
STATUTORY INSTRUMENTS

2008 No. 1599

**The Social Security (Students and
Miscellaneous Amendments) Regulations 2008**

Amendment of the Housing Benefit Regulations

5.—(1) The Housing Benefit Regulations 2006(1) are amended as follows.

(2) In regulation 40 (calculation of income other than earnings)—

- (a) in paragraph (7), for “Paragraph (8) applies” substitute “Paragraphs (8) and (8A) apply”;
- (b) at the beginning of paragraph (8), for “The” substitute “Where a relevant payment is made quarterly, the”;
- (c) after paragraph (8) insert—

“(8A) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a person to whom paragraph (7) applies, shall be calculated by applying the formula in paragraph (8) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under regulation 64(5).”;

(d) in paragraph (9)—

- (i) for “In paragraphs (7) and (8)”, substitute “In this regulation”;
- (ii) for the definition of “assessment period” substitute—

““assessment period” means—

- (a) in a case where a relevant payment is made quarterly, the period beginning with the benefit week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the benefit week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
- (b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the benefit week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the benefit week which includes—
 - (i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
 - (ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,whichever of those dates is earlier;”

(iii) at the appropriate place insert—

““quarter” in relation to an assessment period means a period in that year beginning on—

- (a) 1st January and ending on 31st March;
- (b) 1st April and ending on 30th June;
- (c) 1st July and ending on 31st August; or
- (d) 1st September and ending on 31st December;”.

(3) In regulation 59(3)(2) (calculation of grant income)—

- (a) in sub-paragraph (a), for “£290” substitute “£295”;
- (b) in sub-paragraph (b), for “£370” substitute “£380”.

(4) In regulation 64(5)(3) (treatment of student loans)—

- (a) in sub-paragraph (a), for “£290” substitute “£295”;
- (b) in sub-paragraph (b), for “£370” substitute “£380”.

(2) Relevant amending instruments is [S.I. 2007/1632](#).
(3) Relevant amending instruments is [S.I. 2007/1632](#).