

2005 No. 1807

SOCIAL SECURITY

**The Social Security (Students and Income-related Benefits)
Amendment Regulations 2005**

Made - - - - - *4th July 2005*

Laid before Parliament *8th July 2005*

Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 136(3) and (5)(b), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a) and sections 12(1) and (4)(b), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(b) 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(c) and after agreement by the Social Security Advisory Committee that proposals in respect of 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 Social Security (Students and Income-related Benefits) Amendment Regulations 2005 and, subject to paragraph (2), shall come into force on 1st August 2005.

(2) Regulation 2 shall come into force—

- (a) in the case of a person whose period of study begins on or after 1st August 2005 but before 1st September 2005, on the day the period of study begins; and
- (b) in any other case, on 1st September 2005.

(3) In these Regulations—

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

(a) 1992 c.4. Section 123(1)(e) was substituted by paragraph 1(1) of 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 there given to the word “prescribed”. Section 175(4) was amended by section 2 of, and paragraph 29 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2).

(b) 1995 c.18. Section 35(1) is an interpretation provision and is cited because of the meaning there given to the words “prescribed” and “regulations”. Sections 35(1) and 36(4) were amended by section 2 of, and paragraphs 62 and 63 respectively of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999.

(c) See section 176(1) of the Social Security Administration Act 1992 (c.5) as amended by section 103 of, and paragraph 23 of Schedule 9 to, the Local Government Finance Act 1992.

(d) See sections 172(1) 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.

(e) S.I. 1992/1814.

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(a);
 “the Income Support Regulations” means the Income Support (General) Regulations 1987(b);
 “the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(c);
 “the 2003 Regulations” means the Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003(d);
 “period of study” for the purposes of paragraph (2) has the same meaning as in regulation 61 of the Income Support Regulations.

Amendments in relation to the calculation of grant income

2.—(1) The following amendments shall have effect.

(2) In sub-paragraph (a) of each of the provisions specified in paragraph (4) for “£275” substitute “£280”.

(3) In sub-paragraph (b) of each of the provisions specified in paragraph (4) for “£343” substitute “£352”.

(4) The provisions(e) specified for the purposes of paragraphs (2) and (3) (which relate respectively to sums to be disregarded from the calculation of grant income and from student loans) are—

- (a) regulations 42(3) and 47(5) of the Council Tax Benefit Regulations;
- (b) regulations 53(2A) and 57A(5) of the Housing Benefit Regulations;
- (c) regulations 62(2A) and 66A(5) of the Income Support Regulations;
- (d) regulations 131(3) and 136(5) of the Jobseeker’s Allowance Regulations.

(5) Omit regulation 42(3A)(a) and (b) of the Council Tax Benefit Regulations and regulation 53(2B)(a) and (b) of the Housing Benefit Regulations(f).

(6) Omit regulation 62(2B) of the Income Support Regulations except in a case to which paragraph (8) applies(g).

(7) Omit regulation 131(3A) of the Jobseeker’s Allowance Regulations except in a case to which paragraph (9) applies(h).

(8) This paragraph applies to a claimant to whom regulation 1(3) of the 2003 Regulations applies and in that case sub-paragraphs (a) and (b) of regulation 62(2B) of the Income Support Regulations shall be omitted(i).

(9) This paragraph applies to a claimant to whom regulation 1(7) of the 2003 Regulations applies and in that case sub-paragraphs (a) and (b) of regulation 131(3A) of the Jobseeker’s Allowance Regulations shall be omitted(j).

(a) S.I. 1987/1971.
 (b) S.I. 1987/1967.
 (c) S.I. 1996/207.
 (d) S.I. 2003/455.
 (e) The relevant amending instruments are S.I. 1990/1549, 1999/1935, 2000/1922, 2001/2319, 2002/1589, 2003/1701, 2003/1914, 2004/1708.
 (f) These provisions were inserted by S.I. 2001/2319 and amended by S.I. 2002/1589, 2002/2207, 2003/1701 and 2004/1708.
 (g) Paragraph (2B) as inserted by regulation 3(4)(c) of S.I. 2001/2319 was substituted by regulation 2 of and paragraph 16(b) of Schedule 1 to S.I. 2003/455 except in the case of a claimant to whom regulation 1(3) of S.I. 2003/455 applies.
 (h) Paragraph (3A) as inserted by regulation 3(4)(d) of S.I. 2001/2319 was substituted by regulation 3 of and paragraph 16(b) of Schedule 2 to S.I. 2003/455 except in the case of a claimant to whom regulation 1(7) of S.I. 2003/455 applies.
 (i) Regulation 62(2B)(e) continues to have effect in relation to any person who has not been awarded, or whose partner has not been awarded, a child tax credit – see regulation 1(3) of S.I. 2003/455.
 (j) Regulation 131(3A)(e) continues to have effect in relation to any person who has not been awarded, or whose partner has not been awarded, a child tax credit – see regulation 1(7) of S.I. 2003/455.

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

4 July 2005

James Plaskitt
Parliamentary Under Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Income Support (General) Regulations 1987 (S.I. 1987/1967) and the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) ("the Income-related Benefits Regulations") in so far as they relate to students and sums to be disregarded in the calculation of their entitlement to benefit under the Income-related Benefits Regulations.

The Income-related Benefits Regulations are amended to increase the amounts of grant and loan income to be disregarded in respect of travel costs and the costs of books and equipment. They are also amended to take account of changes to the provision of support to students.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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