STATUTORY RULES OF NORTHERN IRELAND

2006 No. 301

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Students and Income-related Benefits) (Amendment) Regulations (Northern Ireland) 2006

Made - - - - 4th July 2006

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**) and Articles 14(1) and (4)(b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**2**), and now vested in it(**3**).

Regulation 3 is made with the consent of the Department of Finance and Personnel(**4**).

The Social Security Advisory Committee has agreed that proposals in respect of regulation 3 should not be referred to it(**5**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Students and Income-related Benefits) (Amendment) Regulations (Northern Ireland) 2006 and, subject to paragraph (2), shall come into operation on 1st August 2006.

(2) Regulations 2 to 5 shall come into operation—

(a) in the case of a person whose period of study begins on or after 1st August 2006 but before 1st September 2006, on the day the period of study begins; and

(b) in any other case, on 1st September 2006.

(3) In these Regulations—

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**6**);

(**1**) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) S.I. 1995/2705 (N.I. 15); Article 36(2)(a) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) *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
(**5**) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**6**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1990 No. 297, S.R. 1999 No. 317, S.R. 2001 No. 278, S.R. 2002 No. 270, S.R. 2003 Nos. 195 and 329, S.R. 2004 No. 300 and S.R. 2005 No. 332

"period of study"(**7**) for the purposes of paragraph (2) has the same meaning as in regulation 61 of the Income Support Regulations.

(4) The Interpretation Act (Northern Ireland) 1954(**8**) 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 shall be amended in accordance with paragraphs (2) to (4).

(2) In regulations 62(2A)(**9**)(calculation of grant income) and 66A(5)(**10**) (treatment of student loans)—

(a) in sub-paragraph (a) for "£280" substitute "£285"; and

(b) in sub-paragraph (b) for "£352" substitute "£361".

(3) Omit regulation 62(2B)(**11**).

(4) After regulation 66B insert—

"**Treatment of fee loans**

66C. A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998(**12**), section 22 of the Teaching and Higher Education Act 1998(**13**) or section 73(f) of the Education (Scotland) Act 1980(**14**), shall be disregarded as income.".

Amendment of the Housing Benefit (General) Regulations

3.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(**15**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulations 53(2A)(**16**) (calculation of grant income) and 57A(5)(**17**) (treatment of student loans)—

(a) in sub-paragraph (a) for "£280" substitute "£285"; and

(b) in sub-paragraph (b) for "£352" substitute "£361".

(**7**) 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

(**8**) 1954 c. 33 (N.I.)

(**9**) 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(3)(b) of S.R. 2005 No. 332

(**10**) Regulation 66A was inserted by regulation 4(7) of S.R. 1990 No. 297 and paragraph (5) was substituted 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)(b) of S.R. 2005 No. 332

(**11**) Paragraph (2B) was inserted by regulation 3(4)(b) of S.R. 2001 No. 278 and amended by regulation 2(2)(b) of S.R. 2002 No. 270, substituted by paragraph 16(b) of Schedule 1 to S.R. 2003 No. 195 for certain cases, amended by regulation 3 of S.R. 2003 No. 329 and regulation 3(5)(b) of S.R. 2004 No. 300 and omitted by regulation 2(5) of S.R. 2005 No. 332 except in a case where regulation 1(3) of S.R. 2003 No. 195 applied

(**12**) S.I. 1998/1760 (N.I. 14) as amended by section 147(3) of the Learning and Skills Act 2000 (c. 21) and Articles 11 and 12 of the Higher Education (Northern Ireland) Order 2005 (S.I. 2005/1116 (N.I. 5))

(**13**) 1998 c. 30

(**14**) 1980 c. 44; section 73(f) was amended by section 29 of the Teaching and Higher Education Act 1998 and by section 3 of the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp6)

(**15**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 No. 297, S.R. 1999 No. 317, S.R. 2001 No. 278, S.R. 2002 No. 270, S.R. 2003 No. 329, S.R. 2004 No. 300 and S.R. 2005 No. 332

(**16**) Paragraph (2A) was substituted by regulation 4(4)(b) of S.R. 1999 No. 317 and amended by regulation 3(2) and (3)(a) of S.R. 2001 No. 278 and regulation 2(3)(a) of S.R. 2005 No. 332

(**17**) Regulation 57A was inserted by regulation 3(9) of S.R. 1990 No. 297 and paragraph (5) was substituted by regulation 4(6)(b) of S.R. 1999 No. 317 and amended by regulation 3(2) and (3)(a) of S.R. 2001 No. 278 and regulation 2(3)(a) of S.R. 2005 No. 332