STATUTORY RULES OF NORTHERN IRELAND

1999 No. 317

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Students Amendments) Regulations (Northern Ireland) 1999

Made - - - - 8th July 1999

Coming into operation in accordance with regulation 1

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1), 129(2) and (4), 132(3) and (4) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Article 14(1), (2) and (4) of the Jobseekers (Northern Ireland) Order 1995(**2**) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(**3**) in so far as regulation 4 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation should not be referred to it(**4**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Students Amendments) Regulations (Northern Ireland) 1999 and shall come into operation—

(a) for the purpose of this regulation on 1st August 1999;

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

(i) in the case of a student whose period of study begins on or after 1st August 1999 but before 30th August 1999, on the day the period of study begins;

(ii) in any other case, on 30th August 1999;

(c) for the purpose of regulation 4—

(i) in the case of a student whose period of study begins on or after 1st August 1999 but before 30th August 1999, on the first Monday of that period;

(ii) in any other case, on 30th August 1999;

(d) for the purposes of regulations 5 and 6—

(**1**) 1992 c. 7
(**2**) S.I. 1995/2705 (N.I. 15)
(**3**) *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))
(**4**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(i) in the case of a student whose period of study begins on or after 1st August 1999 but before 31st August 1999, on the first Tuesday of that period;

(ii) in any other case, on 31st August 1999.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Jobseeker's Allowance Regulations

2.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**6**) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 130 (interpretation of Chapter IX of Part VIII)—

(a) in the definition of "contribution"(**7**) after "grant" there shall be inserted "or student loan";

(b) for the definition of "year" there shall be substituted the following definitions—

""student loan" means a loan towards a student's maintenance pursuant to any regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998(**8**), section 22 of the Teaching and Higher Education Act 1998(**9**) or section 73 of the Education (Scotland) Act 1980(**10**);

"year", in relation to a course, means the period of 12 months beginning on and including 1st January, 1st April, 1st July or 1st September according to whether the academic year of the course 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.".

(3) In regulation 131 (calculation of grant income)—

(a) in paragraph (2)(f)(**11**) the words from "or" to the end shall be omitted;

(b) for paragraph (3) there shall be substituted the following paragraph—

"(3) Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income—

(a) the sum of £250 in respect of travel costs, and

(b) where no amount has been disregarded under paragraph (2)(f), the sum of £303 towards the cost of books and equipment,

whether or not any such costs are incurred.".

(4) In regulation 135(1) (other amounts to be disregarded) for "and 133(1)(a) or (b) (calculation of grant income and covenant income)" there shall be substituted ", 133(1)(a) or (b) and 136(5) (calculation of grant income, covenant income and treatment of student loans)".

(5) In regulation 136 (treatment of student loans)—

(**5**) 1954 c. 33 (N.I.)
(**6**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1997 No. 222 and S.R. 1998 Nos. 81 and 204
(**7**) The definition of "contribution" was amended by regulation 3(1) of S.R. 1998 No. 81
(**8**) S.I. 1998/1760 (N.I. 14); see the Education (Student Support) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 192) for loans to students commencing courses after 1st September 1998 and the Education (Student Loans) Regulations (Northern Ireland) 1998 (S.R. 1998 No. 58)
(**9**) 1998 c. 30; see the Education (Student Support) Regulations 1999 (S.I. 1999/496) and the Education (Student Loans) Regulations 1998 (S.I. 1998/211)
(**10**) 1980 c. 44; section 73(f) was amended by section 29(1) of the Teaching and Higher Education Act 1998 (c. 30); see the Education (Student Loans) (Scotland) Regulations 1999 (S.I. 1999/1001 (s. 71)) and the Education (Student Loans) Regulations 1998
(**11**) Regulation 131(2)(f) was amended by regulation 2(e) of S.R. 1998 No. 204

(a) for paragraph (1) there shall be substituted the following paragraph—

"(1) A student loan shall be treated as income.";

(b) for paragraph (3) there shall be substituted the following paragraphs—

"(3) A student shall be treated as possessing a student loan in respect of an academic year where—

(a) a student loan has been made to him in respect of that year, or

(b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

(4) Where a student is treated as possessing a student loan under paragraph (3), the amount of the student loan to be taken into account as income shall be, subject to paragraph (5)—

(a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so and either—

(i) in the case of a student other than one to whom head (ii) refers, any contribution whether or not it has been paid to him, or

(ii) in the case of a student who satisfies the additional conditions for a disability premium specified in paragraph 14 of Schedule 1 (applicable amounts), any contribution which has actually been paid to him;

(b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—

(i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year, and

(ii) no deduction in that loan was made by virtue of the application of a means test.

(5) There shall be deducted from the amount of income taken into account under paragraph (4)—

(a) the sum of £250 in respect of travel costs, and

(b) where no amount has been disregarded under regulation 131(2)(f), the sum of £303 towards the cost of books and equipment,

whether or not any such costs are incurred.".

(6) In regulation 137 (disregard of contribution) after "grant" there shall be inserted "or student loan".

(7) In regulation 137A(**12**) (further disregard of student's income) after "grant" there shall be inserted "or student loan".

(8) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) in paragraph 57(2)(**13**) for head (b) there shall be substituted the following heads—

"(b) any student loan as defined in Chapter IX of Part VIII;

(c) any contribution as defined in Chapter IX of Part VIII which—

(i) is taken into account in ascertaining the amount of a student loan referred to in head (b), and

(**12**) Regulation 137A was inserted by regulation 3(3) of S.R. 1998 No. 81
(**13**) Paragraph 57 was added by regulation 2(3)(b) of S.R. 1997 No. 22

(ii) has been paid.".

Amendment of the Income Support Regulations

3.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**14**) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 61 (interpretation of Chapter VIII of Part V)—

(a) in the definition of "contribution"(**15**) after "grant" there shall be inserted "or student loan";

(b) for the definition of "year"(**16**) there shall be substituted the following definitions—

""student loan" means a loan towards a student's maintenance persuant to any regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73 of the Education (Scotland) Act 1980;

"year", in relation to a course, means the period of 12 months beginning on and including 1st January, 1st April, 1st July or 1st September according to whether the academic year of the course 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.".

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

(a) in paragraph (2)(g)(**17**) the words from "or" to the end shall be omitted;

(b) for paragraph (2A)(**18**) there shall be substituted the following paragraph—

"(2A) Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income—

(a) the sum of £250 in respect of travel costs, and

(b) where no amount has been disregarded under paragraph (2)(g), the sum of £303 towards the cost of books and equipment,

whether or not any such costs are incurred.".

(4) In regulation 66(1)(**19**) (other amounts to be disregarded) for "and 64(1)(a) or (b) (calculation of grant income and covenant income)" there shall be substituted ", 64(1)(a) or (b) and 66A(5) (calculation of grant income, covenant income and treatment of student loans)".

(5) In regulation 66A(**20**) (treatment of student loans)—

(a) for paragraph (1)(**21**) there shall be substituted the following paragraph—

"(1) A student loan shall be treated as income.";

(b) for paragraph (3)(**22**) there shall be substituted the following paragraphs—

(**14**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1990 No. 297, S.R. 1991 No. 46, S.R. 1992 No. 147, S.R. 1994 No. 77, S.R. 1996 Nos. 93, 199 and 405, S.R. 1997 No. 22 and S.R. 1998 Nos. 81 and 204

(**15**) The definition of "contribution" was substituted by regulation 5(8)(a) of S.R. 1996 No. 405 and amended by regulation 3 of S.R. 1998 No. 81

(**16**) The definition of "year" was amended by regulation 5 of S.R. 1996 No. 405

(**17**) Regulation 62(2)(g) was amended by regulation 5(9)(b) of S.R. 1996 No. 405 and regulation 2(a) of S.R. 1998 No. 204

(**18**) Regulation 62(2A) was inserted by regulation 7(a) of S.R. 1992 No. 147

(**19**) Regulation 66(1) was amended by regulation 4(5)(a) and (b) of S.R. 1994 No. 77

(**20**) Regulation 66A was inserted by regulation 4(7) of S.R. 1990 No. 297

(**21**) Regulation 66A(1) was amended by regulation 8 of S.R. 1991 No. 46

(**22**) Regulation 66A(3) was substituted by regulation 8(1) and (2)(a) of S.R. 1996 No. 93

"(3) A student shall be treated as possessing a student loan in respect of an academic year where—

(a) a student loan has been made to him in respect of that year, or

(b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

(4) Where a student is treated as possessing a student loan under paragraph (3), the amount of the student loan to be taken into account as income shall be, subject to paragraph (5)—

(a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so and either—

(i) in the case of a student other than one to whom head (ii) refers, any contribution whether or not it has been paid to him, or

(ii) in the case of a student to whom paragraph 1, 2, 10, 11 or 12 of Schedule 1B(**23**) applies (lone parents or disabled students), any contribution which has actually been paid to him;

(b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—

(i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year, and

(ii) no deduction in that loan was made by virtue of the application of a means test.

(5) There shall be deducted from the amount of income taken into account under paragraph (4)—

(a) the sum of £250 in respect of travel costs, and

(b) where no amount has been disregarded under regulation 62(2)(g), the sum of £303 towards the cost of books and equipment,

whether or not any such costs are incurred.".

(6) In regulation 67(**24**) (disregard of contribution) after "grant" there shall be inserted "or student loan".

(7) In regulation 67A(**25**) (further disregard of student's income) after "grant" there shall be inserted "or student loan".

(8) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) in paragraph 59(2)(**26**) for head (b) there shall be substituted the following heads—

"(b) any student loan as defined in Chapter VIII of Part V;

(c) any contribution as defined in Chapter VIII of Part V which—

(i) is taken into account in ascertaining the amount of a student loan referred to in head (b), and

(ii) has been paid.".

(**23**) Schedule 1B was inserted by regulation 22 of, and Schedule 1 to S.R. 1996 No. 199
(**24**) Regulation 67 was amended by regulation 9(1) and (2)(a) of S.R. 1996 No. 93
(**25**) Regulation 67A was inserted by regulation 3 of S.R. 1998 No. 81
(**26**) Paragraph 59 was added by regulation 2(2)(b) of S.R. 1997 No. 22