

2009 No. 1575

SOCIAL SECURITY

**The Social Security (Students and Miscellaneous Amendments)
Regulations 2009**

Made - - - - - *24th June 2009*

Laid before Parliament *30th June 2009*

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 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);

— sections 4(5), 12(1) and (4)(b), 35(1) and 36(2)(a) and (b)(ii) of the Jobseekers Act 1995(b);

— sections 17(1) and (3)(b), 24(1), 25(2) and (3)(b) of the Welfare Reform Act 2007(c).

In respect of the provisions in these Regulations relating to housing benefit and council tax benefit, the Secretary of State has consulted the organisations appearing to him to be representative of the authorities concerned(d).

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Students and Miscellaneous Amendments) Regulations 2009.

(2) Subject to paragraph (3), these regulations shall come into force on 1st August 2009.

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- (a) 1992 c.4; section 123(1)(e) was substituted by section 103 of, and 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(1) and (4) was amended by section 2 of, and paragraph 29(1), (2) and (4) respectively 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 given to the words “prescribed” and “regulations”; section 35(1) was amended by section 2 of, and paragraph 62 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999.
- (c) 2007 c.5; section 24(1) is an interpretation provisions and is cited because of the meaning given to the words “prescribed” and “regulations”.
- (d) See section 176(1) of the Social Security Administration Act 1992 (c.5).
- (e) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992.

- (3) Regulation 2 shall come into force—
- (a) in the case of a person whose period of study begins on or after 1st August 2009 but before 1st September 2009, on the day the period of study begins; and
 - (b) in any other case, on 1st September 2009.
- (4) In these Regulations—
- “the Income Support Regulations” means the Income Support (General) Regulations 1987(a);
 - “the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(b);
 - “the Housing Benefit Regulations” means the Housing Benefit Regulations 2006(c);
 - “the Council Tax Benefit Regulations” means the Council Tax Benefit Regulations 2006(d);
 - “the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008(e);
 - “period of study” for the purposes of paragraph (3) 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 “£295” substitute “£303”.
- (3) In sub-paragraph (b) of each of the provisions specified in paragraph (4) for “£380” substitute “£390”.
- (4) The provisions 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 62(2A)(f) and 66A(5)(g) of the Income Support Regulations;
 - (b) regulations 131(3) and 136(5)(h) of the Jobseeker’s Allowance Regulations;
 - (c) regulations 59(3) and 64(5)(i) of the Housing Benefit Regulations;
 - (d) regulations 46(3) and 51(5)(j) of the Council Tax Benefit Regulations;
 - (e) regulations 132(3) and 137(6)(k) of the Employment and Support Allowance Regulations.

Amendment of the Jobseeker’s Allowance Regulations 1996

- 3.—(1) The Jobseeker’s Allowance Regulations 1996 are amended as follows.
- (2) In paragraph 1(3)(f)(I) of Schedule 1 (applicable amounts)—
- (a) in sub-paragraph (ii) for “and” substitute “or”;
 - (b) for sub-paragraph (iii) substitute—

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- (a) S.I. 1987/1967.
 - (b) S.I. 1996/207.
 - (c) S.I. 2006/213.
 - (d) S.I. 2006/215.
 - (e) S.I. 2008/794.
 - (f) Paragraph (2A) was inserted by S.I. 1992/468 and substituted by S.I. 1999/1935. Relevant amending instruments are S.I. 2001/2319, 2007/1632, 2008/1599.
 - (g) Regulation 66A was inserted by S.I. 1990/1549. Paragraph 5 was substituted by S.I. 1999/1935. Relevant amending instruments are S.I. 2001/2319, 2007/1632, 2008/1599.
 - (h) Paragraphs (3) and (5) were substituted by S.I. 1999/1935 and amended by S.I. 2001/2319, 2007/1632, 2008/1599.
 - (i) Relevant amending instruments for regulations 59(3) and 64(5) are S.I. 2007/1632, 2008/1599.
 - (j) Relevant amending instruments for regulations 46(3) and 51(5) are S.I. 2007/1632, 2008/1599.
 - (k) Relevant amending instrument for regulations 132(3) and 137(6) is S.I. 2008/1599.
 - (l) Relevant amending instruments are S.I. 2008/698, 2008/1554, 2009/497.

- “(iii) satisfies requirements for entitlement to income support or who would do so if he were not a member of a couple, other than the requirement to make a claim for it; or
- (iv) satisfies requirements for entitlement to an income-related employment and support allowance other than the requirement to make a claim for it;”.

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

24th June 2009

Jim Knight
Minister of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend a number of different regulations relating to social security.

Regulation 2 amends the Income Support (General) Regulations 1987, the Jobseeker's Allowance Regulations 1996, the Housing Benefit Regulations 2006, the Council Tax Benefit Regulations 2006 and the Employment and Support Allowance Regulations 2008 in so far as they relate to students and sums to be disregarded in the calculation of their entitlement to benefit. They provide for increases in the amounts of grant and loan income to be disregarded in respect of travel costs and the costs of books and equipment.

Regulation 3 amends the Jobseeker's Allowance Regulations so that, where it is appropriate, couples where one member is aged 18 or over and the other member is aged under 18 are entitled to same amount of personal allowance as a couple in similar circumstances claiming Income Support.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.

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