

EXPLANATORY MEMORANDUM TO THE
SOCIAL SECURITY (STUDENTS AND INCOME RELATED BENEFITS)
AMENDMENT REGULATIONS 2005

SI 2005 No.1807

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of her Majesty

2. Description

2.1 These Regulations increase the disregards for books, equipment and travel costs in line with this year's increase in the level of student support.

2.2 In addition Regulations are amended to take account of changes to the student support systems of other government departments.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 Each year at the beginning of August, in time for the start of the academic year in Scotland, the Income-related Benefit regulations are amended to take account of changes to the student support system and, in particular, increase the amounts to be disregarded for books, equipment and travel costs in assessing income from student loans or personal maintenance grants. Regulation 1 increases the amount of the disregards from student loan or personal maintenance grant income in respect of travel, and books and equipment.

4.2 Changes made by the Department for Education and Skills to the student support system mean that some references in the income-related benefit legislation are no longer required. Regulation 2 removes income-related benefit regulations, which make reference to the Education (Student Support) Regulations 2002.

5. Extent

5.1 The Regulations extend to Great Britain.

6. European Convention on Human Rights

6.1 Not Applicable

7. Policy Background

7.1 This instrument is being made to effect a annual uprating of non-controversial, miscellaneous changes to the Social Security Regulations and to remove Income-related Benefit Regulations that are no longer necessary.

7.2 Most full-time students are not eligible to claim any of the income-related benefits (Income Support, Housing Benefit, Council Tax Benefit, Income-based Jobseeker's Allowance). This is because primary financial support for students comes from the educational maintenance system, which is designed for their needs. However, exceptions are made, for students who fall into certain "vulnerable groups" (in the main, lone parents, student couples with children or students with disabilities). For those students who are entitled, there are specific regulations governing the treatment of their income.

7.3 The Department for Education and Skills have made a number of minor and drafting amendments to the Education (Student Support) Regulations 2002. Primarily the amendments are due to clarification of regulations and removal of unnecessary provision. This opportunity allows the Department for Work and Pensions to clarify and amend the Income-related Benefit regulations to take account of the changes to the student support system.

7.4 The Social Security Advisory Committee agreed that the Regulations should not be referred for formal consultation. The Local Authority Associations, the National Union of Students and the National Association of Student Monetary Advisors were also consulted.

8. Regulatory impact and costs

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

8.2 There is no impact on the Public sector, as it has no costs associated with the changes.

9. Contact

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