STATUTORY RULES OF NORTHERN IRELAND

2001 No. 278

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Students and Income-Related Benefits Amendment) Regulations (Northern Ireland) 2001

Made - - - - 11th July 2001

Coming into operation in accordance with regulation 1

The Department for Social Development, in exercise of the powers conferred on it 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 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)(*a*) and (5), 4(*a*), 5(3), 6(*a*) 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) 2001 and shall come into operation—

(a) for the purposes of this regulation and regulations 2 and 5, on 1st August 2001;

(b) for the purposes of regulations 3, 4 and 6 in so far as those regulations relate to income support and jobseeker's allowance—

(i) in a case of a student whose period of study begins on or after 1st August 2001 but before 27th August 2001, on the day the period of study begins;

(ii) in any other case, on 27th August 2001;

(c) for the purposes of regulations 3, 4 and 6 (in so far as those regulations relate to housing benefit) and regulation 7—

(**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

(i) in a case of a student whose period of study begins on or after 1st August 2001 but before 27th August 2001, on the first Monday of that period;

(ii) in any other case, on 27th August 2001.

(2) In these Regulations—

"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) immediately before the first definition there shall be inserted the following definition—

> ""academic year" means the period of twelve months beginning on, and including, 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;";

(b) in the definition of "access funds"—

(i) in paragraph (*b*), for "and described as "access bursary funds" or "hardship funds", or" there shall be substituted "for the purpose of providing funds on a discretionary basis to be paid to students;";

(ii) after paragraph (*c*) there shall be added the following—

"or

(d) discretionary payments, known as "learner support funds", which are made available to students in further education by institutions out of funds provided by the Learning and Skills Council for England under sections 5, 6 and 9 of the Learning and Skills Act 2000(**10**);";

(c) in the definition of "contribution"—

(i) after "Department" there shall be inserted ", the Scottish Ministers";

(ii) for "Secretary of State" in both places where those words occur there shall be substituted "Scottish Ministers";

(d) for paragraph (*c*) of the definition of "standard maintenance grant" there shall be substituted the following—

(**6**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 No. 297, S.R. 1991 No. 47, S.R. 1996 No. 405, S.R. 1998 No. 81, S.R. 1999 No. 317 and S.R. 2000 Nos. 241 and 242

(**7**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 146, S.R. 1990 No. 297, S.R. 1991 No. 46, S.R. 1996 No. 405, S.R. 1997 No. 412, S.R. 1998 No. 81, S.R. 1999 No. 317 and S.R. 2000 Nos. 241 and 242

(**8**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1997 No. 130, S.R. 1998 No. 81, S.R. 1999 No. 317 and S.R. 2000 Nos. 241 and 242

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

(**10**) 2000 c. 21

"(c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980(**11**), the amount of money specified as the "standard maintenance allowance" for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland(**12**), or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority and paid under the Further and Higher Education (Scotland) Act 1992(**13**);";

(e) at the end of the definition of "student loan" there shall be added "and shall include, in Scotland, a young student's bursary paid under regulation 4(1)(*c*) of the Students' Allowances (Scotland) Regulations 1999(**14**)";

(f) the definition of "year" shall be omitted.

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

(a) regulation 46(1) of the Housing Benefit Regulations(**15**);

(b) regulation 61(1) of the Income Support Regulations(**16**);

(c) regulation 130 of the Jobseeker's Allowance Regulations(**17**).

Disregards and deductions

3.—(1) In sub-paragraph (*a*) of each of the provisions specified in paragraph (3) for the sum "£255" there shall be substituted the sum "£260".

(2) For sub-paragraph (*b*) of each of the provisions specified in paragraph (3) there shall be substituted the following sub-paragraph—

"(b) the sum of £319 towards the costs of books and equipment,".

(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)(**18**) and 57A(5)(**19**) of the Housing Benefit Regulations;

(b) regulations 62(2A)(**20**) and 66A(5)(**21**) of the Income Support Regulations;

(c) regulations 131(3)(**22**) and 136(5)(**23**) of the Jobseeker's Allowance Regulations.

(**11**) 1980 c. 44
(**12**) The relevant leaflets are SAS2, SAS4 and SAS6
(**13**) 1992 c. 13
(**14**) S.I. 1999/1131 (S. 91)
(**15**) The definition of "access funds" was inserted by S.R. 2000 No. 242, the definition of "contribution" was substituted by S.R. 1996 No. 405 and amended by S.R. 1998 No. 81 and S.R. 1999 No. 317, the definition of "standard maintenance grant" was substituted by S.R. 1996 No. 405 and amended by S.R. 2000 No. 241, the definitions of "student loan" and "year" were substituted by S.R. 1999 No. 317 and regulation 46 was renumbered by regulation 2(2) of S.R. 2000 No. 241
(**16**) The definition of "access funds" was inserted by S.R. 2000 No. 242, the definition of "contribution" was substituted by S.R. 1996 No. 405 and amended by S.R. 1998 No. 81 and S.R. 1999 No. 317, the definition of "standard maintenance grant" was substituted by S.R. 1996 No. 405 and amended by S.R. 2000 No. 241, the definitions of "student loan" and "year" were substituted by S.R. 1999 No. 317 and regulation 61 was renumbered by regulation 3(3) of S.R. 2000 No. 241
(**17**) The definition of "access funds" was inserted by S.R. 2000 No. 242, the definition of "contribution" was amended by S.R. 1998 No. 81 and S.R. 1999 No. 317, the definition of "standard maintenance grant" was amended by S.R. 2000 No. 241 and the definitions of "student loan" and "year" were substituted by S.R. 1999 No. 317
(**18**) Paragraph (2A) was substituted by regulation 4(4)(*b*) of S.R. 1999 No. 317 and amended by regulation 4(5) of S.R. 2000 No. 242
(**19**) Regulation 57A was inserted by regulation 3(9) of S.R. 1990 No. 297 and paragraph (5) was amended by regulation 4(7)(*c*) of S.R. 2000 No. 242
(**20**) Paragraph (2A) was substituted by regulation 3(3)(*b*) of S.R. 1999 No. 317 and amended by regulation 2(3)(*b*) of S.R. 2000 No. 242
(**21**) Regulation 66A was inserted by regulation 4(7) of S.R. 1990 No. 297 and paragraph (5) was amended by regulation 2(4)(*c*) of S.R. 2000 No. 242
(**22**) Paragraph (3) was substituted by regulation 2(3)(*b*) of S.R. 1999 No. 317 and amended by regulation 3(5)(*b*) of S.R. 2000 No. 242

(4) There shall be inserted as—

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

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

(c) regulation 131(3A) of the Jobseeker's Allowance Regulations,

the following paragraph—

"There shall also be excluded from a student's grant income—

(a) any grant of £250 for an only or eldest dependant child payable under regulation 15(1)(*c*) of the Education (Student Support) Regulations (Northern Ireland) 2001(**24**) (grants for dependants);

(b) any grant of £500 in respect of expenditure on travel, books and equipment for the purpose of attending his course which is payable under regulation 15(8) of those Regulations;

(c) any grant for childcare costs payable under regulation 16 of those Regulations (grants for dependants — childcare costs);

(d) any grant in respect of a lone parent's child care costs which is payable under regulation 4(1)(*c*) of the Students' Allowances (Scotland) Regulations 1999 and which is specified as such on the student's award notice.".

(5) In regulation 51(1) of the Housing Benefit Regulations(**25**) (eligible rent) for the sum "£19·20" there shall be substituted the sum "£19·65".

Treatment of student loans

4. After paragraph (2)(*a*)(**26**) in—

(a) regulation 57A of the Housing Benefit Regulations;

(b) regulation 66A of the Income Support Regulations;

(c) regulation 136 of the Jobseeker's Allowance Regulations,

there shall be inserted the following sub-paragraph—

"(aa) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the benefit week immediately following that which includes the first day of that academic year and ending with the benefit week which includes the last day of that academic year but excluding any benefit weeks falling entirely within the quarter during which, in the opinion of the Department, the longest of any vacation is taken and for the purposes of this sub-paragraph "quarter" shall have the same meaning as for the purposes of the Education (Student Support) Regulations (Northern Ireland) 2001;".

Treatment of loan income of former students

5.—(1) For regulation 40(3A) of the Income Support Regulations(**27**) (calculation of income other than earnings) there shall be substituted the following paragraphs—

"(3A) Paragraph (3AA) applies where—

(**23**) Paragraph (5) was amended by regulation 3(6)(*c*) of S.R. 2000 No. 242
(**24**) S.R. 2001 No. 277
(**25**) Regulation 51(1) was amended by regulation 4(4) of S.R. 2000 No. 242
(**26**) Paragraph (2) was substituted in each instance by S.R. 2000 No. 242
(**27**) Paragraph (3A) was inserted by regulation 4(4)(*b*) of S.R. 1990 No. 297 and was amended by regulation 8 of S.R. 1991 No. 46, regulation 5(3) of S.R. 1997 No. 412 and by the Schedule to S.R. 2000 No. 241