STATUTORY INSTRUMENTS

2016 No. 743

SOCIAL SECURITY

The Social Security (Treatment of Postgraduate Master's Degree Loans and Special Support Loans) (Amendment) Regulations 2016

Made - - - -	*13th July 2016*
Laid before Parliament	*14th July 2016*
Coming into force - -	*4th August 2016*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(a) and (d), 136(3) and (5)(a) and (b) and 175(3) and (4) of the Social Security Contributions and Benefits Act 1992(**1**), sections 12(1) and (4)(a) and (b), 35(1) and 36(2) and (4)(a) of the Jobseekers Act 1995(**2**), sections 17(1) and (3)(a) and (b), 24(1) and 25(3), (4) and (5)(a) of the Welfare Reform Act 2007(**3**) and sections 8(3)(b), 19(2)(d), 30, 32 and 42(3) of, and paragraph 4(1)(b) and (c) and (3)(a) of Schedule 1 to, the Welfare Reform Act 2012(**4**).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(**5**), the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

In accordance with section 176(1) of that Act(**6**), the Secretary of State has consulted with organisations appearing to the Secretary of State to be representative of the authorities concerned except in relation to regulation 4(5). Those organisations have agreed that consultation in respect of that regulation need not be undertaken.

Citation and commencement

1. These Regulations may be cited as the Social Security (Treatment of Postgraduate Master's Degree Loans and Special Support Loans) (Amendment) Regulations 2016 and come into force on 4th August 2016.

(**1**) 1992 c.4. See section 137(1) for the meaning of "prescribed".
(**2**) 1995 c.18. See section 35(1) for the meanings of "prescribed" and "regulations".
(**3**) 2007 c.5. See section 24(1) for the meanings of "prescribed" and "regulations".
(**4**) 2012 c.5. See section 40 for the meaning of "prescribed".
(**5**) 1992 c.5.
(**6**) Section 176(1)(b) was amended by paragraph 3(4) of Schedule 13 to the Housing Act 1996 and was repealed, to the extent that it related to council tax benefit, by section 147 of, and paragraph 1 of Schedule 14 to, the Welfare Reform Act 2012 with effect from 1st April 2013 and subject to savings and transitional provisions in articles 9 and 10 of S.I.2013/358.

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987(**7**) are amended as follows.

(2) In regulation 61(1) (students: interpretation), after the definition of "periods of experience" insert—

""postgraduate master's degree loan" means a loan which a student is eligible to receive under the Education (Postgraduate Master's Degree Loans) Regulations 2016(**8**);".

(3) In regulation 62(2A) (calculation of grant income)—

(a) after "student loan" insert "or a postgraduate master's degree loan";

(b) for "such a loan" substitute "a student loan or a postgraduate master's degree loan".

(4) In regulation 66A (treatment of student loans)—

(a) at the end of the heading add "and postgraduate master's degree loans";

(b) in paragraph (1), after "A student loan" insert "and a postgraduate master's degree loan";

(c) in paragraph (3)—

(i) after "a student loan" in both places, insert "or a postgraduate master's degree loan";

(ii) in sub-paragraph (b), for "such a loan" substitute "a student loan or a postgraduate master's degree loan".

(d) after paragraph (4) insert—

"(4A) Where a student is treated as possessing a postgraduate master's degree loan under paragraph (3) in respect of an academic year, the amount of that loan to be taken into account as income shall be, subject to paragraph (5), a sum equal to 30 per cent. of the maximum postgraduate master's degree loan the student is able to acquire in respect of that academic year by taking reasonable steps to do so.";

(e) in paragraph (5), after "paragraph (4)" insert "or (4A)".

(5) After regulation 66C(**9**) insert—

"**Treatment of special support loans**

66D. A special support loan within the meaning of regulation 68 of the Education (Student Support) Regulations 2011(**10**) is to be disregarded as income.".

(6) In regulation 67A(**11**) (further disregard of student's income), for "or student loan" substitute ", student loan or postgraduate master's degree loan".

Amendment of the Jobseeker's Allowance Regulations 1996

3.—(1) The Jobseeker's Allowance Regulations 1996(**12**) are amended as follows.

(2) In regulation 130 (students: interpretation), after the definition of "periods of experience" insert—

""postgraduate master's degree loan" means a loan which a student is eligible to receive under the Education (Postgraduate Master's Degree Loans) Regulations 2016;".

(**7**) S.I.1987/1967. Relevant amending instruments are S.I.1990/1549, 1998/563, 1999/1935, 2000/1922, 2001/2319, 2002/1589, 2006/1752, 2008/2767 and 2009/1575.
(**8**) S.I.2016/606.
(**9**) Regulation 66C is inserted by S.I.2006/1752.
(**10**) S.I.2011/1986. Relevant amending instrument is S.I.2015/1951.
(**11**) Regulation 67A is inserted by S.I.1998/563.
(**12**) S.I. 1996/207. Relevant amending instruments are S.I.1998/563, 1999/1935, 2001/2319, 2002/1589, 2006/1752, 2008/2767 and 2009/1575.

(3) In regulation 131(3) (calculation of grant income)—

(a) after "student loan" insert "or a postgraduate master's degree loan";

(b) for "such a loan" substitute "a student loan or a postgraduate master's degree loan".

(4) In regulation 136 (treatment of student loans)—

(a) at the end of the heading add "and postgraduate master's degree loans";

(b) in paragraph (1), after "A student loan" insert "and a postgraduate master's degree loan";

(c) in paragraph (3)—

(i) after "a student loan" in both places, insert "or a postgraduate master's degree loan";

(ii) in sub-paragraph (b), for "such a loan" substitute "a student loan or a postgraduate master's degree loan".

(d) after paragraph (4) insert—

"(4A) Where a student is treated as possessing a postgraduate master's degree loan under paragraph (3) in respect of an academic year, the amount of that loan to be taken into account as income shall be, subject to paragraph (5), a sum equal to 30 per cent. of the maximum postgraduate master's degree loan the student is able to acquire in respect of that academic year by taking reasonable steps to do so.";

(e) in paragraph (5), after "paragraph (4)" insert "or (4A)".

(5) After regulation 136B(**13**) insert—

"**Treatment of special support loans**

136C. A special support loan within the meaning of regulation 68 of the Education (Student Support) Regulations 2011 is to be disregarded as income.".

(6) In regulation 137A(**14**) (further disregard of student's income), for "or student loan" substitute ", student loan or postgraduate master's degree loan".

Amendment of the Housing Benefit Regulations 2006

4.—(1) The Housing Benefit Regulations 2006(**15**) are amended as follows.

(2) In regulation 53(1) (students: interpretation), after the definition of "periods of experience" insert—

""postgraduate master's degree loan" means a loan which a student is eligible to receive under the Education (Postgraduate Master's Degree Loans) Regulations 2016;".

(3) In regulation 59(3) (calculation of grant income)—

(a) after "a student loan" insert "or a postgraduate master's degree loan";

(b) for "such a loan" substitute "a student loan or a postgraduate master's degree loan".

(4) In regulation 64 (treatment of student loans)—

(a) at the end of the heading add "and postgraduate master's degree loans";

(b) in paragraph (1), after "A student loan" insert "and a postgraduate master's degree loan";

(c) in paragraph (3)—

(i) after "a student loan" in both places, insert "or a postgraduate master's degree loan";

(**13**) Regulation 136B is inserted by S.I.2006/1752.
(**14**) Regulation 137A is inserted by S.I.1998/563.
(**15**) S.I.2006/213. Relevant amending instrument is S.I.2006/1752.