STATUTORY RULES OF NORTHERN IRELAND

2005 No. 332

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Students and Income-related Benefits) (Amendment) Regulations (Northern Ireland) 2005

Made - - - - 6th July 2005

Coming into operation in accordance with regulation 1

The Department for Social Development, 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**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**4**), in so far as regulation 2(1), (2), (3)(a) and (4) is concerned and after agreement by the Social Security Advisory Committee that proposals in respect of those provisions of that regulation should not be referred to it(**5**), 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) 2005 and, subject to paragraph (2), shall come into operation on 1st August 2005.

(2) Regulation 2 shall come into operation—

(a) in the case of a person whose period of study begins on or after 1st August 2005 but before 1st September 2005, on the day the period of study begins; and

(b) in any other case, on 1st September 2005.

(3) In these Regulations—

(**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)

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**6**);

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

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**8**);

"the 2003 Regulations" means the Social Security (Working Tax Credit and Child Tax Credit Consequential Amendments) Regulations (Northern Ireland) 2003(**9**);

"period of study"(**10**) 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(**11**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendments in relation to the calculation of grant income

2.—(1) In sub-paragraph (a) of each of the provisions specified in paragraph (3) for "£275" there shall be substituted "£280".

(2) In sub-paragraph (b) of each of the provisions specified in paragraph (3) for "£343" there shall be substituted "£352".

(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)(**12**) and 57A(5)(**13**) of the Housing Benefit Regulations;

(b) regulations 62(2A)(**14**) and 66A(5)(**15**) of the Income Support Regulations; and

(c) regulations 131(3)(**16**) and 136(5)(**17**) of the Jobseeker's Allowance Regulations.

(4) In regulation 53(2B)(**18**) of the Housing Benefit Regulations sub-paragraphs (a) and (b) shall be omitted.

(5) Except in a case to which paragraph (6) applies, regulation 62(2B)(**19**) of the Income Support Regulations shall be omitted.

(**6**) 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 and S.R. 2004 No. 300

(**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, S.R. 2002 No. 270, S.R. 2003 Nos. 195 and 329 and S.R. 2004 No. 300

(**8**) S.R. 1996 No. 198; relevant amending regulations are S.R. 1999 No. 317, S.R. 2001 No. 278, S.R. 2002 No. 270, S.R. 2003 Nos. 195 and 329 and S.R. 2004 No. 300

(**9**) S.R. 2003 No. 195

(**10**) 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

(**11**) 1954 c. 33 (N.I.)

(**12**) Paragraph (2A) was substituted by regulation 4(4)(b) of S.R. 1999 No. 317 and amended by regulation 3(2) and (3) of S.R. 2001 No. 278 and regulation 2 of S.R. 2004 No. 300

(**13**) 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) of S.R. 2001 No. 278 and regulation 2 of S.R. 2004 No. 300

(**14**) Paragraph (2A) was substituted by regulation 3(3)(b) of S.R. 1999 No. 317 and amended by regulation 3(2) and (3) of S.R. 2001 No. 278 and regulation 2 of S.R. 2004 No. 300

(**15**) 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) of S.R. 2001 No. 278 and regulation 2 of S.R. 2004 No. 300

(**16**) Paragraph (3) was substituted by regulation 2(3)(b) of S.R. 1999 No. 317 and amended by regulation 3(2) and (3) of S.R. 2001 No. 278 and regulation 2 of S.R. 2004 No. 300

(**17**) Paragraph (5) was substituted by regulation 2(5)(b) of S.R. 1999 No. 317 and amended by regulation 3(2) and (3) of S.R. 2001 No. 278 and regulation 2 of S.R. 2004 No. 300

(**18**) Paragraph (2B) was inserted by regulation 3(4) of S.R. 2001 No. 278 and amended by regulation 2 of S.R. 2002 No. 270 and regulation 3 of S.R. 2003 No. 329

(**19**) Paragraph (2B) was substituted by paragraph 16(b) of Schedule 1 to S.R. 2003 No. 195, except where regulation 1(3) of S.R. 2003 No. 195 applies