

2001 No. 2319

SOCIAL SECURITY

The Social Security Amendment (Students and Income-related Benefits) Regulations 2001

Made - - - -

26th June 2001

Laid before Parliament

2nd July 2001

Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 136(3) and (5)(b), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a) and sections 12(1) and (4)(b), 35(1) and 36(1) and (2) of the Jobseekers Act 1995(b) and of all other powers enabling him in that behalf after consultation, in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to him to be representative of the authorities concerned(c) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(d), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations shall be cited as the Social Security Amendment (Students and Income-related Benefits) Regulations 2001 and shall come into force—

- (a) for the purposes of this regulation and regulations 2 and 5 on 1st August 2001;
- (b) for the purposes of regulations 3, 4 and 6 in so far as those regulations relate to income support and jobseeker's allowance—
 - (i) in the case of a student whose period of study begins on or after 1st August 2001 but before 27th August 2001, on the day the period of study begins;
 - (ii) in any other case, on 27th August 2001;
- (c) for the purposes of regulations 3, 4 and 6 (in so far as those regulations relate to housing benefit and council tax benefit) and of regulation 7—
 - (i) in the case of a student whose period of study begins on or after 1st August 2001 but before 27th August 2001, on the first Monday of that period;
 - (ii) in any other case, on 27th August 2001.

(a) 1992 c. 4; section 123(1)(d) was inserted and section 137 amended, with respect to council tax benefit, by Schedule 9 to the Local Government Finance Act 1992 (c. 14). Section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word "prescribed".

(b) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".

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

(d) See sections 170 and 173(1)(b) of the 1992 Act; 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.

SOCIAL SECURITY AMENDMENT (**STUDENTS** AND INCOME-RELATED BENEFITS) REGULATIONS 2001

(2) In these Regulations—

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

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(b);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(c);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(d).

[Regulation 2 amends regulations 38(1) of S.I. 1992/1814, 46(1) of S.I. 1987/1971, 61(1) of S.I. 1987/1967 and 130 of S.I. 1996/207.]

[Regulation 3 amends regulations 42(3) and 47(5) of S.I. 1992/1814, 51(1), 53(2A) and 57A(5) of S.I. 1987/1971, 62(2A) and 66A(5) of S.I. 1987/1967 and 131(3) and 136(5) of S.I. 1996/207 and inserts regulations 42(3A) into S.I. 1992/1814, 53(2B) into S.I. 1987/1971, 62(2B) into S.I. 1987/1967 and 131(3A) into S.I. 1996/207.]

[Regulation 4 amends regulations 47(2) of S.I. 1992/1814, 57A(2) of S.I. 1987/1971, 66A(2) of S.I. 1987/1967, and 136(2) of S.I. 1996/207.]

[Regulation 5 amends regulations 40(3A) of S.I. 1987/1967, 103(5) of S.I. 1996/207, 24(4) of S.I. 1992/1814, 33(3A) of S.I. 1987/1971.]

[Regulation 6 amends regulations 42(4A) of S.I. 1992/1814, 53(3A) of S.I. 1987/1971, 62(3A) of S.I. 1987/1967 and 131(5) of S.I. 1996/207.]

[Regulation 7 amends regulations 46(2) of S.I. 1992/1814 and 57(2) of S.I. 1996/207.]

Signed by authority of the Secretary of State for Work and Pensions.

26th June 2001

Malcolm Wicks
Parliamentary Under-Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Income Support (General) Regulations 1987 (S.I. 1987/1967) and the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207) in so far as those Regulations apply to students and former students.

In particular they—

insert a definition of “academic year”, remove the definition of “year” and amend the definitions of “access funds”, “contribution”, “standard maintenance grant” and of “student loan” (regulation 2(1) and (2));

(a) S.I. 1992/1814.

(b) S.I. 1987/1971.

(c) S.I. 1987/1967.

(d) S.I. 1996/207.

amend the definitions of “full-time course of study”, “full-time course of advanced education” and “full-time student” (in jobseeker’s allowance) to reflect changes in the funding of such courses in Scotland and to clarify the existing wording (regulation 2(3) and (4));

increase the amounts of grant and loan income to be disregarded in respect of books and equipment and for travel costs and allow the former to be disregarded even if a student’s grant income includes an amount for books and equipment (regulation 3(1) to (3)), add new exclusions for grants paid to certain students who are lone parents, for child care costs and for certain course-related expenditure (regulation 3(4)) and also increase the amount deducted from rent for calculating eligible rent (regulation 3(5));

provide rules as to the apportionment of student loans where the academic year starts other than on 1st September (regulation 4);

provide a formula for calculating the income of a former student who has received a student loan or an amount intended for the maintenance of dependants and who abandons, or is dismissed from, his course before the end of the penultimate term of the academic year (regulation 5);

ensure that grants paid to students receiving instruction as officers of hospital authorities are taken into account over 12 months and not 10 (regulation 6);

disregard school meal grants paid in Scotland as income in housing benefit and council tax benefit (regulation 7).

These Regulations do not impose any charge on business.

