
STATUTORY INSTRUMENTS

1995 No. 1742

SOCIAL SECURITY

**The Social Security Benefits (Miscellaneous
Amendments) Regulations 1995**

Made - - - - 10th July 1995

Laid before Parliament 11th July 1995

Coming into force in accordance with regulation 1(1)

The Secretary of State for Social Security, in exercise of powers conferred on him by sections 25A(3)(a), 123(1), 130(2) and (4), 136(3) and (5), 137(1) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992⁽¹⁾ 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⁽²⁾ and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it⁽³⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefits (Miscellaneous Amendments) Regulations 1995 and shall come into force—

- (a) for the purposes of this regulation and of regulation 2, on 1st August 1995;
- (b) for the purposes of sub-paragraphs (a) and (d) of paragraph (2) of regulation 3, regulation 3(1) so far as it relates to those sub-paragraphs, and regulation 4—
 - (i) in relation to a student whose period of study begins on or after 1st August 1995 but before 1st September 1995, on the first Monday of that period;
 - (ii) in any other case, on 4th September 1995;

(1) 1992 c. 4; section 25A(3)(a), which partly re-enacts provisions of section 57(3)(a) of the Social Security Contributions and Benefits Act 1992, was inserted into that Act by section 11(1) of, and paragraph 5 of Schedule 1 to, the Social Security (Incapacity for Work) Act 1994 (c. 18), and came into force on 13th April 1995 in accordance with S.I. 1994/2926; sections 123, 130 and 137 of the Social Security Contributions and Benefits Act 1992 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 given to the word “prescribed”.

(2) 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.

(3) See the Social Security Administration Act 1992, section 173(1)(b) and (7); section 173(7) defines “regulations”.

(c) for the purposes of sub-paragraphs (b) and (c) of paragraph (2) of regulation 3, and regulation 3(1) so far as it relates to those sub-paragraphs—

(i) in relation to a student whose period of study begins on or after 1st August 1995 but before 1st September 1995, on the first Tuesday of that period;

(ii) in any other case, on 5th September 1995;

(d) for the purposes of sub-paragraph (e) of paragraph (2) of regulation 3, and regulation 3(1) so far as it relates to that sub-paragraph—

(i) in relation to a student whose period of study begins on or after 1st August 1995 but before 1st September 1995, on the first day of that period;

(ii) in any other case, on 1st September 1995;

so however that regulation 3(2)(e) shall have effect in relation to any particular claimant at the beginning of the first benefit week to commence for that claimant on or after the day mentioned in head (i) of this sub-paragraph, or the date mentioned in head (ii) of this sub-paragraph, whichever applies in his case; and for this purpose the expressions “claimant” and “benefit week” have the same meanings as in regulation 2(1) of the Income Support Regulations.

(2) In these Regulations—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(4);

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(5);

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987(6);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(7);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(8).

Definition of “student”

2.—(1) The regulations specified in paragraph (2) below (which all contain a definition of “student”) shall each be amended by omitting from the definition of “student” the words “throughout any period of term or vacation within it,”.

(2) The regulations are—

(a) regulation 38 of the Council Tax Benefit Regulations;

(b) regulation 41 of the Disability Working Allowance Regulations;

(c) regulation 37 of the Family Credit Regulations;

(d) regulation 46 of the Housing Benefit Regulations;

(e) regulation 61 of the Income Support Regulations; and

(f) regulation 7(3)(a) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983(9).

(4) S.I. 1992/1814; the relevant amending instrument is S.I. 1994/1608.

(5) S.I. 1991/2887; the relevant amending instruments are S.I. 1992/2155 and 1994/1608.

(6) S.I. 1987/1973; the relevant amending instruments are S.I. 1991/1520, 1992/573 and 1994/1608.

(7) S.I. 1987/1971; the relevant amending instruments are S.I. 1991/1599, 1992/432 and 1994/1608.

(8) S.I. 1987/1967; the relevant amending instruments are S.I. 1991/1559, 1992/468 and 1994/1608.

(9) S.I. 1983/1598; the relevant amending instruments are S.I. 1986/1011 and S.I. 1990/1549.

Student's grant income

3.—(1) In each of the regulations specified in paragraph (2) below (which all relate to the calculation of the amount of a student's grant income) for the amount "276" in each place where it occurs there shall be substituted the amount "278".

(2) The regulations are—

- (a) regulation 42(2)(g) of the Council Tax Benefit Regulations;
- (b) regulation 42(2)(e) of the Disability Working Allowance Regulations;
- (c) regulation 38(2)(f) of the Family Credit Regulations;
- (d) regulation 53(2)(g) of the Housing Benefit Regulations; and
- (e) regulation 62(2)(g) of the Income Support Regulations.

Student's eligible rent

4. In regulation 51(1) of the Housing Benefit Regulations (calculation of eligible rent for full-time students) for the amount "25.00" in sub-paragraph (a) there shall be substituted the amount "25.10" and for the amount "17.35" in sub-paragraph (b) there shall be substituted the amount "17.40".

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

10th July 1995

Roger Evans
Parliamentary Under-Secretary of State
Department of Social Security

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the following Regulations—

- the Council Tax Benefit (General) Regulations 1992 ([S.I.1992/1814](#));
- the Disability Working Allowance (General) Regulations 1991 ([S.I.1991/2887](#));
- the Family Credit (General) Regulations 1987 ([S.I.1987/1973](#));
- the Housing Benefit (General) Regulations 1987 ([S.I.1987/1971](#));
- the Income Support (General) Regulations 1987 ([S.I.1987/1967](#)); and
- the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983 ([S.I.1983/1598](#)).

Regulation 2 amends the definition of “student” in each of those Regulations so that a person who has started a course of study remains a student even when temporarily absent from the course.

Regulation 3 increases the amount to be allowed in respect of the cost of books and equipment in calculating a student’s grant income.

Regulation 4 increases the amount of the deduction to be made in calculating a student’s eligible rent for housing benefit purposes.

These Regulations do not impose a charge on businesses.