

2000 No. 1981**SOCIAL SECURITY****The Social Security Amendment (Students)
Regulations 2000***Made - - - - 24th July 2000**Coming into force 31st July 2000*

Whereas a draft of this instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995(a) and approved by resolution of each House of Parliament.

Now therefore, the Secretary of State for Education and Employment in relation to regulation 6 of these Regulations and the Secretary of State for Social Security, in relation to the remainder of these Regulations, in exercise of the powers conferred by sections 123(1)(a), (d) and (e), 124(1)(e), 131(3)(b), 135(1), 136(3), (4) and (5)(b), 137(1) and (2)(i) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(b) and sections 4(5), 6(2) and (4), 7(4), 12(1) and (4)(b), 21, 35(1) and 36(1), (2) and (4) of, and paragraph 14 of Schedule 1 to, the Jobseekers Act 1995(c), and of all other powers enabling each of them in that behalf, after consultation, in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to the Secretary of State to be representative of the authorities concerned(d) and after reference to the Social Security Advisory Committee(e), hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Amendment (Students) Regulations 2000 and shall come into force on 31st July 2000.

(2) In these Regulations—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(f);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(g).

[Regulation 2 amends regulations 38 and 40 of S.I. 1992/1814.]

[Regulation 3 amends regulations 46 and 48A of S.I. 1987/1971.]

[Regulation 4 amends regulations 38 of S.I. 1992/1814 and regulation 46 of S.I. 1987/1971.]

[Regulation 5 amends regulations 2(1) and 61 of S.I. 1987/1967.]

[Regulation 6 amends regulations 1, 4 and 130 of S.I. 1996/207.]

(a) 1995 c. 18.

(b) 1992 c. 4; sections 123(1)(e), 131 and 137 were amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14), paragraphs 1, 4 and 9; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(c) Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

(d) See section 176(1) of the Social Security Administration Act 1992 (c. 5).

(e) See section 172(1) of the Social Security Administration Act 1992 (c. 5). Paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.

(f) S.I. 1992/1814.

(g) S.I. 1987/1971.

Signed in relation to regulation 6 by authority of the Secretary of State for Education and Employment.

21st July 2000

Tessa Jowell
Minister of State,
Department for Education and Employment

Signed in relation to the remainder of these Regulations by authority of the Secretary of State for Social Security.

24th July 2000

Angela Eagle
Parliamentary Under-Secretary of State,
Department of Social Security

[The Schedule amends regulations 4ZA, 26, 29, 32 and 40 of, the Title to Chapter VII of Part V to, and Schedules 1B, 3, 9 and 10 to S.I. 1987/1971.]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814).

In particular, they make various amendments to the rules on the treatment of students in relation to those benefits by providing new or amended definitions of "course of study" (regulations 2(2)(a), 3(2)(a), 5(2)(a) and 6(2)(a)(i)), "full-time course of advanced education" (regulations 5(3)(a) and 6(2)(a)(ii)), "full-time student" (regulation 5(2)(b)), "period of study" (regulations 5(2)(d) and 6(3)), "standard maintenance grant" (regulations 2(2)(b), 3(2)(b), 5(3)(c) and 6(4)(b)) and "student" (regulations 2(2)(c), 3(2)(c) and 5(3)(d)).

They prescribe the period when full-time students are to be treated as attending or undertaking a full-time course of study by reference to modular courses (which are defined) and non-modular courses (regulations 4, 5(4) and 6(2)(b)). They also prescribe that full-time students, for the purposes of council tax benefit, housing benefit or jobseeker's allowance, are not, in certain circumstances, to be regarded as attending or undertaking a course in the period after ceasing caring responsibilities or after recovering from an illness until they return to their course (regulations 2(3), 3(3) and 6(2)(b)).

Regulations 5(2)(c) and (e) and (5) and 6(4)(a) and the Schedule make consequential amendments.

The Report of the Social Security Advisory Committee dated 8th May 1998 on the proposals referred to them in respect of these Regulations, together with a statement showing the extent to which these Regulations give effect to the recommendations of the Committee, and in so far as they do not give effect to them, the reasons why not, are contained in Command Paper Cm. 4739 published by The Stationery Office Limited.

These Regulations do not impose any charge on business.