1987 No. 332

HOUSING; RATES

The Housing Benefits (Amendment No. 3) Regulations (Northern Ireland) 1987

Made	*13th August 1987*
Coming into operation . .	*1st September 1987*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 3(2) of the Housing Benefits (Northern Ireland) Order 1983(**a**) and of all other powers enabling it in that behalf, and with the consent of the Department of Finance and Personnel, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Housing Benefits (Amendment No. 3) Regulations (Northern Ireland) 1987 and shall come into operation on 1st September 1987.

(2) In these regulations "the principal regulations" means the Housing Benefits Regulations (Northern Ireland) 1985(**b**).

Amendment of Schedule 1A to the principal regulations

2. In Schedule 1A to the principal regulations (modification of Parts II to IV and VI of the regulations in relation to students)—

(*a*) in paragraph 1, in the definition of "standard maintenance grant" for "£1,901" there shall be substituted "£1,972";

(*b*) for paragraph 4 (elegibility of students in accommodation provided by an educational establishment), there shall be substituted the following paragraph—

"**4.**—(1) Subject to sub-paragraphs (2) and (3), a student shall not be eligible, during the period of study, for a rent allowance in respect of a dwelling for which he is liable to pay rent to an educational establishment which he is attending and, in such a case, he shall not be eligible for a rate rebate either, except where he is liable to pay rates direct to the Department of the Environment.

(2) Where the educational establishment itself pays rent for the dwelling to a third party (other than to another educational establishment) the provisions of sub-paragraph (1) shall only apply if rent is payable to an education authority which has provided the dwelling in exercise of its functions as an education authority.

(**a**) S.I. 1983/1121 (N.I. 14)
(**b**) S.R. 1985 No. 282; the relevant amending regulations are S.R. 1986 No. 235

(3) Where it appears to the appropriate authority that an educational establishment has arranged for accommodation to be provided by a person or body other than itself in order to take advantage of the housing benefit scheme, housing benefit shall not be payable during the period of study in respect of payments made to the person or body by a student.''.

(*c*) in paragraph 5 (grant income), after head (*e*) of sub-paragraph (1) there shall be added the following heads—

''(*f*) any grant intended to meet the cost of books and equipment (other than special equipment) or, in the case of a full-time student, if not so intended an amount equal to £210 towards such costs;

(*g*) any grant intended to meet travel expenses incurred as a result of his attendance on the course.'';

(*d*) in paragraph 6 (covenant income in addition to a contribution), after sub-paragraph (2) there shall be added the following sub-paragraph—

''(3) For the purposes of sub-paragraph (2), the contribution shall be treated as increased by the amount (if any) by which the amount disregarded under paragraph 5(1)(*g*) falls short of £109.'';

(*e*) in paragraph 7 (covenant income where there is either no grant income or no contribution)—

(i) after head (*b*) of sub-paragraph (1) there shall be inserted the following head—

''(*bb*) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 5(1)(*f*) and (*g*) had the student been in receipt of the standard maintenance grant;'',

(ii) in sub-paragraph (2) after ''such grant income'' there shall be inserted ''and the amount to be disregarded under sub-paragraph (1)(*bb*) shall be abated by an amount equal to any sums disregarded under paragraph 5(1)(*f*) and (*g*)'';

(*f*) in paragraph 9 (other amounts to be disregarded), for sub-paragraph (1) there shall be substituted the following sub-paragraph—

''(1) For the purpose of ascertaining income other than grant income or covenant income, any amounts intended for any expenditure specified in paragraph 5(1)(*a*), (*f*) and (*g*), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraphs 5, 6 and 7 for like expenditure.''.

Delayed application to students on vacation

3. The amendments to Schedule 1A to the principal regulations made by regulation 2(*a*) and (*d*) shall not have effect, in relation to a student who is on his summer vacation on the date on which these regulations come into operation, until the end of that vacation.