STATUTORY RULES OF NORTHERN IRELAND

2002 No. 222

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Students and Income-Related Benefits Amendment) Regulations (Northern Ireland) 2002

Made - - - - 18th June 2002
Coming into operation in accordance with regulation 1(1)

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 129(2), 132(3) and (4)(b) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Article 14(1) and (4)(b) 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) and (2)(a), 3(1), (2) and (3)(a), 4(1), (2)(a), (3), (4)(a), (5), (6)(a), (7) and (8)(a), 5(1) to (5) and (6)(a), 6 and 7(1) and (2)(a) 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) 2002 and shall come into operation –

(a) for the purposes of this regulation and regulation 2, on 1st August 2002;

(b) for the purposes of regulations 3 to 7 –

(i) in the case of a student whose period of study begins on or after 1st August 2002 but before 26th August 2002, on the day the period of study begins;

(ii) in any other case, on 26th August 2002.

(2) In these Regulations –

(**1**) 1992 c. 7
(**2**) S.I. 1995/2705 (N.I. 15)
(**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**).

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

Definitions

2.—(1) In the provisions specified in paragraph (2) –

(a) in the definition of "access funds" after paragraph (c) "or" shall be omitted and after paragraph (d) there shall be added the following paragraph – "or

(e) Financial Contingency Funds made available by the National Assembly for Wales;";

(b) for the definition of "periods of experience" there shall be substituted the following definition –

""periods of experience" means periods of work experience which form part of a sandwich course;";

(c) in the definition of "sandwich course" –

(i) for "Education (Student Support) Regulations (Northern Ireland) 2000" there shall be substituted "Education (Student Support) Regulations (Northern Ireland) 2001(**10**)";

(ii) for "Education (Student Support) Regulations 2000" there shall be substituted "Education (Student Support) Regulations 2002(**11**)".

(2) The provisions specified for the purposes of paragraph (1) (students: interpretation) are –

(a) regulation 46(1) of the Housing Benefit Regulations(**12**);

(b) regulation 61(1) of the Income Support Regulations(**13**).

(3) In the Jobseeker's Allowance Regulations –

(a) in regulation 1(2) (interpretation) in the definition of "sandwich course"(**14**) –

(i) for "Education (Student Support) Regulations (Northern Ireland) 2000" there shall be substituted "Education (Student Support) Regulations (Northern Ireland) 2001";

(**6**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 No. 297, S.R. 1995 No. 129, S.R 1996 No. 405, S.R. 1997 No. 127, S.R. 1998 No. 112, S.R. 1999 No. 317, S.R. 2000 Nos. 241, 242 and 268 and S.R. 2001 No. 278

(**7**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 146, S.R. 1990 No. 297, S.R. 1996 No. 405, S.R. 1999 No. 317, S.R. 2000 Nos. 241 and 242 and S.R. 2001 No. 278

(**8**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1999 No. 317, S.R. 2000 No. 242 and S.R. 2001 No. 278

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

(**10**) S.R. 2001 No. 277

(**11**) S.I. 2002/195

(**12**) Regulation 46 was renumbered by regulation 2(2) of S.R. 2000 No. 241, the definition of "access funds" was inserted by regulation 4(2)(a) of S.R. 2000 No. 242 and amended, and paragraph (d) added, by regulation 2(1)(b) and (2)(a) of S.R. 2001 No. 278, the definition of "periods of experience" was amended by regulation 4(4)(b)(iii) of S.R. 1996 No. 405 and the definition of "sandwich course" was substituted by regulation 4(2)(b) of S.R. 2000 No. 242

(**13**) Regulation 61 was renumbered by regulation 3(3) of S.R. 2000 No. 241, the definition of "access funds" was inserted by regulation 2(2)(a) of S.R. 2000 No. 242 and amended, and paragraph (d) added, by regulation 2(1)(b) and (2)(b) of S.R. 2001 No. 278, the definition of "periods of experience" was amended by regulation 5(8)(b)(iii) of S.R. 1996 No. 405 and the definition of "sandwich course" was substituted by regulation 2(2)(b) of S.R. 2000 No. 242

(**14**) Definition of "sandwich course" was substituted by regulation 3(2)(b) of S.R. 2000 No. 242

(ii) for "Education (Student Support) Regulations 2000" there shall be substituted "Education (Student Support) Regulations 2002";

(b) in regulation 130 (students: interpretation) –

(i) in the definition of "access funds"(**15**) after paragraph (c) "or" shall be omitted and after paragraph (d) there shall be added the following paragraph – "or

(e) Financial Contingency Funds made available by the National Assembly for Wales;";

(ii) for the definition of "periods of experience" there shall be substituted the following definition –

""periods of experience" means periods of work experience which form part of a sandwich course;".

Disregards

3.—(1) In sub-paragraph (a) of each of the provisions specified in paragraph (3) for the sum "£260" there shall be substituted the sum "£265".

(2) In sub-paragraph (b) of each of the provisions specified in paragraph (3) for the sum "£319" there shall be substituted the sum "£327".

(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)(**16**) and 57A(5)(**17**) of the Housing Benefit Regulations;

(b) regulations 62(2A)(**18**) and 66A(5)(**19**) of the Income Support Regulations;

(c) regulations 131(3)(**20**) and 136(5)(**21**) of the Jobseeker's Allowance Regulations.

Calculation of grant income

4.—(1) In each of the provisions specified in paragraph (2) –

(a) at the end of sub-paragraph (c) there shall be added "or under regulation 16 of the Education (Student Support) Regulations 2002";

(b) after sub-paragraph (c) there shall be inserted the following paragraph –

"(cc) the child care component of the National Assembly for Wales Learning Grant;".

(2) The provisions specified for the purposes of paragraph (1) are –

(a) regulation 53(2B) of the Housing Benefit Regulations(**22**);

(b) regulation 62(2B) of the Income Support Regulations(**23**);

(**15**) Definition of "access funds" was inserted by regulation 3(4)(a) of S.R. 2000 No. 242 and amended, and paragraph (d) added, by regulation 2(1)(b)(ii) and (2)(c) of S.R. 2001 No. 278

(**16**) Paragraph (2A) was substituted by regulation 4(4)(b) of S.R. 1999 No. 317 and amended by regulation 3(1), (2) and (3)(a) of S.R. 2001 No. 278

(**17**) 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(1), (2) and (3)(a) of S.R. 2001 No. 278.

(**18**) Paragraph (2A) was substituted by regulation 3(3)(b) of S.R. 1999 No. 317 and amended by regulation 3(1), (2) and (3)(b) of S.R. 2001 No. 278

(**19**) 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(1), (2) and (3)(b) of S.R. 2001 No. 278.

(**20**) Paragraph (3) was substituted by regulation 2(3)(b) of S.R. 1999 No. 317 and amended by regulation 3(1), (2) and (3)(c) of S.R. 2001 No. 278

(**21**) Paragraph (5) was amended by regulation 3(1), (2) and (3)(c) of S.R. 2001 No. 278

(**22**) Paragraph (2B) was inserted by regulation 3(4)(a) of S.R. 2001 No. 278

(**23**) Paragraph (2B) was inserted by regulation 3(4)(b) of S.R. 2001 No. 278.