Regulations made by the Department for Social Development and laid before the Assembly under Article 37(2) of the Jobseekers (Northern Ireland) Order 1995 for approval by resolution of the Assembly before the expiration of 6 months from the date of their coming into operation.

STATUTORY RULES OF NORTHERN IRELAND

2000 No. 241

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Students Amendment) Regulations (Northern Ireland) 2000

Made - - - -	*24th July 2000*
Coming into operation	*31st July 2000*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(*a*) and (*d*), 123(1)(*e*), 131(1), 132(3) and (4)(*b*), 133(2)(i) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), and Articles 2(2), 6(5), 8(2) and (4), 9(4), 14(1) and 4(*b*), 23, and 36(2) of, and paragraph 14 of Schedule 1 to, 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 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect 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 Amendment) Regulations (Northern Ireland) 2000 and shall come into operation on 31st July 2000.

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

(**1**) 1992 c. 7; section 123(1)(*e*) was inserted by paragraph 13(5) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))
(**2**) S.I. 1995/2705 (N.I. 15)
(**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
(**6**) 1954 c. 33 (N.I.)

Amendment of the Housing Benefit Regulations

2.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(**7**) shall be amended in accordance with paragraphs (2) to (4).

(2) Regulation 46 (interpretation of Part VII—students) shall be renumbered regulation 46(1) and in that renumbered paragraph—

(a) in the definition of "course of study"(**8**), the words from "and for the purposes" to the end of the definition shall be omitted;

(b) in the definition of "standard maintenance grant"(**9**), in paragraph (*a*), after "attending" there shall be inserted "or undertaking";

(c) for the definition of "student"(**10**) there shall be substituted the following definition—

""student" means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

(a) a course of study at an educational establishment, or

(b) a qualifying course;".

(3) After the renumbered regulation 46(1) there shall be added the following paragraphs—

"(2) For the purposes of the definition of "full-time student" in paragraph (1), a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course—

(a) subject to paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on, and including, the day on which that part of the course starts and ending—

(i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study, or

(ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;

(b) in any other case, throughout the period beginning on, and including, the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

(3) For the purposes of sub-paragraph (*a*) of paragraph (2), the period referred to in that sub-paragraph shall include—

(a) where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;

(b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

(**7**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 Nos. 297 and 305, S.R. 1991 No. 47, S.R. 1996 No. 405 and S.R. 1998 No. 198

(**8**) The definition of "course of study" was substituted by regulation 4(4)(*a*) of S.R. 1996 No. 405

(**9**) The definition of "standard maintenance grant" was substituted by regulation 4(4)(*a*) of S.R. 1996 No. 405

(**10**) The definition of "student" was substituted by regulation 9(*c*) of S.R. 1998 No. 198

(4) In paragraph (2), "modular course" means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.".

(4) After regulation 48A(4)(**11**) (full-time students to be treated as not liable to make payments in respect of a dwelling) there shall be added the following paragraphs—

"(5) Paragraph (1) shall not apply to a full-time student for the period specified in paragraph (6) if—

(a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is—

(i) engaged in caring for another person, or

(ii) ill;

(b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness, and

(c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph (6).

(6) The period specified for the purposes of paragraph (5) is the period beginning on, and including, the day on which he ceased to be engaged in caring for that other person or, as the case may be, the day on which he recovered from that illness and ending on the day before—

(a) the day on which he resumes attending or undertaking the course, or

(b) the first day of the following academic year,

whichever shall first occur.".

Amendment of the Income Support Regulations

3.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**12**) shall be amended in accordance with paragraphs (2) to (5).

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

(a) for the definition of "course of study", there shall be substituted the following definition—

""course of study" means any course of study, whether or not it is a sandwich course (within the meaning prescribed in regulation 61(1)) and whether or not a grant is made for attending or undertaking it;";

(b) after the definition of "employment"(**13**) there shall be inserted the following definition—

""full-time student" has the meaning prescribed in regulation 61(1);";

(c) for the definition of "last day of the course"(**14**), there shall be substituted the following definition—

""last day of the course" has the meaning prescribed in regulation 61(1);";

(d) for the definition of "period of study"(**15**) there shall be substituted the following definition —

(**11**) Regulation 48A was inserted by regulation 3(6) of S.R. 1990 No. 297 and paragraph (4) was added by regulation 3(2)(*b*) of S.R. 1990 No. 305 and amended by regulation 6(*b*) of S.R. 1991 No. 47

(**12**) S.R. 1987 No. 459: relevant amending Regulations are S.R. 1988 No. 318, S.R. 1990 No. 297, S.R. 1991 Nos. 46, 204 and 338, S.R. 1992 Nos. 147 and 201, S.R. 1995 No. 434, S.R. 1996 Nos. 199 and 405, S.R. 1997 Nos. 22 and 412, S.R. 1998 No. 81 and S.R. 2000 No. 71

(**13**) The definition of "employment" was inserted by regulation 2(*b*) of S.R. 1988 No. 318

(**14**) The definition of "last day of the course" was inserted by regulation 2 of S.R. 1991 No. 338

(**15**) The definition of "period of study" was substituted by regulation 4(2) of S.R. 1990 No. 297

""period of study" means the period beginning on, and including, the date on which a person starts attending or undertaking a course of study and ending with the last day of the course or such earlier date (if any) as he finally abandons it or is dismissed from it;";

(e) the definition of "student" shall be omitted.

(3) Regulation 61 (interpretation of Chapter VIII of Part V—students) shall be renumbered regulation 61(1) and in that renumbered paragraph—

(a) after the definition of "education authority" there shall be inserted the following definition —

""full-time student" means a person, who is—

(a) aged less than 19 and is attending or undertaking a full-time course of advanced education;

(b) aged 19 or over but under pensionable age and is attending or undertaking a full-time course of study at an educational establishment, or

(c) on a sandwich course;";

(b) in the definition of "standard maintenance grant"(**16**), in paragraph (*a*), after "attending" there shall be inserted "or undertaking";

(c) for the definition of "student"(**17**) there shall be substituted the following definition—

""student" means a person, other than a person in receipt of a training allowance who is attending or undertaking a course of study at an educational establishment;".

(4) After the renumbered regulation 61(1) there shall be added the following paragraphs—

"(2) For the purposes of the definition of "full-time student" in paragraph (1), a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study, a full-time course of advanced education or as being on a sandwich course—

(a) subject to paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on, and including, the day on which that part of the course starts and ending—

(i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study, or

(ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;

(b) in any other case, throughout the period beginning on, and including, the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

(3) For the purposes of sub-paragraph (*a*) of paragraph (2), the period referred to in that sub-paragraph shall include—

(a) where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;

(**16**) The definition of "standard maintenance grant" was substituted by regulation 5(8)(*a*) of S.R. 1996 No. 405
(**17**) The definition of "student" was amended by regulation 6 of S.R. 1992 No. 147