
STATUTORY INSTRUMENTS

1990 No. 1549

The Social Security Benefits (Student Loans and Miscellaneous Amendments) Regulations 1990

Amendment of the Income Support Regulations

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

(2) In regulation 2(1) (interpretation) for the definition of “period of study” there shall be substituted the following definition—

““period of study” means the period beginning with the start of the course of study and ending with the last day of the course or such earlier date as the student abandons it or is dismissed from it; but any period of attendance by the student at his educational establishment in connection with the course which is outside the period of the course shall be treated as part of the period of study;”.

(3) In regulation 10(1) (circumstances in which claimants are not to be treated as available for employment) for sub-paragraph (h) there shall be substituted the following sub-paragraph—

“(h) he is a student during the period of study, other than—

(i) one to whom paragraph 1, 2, 7, 7A, 11, 16 or 20 of Schedule 1 applies (persons not required to be available for employment) but in the case of paragraph 20 only where the student is a person to whom regulation 70 (3) (a) applies (certain persons from abroad); or

(ii) one who has a partner who is also a student, if either he or his partner is treated as responsible for a child or young person, but this exception shall apply only for the period of the summer vacation appropriate to his course.”.

(4) In regulation 40 (calculation of income other than earnings)—

(a) in paragraph (1) for the reference “(2) and (3)” there shall be substituted the reference “(2) to (3A)”;

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

“(3A) Where a loan is made to a person pursuant to arrangements made under section 1 of the Education (Student Loans) Act 1990 and that person ceases to be a student before the end of the academic year in respect of which the loan is payable or, as the case may be, before the end of his course, a sum equal to the weekly amount apportionable under paragraph (2) of regulation 66A shall be taken into account under paragraph (1) for each week, in the period over which the loan fell to be apportioned, following the date on which that person ceases to be a student; but in determining the weekly amount apportionable under paragraph (2) of regulation 66A so much of that paragraph as provides for a disregard shall not have effect.”.

(5) In regulation 61 (interpretation) in the definition of “grant” at the end there shall be added the words “but does not include a payment derived from funds made available by the Secretary of State for the purpose of assisting students in financial difficulties under section 100 of the Education

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Act 1944, sections 131 and 132 of the Education Reform Act 1988 or section 73 of the Education (Scotland) Act 1980”.

(6) In regulation 62 (2) (g) (calculation of grant income) for the figure “£234” there shall be substituted the figure “£246”.

(7) After regulation 66 (other amounts to be disregarded) there shall be inserted the following regulation—

“Treatment of student loans

66A.—(1) A loan which is made to a student pursuant to arrangements made under section 1 of the Education (Student Loans) Act 1990 shall be treated as income.

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

- (a) except where sub-paragraph (b) applies, the loan shall be apportioned equally between the weeks in the academic year in respect of which the loan is payable;
- (b) in the case of a loan which is payable in respect of the final academic year of the course or if the course is only of one academic year’s duration, in respect of that year the loan shall be apportioned equally between the weeks in the period beginning with the start of the final academic year or, as the case may be, the single academic year and ending with the date on which the course ends,

and from the weekly amount so apportioned there shall be disregarded £10.

(3) Any loan for which a student is eligible in respect of an academic year under the arrangements mentioned in paragraph (1) but which has not been acquired by him shall be treated as possessed by him and paragraphs (1) and (2) shall apply accordingly; and for the purposes of this paragraph the loan for which a student is eligible is the maximum amount payable to him under those arrangements”.

(8) In Schedule 1 (persons not required to be available for employment)—

(a) for paragraph 7 there shall be substituted the following paragraphs—

“7. A person who is a student and whose applicable amount includes the disability premium or severe disability premium.

7A.—(1) A person who is a student who—

- (a) immediately before 1st September 1990 was in receipt of income support by virtue of paragraph 7 as then in force; or
- (b) on or after that date makes a claim for income support and at a time during the period of 18 months immediately preceding the date of that claim was in receipt of income support either by virtue of that paragraph or regulation 13 (2) (b),

but this paragraph shall cease to apply where the person has ceased to be in receipt of income support for a continuous period of 18 months or more.”;

(b) in paragraph 16 the words “Notwithstanding that he would otherwise be a student,” shall be omitted.

(9) In paragraph 20 of Schedule 10 (capital to be disregarded) for the words “regulations 41 and 44 (1) (capital treated as income and modifications in respect of children and young persons)” there shall be substituted the words “regulation 41, 44(1) or 66A (capital treated as income, modifications in respect of children and young persons or treatment of student loans)”.

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Changes and effects yet to be applied to :

- reg. 5(3) revoked by [S.I. 1996/206 reg. 28Sch. 3](#)
- reg. 5(8) revoked by [S.I. 1996/206 reg. 28Sch. 3](#)