

1977 No. 89

**SUPPLEMENTARY BENEFITS****The Supplementary Benefit (Students) Regulations  
(Northern Ireland) 1977***Made* . . . . . 31st March 1977*Coming into operation* . . . . . 1st April 1977

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 1(6) and 11(1) and (2) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(a) and section 155(2) and (3) of the Social Security (Northern Ireland) Act 1975(b) as applied by Article 19(1) of the said Order, and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Supplementary Benefit (Students) Regulations (Northern Ireland) 1977 and shall come into operation on 1st April 1977.

(2) In these regulations—

“the 1966 Act” means the Supplementary Benefits &c. Act (Northern Ireland) 1966(c);

“parent in a one-parent family” has the same meaning as in paragraph 23(1A) of Schedule 2 to the 1966 Act;

“prescribed authority” means a Northern Ireland department or a department of the Government of the United Kingdom, an Education and Library Board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1972(d), a local education authority as defined in section 114(1) of the Education Act 1944(e), an education authority as defined in section 145(16) of the Education (Scotland) Act 1962(f), and any body which is a research council for the purposes of the Science and Technology Act 1965(g);

“prescribed contribution” means a contribution in respect of the income of a person other than the student which a Minister of the Crown or prescribed authority takes into account in assessing the amount of the student’s grant or award;

“student” means a person under pensionable age who has left school and is attending a course of full-time education, and “disabled student” means a person who by reason of a disability would, in comparison with other students, be unlikely to be able to obtain employment within a reasonable period of time.

(a) S.I. 1977/610 (N.I. 11)

(b) 1975 c. 15

(c) 1966 c. 28 (N.I.)

(d) S.I. 1972/1263 (N.I. 12)

(e) 1944 c. 31

(f) 1962 c. 47

(g) 1965 c. 4

*Circumstances in which a person is to be treated as attending a course of full-time education*

2. For the purposes of these regulations a person shall be treated as attending a course of full-time education during any period when he is not in attendance but in respect of which he receives a grant or award from a Minister of the Crown or a prescribed authority.

*Circumstances in which prescribed contribution to be treated as a resource*

3.—(1) Subject to paragraph (2), the resources of a student shall, for the purposes of Part II of the 1966 Act (right to and amount of benefit) and of Parts I and III of Schedule 2 to that Act (general provisions as to assessment and calculation of resources), be treated as including any prescribed contribution notwithstanding that the contribution is not actually made.

(2) Paragraph (1) shall not apply in the case of a student who is—

- (a) the parent in a one-parent family; or
- (b) a person whose requirements and resources are, under paragraph 3(1) of Schedule 2 to the 1966 Act aggregated with and treated as those of another person; or
- (c) a disabled student.

*Modification of paragraphs 24 and 26 of Schedule 2 to the 1966 Act in relation to prescribed contribution, grant or award*

4.—(1) Subject to paragraphs (2) and (3), paragraph 24 of Schedule 2 to the 1966 Act (disregard of £4 a week of certain income) shall not apply to any income to which this regulation applies.

(2) In the case of a student who is—

- (a) a parent in a one-parent family; or
- (b) a person whose requirements and resources are, under paragraph 3(1) of Schedule 2 to the 1966 Act, aggregated with and treated as those of another person with whom the requirements and resources of a child are, under paragraph 3(2) of that Schedule, also so aggregated and treated; or
- (c) a disabled student;

there shall, subject to paragraph (3), be disregarded under the said paragraph 24 not more than £2 a week of any income to which this regulation applies.

(3) In the case of a disabled student there shall under the said paragraph 24, and without prejudice to the eligibility of any other income for disregard under that paragraph, be disregarded any income to which this regulation applies consisting of an addition to a grant or award made in respect of the student's additional expenditure by reason of his disability.

(4) Any income to which paragraph (1) or (2) applies shall, for the purposes of paragraph 26 of Schedule 2 to the 1966 Act (further disregard of resources not specified), be treated as a resource specified in paragraph 24 of that Schedule.

(5) This regulation applies to any income of a student, including any amount which in consequence of regulation 3 falls to be treated as income, consisting of a prescribed contribution or of a grant or award made to a student by a Minister of the Crown or a prescribed authority in connection with a course of full-time education which the student is attending.

*Application to past periods*

5. These regulations shall take effect from 15th August 1966, with, until 16th November 1975, the substitution in regulation 4 of "paragraphs 24 and 25" and "£1" for "paragraph 24" and "£2" respectively.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 31st March 1977.

(L.S.)

C. G. Oakes  
Senior Assistant Secretary

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**EXPLANATORY NOTE**

*(This note is not part of the regulations but is intended to indicate their general purport.)*

These regulations contain provisions relating to the assessment of students for supplementary benefit under the Supplementary Benefits &c. Act (Northern Ireland) 1966. They provide for the circumstances in which a person is to be treated as attending a course of full-time education (regulation 2); for the circumstances in which a prescribed contribution is to be treated as a resource notwithstanding that the contribution is not actually made (regulation 3); and for the modification of paragraphs 24 and 26 of Schedule 2 to the 1966 Act in relation to the eligibility for disregard of a prescribed contribution, grant or award (regulation 4).

The regulations, which are made under powers conferred by the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977, come into operation on 1st April 1977 but also have retrospective effect (regulation 5) from 15th August 1966, the date of the coming into operation of Schedule 2 to the Supplementary Benefits &c. Act (Northern Ireland) 1966 (provisions for determining right to and amount of benefit).