STATUTORY RULES OF NORTHERN IRELAND

2004 No. 300

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Students and Income-related Benefits) (Amendment) Regulations (Northern Ireland) 2004

Made - - - - 8th July 2004

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), 133(2)(h) 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 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 regulations 2(1), (2) and (3)(a), 3(1), (4) and (5)(a), 4 and 7 are concerned and after agreement by the Social Security Advisory Committee that proposals in respect of those Regulations 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) 2004 and shall come into operation –

(a) for the purposes of this regulation, on 1st August 2004; and

(b) for the purposes of regulations 2 to 7 –

(i) in the case of a person whose period of study begins on or after 1st August 2004 but before 1st September 2004, on the day the period of study begins; and

(ii) in any other case, on 1st September 2004.

(2) 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) 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 and Part II of Schedule 6 to 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 and Part II of Schedule 4 to 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**);

"period of study"(**9**) has the same meaning as in regulation 61 of the Income Support Regulations.

Amendments in relation to the disregard of travel costs and the cost of books and equipment

2.—(1) In sub-paragraph (a) of each of the provisions specified in paragraph (3) for "£270" there shall be substituted "£275".

(2) In sub-paragraph (b) of each of the provisions specified in paragraph (3) for "£335" there shall be substituted "£343".

(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)(**10**) and 57A(5)(**11**) of the Housing Benefit Regulations;

(b) regulations 62(2A)(**12**) and 66A(5)(**13**) of the Income Support Regulations;

(c) regulations 131(3)(**14**) and 136(5)(**15**) of the Jobseeker's Allowance Regulations.

Amendments in relation to the disregard of child care costs of a child dependant

3.—(1) In regulation 53(2) of the Housing Benefit Regulations (calculation of grant income) after sub-paragraph (h) there shall be added the following sub-paragraph –

"(i) intended for the child care costs of a child dependant.".

(2) In regulation 62(2) of the Income Support Regulations (calculation of grant income) –

(a) in sub-paragraph (i)(**16**) delete "or child care costs";

(b) after sub-paragraph (i) there shall be added the following sub-paragraph –

"(j) intended for the child care costs of a child dependant.".

(**6**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 No. 297, S.R. 1999 No. 317, S.R. 2000 Nos. 2, 241 and 242, S.R. 2001 Nos. 215 and 278, S.R. 2002 No. 270 and S.R. 2003 Nos. 195, 329 and 351

(**7**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1990 No. 297, S.R. 1996 No. 405, S.R. 1999 No. 317, S.R. 2000 No. 2, S.R. 2001 Nos. 241 and 278, S.R. 2002 No. 242 and 270 and S.R. 2003 Nos. 195, 329 and 351

(**8**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1999 No. 317, S.R. 2000 Nos. 2 and 242, S.R. 2001 No. 278, S.R. 2002 No. 270 and S.R. 2003 Nos. 195, 329 and 351

(**9**) 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

(**10**) Paragraph (2A) was substituted by regulation 4(4)(b) of S.R. 1999 No. 317 and amended by regulation 3 of S.R. 2001 No. 278 and regulation 2 of S.R. 2003 No. 329 and regulation 2 of S.R. 2003 No. 351

(**11**) Regulation 57A was inserted by regulation 3(9) of S.R. 1990 No. 297 and paragraph (5) was added by regulation 4(6)(b) of S.R. 1999 No. 317 and amended by regulation 3 of S.R. 2001 No. 278 and regulation 2 of S.R. 2003 No. 329 and regulation 2 of S.R. 2003 No. 351

(**12**) Paragraph (2A) was substituted by regulation 3(3)(b) of S.R. 1999 No. 317 and amended by regulation 3 of S.R. 2001 No. 278 and regulation 2 of S.R. 2003 No. 329 and regulation 2 of S.R. 2003 No. 351

(**13**) Regulation 66A was inserted by regulation 4(7) of S.R. 1990 No. 297 and paragraph (5) was added by regulation 3(5)(b) of S.R. 1999 No. 317 and amended by regulation 3 of S.R. 2001 No. 278 and regulation 2 of S.R. 2003 No. 329 and regulation 2 of S.R. 2003 No. 351

(**14**) Paragraph (3) was substituted by regulation 2(3)(b) of S.R. 1999 No. 317 and amended by regulation 3 of S.R. 2001 No. 278 and regulation 2 of S.R. 2003 No. 329 and regulation 2 of S.R. 2003 No. 351

(**15**) Paragraph (5) was added by regulation 2(5)(b) of S.R. 1999 No. 317 and amended by regulation 3 of S.R. 2001 No. 278 and regulation 2 of S.R. 2003 No. 329 and regulation 2 of S.R. 2003 No. 351

(**16**) Sub-paragraph (i) was added by paragraph 16(a) of Schedule 1 to S.R. 2003 No. 195

(3) In regulation 131(2) of the Jobseeker's Allowance Regulations (calculation of grant income) –

(a) in sub-paragraph (h)(**17**) delete "or child care costs";

(b) after sub-paragraph (h) add –

"(i) intended for the child care costs of a child dependant.".

(4) Omit sub-paragraphs (c), (cc) and (d) of each of the provisions specified in paragraph (5).

(5) The provisions specified in this paragraph for the purposes of paragraph (4) are –

(a) regulation 53(2B) of the Housing Benefit Regulations(**18**);

(b) regulation 62(2B) of the Income Support Regulations(**19**);

(c) regulation 131(3A) of the Jobseeker's Allowance Regulations(**20**).

Amendment of the Housing Benefit Regulations in relation to income and capital disregards

4.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 46(1)(**21**) (interpretation), in the definition of "grant" after "a payment from access funds" there shall be added "or any payment to which paragraph 10 of Schedule 4 or paragraph 58 of Schedule 5 applies".

(3) For paragraph 10 of Schedule 4(**22**) (sums to be disregarded in the calculation of income other than earnings), there shall be substituted the following paragraph –

"**10.**—(1) Any payment by way of an education maintenance allowance made pursuant to Article 50 or 51 of the Education and Libraries (Northern Ireland) Order 1986 (provisions of awards by boards).

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to Article 50 or 51 of the Education and Libraries (Northern Ireland) Order 1986(**23**) (provision of awards by Department), in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance made pursuant to any provision specified in sub-paragraph (1).".

(4) For paragraph 58 of Schedule 5(**24**) (capital to be disregarded), there shall be substituted the following paragraph –

"**58.**—(1) Any payment by way of an education maintenance allowance made pursuant to Article 50 or 51 of the Education and Libraries (Northern Ireland) Order 1986.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to Article 50 or 51 of the Education and Libraries (Northern Ireland) Order 1986 in respect of a course of study attended by a child or a young person or a person who is in

(**17**) Sub-paragraph (h) was added by paragraph 16(a) of Schedule 2 to S.R. 2003 No. 195

(**18**) Paragraph (2B) was inserted by regulation 3 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 inserted by regulation 3 of S.R. 2001 No. 278 and amended by regulation 2 of S.R. 2002 No. 270, paragraph 16(b) of Schedule 1 to S.R. 2003 No. 195 and regulation 3 of S.R. 2003 No. 329

(**20**) Paragraph (3A) was inserted by regulation 3 of S.R. 2001 No. 278 and amended by regulation 2 of S.R. 2002 No. 270, paragraph 16(b) of Schedule 2 to S.R. 2003 No. 195 and regulation 3 of S.R. 2003 No. 329

(**21**) Regulation 46 was renumbered as 46(1) by regulation 2(2) of S.R. 2000 No. 241 and the definition of "grant" was substituted by regulation 4(2)(b) of S.R. 2000 No. 242

(**22**) Paragraph 10 was substituted by regulation 2(1) and 2(2)(a) of S.R. 2000 No. 2

(**23**) S.I. 1986/594 (N.I. 3); Article 50 was amended by Article 9 of and Schedule to the Education (Student Support) (Northern Ireland) Order 1998 (S.I. 1998/1760 (N.I. 14)) and Article 51 was substituted by Article 43 of and Schedule 5 to the Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1))

(**24**) Paragraph 58 was added by regulation 2(3) and (4)(a) of S.R. 2000 No. 2