), (2) and (3)(b) of S.R. 2001 No. 278
 - (d) Regulation 66A was inserted by regulation 4(7) of S.R. 1990 No. 297 and paragraph (5) was added by regulation 3(5)(b) of S.R. 1999 No. 317 and amended by regulation 3(1), (2) and (3)(b) of S.R. 2001 No. 278.
 - (e) Paragraph (3) was substituted by regulation 2(3)(b) of S.R. 1999 No. 317 and amended by regulation 3(1), (2) and (3)(c) of S.R. 2001 No. 278
 - (f) Paragraph (5) was amended by regulation 3(1), (2) and (3)(c) of S.R. 2001 No. 278
 - (g) Paragraph (2B) was inserted by regulation 3(4)(a) of S.R. 2001 No. 278
 - (h) Paragraph (2B) was inserted by regulation 3(4)(b) of S.R. 2001 No. 278.
 - (i) Paragraph (3A) was inserted by regulation 3(4)(c) of S.R. 2001 No. 278
 - (j) Paragraph (3) was amended by regulation 4(5)(b) of S.R. 2000 No. 242.
 - (k) Paragraph (3) was amended by regulation 2(3)(d) of S.R. 2000 No. 242
 - (l) Paragraph (4) was amended by regulation 3(5)(d) of S.R. 2000 No. 242

- (a) at the beginning there shall be inserted “In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so,”;
- (b) for “would have been apportioned had he had one” there shall be substituted “, as the case may be, would have been apportioned”.
- (6) The provisions specified for the purposes of paragraph (5) are –
 - (a) regulation 53(3B) of the Housing Benefit Regulations(a);
 - (b) regulation 62(3B) of the Income Support Regulations(b);
 - (c) regulation 131(5A) of the Jobseeker’s Allowance Regulations(c).

(7) In each of the provisions specified in paragraph (8) for “the remaining weeks in that period” there shall be substituted “the weeks in the period beginning with the benefit week, the first day of which immediately follows the last day of the period of experience and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the period of study”.

- (8) The provisions specified for the purposes of paragraph (7) are –
 - (a) regulation 53(4) of the Housing Benefit Regulations;
 - (b) regulation 62(4) of the Income Support Regulations;
 - (c) regulation 131(6) of the Jobseeker’s Allowance Regulations.

Treatment of student loans

5.—(1) This regulation amends the provisions specified in paragraph (6) and references in this regulation to sub-paragraphs are to the relevant sub-paragraphs of those provisions.

- (2) For sub-paragraph (a) there shall be substituted the following sub-paragraph –
 - “(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 –
 - (i) except in a case where head (ii) applies, the benefit week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is of less than an academic year’s duration, the benefit week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the course;”.

(3) In sub-paragraph (aa) for “immediately following that which includes the first day of that academic year and ending with the benefit week which includes”, there shall be substituted “, the first day of which coincides with, or immediately follows, the first day of that academic year and ending with the benefit week, the last day of which coincides with, or immediately precedes,”.

- (4) In sub-paragraph (b) –
 - (a) the words “, the earlier of” shall be omitted;
 - (b) for heads (i) and (ii) there shall be substituted the following heads –
 - “(i) except in a case where head (ii) applies, the benefit week, the first day of which coincides with, or immediately follows, the first day of that academic year;
 - (ii) where the final academic year starts on 1st September, the benefit week, the first day of which coincides with, or immediately follows, the earlier of 1st September or the first day of the autumn term;”;
 - (c) for “the last day of the last benefit week before” there shall be substituted “the benefit week, the last day of which coincides with, or immediately precedes,”.

(a) Paragraph (3B) was inserted by regulation 4(5)(c) of S.R. 2000 No. 242
 (b) Paragraph (3B) was inserted by regulation 2(3)(e) of S.R. 2000 No. 242
 (c) Paragraph (5A) was inserted by regulation 3(5)(e) of S.R. 2000 No. 242

- (5) In sub-paragraph (c) –
 - (a) for head (ii) there shall be substituted the following head –
 - “(ii) the benefit week, the first day of which coincides with, or immediately follows, the first day of the autumn term,”;
 - (b) for “the last day of the last benefit week in June” there shall be substituted “the benefit week, the last day of which coincides with, or immediately precedes, the last day of June”.
- (6) The provisions specified for the purposes of this regulation are –
 - (a) regulation 57A(2) of the Housing Benefit Regulations(a);
 - (b) regulation 66A(2) of the Income Support Regulations(b);
 - (c) regulation 136(2) of the Jobseeker’s Allowance Regulations(c).

Eligible rent

- 6. In the Housing Benefit Regulations –
 - (a) regulation 51(d) (eligible rent) shall be omitted;
 - (b) in regulation 52 (student partners) for “regulations 50 and 51 (eligible housing costs and eligible rent)” there shall be substituted “regulation 50 (eligible housing costs)”;
 - (c) regulation 58(2) (disregard of contribution and rent) shall be omitted.

Minor amendments

- 7.—(1) In each of the provisions specified in (2) for “dependents” there shall be substituted “dependants”.
- (2) The provisions specified for the purposes of paragraph (1) (which relate to the calculation of income other than earnings and grant income) are –
 - (a) regulations 33(3C)(e) and 53(3A)(f) of the Housing Benefit Regulations;
 - (b) regulations 40(3AB)(g) and 62(3A)(h) of the Income Support Regulations;
 - (c) regulations 103(5ZB)(i) and 131(5)(j) of the Jobseeker’s Allowance Regulations.

Sealed with the Official Seal of the Department for Social Development on 18th June 2002.

(L.S.)

John O’Neill

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(1), (2)(a), (3), (4)(a), (5), (6)(a), (7) and (8)(a), 5(1) to (5) and (6)(a), 6 and 7(1) and (2)(a) of the foregoing Regulations.

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- (a) Paragraph (2) was substituted by regulation 4(7)(b) of S.R. 2000 No. 242 and sub-paragraph (aa) was inserted by regulation 4(a) of S.R. 2001 No. 278
 - (b) Paragraph (2) was substituted by regulation 2(4)(b) of S.R. 2000 No. 242 and sub-paragraph (aa) was inserted by regulation 4(b) of S.R. 2001 No. 278
 - (c) Paragraph (2) was substituted by regulation 3(6)(b) of S.R. 2000 No. 242 and sub-paragraph (aa) was inserted by regulation 4(c) of S.R. 2001 No. 278
 - (d) Regulation 51 was amended by regulation 7 of S.R. 1995 No. 129, regulation 2 of S.R. 1997 No. 127, regulation 4 of S.R. 1998 No. 112, regulation 2 of S.R. 2000 No. 268 and regulation 3(5) of S.R. 2001 No. 278
 - (e) Regulation 33(3C) was inserted by regulation 5(3) of S.R. 2001 No. 278
 - (f) Regulation 53(3A) was inserted by regulation 4(5)(c) of S.R. 2000 No. 242 and amended by regulation 6(a) of S.R. 2001 No. 278
 - (g) Regulation 40(3AB) was inserted by regulation 5(1) of S.R. 2001 No. 278
 - (h) Regulation 62(3A) was inserted by regulation 25(b) of S.R. 1988 No. 146 and amended by regulation 6(b) of S.R. 2001 No. 278
 - (i) Regulation 103(5ZB) was inserted by regulation 5(2) of S.R. 2001 No. 278
 - (j) Regulation 131(5) was amended by regulation 6(c) of S.R. 2001 No. 278

Sealed with the Official Seal of the Department of Finance and Personnel on 18th June 2002.

(L.S.)

Brian McClure

Senior Officer of the Department of Finance and Personnel

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.

In particular, they –

amend the definitions of “access funds”, “periods of experience” and “sandwich course” (regulation 2);

increase the amounts of grant and loan income to be disregarded (to £265 and £327 respectively) in respect of books and equipment and for travel costs (regulation 3);

provide for the disregard of childcare grants payable under Great Britain legislation and of the child care component of the National Assembly for Wales Learning Grants (regulation 4(1) and (2));

provide for both grant income and student loans to be apportioned over complete benefit weeks (regulations 4(3), (4), (7) and (8) and 5);

clarify the position as regards the apportionment of amounts in grants intended for the maintenance of dependants (regulation 4(5) and (6));

abolish the student rent deduction and make consequential amendments (regulation 6).

make a minor amendment (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(1), (2)(a), (3), (4)(a), (5), (6)(a), (7) and (8)(a), 5(1) to (5) and (6)(a), 6 and 7(1) and (2)(a), 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.

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