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STATUTORY INSTRUMENTS

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**2006 No. 1752**

**SOCIAL SECURITY**

**The Social Security (Students and Income-related Benefits) Amendment Regulations 2006**

*Made - - - - 3rd July 2006*  
*Laid before Parliament 7th July 2006*  
*Coming into force in accordance with regulation 1*

The Secretary of State for Work and Pensions makes the following Regulations 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(1) and sections 12(1) and (4) (b), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(2).

In accordance with section 176(1) of the Social Security Administration Act 1992(3), he has consulted with the organisations appearing to him to be representative of the authorities concerned in respect of provisions in these Regulations relating to council tax benefit and housing benefit.

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(4).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Students and Income-related Benefits) Amendment Regulations 2006 and, subject to paragraph (2), shall come into force on 1st August 2006.

(2) Regulations 2 to 6 shall come into force—

(a) in the case of a person whose period of study begins on or after 1st August 2006 but before 1st September 2006, on the day the period of study begins; and

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(1) 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).

(2) 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.

(3) 1992 c. 5 as amended by section 103 of, and paragraph 23 of Schedule 9 to, the Local Government Finance Act 1992.

(4) 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.

(b) in any other case, on 1st September 2006.

(3) In paragraph (2), “period of study” has the same meaning as in regulation 61 of the Income Support (General) Regulations 1987<sup>(5)</sup>.

### **Amendment of the Council Tax Benefit Regulations**

2.—(1) The Council Tax Benefit Regulations 2006<sup>(6)</sup> are amended as follows.

(2) In regulations 46(3)(calculation of grant income) and 51(5) (treatment of student loans)—

(a) in sub-paragraph (a) for “£280” substitute “£285”;

(b) in sub-paragraph (b) for “£352” substitute “£361”.

(3) For regulation 46(4) substitute—

“(4) There shall also be excluded from a student’s grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998<sup>(7)</sup> or section 22 of the Teaching and Higher Education Act 1998<sup>(8)</sup>.”.

(4) After regulation 51 insert the following regulation—

#### **“Treatment of fee loans**

**51A.** A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980<sup>(9)</sup>, shall be disregarded as income.”.

### **Amendment of the Housing Benefit Regulations**

3.—(1) The Housing Benefit Regulations 2006<sup>(10)</sup> are amended as follows.

(2) In regulations 59(3) (calculation of grant income) and 64(5) (treatment of student loans)—

(a) in sub-paragraph (a) for “£280” substitute “£285”;

(b) in sub-paragraph (b) for “£352” substitute “£361”.

(3) For regulation 59(4) substitute—

“(4) There shall also be excluded from a student’s grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.”.

(4) In regulation 62 (relationship with amounts to be disregarded under Schedule 5) for “paragraph 13” substitute “paragraph 14”.

(5) After regulation 64 insert the following regulation—

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<sup>(5)</sup> [S.I. 1987/1967](#).

<sup>(6)</sup> [S.I. 2006/215](#).

<sup>(7)</sup> [S.I. 1998/1760 \(N.I. 14\)](#).

<sup>(8)</sup> [1998 c. 30](#).

<sup>(9)</sup> [1980 c. 44](#). Section 73(f) was amended by section 29 of the Teaching and Higher Education Act 1998 and by section 3 of the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 ([asp6](#)).

<sup>(10)</sup> [S.I. 2006/213](#).

#### **“Treatment of fee loans**

**64A.** A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.”

#### **Amendment of the Income Support Regulations**

4.—(1) The Income Support (General) Regulations 1987 are amended as follows.

(2) In regulations 62(2A)(**11**)(calculation of grant income) and 66A(5)(**12**) (treatment of student loans)—

(a) in sub-paragraph (a) for “£280” substitute “£285”;

(b) in sub-paragraph (b) for “£352” substitute “£361”.

(3) Omit regulation 62(2B)(**13**).

(4) After regulation 66B insert the following regulation—

#### **“Treatment of fee loans**

**66C.** A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.”

#### **Amendment of the Jobseeker’s Allowance Regulations**

5.—(1) The Jobseeker’s Allowance Regulations 1996(**14**) are amended as follows.

(2) In regulations 131(3)(**15**) (calculation of grant income) and 136(5) (treatment of student loans)(**16**)—

(a) in sub-paragraph (a) for “£280” substitute “£285”;

(b) in sub-paragraph (b) for “£352” substitute “£361”.

(3) Omit regulation 131(3A)(**17**).

(4) After regulation 136A insert the following regulation—

#### **“Treatment of fee loans**

**136B.** A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.”

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(11) Paragraph (2A) was inserted by S.I. [1992/468](#), substituted by S.I. [1999/1935](#) and amended by S.I. [2001/2319](#). The amounts in sub-paragraphs (a) and (b) were substituted by S.I. [2005/1807](#).

(12) Regulation 66A was inserted by S.I. [1990/1549](#). The relevant amending instruments are S.I. [1999/1935](#) and [2001/2319](#). The amounts in sub-paragraphs (a) and (b) were substituted by S.I. [2005/1807](#).

(13) Paragraph (2B) as inserted by S.I. [2001/2319](#) was substituted by S.I. [2003/455](#) and revoked by S.I. [2005/1807](#), except in the case of a claimant to whom regulation 1(3) of S.I. [2003/455](#) applied.

(14) S.I. [1996/207](#).

(15) The relevant amending instruments are S.I. [1999/1935](#) and [2001/2319](#). The amounts in sub-paragraphs (a) and (b) were substituted by S.I. [2005/1807](#).

(16) The relevant amending instruments are S.I. [1999/1935](#) and [2001/2319](#). The amounts in sub-paragraphs (a) and (b) were substituted by S.I. [2005/1807](#).

(17) Paragraph (3A) as inserted by S.I. [2001/2319](#) was substituted by S.I. [2003/455](#) and revoked by S.I. [2005/1807](#), except in the case of a claimant to whom regulation 1(7) of S.I. [2003/455](#) applied.

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

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

6.—(1) The Social Security (Students and Income-related Benefits) Amendment Regulations 2005(18) are amended as follows.

(2) Omit paragraphs (6) to (9) of regulation 2.

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

3rd July 2006

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Council Tax Benefit Regulations 2006 (S.I.2006/215), the Housing Benefit Regulations 2006 (S.I. 2006/213), 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 Benefit 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 and to take account of changes to the provision of support to students by introducing a disregard for tuition fee loans from the calculation of a student’s income.

These Regulations also:

- correct a cross-reference in the Housing Benefit Regulations 2006;
- remove an obsolete provision from the Income Support (General) Regulations 1987 and the Jobseeker’s Allowance Regulations 1996 relating to a grant previously paid to certain students under certain legislation;
- make a minor drafting change to the Council Tax Benefit Regulations 2006 and the Housing Benefit Regulations 2006;
- make consequential amendments to The Social Security (Students and Income-related Benefits) Amendment Regulations 2005 (S.I. 2005/1807).

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