Draft Regulations laid before Parliament under section 37(2) of the Jobseekers Act 1995, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2000 No.

SOCIAL SECURITY

The Social Security Amendment (Students)Regulations 2000

Made - - - -	*2000*
Coming into force - -	*31st July 2000*

Whereas a draft of this instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995(**1**) and approved by resolution of each House of Parliament.

Now therefore, the Secretary of State for Education and Employment in relation to regulation 6 of these Regulations and the Secretary of State for Social Security, in relation to the remainder of these Regulations, in exercise of the powers conferred by sections 123(1)(a), (d) and (e), 124(1)(e), 131(3)(b), 135(1), 136(3), (4) and (5)(b), 137(1) and (2)(i) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(**2**) and sections 4(5), 6(2) and (4), 7(4), 12(1) and (4)(b), 21, 35(1) and 36(1), (2) and (4) of, and paragraph 14 of Schedule 1 to, the Jobseekers Act 1995(**3**), and of all other powers enabling each of them in that behalf, after consultation, in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to the Secretary of State to be representative of the authorities concerned(**4**) and after reference to the Social Security Advisory Committee(**5**), hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Amendment (Students) Regulations 2000 and shall come into force on 31st July 2000.

(2) In these Regulations—

(**1**) 1995 c. 18.
(**2**) 1992 c. 4; sections 123(1)(e), 131 and 137 were amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14), paragraphs 1, 4 and 9; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word "prescribed".
(**3**) Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".
(**4**) See section 176(1) of the Social Security Administration Act 1992 (c. 5).
(**5**) See section 172(1) of the Social Security Administration Act 1992 (c. 5). Paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of "relevant enactments" in respect of which regulations must normally be referred to the Committee.

"the Council Tax Benefit Regulations" means the Council Tax Benefit (General) Regulations 1992(**6**);

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations 1987(**7**).

Amendment of the Council Tax Benefit Regulations

2.—(1) The Council Tax Benefit Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) Regulation 38(**8**) (interpretation of Part V—students) shall be renumbered regulation 38(1) and in that renumbered paragraph—

(a) in the definition of "course of study", the words from "and for the purposes" to the end of the definition shall be omitted;

(b) in the definition of "standard maintenance grant", in paragraph (a), after the word "attending" there shall be inserted the words "or undertaking";

(c) for the definition of "student" there shall be substituted the following definition—

""student" means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

(a) a course of study at an educational establishment; or

(b) a qualifying course;".

(3) In regulation 40 (students who are excluded from entitlement to council tax benefit)—

(a) in paragraph (2), for the words "paragraph (3)" there shall be substituted the words "paragraphs (3) and (6)";

(b) after paragraph (5) there shall be added the following paragraphs—

"(6) Paragraph (2) shall not apply to a full-time student for the period specified in paragraph (7) if—

(a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is—

(i) engaged in caring for another person; or

(ii) ill;

(b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and

(c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph (7).

(7) The period specified for the purposes of paragraph (6) is the period beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before—

(a) the day on which he resumes attending or undertaking the course; or

(b) the first day of the following academic year,

whichever shall first occur.".

(**6**) S.I. 1992/1814.
(**7**) S.I. 1987/1971.
(**8**) The definitions of "course of study" and of "standard maintenance grant" were substituted by S.I. 1996/1944 and the definition of "student" was substituted by S.I. 1998/1274.

Amendment of the Housing Benefit Regulations

3.—(1) The Housing Benefit Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) Regulation 46(**9**) (interpretation of Part VII—students) shall be renumbered regulation 46(1) and in that renumbered paragraph—

(a) in the definition of "course of study", the words from "and for the purposes" to the end of the definition shall be omitted;

(b) in the definition of "standard maintenance grant", in paragraph (a), after the word "attending" there shall be inserted the words "or undertaking";

(c) for the definition of "student" there shall be substituted the following definition—

> ""student" means a person, other than a person in receipt of a training allowance, who is attending or undertaking—
>
> (a) a course of study at an educational establishment; or
>
> (b) a qualifying course;".

(3) After regulation 48A(4)(**10**) (full-time students to be treated as not liable to make payments in respect of a dwelling) there shall be added the following paragraphs—

"(5) Paragraph (1) shall not apply to a full-time student for the period specified in paragraph (6) if—

(a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is—

(i) engaged in caring for another person; or

(ii) ill;

(b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and

(c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph (6).

(6) The period specified for the purposes of paragraph (5) is the period beginning on the day on which he ceased to be engaged in caring for that other person or, as the case may be, the day on which he recovered from that illness and ending on the day before—

(a) the day on which he resumes attending or undertaking the course; or

(b) the first day of the following academic year,

whichever shall first occur.".

Common amendments to the Council Tax Benefit Regulations and to the Housing Benefit Regulations

4. There shall be added as—

(a) regulation 38(2), (3) and (4) of the Council Tax Benefit Regulations;

(b) regulation 46(2), (3) and (4) of the Housing Benefit Regulations,

the following paragraphs—

(**9**) The definitions of "course of study" and of "standard maintenance grant" were substituted by S.I. 1996/1944 and the definition of "student" was substituted by S.I. 1998/1274.

(**10**) Regulation 48A was inserted by S.I. 1990/1549. Paragraph (4) was added by S.I. 1990/1657.

"(2) For the purposes of the definition of "full-time student" in paragraph (1), a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course—

(a) subject to paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending—

(i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or

(ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;

(b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

(3) For the purpose of sub-paragraph (a) of paragraph (2), the period referred to in that sub-paragraph shall include—

(a) where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;

(b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

(4) In paragraph (2), "modular course" means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.".

Amendment of the Income Support (General) Regulations 1987

5.—(1) The Income Support (General) Regulations 1987(**11**) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation)—

(a) for the definition of "course of study", there shall be substituted the following definition—

""course of study" means any course of study, whether or not it is a sandwich course (within the meaning prescribed in regulation 61(1)) and whether or not a grant is made for attending or undertaking it;";

(b) after the definition of "employment" there shall be inserted the following definition—

""full-time student" has the meaning prescribed in regulation 61(1);";

(c) for the definition of "last day of the course"(**12**), there shall be substituted the following definition—

""last day of the course" has the meaning prescribed in regulation 61(1);";

(**11**) S.I. 1987/1967.
(**12**) The definition of "last day of the course" was inserted by S.I. 1991/1559.

(d) for the definition of "period of study"(**13**), there shall be substituted the following definition—

> ""period of study" means the period beginning with the date on which a person starts attending or undertaking a course of study and ending with the last day of the course or such earlier date (if any) as he finally abandons it or is dismissed from it;";

(e) the definition of "student" shall be omitted.

(3) Regulation 61(**14**) (interpretation of Chapter VIII of Part V—students) shall be renumbered regulation 61(1) and in that renumbered paragraph—

(a) in the definition of "full-time course of advanced education"—

(i) the words "taken by a person who is" shall be omitted;

(ii) in paragraph (a), the word "attending" shall be omitted;

(iii) in both paragraphs (b) and (c), the word "undertaking" shall be omitted;

(b) after the definition of "full-time course of study" there shall be inserted the following definition—

> ""full-time student" means a person, who is—
>
> (a) aged less than 19 and is attending or undertaking a full-time course of advanced education;
>
> (b) aged 19 or over but under pensionable age and is attending or undertaking a full-time course of study at an educational establishment; or
>
> (c) on a sandwich course;";

(c) in the definition of "standard maintenance grant", in paragraph (a), after the word "attending" there shall be inserted the words "or undertaking";

(d) for the definition of "student" there shall be substituted the following definition—

> ""student" means a person, other than a person in receipt of a training allowance, who is attending or undertaking a course of study at an educational establishment;".

(4) After the renumbered regulation 61(1) there shall be inserted the following paragraphs—

"(2) For the purposes of the definition of "full-time student" in paragraph (1), a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study, a full-time course of advanced education or as being on a sandwich course—

(a) subject to paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending—

(i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or

(ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;

(b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

(**13**) The definition of "period of study" was inserted by S.I. 1990/1549.

(**14**) The definitions of "full-time course of advanced education", "full-time course of study" and of "standard maintenance grant" were inserted by S.I. 1996/1944. The definition of "student" was amended by S.I. 1991/1559, 1992/468 and 1995/1742.