

STATUTORY INSTRUMENTS

1987 No. 1967

The Income Support (General) Regulations 1987

PART V

INCOME AND CAPITAL

CHAPTER VIII

[^{F1}STUDENTS]

Calculation of grant income

62.—(1) The amount of a student's grant income to be taken into account shall, subject to paragraphs [^{F1}(2) and (2A)], be the whole of his grant income.

(2) There shall be disregarded from the amount of a student's grant income any payment—

- (a) intended to meet tuition fees or examination fees;
- ^{F2}(b)
- (c) intended to meet additional expenditure incurred by a disabled student in respect of his attendance on a course;
- (d) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (e) on account of the student maintaining a home at a place other than that at which he resides while attending his course but only to the extent that his rent ^{F3}... is not met by housing benefit;
- (f) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
- (g) intended to meet the cost of books and equipment ^{F4}... ^{F5}...;
- (h) intended to meet travel expenses incurred as a result of his attendance on the course.
- ^{F6}(i) intended for the maintenance ^{F7}... of a child dependant.]
- ^{F8}(j) intended for the child care costs of a child dependant.]
- ^{F9}(k) of higher education bursary for care leavers made under Part III of the Children Act 1989 [^{F10}or Part 6 of the Social Services and Well-being (Wales) Act 2014].]

[^{F11}(2A) Where a student does not have a student loan [^{F12}or a postgraduate ^{F13}... loan] and is not treated as possessing [^{F14}a student loan or a postgraduate ^{F13}... loan], there shall be excluded from the student's grant income—

- (a) the sum of [^{F15}£303] per academic year in respect of travel costs; and
- ^{F16}(b) the sum of [^{F17}£390] per academic year towards the costs of books and equipment,] whether or not any such costs are incurred.]

^{F18}(2B)

(3) [^{F19}Subject to paragraph (3B), a student's grant income except any amount intended for the maintenance of [^{F20}adult] dependants under Part III of Schedule 2 to the Education (Mandatory Awards) Regulations 1999 [^{F21}or intended for an older student under Part IV of that Schedule]], shall be apportioned—

(a) subject to paragraph (4), in a case where it is attributable to the period of study, equally between the weeks [^{F22}in the period beginning with the benefit week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the period of study];

(b) in any other case, equally between the weeks in the period [^{F23}beginning with the benefit week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable].

[^{F24}(3A) [^{F25}Any grant in respect of [^{F26}dependants][^{F26}an adult dependant] paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and] any amount intended for the maintenance of [^{F26}dependants][^{F26}an adult dependant]^{F27}... under the provisions referred to in paragraph (3) shall be apportioned equally over a period of 52 weeks or, if there are 53 benefit weeks (including part-weeks) in the year, 53.]

[^{F28}(3B) [^{F29}In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so,] any amount intended for the maintenance of [^{F30}dependants][^{F30}an adult dependant] 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 [^{F31}, as the case may be, would have been apportioned].]

(4) In the case of a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between [^{F32}the weeks in the period beginning with the benefit week, the first day of which immediately follows the last day of the period of experience and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the period of study].

Textual Amendments

- F1** Words in reg. 62(1) substituted (for specified purposes and with effect in accordance with reg. 1(b)(i) (ii) of the amending S.I.) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2000 \(S.I. 2000/1922\)](#), regs. 1, **2(4)(a)**
- F2** Reg. 62(2)(b) omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), regs. 1(1)(a), **6(9)(a)** (with reg. 13)
- F3** Words in reg. 62(2)(e) omitted (4.4.2005) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/574\)](#), regs. 1(1), **3(4)**
- F4** Words in reg. 62(2)(g) omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), regs. 1(1)(a), **6(9)(b)** (with reg. 13)
- F5** Words in reg. 62(2)(g) omitted (1.8.1999, 30.8.1999 in so far as not already in force) by virtue of [The Social Security Amendment \(Students\) Regulations 1999 \(S.I. 1999/1935\)](#), regs. 1(1)(b), **3(3)(a)**
- F6** Reg. 62(2)(i) added (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 1 para. 16(a)**

- F7** Words in reg. 62(2)(i) deleted (coming into force in accordance with reg. 1(1)(b)(i)(ii) of the amending S.I.) by The Social Security (Students and Income-related Benefits) Amendment Regulations 2004 (S.I. 2004/1708), regs. 1(1)(b), **3(3)(a)**
- F8** Reg. 62(2)(j) added (coming into force in accordance with reg. 1(1)(b)(i)(ii) of the amending S.I.) by The Social Security (Students and Income-related Benefits) Amendment Regulations 2004 (S.I. 2004/1708), regs. 1(1)(b), **3(3)(b)**
- F9** Reg. 62(2)(k) added (6.4.2009) by The Social Security (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/583), regs. 1(2), **2(10)**
- F10** Words in reg. 62(2)(k) inserted (3.11.2017) by The Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Order 2017 (S.I. 2017/901), arts. 1, **2(4)**
- F11** Reg. 62(2A) substituted (1.8.1999, 30.8.1999 in so far as not already in force) by The Social Security Amendment (Students) Regulations 1999 (S.I. 1999/1935), regs. 1(1)(b), **3(3)(b)**
- F12** Words in reg. 62(2A) inserted (4.8.2016) by The Social Security (Treatment of Postgraduate Master's Degree Loans and Special Support Loans) (Amendment) Regulations 2016 (S.I. 2016/743), regs. 1, **2(3)(a)**
- F13** Words in reg. 62(2A) omitted (15.7.2020) by virtue of The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **2(7)**
- F14** Words in reg. 62(2A) substituted (4.8.2016) by The Social Security (Treatment of Postgraduate Master's Degree Loans and Special Support Loans) (Amendment) Regulations 2016 (S.I. 2016/743), regs. 1, **2(3)(b)**
- F15** Word in reg. 62(2A)(a) substituted (for specified purposes and, 1.9.2009 in so far as not already in force) by The Social Security (Students and Miscellaneous Amendments) Regulations 2009 (S.I. 2009/1575), reg. 1(3), **reg. 2(2)(4)(a)**
- F16** Reg. 62(2A)(b) substituted (1.8.2001, 27.8.2001 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(b)(c), **3(2)(3)(c)**
- F17** Word in reg. 62(2A)(b) substituted (for specified purposes and, 1.9.2009 in so far as not already in force) by The Social Security (Students and Miscellaneous Amendments) Regulations 2009 (S.I. 2009/1575), reg. 1(3), **reg. 2(3)(4)(a)**
- F18** Reg. 62(2B) omitted (1.8.2006 for specified purposes and, 1.9.2006 in so far as not already in force) by virtue of The Social Security (Students and Income-related Benefits) Amendment Regulations 2006 (S.I. 2006/1752), regs. 1(2), **4(3)**
- F19** Words in reg. 62(3) substituted (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2000 (S.I. 2000/1922), regs. 1, **2(4)(d)**
- F20** Word in reg. 62(3) inserted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 16(c)**
- F21** Words in reg. 62(3) omitted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 16(c)**
- F22** Words in reg. 62(3)(a) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **4(3)(a)(4)(c)**
- F23** Words in reg. 62(3)(b) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **4(3)(b)(4)(c)**
- F24** Reg. 62(3A) inserted (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **24(b)**
- F25** Words in reg. 62(3A) inserted (1.8.2001, 27.8.2001 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(b)(c), **6(c)**

- F26** Words in reg. 62(3A) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 16(d)**
- F27** Words in reg. 62(3A) omitted (8.8.2003) by S.I. 2003/455, Sch. 2 para. 16(d) (as amended by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) (No. 3) Regulations 2003 (S.I. 2003/1731), regs. 1(1), **6(5)(a)**)
- F28** Reg. 62(3B) inserted (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2000 (S.I. 2000/1922), regs. 1, **2(4)(e)**
- F29** Words in reg. 62(3B) inserted (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **4(5)(a)(6)(c)**
- F30** Words in reg. 62(3B) substituted (for specified purposes and with effect in accordance with reg. 1(2)-(5) of the amending S.I.) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), **Sch. 1 para. 16(e)**
- F31** Words in reg. 62(3B) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **4(5)(b)(6)(c)**
- F32** Words in reg. 62(4) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **4(7)(8)(c)**

Modifications etc. (not altering text)

- C1** Reg. 62 applied (with modifications) (1.9.2006) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Travel Expenses and Remission of Charges) Amendment (No.2) Regulations 2006 (S.I. 2006/2171), regs. 1(1), **2(2)**)
- C2** Reg. 62 applied (with modifications) (18.10.2006) by S.I. 1988/551 (as amended by The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (No. 2) Regulations 2006 (S.I. 2006/2791), regs. 1(1), **2(2)**)
- C3** Reg. 62 applied (with modifications) (1.8.2010) by S.I. 2003/2382, **Sch. 1** Table A (as amended (E.) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2010 (S.I. 2010/1727), regs. 1, **3(2)**)
- C4** Reg. 62 modified (20.12.2010) by S.I. 2007/1104 (as amended (W.) by The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) (No.2) Regulations 2010 (S.I. 2010/2759), regs. 1(2), **3(2)**)
- C5** Reg. 62 applied (with modifications) (1.9.2012) by S.S.I. 2003/460 (as amended (S.) by The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Amendment Regulations 2012 (S.S.I. 2012/171), regs. 1(1), **2(2)**)
- C6** Reg. 62 applied (with modifications) (1.8.2013) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Travel Expenses and Remission of Charges) (Amendment) Regulations 2013 (S.I. 2013/1600), regs. 1(2), **2(a)**)
- C7** Reg. 62 applied (with modifications) (1.9.2013) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Travel Expenses and Remission of Charges) (Amendment) Regulations 2013 (S.I. 2013/1600), regs. 1(3), **3(2)**)
- C8** Reg. 62 applied (with modifications) (14.12.2013) by S.S.I. 2003/460 (as amended (S.) by The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Amendment Regulations 2013 (S.S.I. 2013/327), regs. 1(1), **2(2)**)
- C9** Reg. 62 applied (with modifications) (1.12.2016) by S.I. 2003/2382 (as amended (E.) by The National Health Service (Exemptions from Charges, Payments and Remission of Charges) (Amendment and Transitional Provisions) Regulations 2016 (S.I. 2016/1045), regs. 1(1), **2(4)(a)** (with regs. 5, 6))
- C10** Reg. 62 applied (with modifications) (1.4.2017) by W.S.I. 2007/1104 (as amended (W.) by The National Health Service (Welfare Reform Miscellaneous Amendments) (Wales) Regulations 2017 (S.I. 2017/340), regs. 1(1), **5(4)** (with reg. 8))

Changes to legislation: *There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, Section 62. (See end of Document for details)*

C11 Reg. 62 applied (with modifications) (1.4.2017) by S.S.I. 2003/460 (as amended (S.) by The National Health Service (Payments and Remission of Charges) (Miscellaneous Amendments) (Scotland) Regulations 2017 (S.S.I. 2017/59), regs. 1(1), **3(4)(a)** (with reg. 6))

Commencement Information

I1 Reg. 62 in force at 11.4.1988, see reg. 1

Changes to legislation:

There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, Section 62.