1986 No. 235

HOUSING; RATES

The Housing Benefits (Amendment No. 3) Regulations (Northern Ireland) 1986

Made	*22nd July 1986*
Coming into operation –	
Regulations 1, 2(b), 3, 5 and 8(a)	*28th July 1986*
Regulations 2(a), 4, 6, 7, 8(b) and 9	*1st September 1986*

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) 1986 and, except as provided in paragraph (2), shall come into operation on 28th July 1986.

(2) The following provisions shall come into operation on 1st September 1986—

regulations 2(*a*), 4 and 6; regulation 7 as it applies to paragraphs 3 to 14 of Schedule 1A; regulations 8(*b*) and 9.

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

Amendment of regulation 2 of the principal regulations

2. Regulation 2(1) of the principal regulations (interpretation) shall be amended as follows—

(*a*) the definition of "grant-aided student" shall be omitted except for the purposes of regulation 9(1) (transitional provisions); and

(*b*) after the definition of "Requirements Regulations" there shall be inserted the following definition—

" "student" has the meaning ascribed to it in paragraph 1 of Schedule 1A;".

Substitution of regulation 12 of the principal regulations

3. For regulation 12 of the principal regulations (students from abroad) there shall be substituted a new Part IIA as follows—

(**a**) S.I. 1983/1121 (N.I. 14)
(**b**) S.R. 1985 No. 282; to which there are amendments not relevant to the subject matter of these regulations

"PART IIA

ELIGIBILITY AND ENTITLEMENT OF STUDENTS

Modification of Parts II to IV and VI in relation to students

12. The provisions of Parts II to IV and VI (eligibility, amount of housing benefit, benefit period and payment) shall have effect in relation to students and their partners subject to the modifications set out in Schedule 1A.".

Amendment of regulation 18 of the principal regulations

4. Regulation 18 of the principal regulations (eligible rent) shall be amended as follows—

(*a*) paragraphs (2)(*e*) and (5) shall be omitted; and

(*b*) in paragraph (8) the words ", other than that referred to in sub-paragraph (*e*) thereof," and all the words following "rent paid by each such person" shall be omitted.

Amendment of regulation 20 of the principal regulations

5. In regulation 20 of the principal regulations (deductions for non-dependants) for sub-paragraph (*a*) of paragraph (14) there shall be substituted the following sub-paragraph—

"(*a*) "relevant student" means a student in full-time education who is a member of the household of the eligible person but does not include such a person during any period which is not a period of study as defined in paragraph 1 of Schedule 1A;".

Omission of Schedule 1 to the principal regulations

6. Schedule 1 to the principal regulations shall be omitted, except for the purposes of regulation 9(1) (transitional provisions).

Insertion of Schedule 1A in the principal regulations

7. After Schedule 1 to the principal regulations there shall be inserted Schedule 1A as set out in the Schedule to these regulations.

Amendment of Schedule 2 to the principal regulations

8. Schedule 2 to the principal regulations shall be amended as follows—

(*a*) in paragraph 5 after "Any sums" there shall be inserted "in respect of a course of study attended by a dependent child"; and

(*b*) paragraph 16 shall be omitted.

Transitional provisions

9.—(1) Until 1st April 1988, paragraph 10 of Schedule 1A (student deduction) shall not have effect in the case of a student who is attending a course which he was attending immediately before 1st September 1986, except where he is attending as a grant-aided student.

(2) Paragraph 3 of Schedule 1A (eligibility of students outside the period of study) and Parts III to VI (amount of housing benefit for students, benefit period, payment and partners) shall not have effect in relation to any period of a student's summer vacation in 1986.

Sealed with the Official Seal of the Department of Health and Social Services on 22nd July 1986.

(L.S.) *C. Davie*
Assistant Secretary

The Department of Finance and Personnel hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 22nd July 1986.

(L.S.) *R. G. Smartt*
Assistant Secretary

SCHEDULE Regulation 7

"SCHEDULE 1A Regulation 12

MODIFICATION OF PARTS II TO IV AND VI OF THE REGULATIONS IN RELATION TO STUDENTS

PART I

INTERPRETATION

1. In this Schedule—

"contribution" means any contribution in respect of the income of any other person which a Minister of the Crown or an education authority takes into account in assessing the amount of the student's grant and by which the amount is, as a consequence, reduced;

"course of study" means any full-time or part-time course of study or sandwich course, whether or not a grant is made for attending it;

"convenant income" means the gross income payable to a student under a covenant by his parent including any sum deducted from the gross amount for tax;

"education authority" means a government department, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(**a**), a local education authority as defined in section 114(1) of the Education Act 1944(**b**), an education authority, as defined in section 135(1) of the Education (Scotland) Act 1980(**c**), any body which is a research council for the purposes of the Science and Technology Act 1965(**d**) or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside the United Kingdom;

"full-time student" includes a student on a sandwich course;

"grant" means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary;

"grant income" means—

(*a*) any income by way of a grant;

(*b*) any contribution, whether paid or not;

"periods of experience" has the meaning ascribed to it by regulation 3(1) of the Students Awards Regulations (Northern Ireland) 1985(**e**);

"period of study" means—

(*a*) in the case of a course of study for one year or less, the period from the beginning of the course to the end;

(*b*) in the first and any subsequent year of a course of study for more than one year, the period beginning with the start of the course and ending with either:

(i) the day before the start of the next year of the course in a case where the student's grant is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant, where it would have been assessed at such a rate had he had one, or

(ii) in any other case the day before the start of the summer vacation,

provided that, in the case of a student who is on a sandwich course, the period of study shall not include any periods of experience;

"sandwich course" has the meaning ascribed to it by regulation 3(1) of the Students Awards Regulations (Northern Ireland) 1985;

"standard maintenance grant" means £1,901;

(**a**) S.I. 1986/594 (N.I. 3)
(**b**) 1944 c. 31, amended by S.I. 1977/293, Article 4(1)
(**c**) 1980 c. 44
(**d**) 1965 c. 4
(**e**) S.R. 1985 No. 301