

**2003 No. 1701**

**SOCIAL SECURITY**

**The Social Security Amendment (Students and Income-related Benefits) Regulations 2003**

*Made* - - - - *8th July 2003*

*Laid before Parliament* *11th July 2003*

*Coming into force* - - *In accordance with regulation 1(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(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 may be cited as the Social Security Amendment (Students and Income-related Benefits) Regulations 2003 and shall come into force—

- (a) for the purposes of this regulation, on 1st August 2003;
- (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 2003 but before 1st September 2003, on the day the period of study begins;
  - (ii) in any other case, on 1st September 2003.

(2) In these Regulations—

- (a) “the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(e);
- (b) “the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(f);

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(a) 1992 (c.4); section 123(1)(e) was inserted and section 137 amended, with respect to council tax benefit, by Schedule 9 to the Local Government Finance Act 1992 (c.14), paragraphs 1 and 9. 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 (c.5).

(d) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of schedule 2 to the Jobseekers Act added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.

(e) S.I. 1992/1814.

(f) S.I. 1967/1971.

- (c) “the Income Support Regulations” means the Income Support (General) Regulations 1987(a);
- (d) “the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(b).

### **Disregards**

2.—(1) In sub-paragraph (a) of each of the provisions specified in paragraph (3) below, for the sum “£265” there shall be substituted the sum “£270”.

(2) In sub-paragraph (b) of each of the provisions specified in paragraph (3) below, for the sum “£327” there shall be substituted the sum “£340”.

(3) The provisions specified for the purposes of paragraphs (1) and (2) above(c) (which relate respectively to sums to be disregarded from the calculation of grant income and from student loans) are—

- (a) regulations 42(3) and 47(5) of the Council Tax Benefit Regulations;
- (b) regulations 53(2A) and 57A(5) of the Housing Benefit Regulations;
- (c) regulations 62(2A) and 66A(5) of the Income Support Regulations;
- (d) regulations 131(3) and 136(5) of the Jobseeker’s Allowance Regulations.

### **Calculation of grant income**

3.—(1) In each of the provisions specified in paragraph (2) below—

(a) for sub-paragraph (cc) there shall be substituted—

“(cc) any grant paid under the Schedule to the Education (Assembly Learning Grant Scheme)(Wales) Regulations 2002(d)”;

(b) after sub-paragraph (d) there shall be inserted the following—

“; and

(e) any grant paid under regulation 15(7) of the Education (Student Support) (No.2) Regulations 2002(e).”.

(2) The provisions specified for the purposes of paragraph (1) above(f) (calculation of grant income) are—

- (a) regulation 42(3A) of the Council Tax Benefit Regulations;
- (b) regulation 53(2B) of the Housing Benefit Regulations;
- (c) regulation 62(2B) of the Income Support Regulations;
- (d) regulation 131(3A) of the Jobseeker’s Allowance Regulations.

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

*Chris Pond*  
Parliamentary Under-Secretary of State,  
Department of Work and Pensions

8th July 2003

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(a) S.I. 1987/1967.

(b) S.I. 1996/207.

(c) The relevant amending instruments are S.I. 1990/1549, S.I. 1999/1935, S.I. 2000/1922, S.I. 2001/2319 and S.I. 2002/1589.

(d) S.I. 2002/1857 (W.181) as amended by S.I. 2002/2814 (W.271).

(e) S.I. 2002/3200.

(f) These paragraphs were initially inserted by S.I. 2001/2319 and amended by S.I. 2002/1589 and S.I. 2002/2207.

## **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.

In particular they–

- increase the amounts of grants and loan income to be disregarded in respect of books and equipment and for travel costs (regulation 2);

- provide for the disregard of grants payable under the National Assembly for Wales' Learning Grant in their entirety (regulation 3(1)(a));

- provide for the disregard of the Department of Education and Skills Parents Learning Allowance payments in their entirety (regulations 3(1)(b) and (c)).

These Regulations do not impose any charge on business.

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STATUTORY INSTRUMENTS

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Benefits) Regulations 2003**

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