

## **EXPLANATORY MEMORANDUM TO**

### **The Social Security (Students and Miscellaneous Amendments) Regulations (Northern Ireland) 2009**

**SR 2009 No. 261**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the Jobseekers (Northern Ireland Order) 1995 and the Welfare Reform Act (Northern Ireland) 2007 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The Statutory Rule will amend the following income-related benefits regulations: the Income Support (General) Regulations (Northern Ireland) 1987, the Jobseeker's Allowance Regulations (Northern Ireland) 1996, the Housing Benefit Regulations (Northern Ireland) 2006 and the Employment and Support Allowance Regulations (Northern Ireland) 2008.
- 2.2. The income-related benefits Regulations are amended so that for the 2009/10 academic year the student loan or personal maintenance grant disregards for travel, books and equipment are increased in line with the increase in the Department for Employment and Learning's student loan provisions.
- 2.3. The Jobseeker's Allowance Regulations are amended to ensure that the rules which determine the weekly amount payable to couples, where one member is age 18 or over and the other member is under age 18, are aligned with the equivalent rules for couples of similar ages claiming Income Support.

#### **3. Background**

- 3.1. Most full-time students are not eligible to claim any of the income-related benefits regulations. The exceptions to this is where a student falls into one of the vulnerable groups, which in the main are lone parents, student couples with children and those with disabilities.
- 3.2. Every August in time for the start of the new academic year the relevant parts of these regulations are amended take into account the new rate of disregard for travel, books and equipment costs applicable to student loans or personal maintenance grant income, set by the Department for Employment and Learning.
- 3.3. Student loan income contains notional elements for travel, books and equipment costs. In recognition of this, as well as the disregard of £10 per week of any student loan income, there are disregards for travel, books and

equipment. If a student is not eligible for a student loan the disregards are applied to any personal maintenance grant income they may receive.

- 3.4. The disregard for travel reflects the notional amount which the Department for Employment and Learning assume a student will incur in travel costs before a specific grant for excess travel costs is payable. Any specific grant towards travel is fully disregarded.
- 3.5. The disregard for travel, books and equipment costs are uprated in line with the increase in student loan income, which for the 2009/10 academic year is 2.6%.
- 3.6. The disregard for books and equipment is a notional amount and stems from the past where for certain students they would be paid an extra grant towards specialist equipment. This grant has now ceased but the disregard remains.
- 3.7. The student loan or personal maintenance grant income disregard is increased for travel from £295 to £303; and for books and equipment from £380 to £390.
- 3.8. The weekly amounts payable to couples with one member aged 18 or over and the other under age 18 are set out in legislation. Both Income Support and Jobseeker's Allowance legislation sets out the three conditions which the member under age 18 must meet in order for the couple to receive the "higher" weekly amount of benefit, normally payable only to couples with both members age 18 or over. In Income Support legislation the member under age 18 must meet only one of these conditions whereas in the corresponding Jobseeker's Allowance legislation the under 18 must meet either the first condition or both of the other two conditions.
- 3.9. The amendment will ensure that in these cases the couple will be entitled to the same weekly amount as a couple with both members age 18 or over provided that the under 18 member can satisfy at least one of the prescribed conditions set out in the legislation.

#### **4. Consultation**

- 4.1. The Social Security Advisory Committee were consulted and were in agreement that they did not require the proposals for these Regulations to be formally referred. The National Union of Students has also been consulted. No issues were raised.

#### **5. Equality Impact**

- 5.1. The changes in relation to disregards to students do not provide a new benefit or service but simply up-rate last year's annual disregard amounts in line with the increase in student support rates.
- 5.2. The change in relation to Jobseeker's Allowance is made to remove the current discriminatory element within Jobseeker's Allowance Regulations so that couples with one member aged 18 or over and the other under age 18 are treated no less favourably than couples in the same circumstances.
- 5.3. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on these legislative proposals and has concluded that the proposals do not have

significant implications for equality of opportunity. In light of this, the Department considers that an equality impact assessment is not necessary.

## **6. Regulatory Impact**

- 6.1. These Regulations do not require a Regulatory Impact Assessment as they do not impose any additional costs or savings on business, charities or voluntary bodies.

## **7. Financial Implications**

- 7.1. None. The financial costs of these changes are neutral as any costs or savings will be negligible.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Department has also considered its obligations under section 24 of the Northern Ireland Act 1998. It is the Department's judgement that the Social Security (Students and Miscellaneous Amendments) Regulations (Northern Ireland) 2009 are not incompatible with the Convention rights, are not incompatible with Community law, do not discriminate against any person or class of person on the ground of religious belief or political opinion and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1. Not applicable.

## **10. Parity or Replicatory Measure**

- 10.1. The Regulations mirror the Great Britain Regulations and are in keeping with the principle of parity between Northern Ireland and Great Britain in social security matters.

## **11. Additional Information**

- 11.1. Not applicable.