1990 No. 297

HOUSING; RATES; SOCIAL SECURITY

The Social Security Benefits (Student Loans and Miscellaneous Amendments) Regulations (Northern Ireland) 1990

Made	*3rd August 1990*
Coming into operation—	
for the purposes of regulation 1 and regulation 3(7) and (8)	
to the extent that they relate to a case where a student's period of study begins on or after 1st August 1990 but before 1st September 1990	*the first Monday of that period*
to the extent that they relate to any other case	*1st September 1990*
for the purposes of regulations 2 to 3(6) and 3(9) to (11) and 4 to 7	*1st September 1990*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 17(2)(*a*) and 20(3) of the Social Security (Northern Ireland) Act 1975(**a**) and Articles 21(3)(*d*), (8) and (12)(*d*) and (*g*) to (*i*), 23(8) and (9) and 30(3) of the Social Security (Northern Ireland) Order 1986(**b**) and of all other powers enabling it in that behalf, and with the consent of the Department of the Environment(**c**) so far as relates to matters with regard to which such consent is required, and after agreement by the Social Security Advisory Committee that proposals to make these regulations in so far as they are required to be referred to it should not be so referred(**d**), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security Benefits (Student Loans and Miscellaneous Amendments) Regulations (Northern Ireland) 1990 and shall come into operation as follows—

(**a**) 1975 c. 15

(**b**) S.I. 1986/1888 (N.I. 18); Article 21(3)(*d*) was amended by and Article 21(12)(*d*) was substituted by Article 15(1) and (2) respectively of the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)); Article 81(1) provides for section 155(1) to (3A) of the Social Security (Northern Ireland) Act 1975 (extent of powers) to apply to the regulation-making powers conferred by this Order; the said section 155(3A) was inserted by Article 63(1)

(**c**) *See* Article 81(5) of the Social Security (Northern Ireland) Order 1986

(**d**) *See* Article 62(1)(*b*) of the Social Security (Northern Ireland) Order 1986

(*a*) regulation 1 and regulation 3(7) and (8)—

(i) in a case where the student's period of study begins on or after 1st August 1990 but before 1st September 1990, on the first Monday of that period,

(ii) in any other case, on 1st September 1990;

(*b*) regulations 2 to 3(6) and 3(9) to (11) and 4 to 7, on 1st September 1990.

(2) In these regulations—

"the Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(**a**);

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**b**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**c**); and

"the Unemployment Benefit Regulations" means the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(**d**).

(3) The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Family Credit Regulations

2.—(1) The Family Credit Regulations shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 24 (calculation of income other than earnings)—

(*a*) in paragraph (1) for "(2) to (4)" there shall be substituted "(2) to (4A)";

(*b*) after paragraph (4) there shall be inserted the following paragraph—

"(4A) Where a loan is made to a person pursuant to arrangements made under Article 3 of the Education (Student Loans) (Northern Ireland) Order 1990(**f**) and that person ceases to be a student before the end of the academic year in respect of which the loan is payable or, as the case may be, before the end of his course, a sum equal to the weekly amount apportionable under paragraph (2) of regulation 42A shall be taken into account under paragraph (1) for each week, in the period over which the loan fell to be apportioned, following the date on which that person ceases to be a student; but in determining the weekly amount apportionable under paragraph (2) of regulation 42A so much of that paragraph as provides for a disregard shall not have effect.".

(**a**) S.R. 1987 No. 463; the relevant amending regulations are S.R. 1989 No. 249 and S.R. 1990 No. 138
(**b**) S.R. 1987 No. 461; the relevant amending regulations are S.R. 1988 No. 424 and S.R. 1989 No. 260
(**c**) S.R. 1987 No. 459; the relevant amending regulations are S.R. 1988 No. 431 and S.R. 1989 Nos. 249 and 326
(**d**) S.R. 1984 No. 245; the relevant amending regulations are S.R. 1986 No. 275
(**e**) 1954 c. 33 (N.I.)
(**f**) S.I. 1990/1506 (N.I. 11)

(3) In regulation 37 (interpretation), in the definition of ''grant'' at the end there shall be added ''but does not include a payment derived from funds made available by the Department of Education for Northern Ireland for the purpose of assisting students in financial difficulties under Article 50 or 51 of the Education and Libraries (Northern Ireland) Order 1986(**a**)''.

(4) In regulation 38(2)(*f*) (calculation of grant income) for ''£234'' there shall be substituted ''£246''.

(5) After regulation 42 (other amounts to be disregarded) there shall be inserted the following regulation—

''*Treatment of student loans*

42A.—(1) A loan which is made to a student pursuant to arrangements made under Article 3 of the Education (Student Loans) (Northern Ireland) Order 1990 shall be treated as income.

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

(*a*) except where sub-paragraph (*b*) applies, the loan shall be apportioned equally between the weeks in the academic year in respect of which the loan is payable;

(*b*) in the case of a loan which is payable in respect of the final academic year of the course or, if the course is only of one academic year's duration, in respect of that year, the loan shall be apportioned equally between the weeks in the period beginning with the start of the final academic year or, as the case may be, the single academic year and ending with the date on which the course ends,

and from the weekly amount so apportioned there shall be disregarded £10.

(3) Any loan for which a student is eligible in respect of an academic year under the arrangements mentioned in paragraph (1) but which has not been acquired by him shall be treated as possessed by him and paragraphs (1) and (2) shall apply accordingly; and for the purposes of this paragraph the loan for which a student is eligible is the maximum amount payable to him under those arrangements.''.

(6) In Schedule 3 (capital to be disregarded), in paragraph 21 for ''(capital treated as income)'' there shall be substituted ''or 42A (capital treated as income or treatment of student loans)''.

Amendment of the Housing Benefit Regulations

3.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) to (11).

(2) In regulation 6(1) (circumstances in which a person is to be treated as liable to make payments in respect of a dwelling) after sub-paragraph (*d*) there shall be added the following sub-paragraph—

(**a**) S.I. 1986/594 (N.I. 3)

"(*e*) a person who is a partner of a student to whom regulation 48A(1) (full-time students to be treated as not liable to make payments of rent in respect of a dwelling) applies.".

(3) In regulation 9(2) (rates) after "liable" there shall be inserted "or would be liable but for the provisions of regulation 48A".

(4) In regulation 33 (calculation of income other than earnings)—

(*a*) in paragraph (1) for "(2) and (3)" there shall be substituted "(2) to (3A)";

(*b*) after paragraph (3) there shall be inserted the following paragraph—

"(3A) Where a loan is made to a person pursuant to arrangements made under Article 3 of the Education (Student Loans) (Northern Ireland) Order 1990 and that person ceases to be a student before the end of the academic year in respect of which the loan is payable or, as the case may be, before the end of his course, a sum equal to the weekly amount apportionable under paragraph (2) of regulation 57A shall be taken into account under paragraph (1) for each week, in the period over which the loan fell to be apportioned, following the date on which that person ceases to be a student; but in determining the weekly amount apportionable under paragraph (2) of regulation 57A so much of that paragraph as provides for a disregard shall not have effect.".

(5) In regulation 46 (interpretation)—

(*a*) in the definition of "grant" at the end there shall be added "but does not include a payment derived from funds made available by the Department of Education for Northern Ireland for the purpose of assisting students in financial difficulties under Article 50 or 51 of the Education and Libraries (Northern Ireland) Order 1986";

(*b*) after the definition of "student" there shall be added the following definition—

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

(6) After regulation 48 (occupying a dwelling as a person's home) there shall be inserted the following regulation—

"*Full-time students to be treated as not liable to make payments of rent in respect of a dwelling*

48A.—(1) A full-time student shall be treated as if he were not liable to make payments of rent in respect of a dwelling.

(2) Paragraph (1) shall not apply to a full-time student—

(*a*) who is a person on income support;

(*b*) whose applicable amount does or would, but for paragraph (1), include the lone parent premium, pensioner premium for persons under 75 or, as the case may be, persons 75 or over, higher pensioner premium, disability premium or severe disability premium;

(*c*) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;

(*d*) who is a single claimant with whom a child is boarded out by a Health and Social Services Board or training school, within the meaning of section 137 of the Children and Young Persons Act (Northern Ireland) 1968(**a**), by virtue of arrangements made under section 114(1)(*a*) of that Act or by a voluntary organisation under section 129(1) of that Act;

(*e*) who—

(i) immediately before 1st September 1990 was in receipt of income support by virtue of paragraph 7 of Schedule 1 to the Income Support (General) Regulations (Northern Ireland) 1987 as then in operation, or

(ii) on or after that date makes a claim for income support or housing benefit (or both) and at any time during the period of 18 months immediately preceding the date of that claim was in receipt of income support either by virtue of that paragraph or regulation 13(2)(*b*) of those regulations,

but this sub-paragraph shall cease to apply where the person has ceased to be in receipt of income support for a continuous period of 18 months or more; or

(*f*) who is aged under 19 and whose course of study is not a course of higher education.

(3) In paragraph (2)(*f*) reference to a course of higher education is a reference to a course of any description mentioned in Schedule 7 to the Education Reform (Northern Ireland) Order 1989(**b**).''.

(7) In regulation 51(1) (eligible rent) for ''£14·80'' there shall be substituted ''£15·55''.

(8) In regulation 53(2)(*g*) (calculation of grant income) for ''£234'' there shall be substituted ''£246''.

(9) After regulation 57 (other amounts to be disregarded) there shall be inserted the following regulation—

''*Treatment of student loans*

57A.—(1) A loan which is made to a student pursuant to arrangements made under Article 3 of the Education (Student Loans) (Northern Ireland) Order 1990 shall be treated as income.

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

(*a*) except where sub-paragraph (*b*) applies, the loan shall be apportioned equally between the weeks in the academic year in respect of which the loan is payable;

(*b*) in the case of a loan which is payable in respect of the final academic year of the course or, if the course is only of one

(**a**) 1968 c. 34 (N.I.)
(**b**) S.I. 1989/2406 (N.I. 20)