
STATUTORY INSTRUMENTS

2008 No. 1599

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

Amendment of the Employment and Support Allowance Regulations

7.—(1) The Employment and Support Allowance Regulations 2008 are amended as follows.

(2) In regulation 104 (calculation of income other than earnings)—

- (a) in paragraph (4), for “Paragraph (5) applies” substitute “Paragraphs (5) and (5A) apply”;
- (b) at the beginning of paragraph (5), for “The” substitute “Where a relevant payment is made quarterly, the”;
- (c) after paragraph (5) insert—

“(5A) 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 (4) applies, shall be calculated by applying the formula in paragraph (5) 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 137(6).”;

(d) in paragraph (6)—

(i) for “For the purposes of this paragraph and paragraphs (4) and (5)” 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 claimant abandoned, or was dismissed from, the 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 claimant;
- (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 claimant abandoned, or was dismissed from, the 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 claimant,whichever of those dates is earlier.”.

(3) In regulation 132(3) (calculation of grant income)—

Status: This is the original version (as it was originally made).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

- (a) in sub-paragraph (a), for “£290” substitute “£295”;
 - (b) in sub-paragraph (b), for “£370” substitute “£380”.
- (4) In regulation 137(6) (treatment of student loans)—
- (a) in sub-paragraph (a), for “£290” substitute “£295”;
 - (b) in sub-paragraph (b), for “£370” substitute “£380”.