STATUTORY RULES OF NORTHERN IRELAND

2000 No. 242

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Students and Income-Related Benefits Amendment) Regulations (Northern Ireland) 2000

Made - - - -	*24th July 2000*
Coming into operation	*1st August 2000*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(*a*) and (*d*), 129(2) and (4), 132(3) and (4), 171(1) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 14 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 regulation 4 is 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) 2000 and shall come into operation—

(a) for the purpose of this regulation on 1st August 2000;

(b) for the purposes of regulations 2 and 3—

(i) in the case of a student whose period of study begins on, and including, or after 1st August 2000 but before 28th August 2000, on the day the period of study begins;

(ii) in any other case, on 28th August 2000;

(c) for the purpose of regulation 4—

(i) in the case of a student whose period of study begins on, and including, or after 1st August 2000 but before 28th August 2000, on the first Monday of that period;

(**1**) 1992 c. 7

(**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, and Part II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (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)); consent function transferred from the Department of the Environment to the Department of Finance and Personnel; see Article 6(*b*) of, and Part II of Schedule 4 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999

(**5**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992

(ii) in any other case on 28th August 2000.

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**7**) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 61(1)(**8**) (interpretation of Chapter VIII of Part V — students)

(a) in the appropriate place there shall be inserted the following definition—

> ""access funds" means—
>
> (a) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993(**9**), or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997(**10**) in each case being grants, or grants, loans or other payments as the case may be, made for the purpose of assisting students in financial difficulties;
>
> (b) grants made under section 7 of the Further and Higher Education Act 1992(**11**) and described as "learner support funds" or grants made under section 68 of that Act and described as "access bursary funds" or "hardship funds", or
>
> (c) grants made under sections 73(*a*) and (*c*) and 74(1) of the Education (Scotland) Act 1980(**12**);";

(b) for the definitions of "grant"(**13**) and "sandwich course"(**14**) there shall be respectively substituted the following definitions—

> ""grant" (except in the definition of "access funds") means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds;";
>
> ""sandwich course" has the meaning prescribed in regulation 5(2) of the Education (Student Support) Regulations (Northern Ireland) 2000(**15**), regulation 5(2) of the Education (Student Support) Regulations 2000(**16**) or regulation 5(2) of the Education (Student Loans) (Scotland) Regulations 2000(**17**), as the case may be;";

(c) in the definition of "period of study" for sub-paragraph (i) of paragraph (*b*)(**18**) there shall be substituted the following sub-paragraph—

> "(i) in a case where the student's grant or loan is assessed at a rate appropriate to his studying throughout the year or, if he does not have a grant or loan, where

(**6**) 1954 c. 33 (N.I.)
(**7**) S.R. 1987 No. 459: relevant amending Regulations are S.R. 1988 No. 146, S.R. 1990 Nos. 131, 297 and 305, S.R. 1991 No. 338, S.R. 1992 No. 147, S.R. 1996 Nos. 93, 199 and 405, S.R. 1999 Nos. 317 and 369 and S.R. 2000 Nos. 213 and 222
(**8**) Regulation 61 was renumbered regulation 61(1) by regulation 3(3) of S.R. 2000 No. 241
(**9**) S.I. 1993/2810 (N.I. 12)
(**10**) S.I. 1997/1772 (N.I. 15)
(**11**) 1992 c. 13
(**12**) 1980 c. 44; the functions of the Secretary of State were transferred to Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46)
(**13**) Definition of "grant" was amended by regulation 4(5) of S.R. 1990 No. 297
(**14**) Definition of "sandwich course" amended by regulation 5(8)(*b*)(iv) of S.R. 1996 No. 405
(**15**) S.R. 2000 No. 213
(**16**) S.I. 2000/1121
(**17**) S.S.I. 2000/200
(**18**) In the definition of "period of study" paragraph (*b*) was amended by regulation 8(*b*) of S.R. 1991 No. 338

a loan would have been assessed at such a rate had he had one, the day before the start of the next year of the course, or".

(3) In regulation 62 (calculation of grant income)—

(a) in paragraph (1)(**19**) for "(2), (2A) and (2B)" there shall be substituted "(2) and (2A)";

(b) in paragraph (2A)(**20**)—

(i) in sub-paragraph (*a*) for "£250" there shall be substituted "£255";

(ii) in sub-paragraph (*b*) for "£303" there shall be substituted "£311";

(c) paragraph (2B)(**21**) shall be omitted;

(d) in paragraph (3)(**22**) for "A student's grant income, except any amount intended for the maintenance of dependents under Part III of Schedule 7 to the Students Awards Regulations (Northern Ireland) 1991 or intended for an older student under Part IV of that Schedule," there shall be substituted "Subject to paragraph (3B), a student's grant income except for any amount intended for the maintenance of dependents under Part III of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999(**23**) or intended for an older student under Part IV of that Schedule,";

(e) after paragraph (3A)(**24**) there shall be inserted the following paragraph—

"(3B) Any amount intended for the maintenance of dependents under provisions other than those referred to in paragraph (3) shall be apportioned over the same period in the same manner as the student's loan is apportioned or would have been apportioned had he had one.".

(4) In regulation 66A(**25**) (treatment of student loans)—

(a) for paragraph (1)(**26**), there shall be substituted the following paragraphs—

"(1) A student loan shall be treated as income unless it is a hardship loan in which case it shall be disregarded.

(1A) For the purposes of paragraph (1), "hardship loan" means a loan made under regulation 21 of the Education (Student Support) Regulations (Northern Ireland) 2000, regulation 21 of the Education (Student Support) Regulations 2000 or regulation 12 of the Education (Student Loans) (Scotland) Regulations 2000.";

(b) for paragraph (2)(**27**) there shall be substituted the following paragraph—

"(2) In calculating the weekly amount of the loan to be taken into account as income —

(a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with, and including—

(i) the start of the single academic year, or

(ii) where the course is of less than an academic year's duration, the first day of the course,

and ending with the last day of the course;

(**19**) Paragraph (1) was amended by regulation 2(*a*) of S.R. 2000 No. 222
(**20**) Paragraph (2A) was substituted by regulation 3(3)(*b*) of S.R. 1999 No. 317
(**21**) Paragraph (2B) was inserted by regulation 2(*b*) of S.R. 2000 No. 222
(**22**) Paragraph (3) was amended by regulation 25(*a*) of S.R. 1988 No. 146 and regulation 7(*b*) of S.R. 1992 No. 147
(**23**) S.R. 1999 No. 351; relevant amending Regulations are S.R. 1999 No. 369
(**24**) Regulation 62(3A) was inserted by regulation 25(*b*) of S.R. 1988 No. 146
(**25**) Regulation 66A was inserted by regulation 4(7) of S.R. 1990 No. 297
(**26**) Paragraph (1) was substituted by regulation 3(5)(*a*) of S.R. 1999 No. 317
(**27**) Paragraph (2) was amended by regulation 10 of S.R. 1991 No. 338

(b) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with, and including, the earlier of—

(i) the first day of the first benefit week in September, or

(ii) the first day of the first benefit week following the beginning of the autumn term,

and ending with the last day of the last benefit week before the last day of the course;

(c) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with, and including, the earlier of—

(i) the first day of the first benefit week in September, or

(ii) the first day of the the first benefit week following the beginning of the autumn term,

and ending with the last day of the last benefit week in June,

and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.";

(c) in paragraph (5)(**28**)—

(i) in sub-paragraph (*a*) for "£250" there shall be substituted "£255";

(ii) in sub-paragraph (*b*) for "£303" there shall be substituted "£311".

(5) After regulation 66A (treatment of student loans) there shall be inserted the following regulation—

"**Treatment of payments from access funds**

66B.—(1) This regulation applies to payments from access funds that are not payments to which regulation 68(2) or (3) (income treated as capital) applies.

(2) A payment from access funds, other than a payment to which paragraph (3) applies, shall be disregarded as income.

(3) Subject to paragraph (4) and paragraph 36 of Schedule 9, any payments from access funds which are intended and used for food, ordinary clothing or footwear (which has the same meaning as in paragraph 15(2) of Schedule 9), household fuel, rent or rates for which housing benefit is payable, any housing costs to the extent that they are met under regulation 17(1)(*e*) or 18(1)(*f*) (housing costs) or any accommodation charges to the extent that they are met under regulation 19 (persons in homes for persons in need and nursing homes), of a single claimant or, as the case may be, of any other member of his family, shall be disregarded as income to the extent of £20 per week.

(4) Where a payment from access funds is made—

(a) on, and including, or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan, or

(b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment shall be disregarded as income.".

(**28**) Paragraph (5) was inserted by regulation 3(5)(*b*) of S.R. 1999 No. 317

(6) Regulation 68 (income treated as capital) shall be amended by renumbering that regulation as regulation 68(1) and adding the following paragraphs—

"(2) An amount paid from access funds as a single lump sum shall be treated as capital.

(3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear (which has the same meaning as in paragraph 15(2) of Schedule 9), household fuel, rent or rates for which housing benefit is payable, any housing costs to the extent that they are met under regulation 17(1)(*e*) or 18(1)(*f*) (housing costs) or any accommodation charges to the extent that they are met under regulation 19 (persons in homes for persons in need and nursing homes), of a single claimant or, as the case may be, of any other member of his family, shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.".

(7) In Schedule 1B(**29**) (prescribed categories of person) for paragraph 12 (deaf students) there shall be substituted the following paragraph—

"A person who is a full-time student in respect of whom—

(a) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986;

(b) a grant has been made under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000 or under regulation 13 of the Education (Student Support) Regulations 2000;

(c) a payment has been made under section 2 of the Education Act 1962(**30**);

(d) a supplementary requirement has been determined under paragraph 9 of Part II of Schedule 2 to the Education (Mandatory Awards) Regulations 1999(**31**), or

(e) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(*d*) of regulation 4 of the Students' Allowances (Scotland) Regulations 1999(**32**) or, as the case may be, under paragraph (1)(*d*) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred,

on account of his disability by reason of deafness.".

(8) In paragraph 36(**33**) of Schedule 9 (sums to be disregarded in the calculation of income other than earnings) after "regulation 66A(2) (treatment of student loans)" there shall be inserted ", regulation 66B(3) (treatment of payments from access funds)".

Amendment of the Jobseeker's Allowance Regulations

3.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**34**) shall be amended in accordance with paragraphs (2) to (9).

(2) In regulation 1(2) (interpretation)—

(a) in the definition of "period of study" for sub-paragraph (i) of paragraph (*b*) there shall be substituted the following sub-paragraph—

"(i) in a case where the student's grant or loan is assessed at a rate appropriate to his studying throughout the year or, if he does not have a grant or loan, where

(**29**) Schedule 1B was inserted by regulation 22, and Schedule 1 to, S.R. 1996 No. 199
(**30**) 1962 c. 12
(**31**) S.I. 1999/1494
(**32**) S.I. 1999/1131 (s. 91)
(**33**) Paragraph 36 was amended by regulation 20(*d*) of S.R. 1990 No. 131, regulation 4(4) of S.R. 1990 No. 305 and regulation 7 of S.R. 1996 No. 93
(**34**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1999 No. 317 and S.R. 2000 No. 222