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## STATUTORY INSTRUMENTS

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# 2000 No. 1922

## SOCIAL SECURITY

### The Social Security Amendment (Students and Income-related Benefits) Regulations 2000

<i>Made</i>	- - - -	<i>18th July 2000</i>
<i>Laid before Parliament</i>		<i>19th July 2000</i>
<i>Coming into force</i>	- -	<i>1st August 2000</i>

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 123(1), 130(2) and (4), 136(3), (4) and (5), 137(1) and 175(1) to (5) of the Social Security Contributions and Benefits Act 1992(1) and sections 12, 35(1) and 36 of the Jobseekers Act 1995(2) and of all other powers enabling him in that behalf, after consultation in so far as the Regulations relate to housing benefit and council tax benefit with organisations appearing to him to be representative of the authorities concerned(3) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(4), hereby makes the following Regulations:

#### Citation and commencement

1. These Regulations may be cited as the Social Security Amendment (Students and Income-related Benefits) Regulations 2000 and shall come into force—

- (a) for the purpose of this regulation on 1st August 2000;
- (b) for the purposes of regulations 2 and 3—
  - (i) in the case of a student whose period of study begins on or after 1st August 2000 but before 28th August 2000, on the day the period of study begins;

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- (1) 1992 c. 4; sections 123, 130 and 137 were amended to have effect with respect to council tax benefit by section 103 of, and 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”.
  - (2) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meanings ascribed to the words “prescribed” and “regulations”.
  - (3) See the Social Security Administration Act 1992 (c. 5), section 176(1) as amended by section 103 of, and paragraph 23 of Schedule 9 to, the Local Government Finance Act 1992.
  - (4) See the Social Security Administration Act 1992, sections 170 and 173(1)(b) and (7); 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 be referred to the Committee. Section 173(7) defines “regulations”.

- (ii) in any other case, on 28th August 2000;
- (c) for the purposes of regulations 4 and 5—
  - (i) in the case of a student whose period of study begins on or after 1st August 2000 but before 28th August 2000, on the first Monday of that period;
  - (ii) in any other case, on 28th August 2000.

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

2.—(1) The Income Support (General) Regulations 1987<sup>(5)</sup> shall be amended in accordance with the following paragraphs of this regulation.

(2) Paragraph (1) of regulation 61 (interpretation of Chapter VIII of Part V—students) shall be amended by inserting in the appropriate place the following definition of “access funds” and substituting for the definitions of “grant”<sup>(6)</sup>, and “sandwich course”<sup>(7)</sup> the following definitions—

““access funds” means—

- (a) grants made under section 7 of the Further and Higher Education Act 1992<sup>(8)</sup> and described as “learner support funds” or grants made under section 68 of that Act and described as “access bursary funds” or “hardship funds”;
- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980<sup>(9)</sup>; or
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993<sup>(10)</sup>, or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997<sup>(11)</sup> in each case being grants, or grants, loans or other payments as the case may be, made for the purpose of assisting students in financial difficulties;”;

““grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds;”;

““sandwich course” has the meaning prescribed in regulation 5(2) of the Education (Student Support) Regulations 2000<sup>(12)</sup>, regulation 5(2) of the Education (Student Loans) (Scotland) Regulations 2000<sup>(13)</sup> or regulation 5(2) of the Education (Student Support) Regulations (Northern Ireland) 2000<sup>(14)</sup>, as the case may be;”.

(3) Paragraph (1) of regulation 61 (interpretation of Chapter VIII of Part V—students) shall be further amended by substituting for sub-paragraph (b)(i) of the definition of “period of study”<sup>(15)</sup> the following sub-paragraph—

- “(i) the day before the start of the next year of the course in a case where the student’s grant or loan is assessed at a rate appropriate to his studying throughout the year or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or”.

<sup>(5)</sup> S.I. 1987/1967.

<sup>(6)</sup> The definition has been amended by S.I. 1990/1549 and 1996/1944.

<sup>(7)</sup> The definition has been amended by S.I. 1996/1944.

<sup>(8)</sup> 1992 c. 13.

<sup>(9)</sup> 1980 c. 44. The functions of the Secretary of State were transferred to Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

<sup>(10)</sup> S.I. 1993/2810 (N.I. 12).

<sup>(11)</sup> S.I. 1997/1772 (N.I. 15).

<sup>(12)</sup> S. I. 2000/1121.

<sup>(13)</sup> S.S.I. 2000/200.

<sup>(14)</sup> S.R. 2000 No. 213.

<sup>(15)</sup> The definition was amended by S.I. 1991/1559.

- (4) Regulation 62 (calculation of grant income)(16) shall be amended as follows—
- (a) in paragraph (1), for the words “(2), (2A) and (2B)”(17) there shall be substituted the words “(2) and (2A)”;
  - (b) in paragraph (2A)(18)—
    - (i) in sub-paragraph (a), for the sum “£250” there shall be substituted the sum “£255”;
    - and
    - (ii) in sub-paragraph (b), for the sum “£303” there shall be substituted the sum “£311”;
  - (c) paragraph (2B)(19) shall be omitted;
  - (d) in paragraph (3)(20) for the words “A student’s grant income except any amount intended for the maintenance of dependants under Part III of Schedule 2 to the Education (Mandatory Awards) Regulations 1998 or intended for an older student under Part IV of that Schedule” there shall be substituted the words “Subject to paragraph (3B), a student’s grant income except any amount intended for the maintenance of dependants under Part III of Schedule 2 to the Education (Mandatory Awards) Regulations 1999(21) or intended for an older student under Part IV of that Schedule”; and
  - (e) the following paragraph shall be inserted after paragraph (3A)(22)—

“(3B) Any amount intended for the maintenance of dependants under provisions other than those referred to in paragraph (3) shall be apportioned over the same period as the student’s loan is apportioned or would have been apportioned had he had one.”.
- (5) Regulation 66A (treatment of student loans)(23) shall be amended as follows—
- (a) for paragraph (1), there shall be substituted the following paragraphs—

“(1) A student loan shall be treated as income unless it is a hardship loan in which case it shall be disregarded.

(1A) For the purposes of paragraph (1), “hardship loan” means a loan made under regulation 21 of the Education (Student Support) Regulations 2000, regulation 12 of the Education (Student Loans) (Scotland) Regulations 2000 or regulation 21 of the Education (Student Support) Regulations (Northern Ireland) 2000.”;
  - (b) for paragraph (2)(24) there shall be substituted the following paragraph—

“(2) In calculating the weekly amount of the loan to be taken into account as income—

    - (a) in respect of a course that is of a single academic year’s duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with—
      - (i) the start of the single academic year; or
      - (ii) where the course is of less than an academic year’s duration, the first day of the course,and ending with the last day of the course;
    - (b) in respect of the final academic year of a course (not being a course of a single year’s duration), a loan which is payable in respect of that final academic year

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(16) Regulation 62 has been amended by S.I. 1988/663, 1992/468, 1992/2155, 1996/1944, 1998/1379, 1999/1935 and 2000/1444.

(17) These references were substituted for previous references by S.I. 2000/1444.

(18) Paragraph (2A) was inserted by S.I. 1992/468 and substituted by regulation 3 (3)(b) of S.I. 1999/1935.

(19) Paragraph (2B) was inserted by S.I. 2000/1444.

(20) This paragraph has been amended by S.I. 1992/468, 1998/1166 and 1999/1935.

(21) S.I. 1999/1494.

(22) Paragraph (3A) was inserted by S.I. 1988/663.

(23) Regulation 66A was inserted by S.I. 1990/1549 and amended by S.I. 1991/236 and 1559, 1996/462 and 1999/1935.

(24) Paragraph (2) has been amended by S.I. 1991/1559.

shall be apportioned equally between the weeks in the period beginning with the earlier of—

- (i) the first day of the first benefit week in September; or
- (ii) the first day of the first benefit week following the beginning of the autumn term,

and ending with the last day of the last benefit week before the last day of the course;

- (c) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of—

- (i) the first day of the first benefit week in September; or
- (ii) the first day of the first benefit week following the beginning of the autumn term,

and ending with the last day of the last benefit week in June,

and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.”; and

- (c) in paragraph (5)(25)—

- (i) in sub-paragraph (a), for the sum “£250” there shall be substituted the sum “£255”;
- and

- (ii) in sub-paragraph (b), for the sum “£303” there shall be substituted the sum “£311”.

- (6) The following regulation shall be inserted after regulation 66A (treatment of student loans)—

**“Treatment of payments from access funds**

**66B.**—(1) This regulation applies to payments from access funds that are not payments to which regulation 68(2) or (3) (income treated as capital) applies.

(2) A payment from access funds, other than a payment to which paragraph (3) of this regulation applies, shall be disregarded as income.

(3) Subject to paragraph (4) of this regulation and paragraph 36 of Schedule 9, any payments from access funds which are intended and used for food, ordinary clothing or footwear (which has the same meaning as in paragraph 15(2) of Schedule 9), household fuel, rent for which housing benefit is payable, any housing costs to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs) or any accommodation charges to the extent that they are met under regulation 19 (persons in residential care or nursing homes), of a single claimant or, as the case may be, of any other member of his family, and any payments from access funds which are used for any council tax or water charges for which that claimant or member is liable shall be disregarded as income to the extent of £20 per week.

- (4) Where a payment from access funds is made—

- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
- (b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment shall be disregarded as income.”.

- (7) Regulation 68 (income treated as capital) shall be amended by renumbering that regulation as regulation 68(1) and adding the following paragraphs—

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(25) Paragraph (5) was inserted by regulation 3(5)(b) of S.I. 1999/1935.

“(2) An amount paid from access funds as a single lump sum shall be treated as capital.

(3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear (which has the same meaning as in paragraph 15(2) of Schedule 9), household fuel, rent for which housing benefit is payable, any housing costs to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs) or any accommodation charges to the extent that they are met under regulation 19 (persons in residential care or nursing homes), of a single claimant or, as the case may be, of any other member of his family, or which is used for an item other than any council tax or water charges for which that claimant or member is liable shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.”.

(8) Schedule 1B (prescribed categories of person)(**26**) shall be amended by substituting for paragraph 12 (deaf students) the following paragraph—

“A person who is a full-time student in respect of whom—

- (a) a supplementary requirement has been determined under paragraph 9 of Part II of Schedule 2 to the Education (Mandatory Awards) Regulations 1999;
- (b) an allowance or, as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 1999(**27**) or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995(**28**), in respect of expenses incurred;
- (c) a payment has been made under section 2 of the Education Act 1962(**29**);
- (d) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2000, or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
- (e) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999(**30**) or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986(**31**),

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

(9) Paragraph 36 of Schedule 9(**32**) shall be amended by inserting after the words “regulation 66A(2) (treatment of student loans)” the words “, regulation 66B(3) (treatment of payments from access funds)”.

### **Amendment of the Jobseeker’s Allowance Regulations 1996**

**3.—**(1) The Jobseeker’s Allowance Regulations 1996(**33**) shall be amended in accordance with the following paragraphs of this regulation.

(2) Paragraph (3) of regulation 1 (citation, commencement and interpretation) shall be amended by—

- (a) substituting for sub-paragraph (b)(i) in the definition of “period of study” the following sub-paragraph—

“(i) the day before the start of the next year of the course in a case where the student’s grant or loan is assessed at a rate appropriate to his studying throughout the year,

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(26) Schedule 1B was inserted by S.I. 1996/206.

(27) S.I. 1999/1131 (S. 91).

(28) S.I. 1995/1793 (S. 119).

(29) 1962 c. 12.

(30) S.R. 1999 No. 351; the relevant amending Regulations are S.R. 1999 No. 369.

(31) S.I. 1986/594 (N.I. 3).

(32) Paragraph 36 has been amended by S.I. 1990/547, 1990/1657 and 1996/462.

(33) S.I. 1996/207.

or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or”; and

(b) substituting for the definition of “sandwich course” the following definition—

“sandwich course has the meaning prescribed in regulation 5(2) of the Education (Student Support) Regulations 2000 or regulation 5(2) of the Education (Student Loans) (Scotland) Regulations 2000 or regulation 5(2) of the Education (Student Support) Regulations (Northern Ireland) 2000, as the case may be;”.

(3) For the title “Full-time Students” to Chapter IX of Part VIII there shall be substituted the title “Students”.

(4) Regulation 130 (interpretation of Chapter IX of Part VIII—students) shall be amended by inserting in the appropriate place the following definition of “access funds” and substituting for the definition of “grant” the following definition—

““access funds” means—

- (a) grants made under section 7 of the Further and Higher Education Act 1992 and described as “learner support funds” or grants made under section 68 of that Act and described as “access bursary funds” or “hardship funds”;
- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980; or
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993, or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, made for the purpose of assisting students in financial difficulties;”;

““grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds;”;

(5) Regulation 130 (interpretation of Chapter IX of Part VIII—students) shall be further amended by omitting the definition of “student”.

(6) Regulation 131 (calculating of grant income) shall be amended as follows—

- (a) in paragraph (1), for the words “(2), (3) and (3A)” **(34)** there shall be substituted the words “(2) and (3)”;
- (b) in paragraph (3)**(35)**—
  - (i) in sub-paragraph (a), for the sum “£250” there shall be substituted the sum “£255”; and
  - (ii) in sub-paragraph (b), for the sum “£303” there shall be substituted the sum “£311”;
- (c) paragraph (3A)**(36)** shall be omitted;
- (d) in paragraph (4), for the words “A student’s grant income except any amount intended for the maintenance of dependants under Part III of Schedule 2 to the Education (Mandatory Awards) Regulations 1995 or otherwise, or intended for an older student under Part IV of that Schedule” there shall be substituted the words “Subject to paragraph (5A), a student’s grant income except for any amount intended for the maintenance of dependants under Part III of Schedule 2 to the Education (Mandatory Awards) Regulations 1999, or intended for an older student under Part IV of that Schedule”; and

**(34)** These references were substituted for previous wording by S.I. 2000/1444.

**(35)** Paragraph (3) was amended by S.I. 1999/1935.

**(36)** This paragraph was inserted by S.I. 2000/1444.

- (e) after paragraph (5), the following paragraph shall be inserted—
- “(5A) Any amount intended for the maintenance of dependants under provisions other than those referred to in paragraphs (4) and (5), shall be apportioned over the same period as the student’s loan is apportioned or would have been apportioned had he had one.”.
- (7) Regulation 136 (treatment of student loans)(**37**) shall be amended as follows—
- (a) for paragraph (1), there shall be substituted the following paragraphs—
- “(1) A student loan shall be treated as income unless it is a hardship loan in which case it shall be disregarded.
- (1A) For the purposes of paragraph (1), “hardship loan” means a loan made under regulation 21 of the Education (Student Support) Regulations 2000, regulation 12 of the Education (Student Loans) (Scotland) Regulations 2000 or regulation 21 of the Education (Student Support) Regulations (Northern Ireland) 2000.”;
- (b) for paragraph (2), there shall be substituted the following paragraph—
- “(2) In calculating the weekly amount of the loan to be taken into account as income—
- (a) in respect of a course that is of a single academic year’s duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with—
- (i) the start of the single academic year; or
- (ii) where the course is of less than an academic year’s duration, the first day of the course,
- and ending with the last day of the course;
- (b) in respect of the final academic year of a course (not being a course of a single year’s duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with the earlier of—
- (i) the first day of the first benefit week in September; or
- (ii) the first day of the first benefit week following the beginning of the autumn term,
- and ending with the last day of the last benefit week before the last day of the course;
- (c) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of—
- (i) the first day of the first benefit week in September; or
- (ii) the first day of the first benefit week following the beginning of the autumn term,
- and ending with the last day of the last benefit week in June,
- and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.”; and
- (c) in paragraph (5)(**38**)—
- (i) in sub-paragraph (a), for the sum “£250” there shall be substituted the sum “£255”; and
- (ii) in sub-paragraph (b), for the sum “£303” there shall be substituted the sum “£311”.

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(37) Regulation 136 was amended by S.I. [1999/1935](#).

(38) Paragraph (5) was inserted by regulation 3(5)(b) of S.I. [1999/1935](#).

(8) The following regulation shall be inserted after regulation 136 (treatment of student loans)—

**“Treatment of payments from access funds**

**136A.**—(1) This regulation applies to payments from access funds that are not payments to which regulation 138(2) or (3) (income treated as capital) applies.

(2) A payment from access funds, other than a payment to which paragraph (3) of this regulation applies, shall be disregarded as income.

(3) Subject to paragraph (4) of this regulation and paragraph 38 of Schedule 7, any payments from access funds which are intended and used for food, ordinary clothing or footwear (which has the same meaning as in paragraph 15(2) of Schedule 7), household fuel, rent for which housing benefit is payable, any housing costs to the extent that they are met under regulation 83(f) or 84(1)(g) (housing costs) or any accommodation charges to the extent that they are met under regulation 86 (persons in residential care or nursing homes), of a single claimant or, as the case may be, of any other member of his family and any payments from access funds which are used for any council tax or water charges for which that claimant or member is liable shall be disregarded as income to the extent of £20 per week.

(4) Where a payment from access funds is made—

(a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or

(b) before the first day of the course to a person in anticipation of that person becoming a student;

that payment shall be disregarded as income.”.

(9) Regulation 138 (income treated as capital) shall be amended by renumbering that regulation as regulation 138(1) and adding the following paragraphs—

“(2) An amount paid from access funds as a single lump sum shall be treated as capital.

(3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear (which has the same meaning as in paragraph 15(2) of Schedule 7), household fuel, rent for which housing benefit is payable, any housing costs to the extent that they are met under regulation 83(f) or 84(1)(g) (housing costs) or any accommodation charges to the extent that they are met under regulation 86 (persons in residential care or nursing homes), of a single claimant or, as the case may be, of any other member of his family, or which is used for an item other than any council tax or water charges for which that claimant or member is liable shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.”.

(10) Paragraph 38 of Schedule 7 shall be amended by inserting after the words “regulation 136(2) (treatment of student loans)” the words “, regulation 136A(3) (treatment of payments from access funds)”.

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

**4.**—(1) The Housing Benefit (General) Regulations 1987(**39**) shall be amended in accordance with the following paragraphs of this regulation.

(2) Paragraph (1) of regulation 46 (interpretation of Part VII—students) shall be amended by inserting in the appropriate place the following definition of “access funds” and substituting for the definitions of “grant”(**40**) and “sandwich course”(**41**) the following definitions—

(39) S.I. 1987/1971.

(40) The definition has been amended by S.I. 1990/1549 and 1996/1944.



““access funds” means—

- (a) grants made under section 7 of the Further and Higher Education Act 1992 and described as “learner support funds” or grants made under section 68 of that Act and described as “access bursary funds” or “hardship funds”;
- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980, or
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;”;

““grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds;”;

““sandwich course” has the meaning prescribed in regulation 5(2) of the Education (Student Support) Regulations 2000, regulation 5(2) of the Education (Student Loans) (Scotland) Regulations 2000 or regulation 5(2) of the Education (Student Support) Regulations (Northern Ireland) 2000, as the case may be;”.

(3) Paragraph (1) of regulation 46 (interpretation of Part VII— students) shall be further amended by substituting for sub-paragraph (b)(i) in the definition of “period of study”(42) the following sub-paragraph—

- “(i) in a case where the student’s grant or loan is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one, the day before the start of the next year of the course, or”.

(4) Regulation 48A (full-time students to be treated as not liable to make payments in respect of a dwelling)(43) shall be amended by substituting for sub-paragraph (2)(g)(44) the following sub-paragraph—

“(g) in respect of whom—

- (i) a supplementary requirement has been determined under paragraph 9 of Part II of Schedule 2 to the Education (Mandatory Awards) Regulations 1999;
- (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
- (iii) a payment has been made under section 2 of the Education Act 1962;
- (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2000 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
- (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been

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(41) The definition has been amended by S.I. 1996/1944 and 1998/1166.

(42) The definition has been amended by S.I. 1991/1599.

(43) Regulation 48A was amended by S.I. 1990/1549.

(44) Paragraph (g) was added by S.I. 1990/1657 and amended by S.I.1991/235.

made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986(45),

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

- (5) In paragraph (1) of regulation 51 (eligible rent)(46)—
- (a) in sub-paragraph (a), for the sum “£27.10” there shall be substituted the sum “£27.75”; and
  - (b) in sub-paragraph (b), for the sum “£18.75” there shall be substituted the sum “£19.20”.
- (6) Regulation 53 (calculation of grant income) shall be amended as follows—
- (a) in paragraph (2A)(47)—
    - (i) in sub-paragraph (a), for the sum “£250” there shall be substituted the sum “£255”; and
    - (ii) in sub-paragraph (b), for the sum “£303” there shall be substituted the sum “£311”;
  - (b) in paragraph (3) before the words “A student’s grant income shall be apportioned” there shall be inserted the words “Subject to paragraphs (3A) and (3B),”;
  - (c) after paragraph (3) the following paragraphs shall be inserted—
    - “(3A) Any amount intended for the maintenance of dependants under Part III of Schedule 2 to the Education (Mandatory Awards) Regulations 1999 shall be apportioned equally over the period of 52 weeks or, if there are 53 benefit weeks (including part-weeks) in the year, 53.
    - (3B) Any amount intended for the maintenance of dependants to which neither paragraph (3A) nor regulation 57(2) (other amounts to be disregarded) apply, shall be apportioned over the same period as the student’s loan is apportioned or would have been apportioned had he had one.”.
- (7) Regulation 57 (other amounts to be disregarded)(48) shall be amended by renumbering that regulation as regulation 57(1) and adding the following paragraph—
- “(2) Where a grant for school meals for dependent children or a grant for meals for dependent children aged 3 or 4 is paid pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998(49) that payment shall be disregarded as income.”.
- (8) Regulation 57A (treatment of student loans)(50) shall be amended as follows—
- (a) for paragraph (1), there shall be substituted the following paragraphs—
    - “(1) A student loan shall be treated as income unless it is a hardship loan in which case it shall be disregarded.
    - (1A) For the purposes of paragraph (1), “hardship loan” means a loan made under regulation 21 of the Education (Student Support) Regulations 2000, regulation 12 of the Education (Student Loans) (Scotland) Regulations 2000 or regulation 21 of the Education (Student Support) Regulations (Northern Ireland) 2000”; and
  - (b) for paragraph (2)(51), there shall be substituted the following paragraph—
    - “(2) In calculating the weekly amount of the loan to be taken into account as income—

(45) S.I. 1986/594 (N.I. 3).

(46) Paragraph (1) was amended by S.I. 1999/1935.

(47) Paragraph (2A) was inserted by S.I. 1992/432 and substituted by regulation 5(4)(b) of S.I. 1999/1935.

(48) Regulation 57 was amended by S.I. 1994/578 and 1999/1935.

(49) 1998 c. 30.

(50) Regulation 57A was inserted by S.I. 1990/1549 and amended by S.I. 1991/235 and 1599, 1996/462 and 1999/1935.

(51) Paragraph (2) has been amended by S.I. 1991/1599.

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with—
    - (i) the start of the single academic year; or
    - (ii) where the course is of less than an academic year's duration, the first day of the course,and ending with the last day of the course;
  - (b) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with the earlier of—
    - (i) the first day of the first benefit week in September; or
    - (ii) the first day of the first benefit week following the beginning of the autumn term,and ending with the last day of the last benefit week before the last day of the course;
  - (c) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of—
    - (i) the first day of the first benefit week in September; or
    - (ii) the first day of the first benefit week following the beginning of the autumn term,and ending with the last day of the last benefit week in June,
- and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.”; and
- (c) in paragraph (5)(52)—
    - (i) in sub-paragraph (a), for the sum “£250” there shall be substituted the sum “£255”; and
    - (ii) in sub-paragraph (b), for the sum “£303” there shall be substituted the sum “£311”.
- (9) The following regulation shall be inserted after regulation 57A (treatment of student loans)—

**“Treatment of payments from access funds**

**57B.**—(1) This regulation applies to payments from access funds that are not payments to which regulation 59(2) or (3) (income treated as capital) applies.

(2) A payment from access funds, other than a payment to which paragraph (3) of this regulation applies, shall be disregarded as income.

(3) Subject to paragraph (4) of this regulation and paragraph 33 of Schedule 4, any payments from access funds which are intended and used for food, household fuel or rent or ordinary clothing or footwear (“rent” and “ordinary clothing or footwear” have the same meaning as in paragraph 13(2) of Schedule 4), of a single claimant or any other member of his family, and any payments from access funds which are used for any council tax or water charges for which that claimant or member is liable shall be disregarded as income to the extent of £20 per week.

(4) Where a payment from access funds is made—

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(52) Paragraph (5) was inserted by S.I. 1999/1935.

- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
- (b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment shall be disregarded as income.”

(10) Regulation 59 (income treated as capital) shall be amended by renumbering that regulation as regulation 59(1) and adding the following paragraphs—

“(2) An amount paid from access funds as a single lump sum shall be treated as capital.

(3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, household fuel, rent, ordinary clothing or footwear (“rent” and “ordinary clothing or footwear” having the same meanings as in paragraph 13(2) of Schedule 4) of a single claimant or, as the case may be, of the claimant or any other member of his family, or which is used for any council tax or water charges for which that claimant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.”

(11) Paragraph 33 of Schedule 4(**53**) shall be amended by inserting after the words “regulation 57A(2) (treatment of student loans)”, the words “, regulation 57B(3) (treatment of payments from access funds)”.

### **Amendment of the Council Tax Benefit (General) Regulations 1992**

**5.—(1)** The Council Tax Benefit (General) Regulations 1992(**54**) shall be amended in accordance with the following paragraphs of this regulation.

(2) Paragraph (1) of regulation 38 (interpretation of Part V—students) shall be amended by inserting in the appropriate place the following definition of “access funds” and substituting for the definitions of “grant”(**55**) and “sandwich course”(**56**) the following definitions—

““access funds” means—

- (a) grants paid under section 7 of the Further and Higher Education Act 1992 and described as “learner support funds” or under section 68 of that Act and described as “access bursary funds” or “hardship funds”;
- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980; or
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, made for the purpose of assisting students in financial difficulties;”;

““grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, contribution, allowance or bursary but does not include a payment from access funds;”;

““sandwich course” has the meaning prescribed in regulation 5(2) of the Education (Student Support) Regulations 2000, regulation 5(2) of the Education (Student Loans) (Scotland)

(53) This paragraph was amended by S.I. 1996/462 and 1998/563.

(54) S.I. 1992/1814.

(55) The definition has been amended by S.I. 1996/1944 and 1998/1166.

(56) The definition has been amended by S.I. 1996/1944 and 1998/1166.

Regulations 2000 or regulation 5(2) of the Education (Student Support) Regulations (Northern Ireland) 2000, as the case may be;”.

(3) Paragraph (1) of regulation 38 (interpretation of Part V—students) shall be further amended by substituting for sub-paragraph (b)(i) of the definition of “period of study” the following sub-paragraph—

“(i) in a case where the student’s grant or loan is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one, the day before the start of the next year of the course, or”.

(4) Sub-paragraph (3)(f) of regulation 40 (students who are excluded from entitlement to council tax benefit) shall be amended by substituting the following sub-paragraph—

“(f) in respect of whom—

(i) a supplementary requirement has been determined under paragraph 9 of Part II Schedule 2 to the Education (Mandatory Awards) Regulations 1999;

(ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;

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

(iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2000 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or

(v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

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

(5) Regulation 42 (calculation of grant income)(57) shall be amended as follows—

(a) in paragraph (3)—

(i) in sub-paragraph (a), for the sum “£250” there shall be substituted the sum “£255”;  
and

(ii) in sub-paragraph (b), for the sum “£303” there shall be substituted the sum “£311”;

(b) in paragraph (4) before the words “A student’s grant income shall be apportioned” there shall be inserted the words “Subject to paragraphs (4A) and (4B),”;

(c) after paragraph (4) the following paragraphs shall be inserted—

“(4A) Any amount intended for the maintenance of dependants under Part III of Schedule 2 to the Education (Mandatory Awards) Regulations 1999 shall be apportioned equally over the period of 52 weeks or, if there are 53 benefit weeks including part-weeks in the year, 53.

(4B) Any amount intended for the maintenance of dependants to which neither paragraph (3A) nor regulation 46(2) (other amounts to be disregarded) apply, shall be apportioned over the same period as the student’s loan is apportioned or would have been apportioned had he had one.”.

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(57) Regulation 42 has been amended by S.I. [1996/1944](#) and [1999/1935](#).

(6) Regulation 46 (other amounts to be disregarded)(**58**) shall be amended by renumbering that regulation 46(1) and adding the following paragraph—

“(2) Where a grant for school meals for dependent children or a grant for meals for dependent children aged 3 or 4 is paid pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998 that payment shall be disregarded as income.”

(7) Regulation 47 (treatment of student loans)(**59**) shall be amended as follows—

(a) for paragraph (1), there shall be substituted the following paragraphs—

“(1) A student loan shall be treated as income unless it is a hardship loan in which case it shall be disregarded.

(1A) For the purpose of paragraph (1), “hardship loan” means a loan made under regulation 21 of the Education (Student Support) Regulations 2000, regulation 12 of the Education (Student Loans) (Scotland) Regulations 2000 or regulation 21 of the Education (Student Support) Regulations (Northern Ireland) 2000.”; and

(b) for paragraph (2), there shall be substituted the following paragraph—

“(2) In calculating the weekly amount of the loan to be taken into account as income—

(a) in respect of a course that is of a single academic year’s duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with—

(i) the start of the single academic year; or

(ii) where the course is of less than an academic year’s duration, the first day of the course,

and ending with the last day of the course;

(b) in respect of the final academic year of a course (not being a course of a single year’s duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with the earlier of—

(i) the first day of the first benefit week in September; or

(ii) the first day of the first benefit week following the beginning of the autumn term,

and ending with the last day of the last benefit week before the last day of the course;

(c) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of—

(i) the first day of the first benefit week in September; or

(ii) the first day of the first benefit week following the beginning of the autumn term,

and ending with the last day of the last benefit week in June,

and in all cases, from the weekly amount so apportioned there shall be disregarded £10.”; and

(c) in paragraph (5)(**60**)—

(i) in sub-paragraph (a), for the sum “£250” there shall be substituted the sum “£255”; and

(58) Regulation 46 has been amended by S.I. 1994/578 and 1999/1935.

(59) Regulation 57A was inserted by S.I. 1990/1549 and amended by S.I. 1991/235 and 1599, 1996/462 and 1999/1935.

(60) Paragraph (5) was inserted by S.I. 1999/1935.

- (ii) in sub-paragraph (b), for the sum “£303” there shall be substituted the sum “£311”.
- (8) The following regulations shall be inserted after regulation 47 (treatment of student loans)—

**“Treatment of payments from access funds**

**47A.**—(1) This regulation applies to payments from access funds that are not payments to which regulation 49(2) and (3) (income treated as capital) applies.

(2) A payment from access funds, other than a payment to which paragraph (3) of this regulation applies, shall be disregarded as income.

(3) Subject to paragraph (4) of this regulation and paragraph 34 of Schedule 4, any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear (which has the same meaning as in paragraph 13(2) of Schedule 4), household fuel, rent of a single claimant or, as the case may be, of the claimant or any other member of his family and any payments from access funds which are used for any council tax or water charges for which that claimant or member is liable, shall be disregarded as income to the extent of £20 per week.

(3) Where a payment from access funds is made—

- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
- (b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment shall be disregarded as income.”

- (9) Regulation 49 (income treated as capital) shall be amended by renumbering that regulation as regulation 49(1) and adding the following paragraphs—

“(2) An amount paid from access funds as a single lump sum shall be treated as capital.

(3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear (which has the same meaning as in paragraph 13(2) of Schedule 4), household fuel, rent, or which is used for an item other than any council tax or water charges for which that claimant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.”

- (10) Paragraph 34 of Schedule 4 shall be amended by inserting after the words “regulation 47(2) (treatment of student loans)” the words “, regulation 47A(3) (treatment of payments from access funds)”.

Signed by authority of the Secretary of State for Social Security.

18th July 2000

*Hugh Bayley*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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## 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 (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. The definitions of "grant", "period of study" and "sandwich course" are amended and a definition of "access funds" is inserted; regulations 2(2) and (3), 3(2) and (4), 4(2) and (3) and 5(2) and (3). The amounts disregarded in respect of books and equipment and travel costs are increased from "£250" to "£255" and from "£303" to "£311" respectively; regulations 2(4)(b) and (5)(c), 3(6)(b) and (7)(c), 4(6)(a) and (8)(c), and 5(5)(a) and (7)(c).

Amendments are made to the rule apportioning student loans, and grants for the maintenance of dependants so that, in some circumstances, those grants are to be apportioned over the same period as student loans; regulations 2(4)(d) and (e) and (5)(b), 3(6)(d) and (e) and (7)(b), 4(6)(b) and (c) and (8)(b), and 5(5)(b) and (c) and (7)(b). Specific rules are introduced about disregards applicable to payments from access funds; regulations 2(6), (7) and (9), 3(8), (9) and (10), 4(9), (10) and (11) and 5(8), (9) and (10). Hardship loans are to be disregarded as income; regulations 2(5)(a), 3(7)(a), 4(8)(a), and 5(7)(a).

The Housing Benefit (General) Regulations and the Council Tax Benefit (General) Regulations are amended so as to disregard as income, grants for school meals for dependants or meals for dependent children aged 3 or 4; regulations 4(7) and 5(6). The deductions from rent that can be made in calculating eligible rent are increased; regulation 4(5). The description of students with a disability by reason of deafness has been updated in the Income Support (General) Regulations, the Housing Benefit (General) Regulations and the Council Tax Benefit (General) Regulations; regulations 2(8), 4(4) and 5(4).

The amendments made to the Income Support (General) Regulations and the Jobseeker's Allowance Regulations by the Income Support (General) and Jobseeker's Allowance Amendment Regulations 2000 (S.I. [2000/1444](#)) are undone; regulations 2(4)(a) and (c) and 3(6)(a) and (c). This is because the amendments made by those Regulations are only intended to have application in respect of the period commencing on 26th June 2000 and ending on the day the period of study begins (if it begins on or after 1st August and before 28th August) or on 28th August 2000 in any other case.

These Regulations do not impose a charge on business.