

1990 No. 1657

**HOUSING, ENGLAND AND WALES**  
**HOUSING, SCOTLAND**  
**SOCIAL SECURITY**

**The Income-Related Benefits Amendment Regulations**  
**1990**

*Made* - - - - - *8th August 1990*

*Laid before Parliament* *10th August 1990*

*Coming into force* *1st September 1990*

The Secretary of State for Social Security in exercise of powers conferred by section 20(3)(d) and (12)(d) and (h), 22(9)(b) and 84(1) of the Social Security Act 1986(a) and section 166(1) to (3A) of the Social Security Act 1975(b) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of authorities concerned(c) and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(d), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Income-Related Benefits Amendment Regulations 1990 and shall come into force on 1st September 1990 immediately after the Social Security Benefits (Student Loans and Miscellaneous Amendments) Regulations 1990(e).

**Amendment of the Community Charge Benefits (General) Regulations 1989**

2.—(1) The Community Charge Benefits (General) Regulations 1989(f) shall be amended in accordance with paragraph (2) of this regulation.

(2) In paragraph 34 of Schedule 3 (income other than earnings to be disregarded) after the words “no contribution is assessed)” there shall be inserted the words “, regulation 42A(2) (treatment of student loans)”.

**Amendment of the Family Credit (General) Regulations 1987**

3.—(1) The Family Credit (General) Regulations 1987(g) shall be amended in accordance with paragraph (2) of this regulation.

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(a) 1986 c.50; section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.

(b) 1975 c.14; section 166(3A) was inserted by section 62(1) of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of that Act.

(c) See section 61(7) of the Social Security Act 1986.

(d) See the Social Security Act 1986, section 61(1)(b) and (10). The Social Security Act 1989 (c.24), Schedule 8, added a definition of “regulations” to section 61(10) of the Social Security Act 1986.

(e) S.I. 1990/1549.

(f) S.I. 1989/1321; relevant amending instruments are 1990/834 and 1549.

(g) S.I. 1987/1973; relevant amending instruments are 1990/574 and 1549.

(2) In paragraph 29 of Schedule 2 (income other than earnings to be disregarded) after the words "where a contribution assessed)" there shall be inserted the words ", regulation 42A(2) (treatment of student loans)".

#### **Amendment of the Housing Benefit (General) Regulations 1987**

4.—(1) The Housing Benefit (General) Regulations 1987(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 48A(2) (full-time students to be treated as not liable to make payments in respect of a dwelling)—

(a) after sub-paragraph (f) there shall be added the following sub-paragraph—

“(g) in respect of whom—

(i) a supplementary requirement has been determined under paragraph 15 of Schedule 2 to the Education (Mandatory Awards) Regulations 1987(b) or the Education (Mandatory Awards) Regulations 1988(c), paragraph 12 of Schedule 2 to the Education (Mandatory Awards) Regulations 1989(d) or paragraph 12 of Schedule 2 to the Education (Mandatory Awards) Regulations 1990(e); or

(ii) an allowance or, as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 6 of the Students' Allowances (Scotland) Regulations 1987(f) or, as the case may be, the Education Authority Bursaries (Scotland) Regulations 1988(g) in respect of expenses incurred; or

(iii) a payment has been made under section 2 of the Education Act 1962(h),

on account of his disability by reason of deafness.”.

(b) after paragraph (3) there shall be added the following paragraph—

“(4) A full-time student to whom sub-paragraph (g) of paragraph (2) applies shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment, as the case may be, or 1st September 1990, whichever is later.”.

(3) In paragraph 33 of Schedule 4 (income other than earnings to be disregarded) after the words "no contribution is assessed)" there shall be inserted the words ", regulation 57A(2) (treatment of student loans)".

#### **Amendment of the Income Support (General) Regulations 1987**

5.—(1) The Income Support (General) Regulations 1987(i) shall be amended in accordance with the following provisions of this Regulation.

(2) In regulation 10(1)(h)(i) (circumstances in which claimants are not to be treated as available for employment) for the reference "7, 7A" there shall be substituted the reference "7 to 7B".

(3) In Schedule 1 (persons not required to be available for employment) after paragraph 7A there shall be inserted the following paragraph—

“7B.—(1) A person who is a student in respect of whom—

(a) a supplementary requirement has been determined under paragraph 15 of Schedule 2 to the Education (Mandatory Awards) Regulations 1987 or the Education (Mandatory Awards) Regulations 1988, paragraph 12 of Schedule 2 to the Education (Mandatory Awards) Regulations 1989 or paragraph 12 of Schedule 2 to the Education (Mandatory Awards) Regulations 1990; or

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(a) S.I. 1987/1971; relevant amending instruments are S.I. 1990/546 and 1549.

(b) S.I. 1987/1261, revoked by S.I. 1988/1360.

(c) S.I. 1988/1360, revoked by S.I. 1989/1458.

(d) S.I. 1989/1458, revoked by S.I. 1990/1628.

(e) S.I. 1990/1628.

(f) S.I. 1987/864.

(g) S.I. 1988/1042.

(h) 1962 c.12.

(i) S.I. 1987/1967; relevant amending instruments are S.I. 1989/1323 and 1990/1549.

(b) an allowance or, as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 6 of the Students' Allowances (Scotland) Regulations 1987 or, as the case may be, the Education Authority Bursaries (Scotland) Regulations 1988 in respect of expenses incurred; or

(c) a payment has been made under section 2 of the Education Act 1962, on account of his disability by reason of deafness.

(2) A student to whom sub-paragraph (1) applies shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment, as the case may be, or 1st September 1990, whichever is later."

(4) In paragraph 36 of Schedule 9 (income other than earnings to be disregarded) after the words "where a contribution assessed)" there shall be inserted the words ", regulation 66A(2) (treatment of student loans)".

Signed by authority of the Secretary of State for Social Security

*Henley*  
Parliamentary Under-Secretary of State  
Department of Social Security

8th August 1990

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Housing Benefit (General) Regulations 1987 and the Income Support (General) Regulations 1987 by providing for deaf students entitled to certain educational awards because of their disability, to be eligible for housing benefit and income support; and by providing for the disregard on student loans to be subject to the overall £10 limit on income disregards (regulations 4 and 5). The Regulations also amend the Family Credit (General) Regulations 1987 and the Community Charge Benefits (General) Regulations 1989 in this latter respect (regulations 2 and 3).

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