

1987 No. 1440

**HOUSING, ENGLAND AND WALES  
HOUSING, SCOTLAND  
RATING AND VALUATION**

**The Housing Benefits (Amendment) Regulations 1987**

*Made* . . . . . 10th August 1987

*Laid before Parliament* . . . . . 11th August 1987

*Coming into force* . . . . . 1st September 1987

The Secretary of State for Social Services in exercise of the powers conferred upon him by section 28(1) of the Social Security and Housing Benefits Act 1982(a) and section 166(2) and (3) of the Social Security Act 1975(b) (as applied by section 45(1) of the first-mentioned Act) and of all other powers enabling him in that behalf, with the consent of the Treasury, 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, commencement and interpretation**

1.—(1) These Regulations may be cited as the Housing Benefits (Amendment) Regulations 1987 and shall come into force on 1st September 1987.

(2) In these Regulations “the Regulations” means the Housing Benefits Regulations 1985(e).

**Amendment of Schedule 1A to the Regulations**

2. In Schedule 1A (modification of Parts II to IV and VI of the Regulations in relation to students)—

(a) in paragraph 1—

(i) in the definition of “covenant income” for the words “a student” there shall be substituted the words “a full-time student”;

(ii) in the definition of “standard maintenance grant” for “£2,246” and “£1,901” there shall be substituted “£2,330” and “£1,972” respectively;

(b) for paragraph 4 (eligibility of students in accommodation provided by an educational establishment) there shall be substituted the following paragraph—

“4.—(1) Subject to sub-paragraphs (2) and (3), a student shall not be eligible, during the period of study, for a rent allowance in respect of a dwelling for which he is liable to pay rent to an educational establishment which he is attending and, in such a case, he shall not be eligible for a rate rebate either, except where he is liable to pay rates direct to the rating authority.

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(a) 1982 c.24.

(b) 1975 c.14.

(c) See section 36(1) of the Social Security and Housing Benefits Act 1982.

(d) See sections 9 and 10 of the Social Security Act 1980 (c.30) as amended by section 48(5) of, and paragraph 30 of Schedule 4 to, the Social Security and Housing Benefits Act 1982.

(e) S.I. 1985/677; the relevant amending instrument is S.I. 1986/1009, regulation 2(4).

(2) Where the educational establishment itself pays rent for the dwelling to a third party (other than to another educational establishment) the provisions of sub-paragraph (1) shall only apply if rent is payable under the terms of a long tenancy or to an education authority which has provided the dwelling in exercise of its functions as an education authority.

(3) Where it appears to the appropriate authority that an educational establishment has arranged for accommodation to be provided by a person or body other than itself in order to take advantage of the housing benefit scheme, housing benefit shall not be payable during the period of study in respect of payments made to the person or body by a student.”;

- (c) in paragraph 5 (grant income), after sub-paragraph (1)(e) there shall be added the following—
- “(f) any grant intended to meet the cost of books and equipment (other than special equipment) or, in the case of a full-time student, if not so intended an amount equal to £210 towards such costs;
  - (g) any grant intended to meet travel expenses incurred as a result of his attendance on the course.”;
- (d) in paragraph 6 (covenant income in addition to a contribution), after sub-paragraph (2) there shall be added the following sub-paragraph—
- “(3) For the purposes of sub-paragraph (2), the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 5(1)(g) falls short of £109.”;
- (e) in paragraph 7 (covenant income where there is either no grant income or no contribution)—
- (i) after sub-paragraph (1)(b) there shall be inserted the following—
- “(bb) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 5(1)(f) and (g) had the student been in receipt of the standard maintenance grant;”
- (ii) at the end of sub-paragraph (2) there shall be added the words “and the amount to be disregarded under sub-paragraph (1)(bb) shall be abated by an amount equal to any sums disregarded under paragraph 5(1)(f) and (g);”;
- (f) in paragraph 9 (other amounts to be disregarded), for sub-paragraph (1) there shall be substituted the following sub-paragraph—
- “(1) For the purpose of ascertaining income other than grant income or covenant income, any amounts intended for any expenditure specified in paragraph 5(1)(a), (f) and (g), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraphs 5, 6 and 7 for like expenditure.”;
- (g) in paragraph 10(a) (student deduction) for “£17.70” there shall be substituted “£17.80”.

#### **Delayed application to students on vacation**

3. The amendments to Schedule 1A to the Regulations made by regulation 2(a)(ii), (d) and (g) of these Regulations shall not have effect in relation to a student who is on his summer vacation on the date on which these Regulations come into force until the end of that vacation.

Signed by authority of the Secretary of State for Social Services

3rd August 1987.

*Nicholas Scott*  
Minister of State,  
Department of Health and Social Security

We consent,

10th August 1987.

*Michael Neubert*  
*Peter Lloyd*  
Two of the Lords Commissioners of Her Majesty's Treasury.

## EXPLANATORY NOTE

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

These Regulations further amend the Housing Benefits Regulations 1985 in relation to students.

The Regulations amend the definition of covenant income to restrict it to full-time students (regulation 2(a)(i)) and of standard maintenance grant to reflect the increased value of that grant (regulation 2(a)(ii)). They provide for a disregard from grant income of amounts for books, equipment and travel expenses (regulation 2(c)); from covenant income, where the student's grant income includes a contribution, of the amount (if any) by which his grant income disregarded for travel expenses is less than £109 (regulation 2(d)) or, where he has no grant income, of the amounts which would have been disregarded had he been in receipt of the standard maintenance grant (regulation 2(e)); and from other income, of necessary expenditure in respect of such expenses in excess of the amounts disregarded from his grant and covenant income (regulation 2(f)).

The Regulations also limit the exclusion from eligibility for a rent allowance to a student paying rent to the educational establishment which he attends; provide for the exemption in such cases not to apply where the establishment pays rent for the accommodation to a third party which is another educational establishment or where it appears that the educational establishment has arranged accommodation in order to take advantage of the housing benefit scheme (regulation 2(b)); and increase the amount of the student's deduction from eligible rent for students in London from £17.70 to £17.80 (regulation 2(g)).

They also make provision for the changes made by regulation 2(a)(ii), (d) and (g) not to have effect in relation to a student until the end of his summer vacation (regulation 3).