

2002 No. 1763

SOCIAL SECURITY

**The Social Security Amendment (Intercalating Students)
Regulations 2002**

Made - - - - - *10th July 2002*

Coming into force *1st August 2002*

Whereas a draft of this Instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995(a) and approved by resolution of each House of Parliament.

Now, therefore, the Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 123(1)(d) and (e), 131(3)(b), 137(1) and (2)(j) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(b) and sections 6(4), 35(1) and 36(2) of the Jobseekers Act 1995(c) 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(d) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(e), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security Amendment (Intercalating Students) Regulations 2002 and shall come into force on 1st August 2002.

Intercalating students

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

(a) after the words “is the period” there shall be inserted the words “, not exceeding one year,”;

(b) for sub-paragraph (b), there shall be substituted the following sub-paragraph—

“(b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,”.

(2) The provisions specified for the purposes of paragraph (1) above are—

(a) regulation 40(7) of the Council Tax Benefit (General) Regulations 1992(f) (students who are excluded from entitlement to council tax benefit);

(a) 1995 c.18.

(b) 1992 c.4; sections 123(1)(e) and 131 were 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, 4 and 9. Section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(c) Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

(d) See section 176(1) of the Social Security Administration Act 1992.

(e) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.

(f) S.I. 1992/1814; the relevant amending instrument is S.I. 2000/1981.

- (b) regulation 48A(6) of the Housing Benefit (General) Regulations 1987^(a) (full-time students to be treated as not liable to make payments in respect of a dwelling);
- (c) regulation 1(3E) of the Jobseeker's Allowance Regulations 1996^(b) (interpretation).

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

10th July 2002

P. Hollis
Parliamentary Under-Secretary of State,
Department for Work and Pensions

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) and the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) in so far as those Regulations apply to students.

In particular, regulation 2 makes a change to the period during which students, who have taken a break from their courses due to illness or caring responsibilities, may claim housing benefit, council tax benefit and jobseeker's allowance.

These Regulations do not impose any charge on business.

^(a) S.I. 1987/1971; the relevant amending instruments are S.I. 1990/1549 and 2000/1981.
^(b) S.I. 1996/207; the relevant amending instrument is S.I. 2000/1981.

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