

**2003 No. 329**

**HOUSING; RATES; SOCIAL SECURITY**

**The Social Security (Students and Income-Related Benefits  
Amendment) Regulations (Northern Ireland) 2003**

*Made - - - - - 9th July 2003*

*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), 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), (2) and (3)(a) and 3(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) 2003 and shall come into operation –

- (a) for the purposes of this regulation, on 1st August 2003;
- (b) for the purposes of regulations 2 and 3 –
  - (i) in the case of a student whose period of study begins on or after 1st August 2003 but before 1st September 2003, on the day the period of study begins;
  - (ii) in any other case, on 1st September 2003.

(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);

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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. 1999 No. 317, S.R. 2001 No. 278 and S.R. 2002 Nos. 222 and 270  
(g) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1990 No. 297, S.R. 1999 No. 317, S.R. 2001 No. 278 and S.R. 2002 Nos. 222 and 270

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

(3) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to an Act of the Assembly.

### Disregards

2.—(1) In sub-paragraph (a) of each of the provisions specified in paragraph (3) for the sum “£265” there shall be substituted the sum “£270”.

(2) In sub-paragraph (b) of each of the provisions specified in paragraph (3) for the sum “£327” there shall be substituted the sum “£340”.

(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)(c) and 57A(5)(d) of the Housing Benefit Regulations;
- (b) regulations 62(2A)(e) and 66A(5)(f) of the Income Support Regulations;
- (c) regulations 131(3)(g) and 136(5)(h) of the Jobseeker’s Allowance Regulations.

### Calculation of grant income

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

(a) for sub-paragraph (cc) there shall be substituted the following sub-paragraph –

“(cc) any grant paid under the Schedule to the Education (Assembly Learning Grant Scheme) (Wales) Regulations 2002(i);”;

(b) after sub-paragraph (d) there shall be added the following –

“and

(e) any grant paid under regulation 16(7) of the Education (Student Support) Regulations (Northern Ireland) 2003(j).”.

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

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

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- (a) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1999 No. 317, S.R. 2001 No. 278 and S.R. 2002 Nos. 222 and 270
  - (b) 1954 c. 33 (N.I.)
  - (c) Paragraph (2A) was substituted by regulation 4(4)(b) of S.R. 1999 No. 317 and amended by regulation 3 of S.R. 2001 No. 278 and regulation 3 of S.R. 2002 No. 222
  - (d) 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 of S.R. 2001 No. 278 and regulation 3 of S.R. 2002 No. 222
  - (e) Paragraph (2A) was substituted by regulation 3(3)(b) of S.R. 1999 No. 317 and amended by regulation 3 of S.R. 2001 No. 278 and regulation 3 of S.R. 2002 No. 222
  - (f) 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 of S.R. 2001 No. 278 and regulation 3 of S.R. 2002 No. 222
  - (g) Paragraph (3) was substituted by regulation 2(3)(b) of S.R. 1999 No. 317 and amended by regulation 3 of S.R. 2001 No. 278 and regulation 3 of S.R. 2002 No. 222
  - (h) Paragraph (5) was added by regulation 2(5)(b) of S.R. 1999 No. 317 and amended by regulation 3 of S.R. 2001 No. 278 and regulation 3 of S.R. 2002 No. 222
  - (i) S.I. 2002/1857 (W. 181) as amended by S.I. 2002/2814 (W. 271)
  - (j) S.R. 2003 No. 298
  - (k) Paragraph (2B) was inserted by regulation 3 of S.R. 2001 No. 278 and amended by regulation 4 of S.R. 2002 No. 222 and regulation 2 of S.R. 2002 No. 270
  - (l) Paragraph (2B) was inserted by regulation 3 of S.R. 2001 No. 278 and amended by regulation 4 of S.R. 2002 No. 222 and regulation 2 of S.R. 2002 No. 270
  - (m) Paragraph (3A) was inserted by regulation 3 of S.R. 2001 No. 278 and amended by regulation 4 of S.R. 2002 No. 222 and regulation 2 of S.R. 2002 No. 270

Sealed with the Official Seal of the Department for Social Development on 9th July 2003.

(L.S.)

*John O'Neill*

A senior officer of the Department for Social Development

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

Sealed with the Official Seal of the Department of Finance and Personnel on 10th July 2003.

(L.S.)

*Rodney Scott*

A 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 –

increase the amounts of grants and loan income to be disregarded (to £270 and £340 respectively) in respect of books and equipment and for travel costs (regulation 2);

provide for the full disregard of grants payable under the National Assembly for Wales, Learning Grant (regulation 3(1)(a));

provide for the full disregard of the Department for Employment and Learning Parents' Learning Allowance payments (regulation 3(1)(b)).

In so far as these Regulations are required, for the purposes of regulations 2(1), (2) and (3)(a) and 3(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 a charge on business.

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