STATUTORY RULES OF NORTHERN IRELAND

2008 No. 262

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Students and Miscellaneous Amendments) Regulations (Northern Ireland) 2008

Made - - - - 23rd June 2008

Coming into operation in accordance with regulation 1

The Department for Social Development makes the following Regulations in exercise of the powers conferred 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(**1**), sections 5(1)(hh) and (k) and 165(1), (4) and (6) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and Articles 14(1) to (3) and (4)(b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**3**), and now vested in it(**4**).

Regulation 5 is made with the consent of the Department of Finance and Personnel(**5**).

The Social Security Advisory Committee has agreed that proposals in respect of regulation 5 should not be referred to it(**6**)

Citation commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Students and Miscellaneous Amendments) Regulations (Northern Ireland) 2008 and, subject to paragraph (2) and (3), shall come into operation on 1st August 2008.

(2) Regulations 2, 4 and 5 shall come into operation—

(a) in the case of a person whose period of study begins on or after 1st August 2008 but before 1st September 2008, on the day the period of study begins; and

(**1**) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(**2**) 1992 c. 8; section 5(1)(hh) was inserted by Article 70 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and amended by paragraph 21 of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)), section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and section 165(6) was amended by Schedule 7 to the Social Security (Northern Ireland) Order 1998

(**3**) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999

(**4**) *See* Article 8(b) of S.R. 1999 No. 481

(**5**) *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

(**6**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(b) in any other case, on 1st September 2008.

(3) Regulation 3 shall come into operation on 25th August 2008.

(4) In these Regulations—

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**7**);

"period of study"(**8**) for the purposes of paragraph (2) has the same meaning as in regulation 61 of the Income Support Regulations.

(5) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support Regulations

2.—(1) The Income Support Regulations are amended in accordance with paragraphs (2) to (4).

(2) In regulation 40 (calculation of income other than earnings)—

(a) in paragraph (3A)(**10**) for "Paragraph (3AA) applies" substitute "Paragraphs (3AA) and (3AAA) apply";

(b) in paragraph (3AA) at the beginning insert "Where a relevant payment is made quarterly,";

(c) after paragraph (3AA) insert—

"(3AAA) Where a relevant payment is made by two or more instalments in a quarter, 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 in paragraph (3AA) but as if—

A =	the total amount of the relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under regulation 66A(5)."; and

(d) in paragraph (3AB)—

(i) for "paragraphs (3A) and (3AA)" substitute " this regulation", and

(ii) for the definition of "assessment period" substitute—

""assessment period" means—

(a) in a case where a relevant payment is made quarterly, 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;

(b) in a case where the relevant payment is made by two or more instalments in a quarter, 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—

(**7**) 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. 2007 No. 298

(**8**) The definition of "period of study" was amended by regulation 8(b) of S.R. 1991 No. 338 and regulation 2(2)(c) of S.R. 2000 No. 242

(**9**) 1954 c. 33 (N.I.)

(**10**) Paragraphs (3A), (3AA) and (3AB) were substituted for paragraph (3A) by regulation 5(1) of S.R. 2001 No. 278

(i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued, or

(ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,

whichever of those dates is earlier;

"quarter" in relation to an assessment period means a period in that year beginning on (and including)—

(a) 1st January and ending on 31st March;

(b) 1st April and ending on 30th June;

(c) 1st July and ending on 31st August; or

(d) 1st September and ending on 31st December;".

(3) In regulation 62(2A)(**11**) (calculation of grant income)—

(a) in sub-paragraph (a) for "£290" substitute "£295"; and

(b) in sub-paragraph (b) for "£370" substitute "£380".

(4) In regulation 66A(5)(**12**) (treatment of student loans)—

(a) in sub-paragraph (a) for "£290" substitute "£295"; and

(b) in sub-paragraph (b) for "£370" substitute "£380".

Amendment of the Social Security (Claims and Payments) Regulations

3. In regulation 32(6) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**13**) (information to be given and changes to be notified)—

(a) in sub-paragraph (a) for "at the end of an assessed income period, the information and evidence required" substitute "in connection with the setting of a new assessed income period, the information and evidence which the Department may require"; and

(b) in sub-paragraph (c) for "the information and evidence required" substitute "any information and evidence required to be notified".

Amendment of the Jobseeker's Allowance Regulations

4.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**14**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 103 (calculation of income other than earnings)—

(a) in paragraph (5)(**15**) for "Paragraph (5ZA) applies" substitute "Paragraphs (5ZA) and (5AZA) apply";

(b) in paragraph (5ZA) at the beginning inset "Where a relevant payment is made quarterly";

(**11**) Paragraph (2A) was substituted by regulation 3(3)(b) of S.R. 1999 No. 317 and amended by regulation 3(2) and (3)(b) of S.R. 2001 No. 278 and regulation 2(2) of S.R. 2007 No. 298

(**12**) Regulation 66A was inserted by regulation 4(7) of S.R. 1990 No. 297 and paragraphs (3), (4) and (5) were substituted for paragraph (3) by regulation 3(5)(b) of S.R. 1999 No. 317 and amended by regulation 3(2) and (3)(b) of S.R. 2001 No. 278 and regulation 2(3) of S.R. 2007 No. 298

(**13**) S.R. 1987 No. 465; regulation 32(6) was amended by regulation 11(b) of S.R. 2003 No. 191 and regulation 4 of S.R. 2003 No. 421

(**14**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1999 No. 317, S.R. 2001 No. 278, S.R. 2002 No. 222 and S.R. 2007 No. 298

(**15**) Paragraphs (5), (5ZA) and (5ZB) were substituted for paragraph (5) by regulation 5(2) of S.R. 2001 No. 278; paragraph (5ZB) was amended by regulation 7(2)(c) of S.R. 2002 No. 222