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## STATUTORY INSTRUMENTS

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# 1987 No. 1967

## The Income Support (General) Regulations 1987

### PART V

#### INCOME AND CAPITAL

##### CHAPTER VIII

##### [<sup>F1</sup>STUDENTS]

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#### Textual Amendments

- F1** Pt. V Ch. VIII heading substituted (29.3.2001) by [The Income Support \(General\) Amendment Regulations 2001 \(S.I. 2001/721\)](#), regs. 1, **2(b)**

#### Interpretation

61.—<sup>F2</sup>(1) In this Chapter, unless the context otherwise requires—

<sup>F3</sup>“academic year” means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;]

<sup>F4</sup>“access funds” means—

- (a) grants made under section 7 of the Further and Higher Education Act 1992 and described as “learner support funds” or grants made under section 68 of that Act [<sup>F5</sup>for the purpose of providing funds on a discretionary basis to be paid to students];
- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;  
<sup>F6</sup>...
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993, or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, made for the purpose of assisting students in financial difficulties;]<sup>F7</sup>...
- (d) [<sup>F8</sup>discretionary payments, known as “learner support funds”, which are made available to students in further education by institutions out of funds provided by the Learning and Skills Council for England under sections 5, 6 and 9 of the Learning and Skills Act 2000;]<sup>F9</sup>or
- (e) Financial Contingency Funds made available by the National Assembly for Wales;]

*Status: Point in time view as at 08/08/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, CHAPTER VIII. (See end of Document for details)*

[<sup>F10</sup>“college of further education” means a college of further education within the meaning of Part I of the Further and Higher Education (Scotland) Act 1992;]

[<sup>F11</sup>“contribution” means any contribution in respect of the income [<sup>F12</sup>of a student or] of any other person which the Secretary of State[<sup>F13</sup>, the Scottish Ministers] or an education authority takes into account in ascertaining the amount of the student’s grant [<sup>F14</sup>or student loan], or any sums, which in determining the amount of a student’s allowance or bursary in Scotland under the Further and Higher Education (Scotland) Act 1992, the [<sup>F15</sup>Scottish Ministers] or education authority takes into account being sums which the [<sup>F15</sup>Scottish Ministers] or the education authority consider that the holder of the allowance or bursary, the holder’s parents and the holder’s spouse can reasonably be expected to contribute towards the holder’s expenses;]

[<sup>F11</sup>“course of advanced education” means—

- (a) a course leading to a postgraduate degree or comparable qualification, a first degree or comparable qualification, a diploma of higher education or a higher national diploma; or
- (b) any other course which is of a standard above advanced GNVQ or equivalent, including a course which is of a standard above a general certificate of education (advanced level), a Scottish certificate of education (higher level) or a Scottish certificate of sixth year studies;]

“covenant income” means the income <sup>F16</sup>... payable to a student under a Deed of Covenant by a person whose income is, or is likely to be, taken into account in assessing the student’s grant or award;

“education authority” means a government department, a local education authority as defined in section 114(1) of the Education Act 1944 <sup>F17</sup> (interpretation), [<sup>F18</sup>a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973], an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986<sup>F19</sup>, any body which is a research council for the purposes of the Science and Technology Act 1965<sup>F20</sup> or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain.

<sup>F21</sup> ...

[<sup>F10</sup>“full-time course of advanced education” means a course of advanced education which is <sup>F22</sup>...—

- (a) <sup>F23</sup>... a full-time course of study which is not funded in whole or in part by [<sup>F24</sup>the Learning and Skills Council for England or by the National Council for Education and Training for Wales] or a full-time course of study which is not funded in whole or in part by the [<sup>F25</sup>Scottish Ministers] at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the [<sup>F25</sup>Scottish Ministers];
- (b) [<sup>F26</sup>a course of study which is funded in whole or in part by the Learning and Skills Council for England or by the National Council for Education and Training for Wales if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
  - (i) in the case of a course funded by the Learning and Skills Council for England, in his learning agreement signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
  - (ii) in the case of a course funded by the National Council for Education and Training for Wales, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or]

- (c) <sup>F27</sup>... a course of study (not being higher education) which is funded in whole or in part by the [<sup>F25</sup>Scottish Ministers] at a college of further education if it involves—
- (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
  - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and it involves additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 per week, according to the number of hours set out in a document signed on behalf of the college;]

[<sup>F10</sup>“full-time course of study” means a full-time course of study which—

- (a) is not funded in whole or in part by [<sup>F28</sup>the Learning and Skills Council for England or by the National Council for Education and Training for Wales] or a full-time course of study which is not funded in whole or in part by the [<sup>F29</sup>Scottish Ministers] at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the [<sup>F29</sup>Scottish Ministers];
- (b) [<sup>F30</sup>a course of study which is funded in whole or in part by the Learning and Skills Council for England or by the National Council for Education and Training for Wales if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
  - (i) in the case of a course funded by the Learning and Skills Council for England, in his learning agreement signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
  - (ii) in the case of a course funded by the National Council for Education and Training for Wales, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or]
- (c) is not higher education and is funded in whole or in part by the [<sup>F29</sup>Scottish Ministers] at a college of further education if it involves—
  - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
  - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and it involves additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 per week, according to the number of hours set out in a document signed on behalf of the college;]

[<sup>F31</sup>“full-time student” means a person, who is—

- (a) aged less than 19 and is attending or undertaking a full-time course of advanced education;
- (b) aged 19 or over but under pensionable age and is attending or undertaking a full-time course of study at an educational establishment; or
- (c) on a sandwich course;]

[<sup>F32</sup>“grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds;]

“grant income” means—

*Status: Point in time view as at 08/08/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, CHAPTER VIII. (See end of Document for details)*

- (a) any income by way of a grant;
- (b) in the case of a student other than one to whom sub-paragraph (c) refers, any contribution which has been assessed whether or not it has been paid;
- (c) in the case of a student to whom [<sup>F33</sup>paragraph 1, 2, 10, 11 or 12 of Schedule 1B] applies (lone parent or disabled student), any contribution which has been assessed and which has been paid;

and any such contribution which is paid by way of a covenant shall be treated as part of the student's grant income.

[<sup>F10</sup>“higher education” means higher education within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992;]

[<sup>F34</sup>“last day of the course” means the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;]

“period of study” means—

- (a) in the case of a course of study for one year or less, the period beginning with the start of the course [<sup>F35</sup>and ending with the last day of the course];
- (b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, [<sup>F36</sup>other than the final year of the course,] the period beginning with the start of the course or, as the case may be, that year's start and ending with either—
  - (i) [<sup>F37</sup>the day before the start of the next year of the course in a case where the student's grant or loan is assessed at a rate appropriate to his studying throughout the year or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or]
  - (ii) in any other case the day before the start of the normal summer vacation appropriate to his course;
- (c) [<sup>F38</sup>in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;]

[<sup>F39</sup>“periods of experience” means periods of work experience which form part of a sandwich course;]

[<sup>F32</sup>“sandwich course” has the meaning prescribed in regulation 5(2) of the [<sup>F40</sup>Education (Student Support) Regulations 2002], regulation 5(2) of the Education (Student Loans) (Scotland) Regulations 2000 or regulation 5(2) of the [<sup>F41</sup>Education (Student Support) Regulations (Northern Ireland) 2001], as the case may be;]

[<sup>F11</sup>“standard maintenance grant” means—]

- (a) except where paragraph (b) or (c) applies, in the case of a student attending [<sup>F42</sup>or undertaking] a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 1995 (“the 1995 Regulations”) for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3(2) thereof;
- (c) [<sup>F43</sup>in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as the “standard maintenance allowance” for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland, or its nearest

equivalent in the case of a bursary provided by a college of further education or a local education authority and paid under the Further and Higher Education (Scotland) Act 1992;]

- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 1995 Regulations other than in sub-paragraph (a) or (b) thereof;

[<sup>F44c</sup>student" means a person, other than a person in receipt of a training allowance, who is attending or undertaking a course of study at an educational establishment;]

[<sup>F45c</sup>student loan" means a loan towards a student's maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 [<sup>F46</sup>and shall include, in Scotland, a young student's bursary paid under regulation 4(1)(c) of the Students' Allowances (Scotland) Regulations 1999]];

<sup>F47</sup> ...

[<sup>F48</sup>(2) For the purposes of the definition of "full-time student" in paragraph (1), a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study, a full-time course of advanced education or as being on a sandwich course—

- (a) subject to paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending—
- (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
- (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- (b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

(3) For the purpose of sub-paragraph (a) of paragraph (2), the period referred to in that sub-paragraph shall include—

- (a) where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
- (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

(4) In paragraph (2), "modular course" means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.]

#### Textual Amendments

**F2** Reg. 61(1): reg. 61 renumbered reg. 61(1) (31.7.2000) by [The Social Security Amendment \(Students\) Regulations 2000 \(S.I. 2000/1981\)](#), regs. 1(1), **5(3)**

**F3** Words in reg. 61(1) inserted (1.8.2001) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2001 \(S.I. 2001/2319\)](#), regs. 1(1)(a), **2(1)(a)(2)(c)**

- F4** Words in reg. 61(1) inserted (for specified purposes and with effect in accordance with reg. 1(b)(i) (ii) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2000 (S.I. 2000/1922), regs. 1, **2(2)**
- F5** Words in reg. 61(1) substituted (1.8.2001) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(1)(b)(i)(2)(c)**
- F6** Word in reg. 61(1) omitted (1.8.2001) by virtue of The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(1)(b)(ii)(2)(c)**
- F7** Word in reg. 61(1)(c) omitted (1.8.2002) by virtue of The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(a), **2(1)(a)(2)(c)**
- F8** Words in reg. 61(1) inserted (1.8.2001) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(1)(b)(ii)(2)(c)**
- F9** Reg. 61(1)(e) and word added (1.8.2002) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(a), **2(1)(a)(2)(c)**
- F10** Words in reg. 61 inserted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1944), regs. 1(1)(a), **6(8)(b)** (with reg. 13)
- F11** Words in reg. 61 substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1944), regs. 1(1)(a), **6(8)(a)** (with reg. 13)
- F12** Words in reg. 61 inserted (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 1998 (S.I. 1998/563), regs. 1(2), **4(1)(2)(e)**
- F13** Words in reg. 61(1) inserted (1.8.2001) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(1)(c)(i)(2)(c)**
- F14** Words in reg. 61 inserted (1.8.1999, 30.8.1999 in so far as not already in force) by The Social Security Amendment (Students) Regulations 1999 (S.I. 1999/1935), regs. 1(1)(b), **3(2)(a)**
- F15** Words in reg. 61(1) substituted (1.8.2001) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(1)(c)(ii)(2)(c)**
- F16** Words in reg. 61 omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1944), regs. 1(1)(a), **6(8)(c)(i)** (with reg. 13)
- F17** 1944 c. 31 as amended by S.I. 1974/595 article 3(22) Schedule 1 Part I and by S.I. 1977/293, **article 4(1)**.
- F18** Words in reg. 61 substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1944), regs. 1(1)(a), **6(8)(c)(ii)** (with reg. 13)
- F19** S.I. 1986/594 (NI 3).
- F20** 1965 c. 4.
- F21** Words in reg. 61(1) omitted (1.4.2001) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 (S.I. 2001/652), regs. 1(1)(b), **3(1)(a)**
- F22** Words in reg. 61(1) omitted (31.7.2000) by virtue of The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(3)(a)(i)**
- F23** Word in reg. 61(1) omitted (31.7.2000) by virtue of The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(3)(a)(ii)**
- F24** Words in reg. 61(1) substituted (1.4.2001) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 (S.I. 2001/652), regs. 1(1)(b), **3(3)(a)**
- F25** Words in reg. 61(1) substituted (1.8.2001) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(3)(b)**
- F26** Words in reg. 61(1) substituted (1.4.2001) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 (S.I. 2001/652), regs. 1(1)(b), **3(3)(b)**
- F27** Word in reg. 61(1) omitted (31.7.2000) by virtue of The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(3)(a)(iii)**

- F28** Words in reg. 61(1) substituted (1.4.2001) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 (S.I. 2001/652), regs. 1(1)(b), **3(1)(b)(i)**
- F29** Words in reg. 61(1) substituted (1.8.2001) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(3)(a)**
- F30** Words in reg. 61(1) substituted (1.4.2001) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 (S.I. 2001/652), regs. 1(1)(b), **3(1)(b)(ii)**
- F31** Words in reg. 61(1) inserted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(3)(b)**
- F32** Words in reg. 61(1) substituted (for specified purposes and with effect in accordance with reg. 1(b)(i) (ii) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2000 (S.I. 2000/1922), regs. 1, **2(2)**
- F33** Words in reg. 61 substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by The Income-related Benefits and Jobseeker's Allowance (Amendment) (No. 2) Regulations 1997 (S.I. 1997/2197), regs. 1(2), **5(5)**
- F34** Words in reg. 61 inserted (5.8.1991) by The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(a), **10(a)** (with reg. 1(2))
- F35** Words in reg. 61 substituted (5.8.1991) by The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(a), **10(b)(i)** (with reg. 1(2))
- F36** Words in reg. 61 inserted (5.8.1991) by The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(a), **10(b)(ii)** (with reg. 1(2))
- F37** Words in reg. 61(1) substituted (for specified purposes and with effect in accordance with reg. 1(b)(i) (ii) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2000 (S.I. 2000/1922), regs. 1, **2(3)**
- F38** Words in reg. 61 inserted (5.8.1991) by The Income Support (General) Amendment No. 4 Regulations 1991 (S.I. 1991/1559), regs. 1(1)(a), **10(b)(iii)** (with reg. 1(2))
- F39** Words in reg. 61(1) substituted (1.8.2002) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(a), **2(1)(b)(2)(c)**
- F40** Words in reg. 61(1) substituted (1.8.2002) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(a), **2(1)(c)(i)(2)(c)**
- F41** Words in reg. 61(1) substituted (1.8.2002) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(a), **2(1)(c)(ii)(2)(c)**
- F42** Words in reg. 61(1) inserted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(3)(c)**
- F43** Words in reg. 61(1) substituted (1.8.2001) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(1)(d)(2)(c)**
- F44** Words in reg. 61(1) substituted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(3)(d)**
- F45** Words in reg. 61 substituted (1.8.1999, 30.8.1999 in so far as not already in force) by The Social Security Amendment (Students) Regulations 1999 (S.I. 1999/1935), regs. 1(1)(b), **3(2)(b)**
- F46** Words in reg. 61(1) added (1.8.2001) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(1)(e)(2)(c)**
- F47** Words in reg. 61(1) omitted (1.8.2001) by virtue of The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(a), **2(1)(f)(2)(c)**
- F48** Reg. 61(2)(3)(4) inserted (31.7.2000) by The Social Security Amendment (Students) Regulations 2000 (S.I. 2000/1981), regs. 1(1), **5(4)**

#### Modifications etc. (not altering text)

- C1** Reg. 61 applied (S.) (5.8.2003) by The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 2003 (S.S.I. 2003/376), regs. 1, 9(9), **sch. 2**

#### Commencement Information

- I1** Reg. 61 in force at 11.4.1988, see reg. 1

**Calculation of grant income**

62.—(1) The amount of a student's grant income to be taken into account shall, subject to paragraphs [<sup>F49</sup>(2) and (2A)], be the whole of his grant income.

(2) There shall be disregarded from the amount of a student's grant income any payment—

(a) intended to meet tuition fees or examination fees;

<sup>F50</sup>(b) .....

(c) intended to meet additional expenditure incurred by a disabled student in respect of his attendance on a course;

(d) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;

(e) on account of the student maintaining a home at a place other than that at which he resides while attending his course but only to the extent that his rent or rates is not met by housing benefit;

(f) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;

(g) intended to meet the cost of books and equipment<sup>F51</sup> ... <sup>F52</sup> ...;

(h) intended to meet travel expenses incurred as a result of his attendance on the course.

[<sup>F53</sup>(2A) Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income—

(a) the sum of [<sup>F54</sup>£270 ] in respect of travel costs; and

[<sup>F55</sup>(b) the sum of [<sup>F56</sup>[<sup>F57</sup>£335][<sup>F56</sup>£340]] towards the costs of books and equipment,]

whether or not any such costs are incurred.]

[<sup>F58</sup>(2B) There shall also be excluded from a student's grant income—

[<sup>F59</sup>(a) any grant of £255 for an only or eldest dependant child payable under regulation 15(1)(c) of the Education (Student Support) Regulations 2002;]

(b) any grant of [<sup>F60</sup>£510] in respect of expenditure on travel, books and equipment for the purpose of attending his course which is payable under regulation 15(8) of those Regulations;

(c) any grant for child care costs payable under regulation 16 of those Regulations [<sup>F61</sup>or under regulation 16 of the Education (Student Support) Regulations (Northern Ireland) 2001];

[<sup>F62</sup>(cc) any grant paid under the Schedule to the Education (Assembly Learning Grant Scheme) (Wales) Regulations 2002;]

(d) any grant in respect of a lone parent's child care costs which is payable under regulation 4(1)(c) of the Students' Allowances (Scotland) Regulations 1999 and which is specified as such on the student's award notice[<sup>F63</sup>; and]

(e) any grant paid under regulation 15(7) of the Education (Student Support) (No.2) Regulations 2002.]

(3) [<sup>F64</sup>Subject to paragraph (3B), a student's grant income except any amount intended for the maintenance of dependants under Part III of Schedule 2 to the Education (Mandatory Awards) Regulations 1999 or intended for an older student under Part IV of that Schedule], shall be apportioned—

(a) subject to paragraph (4), in a case where it is attributable to the period of study, equally between the weeks [<sup>F65</sup>in the period beginning with the benefit week, the first day of which



coincides with, or immediately follows, the first day of the period of study and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the period of study];

- (b) in any other case, equally between the weeks in the period [<sup>F66</sup>beginning with the benefit week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable].

[<sup>F67</sup>(3A) [<sup>F68</sup>Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and] any amount intended for the maintenance of dependants <sup>F69</sup>... under the provisions referred to in paragraph (3) shall be apportioned equally over a period of 52 weeks or, if there are 53 benefit weeks (including part-weeks) in the year, 53.]

[<sup>F70</sup>(3B) [<sup>F71</sup>In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so,] any amount intended for the maintenance of dependants under provisions other than those referred to in paragraph (3) shall be apportioned over the same period as the student's loan is apportioned or [<sup>F72</sup>, as the case may be, would have been apportioned].]

(4) In the case of a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between [<sup>F73</sup>the weeks in the period beginning with the benefit week, the first day of which immediately follows the last day of the period of experience and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the period of study].

#### Textual Amendments

- F49** Words in reg. 62(1) substituted (for specified purposes and with effect in accordance with reg. 1(b)(i) (ii) of the amending S.I.) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2000 \(S.I. 2000/1922\)](#), regs. 1, **2(4)(a)**
- F50** Reg. 62(2)(b) omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), regs. 1(1)(a), **6(9)(a)** (with reg. 13)
- F51** Words in reg. 62(2)(g) omitted (with effect in accordance with reg. 1(6) of the amending S.I.) by virtue of [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), regs. 1(1)(a), **6(9)(b)** (with reg. 13)
- F52** Words in reg. 62(2)(g) omitted (1.8.1999, 30.8.1999 in so far as not already in force) by virtue of [The Social Security Amendment \(Students\) Regulations 1999 \(S.I. 1999/1935\)](#), regs. 1(1)(b), **3(3)(a)**
- F53** Reg. 62(2A) substituted (1.8.1999, 30.8.1999 in so far as not already in force) by [The Social Security Amendment \(Students\) Regulations 1999 \(S.I. 1999/1935\)](#), regs. 1(1)(b), **3(3)(b)**
- F54** Sum in Reg. 62(2A)(a) substituted (coming into force in accordance with reg. 1(1)(b) of the amending S.I.) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2003 \(S.I. 2003/1701\)](#), regs. 1(1)(b), **2(1)(3)(c)**
- F55** Reg. 62(2A)(b) substituted (1.8.2001, 27.8.2001 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2001 \(S.I. 2001/2319\)](#), regs. 1(1)(b)(c), **3(2)(3)(c)**
- F56** Sum in Reg. 62(2A)(b) substituted (1.8.2003, 1.9.2003 coming into force in accordance with reg. 1(1)(b) of the amending S.I.) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2003 \(S.I. 2003/1701\)](#), regs. 1(1)(b), **2(2)(3)(c)**
- F57** Sum in Reg. 62(2A)(b) substituted (1.8.2003, 1.9.2003 coming into force in accordance with reg. 1(1)(b)(i) of the amending S.I.) by [The Social Security Amendment \(Students and Income-related Benefits\)\(No. 2\) Regulations 2003 \(S.I. 2003/1914\)](#), regs. 1(1)(b), 2(1)(2)(c)

*Status: Point in time view as at 08/08/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, CHAPTER VIII. (See end of Document for details)*

- F58** Reg. 62(2B) inserted (with effect in accordance with reg. 1(1)(b)(c) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(b)(c), **3(4)(c)**
- F59** Reg. 62(2B)(a) substituted (2.9.2002) by The Social Security Amendment (Students and Income-related Benefits) (No. 2) Regulations 2002 (S.I. 2002/2207), regs. 1, **2(1)(3)(c)**
- F60** Sum in reg. 62(2B)(b) substituted (2.9.2002) by The Social Security Amendment (Students and Income-related Benefits) (No. 2) Regulations 2002 (S.I. 2002/2207), regs. 1, **2(2)(3)(c)**
- F61** Words in reg. 62(2B)(c) added (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **4(1)(a)(2)(c)**
- F62** Reg. 62(2B)(cc) substituted (coming into force in accordance with reg. 1(1)(b) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2003 (S.I. 2003/1701), regs. 1(1)(b), **3(1)(a)(2)(c)**
- F63** Reg. 62(2B)(e) and word inserted (coming into force in accordance with reg. 1(1)(b) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2003 (S.I. 2003/1701), regs. 1(1)(b), **3(1)(b)(2)(c)**
- F64** Words in reg. 62(3) substituted (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2000 (S.I. 2000/1922), regs. 1, **2(4)(d)**
- F65** Words in reg. 62(3)(a) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **4(3)(a)(4)(c)**
- F66** Words in reg. 62(3)(b) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **4(3)(b)(4)(c)**
- F67** Reg. 62(3A) inserted (11.4.1988) by The Income Support (General) Amendment Regulations 1988 (S.I. 1988/663), regs. 1(1), **24(b)**
- F68** Words in reg. 62(3A) inserted (1.8.2001, 27.8.2001 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(b)(c), **6(c)**
- F69** Words in reg. 62(3A) omitted (8.8.2003) by S.I. 2003/455, Sch. 2 para. 16(d) (as amended by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) (No. 3) Regulations 2003 (S.I. 2003/1731), regs. 1(1), **6(5)(a)**)
- F70** Reg. 62(3B) inserted (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2000 (S.I. 2000/1922), regs. 1, **2(4)(e)**
- F71** Words in reg. 62(3B) inserted (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **4(5)(a)(6)(c)**
- F72** Words in reg. 62(3B) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **4(5)(b)(6)(c)**
- F73** Words in reg. 62(4) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **4(7)(8)(c)**

### Calculation of covenant income where a contribution is assessed

**63.**—(1) Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of his covenant income less, subject to paragraph (3), the amount of the contribution.

- (2) The weekly amount of the student's covenant income shall be determined—
- (a) by dividing the amount of income which falls to be taken into account under paragraph (1) by 52 or, if there are 53 benefit weeks (including part weeks) in the year, 53; and
  - (b) by disregarding from the resulting amount, £5.
- (3) For the purposes of paragraph (1), the contribution shall be treated as increased by the amount, if any, by which the amount excluded under [F74 regulation 62(2)(h) (calculation of grant income) falls short of the amount for the time being specified in paragraph 7(4)(i) of Schedule 2 to the Education (Mandatory Awards) Regulations 1991 (travel expenditure).]

**Textual Amendments**

**F74** Words in reg. 63(3) substituted (6.4.1992) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **5(3)** (with reg. 1(2))

**Commencement Information**

**I2** Reg. 63 in force at 11.4.1988, see [reg. 1](#)

**Covenant income where no grant income or no contribution is assessed**

**64.**—(1) Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows—

- (a) any sums intended for any expenditure specified in regulation 62(2)(a) to (f), (calculation of grant income) necessary as a result of his attendance on the course, shall be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study and there shall be disregarded from the covenant income to be so apportioned the amount which would have been disregarded under [F75 regulation 62(2)(g) and (h) and (2A)] (calculation of grant income) had the student been in receipt of the standard maintenance grant;
- (c) the balance, if any, shall be divided by 52 or, if there are 53 benefit weeks (including part weeks) in the year, 53 and treated as weekly income of which £5 shall be disregarded.

(2) Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenant income shall be calculated in accordance with sub-paragraphs (a) to (c) of paragraph (1), except that—

- (a) the value of the standard maintenance grant shall be abated by the amount of his grant income less an amount equal to the amount of any sums disregarded under regulation 62(2) (a) to (f); and
- (b) the amount to be disregarded under paragraph (1)(b) shall be abated by an amount equal to the amount of any sums disregarded under [F75 regulation 62(2)(g) and (h) and (2A)].

**Textual Amendments**

**F75** Words in reg. 64 substituted (6.4.1992) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **5(4)** (with reg. 1(2))

**Commencement Information**

**I3** Reg. 64 in force at 11.4.1988, see [reg. 1](#)

*Status: Point in time view as at 08/08/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, CHAPTER VIII. (See end of Document for details)*

## Relationship with amounts to be disregarded under Schedule 9

**65.** No part of a student's covenant income or grant income shall be disregarded under paragraph 15 of Schedule 9 (charitable and voluntary payments) and any other income [<sup>F76</sup>to which subparagraph (1) of that paragraph applies shall be disregarded only to the extent that] the amount disregarded under regulation 63(2)(b) (calculation of covenant income where a contribution is assessed) or, as the case may be, 64(1)(c) (covenant income where no grant income or no contribution is assessed) is less than [<sup>F77</sup>£20].

### Textual Amendments

- F76** Words in reg. 65 substituted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Income Support \(General\) Amendment Regulations 1990 \(S.I. 1990/547\)](#), regs. 1(1)(b), **14(a)**
- F77** Sum in reg. 65 substituted (8.4.1996) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/462\)](#), regs. 1(2), **8(a)**

### Commencement Information

- I4** Reg. 65 in force at 11.4.1988, see [reg. 1](#)

## Other amounts to be disregarded

**66.**—(1) For the purposes of ascertaining income [<sup>F78</sup>other than grant income, covenant income and loans treated as income in accordance with regulation 66A], any amounts intended for any expenditure specified in regulation 62(2) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under regulation 62(2) [<sup>F79</sup>and (2A)], 63(3) [<sup>F80</sup>, 64(1)(a) or (b) and 66A(5) (calculation of grant income, covenant income and treatment of student loans)] on like expenditure.

(2) Where a claim is made in respect of any period in the normal summer vacation and any income is payable under a Deed of Covenant which commences or takes effect after the first day of that vacation, that income shall be disregarded.

### Textual Amendments

- F78** Words in [reg. 66\(1\)](#) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1994 \(S.I. 1994/527\)](#), regs. 1(1)(b), **5(a)**
- F79** Words in [reg. 66\(1\)](#) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1994 \(S.I. 1994/527\)](#), regs. 1(1)(b), **5(b)**
- F80** Words in [reg. 66\(1\)](#) substituted (1.8.1999, 30.8.1999 in so far as not already in force) by [The Social Security Amendment \(Students\) Regulations 1999 \(S.I. 1999/1935\)](#), regs. 1(1)(b), **3(4)**

### Commencement Information

- I5** Reg. 66 in force at 11.4.1988, see [reg. 1](#)

## [<sup>F81</sup>Treatment of student loans

[<sup>F82</sup>**66A.**—(1) A student loan shall be treated as income unless it is a hardship loan in which case it shall be disregarded.

(1A) For the purposes of paragraph (1), "hardship loan" means a loan made under regulation 21 of the Education (Student Support) Regulations 2000, regulation 12 of the Education (Student Loans) (Scotland) Regulations 2000 or regulation 21 of the Education (Student Support) Regulations (Northern Ireland) 2000.]

[<sup>F83</sup>(2) In calculating the weekly amount of the loan to be taken into account as income—

[<sup>F84</sup>(a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with—

(i) except in a case where (ii) below applies, the benefit week, the first day of which coincides with, or immediately follows, the first day of the single academic year;

(ii) where the student is required to start attending the course in August or where the course is of less than an academic year's duration, the benefit week, the first day of which coincides with, or immediately follows, the first day of the course,

and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the course;]

[<sup>F85</sup>(aa) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the benefit week[<sup>F86</sup>, the first day of which coincides with, or immediately follows, the first day of that academic year and ending with the benefit week, the last day of which coincides with, or immediately precedes,] the last day of that academic year but excluding any benefit weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, "quarter" shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2001;]

(b) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with<sup>F87</sup>...—

[<sup>F88</sup>(i) except in a case where (ii) below applies, the benefit week, the first day of which coincides with, or immediately follows, the first day of that academic year;]

[<sup>F88</sup>(ii) where the final academic year starts on 1st September, the benefit week, the first day of which coincides with, or immediately follows, the earlier of 1st September or the first day of the autumn term;]

and ending with [<sup>F89</sup>the benefit week, the last day of which coincides with, or immediately precedes,] the last day of the course;

(c) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of—

(i) the first day of the first benefit week in September; or

(ii) [<sup>F90</sup>the benefit week, the first day of which coincides with, or immediately follows, the first day of the autumn term,]

and ending with [<sup>F91</sup>the benefit week, the last day of which coincides with, or immediately precedes, the last day of June],

and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.]

[<sup>F92</sup>(3) A student shall be treated as possessing a student loan in respect of an academic year where—

(a) a student loan has been made to him in respect of that year; or

(b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.]]

*Status: Point in time view as at 08/08/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, CHAPTER VIII. (See end of Document for details)*

<sup>F92</sup>(4) Where a student is treated as possessing a student loan under paragraph (3), the amount of the student loan to be taken into account as income shall be, subject to paragraph (5)—

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so and either—
  - (i) in the case of a student other than one to whom head (ii) refers, any contribution whether or not it has been paid to him; or
  - (ii) in the case of a student to whom paragraph 1, 2, 10, 11 or 12 of Schedule 1B applies (lone parent or disabled student), any contribution which has actually been paid to him;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—
  - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
  - (ii) no deduction in that loan was made by virtue of the application of a means test.]

<sup>F92</sup>(5) There shall be deducted from the amount of income taken into account under paragraph (4)

- (a) the sum of <sup>F93</sup>£270 ] in respect of travel costs; and
- <sup>F94</sup>(b) the sum of <sup>F95</sup>£327<sup>F96</sup>£340<sup>F95</sup>£335]] towards the costs of books and equipment,] whether or not any such costs are incurred.]

### Textual Amendments

- F81** Reg. 66A inserted (1.9.1990) by [The Social Security Benefits \(Student Loans and Miscellaneous Amendments\) Regulations 1990 \(S.I. 1990/1549\)](#), regs. 1(1)(a), **5(7)** (with reg. 7(1))
- F82** Reg. 66A(1)(1A) substituted for reg. 66A(1) (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2000 \(S.I. 2000/1922\)](#), regs. 1, **2(5)(a)**
- F83** Reg. 66A(2) substituted (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2000 \(S.I. 2000/1922\)](#), regs. 1, **2(5)(b)**
- F84** Reg. 66A(2)(a) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2002 \(S.I. 2002/1589\)](#), regs. 1(1)(b), **5(2)(6)(c)**
- F85** Reg. 66A(2)(aa) inserted (1.8.2001, 27.8.2001 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2001 \(S.I. 2001/2319\)](#), regs. 1(1)(b)(c), **4**
- F86** Words in reg. 66A(2)(aa) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2002 \(S.I. 2002/1589\)](#), regs. 1(1)(b), **5(3)(6)(c)**
- F87** Words in reg. 66A(2)(b) omitted (1.8.2002, 26.8.2002 in so far as not already in force) by virtue of [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2002 \(S.I. 2002/1589\)](#), regs. 1(1)(b), **5(4)(a)(6)(c)**
- F88** Reg. 66A(2)(b)(i)(ii) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2002 \(S.I. 2002/1589\)](#), regs. 1(1)(b), **5(4)(b)(6)(c)**
- F89** Words in reg. 66A(2)(b) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by [The Social Security Amendment \(Students and Income-related Benefits\) Regulations 2002 \(S.I. 2002/1589\)](#), regs. 1(1)(b), **5(4)(c)(6)(c)**

- F90** Reg. 66A(2)(c)(ii) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **5(5)(a)(6)(c)**
- F91** Words in reg. 66A(2)(c) substituted (1.8.2002, 26.8.2002 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2002 (S.I. 2002/1589), regs. 1(1)(b), **5(5)(b)(6)(c)**
- F92** Reg. 66A(3)-(5) substituted for reg. 66A(3) (with effect in accordance with reg. 1(1)(b) of the amending S.I.) by The Social Security Amendment (Students) Regulations 1999 (S.I. 1999/1935), regs. 1(1)(b), **3(5)(b)**
- F93** Sum in Reg. 66A(5)(a) substituted (1.8.2003, 1.9.2003 coming into force in accordance with reg. 1(1)(b) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2003 (S.I. 2003/1701), regs. 1(1)(b), **2(1)(3)(c)**
- F94** Reg. 66A(5)(b) substituted (1.8.2001, 27.8.2001 in so far as not already in force) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2001 (S.I. 2001/2319), regs. 1(1)(b)(c), **3(2)(3)(c)**
- F95** Sum in Reg. 66A(5)(b) substituted (1.8.2003, 1.9.2003 coming into force in accordance with reg. 1(1)(b)(i) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits)(No. 2) Regulations 2003 (S.I. 2003/1914), regs. 1(1)(b), **2(1)(2)(c)**
- F96** Sum in Reg. 66A(5)(b) substituted (1.8.2003, 1.9.2003 coming into force in accordance with reg. 1(1)(b) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2003 (S.I. 2003/1701), regs. 1(1)(b), **2(2)(3)(c)**

#### [<sup>F97</sup>Treatment of payments from access funds

**66B.**—(1) This regulation applies to payments from access funds that are not payments to which regulation 68(2) or (3) (income treated as capital) applies.

(2) A payment from access funds, other than a payment to which paragraph (3) of this regulation applies, shall be disregarded as income.

(3) Subject to paragraph (4) of this regulation and paragraph 36 of Schedule 9, any payments from access funds which are intended and used for food, ordinary clothing or footwear (which has the same meaning as in paragraph 15(2) of Schedule 9), household fuel, rent for which housing benefit is payable [<sup>F98</sup>or any housing costs] to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs) <sup>F99</sup>..., of a single claimant or, as the case may be, of any other member of his family, and any payments from access funds which are used for any council tax or water charges for which that claimant or member is liable shall be disregarded as income to the extent of £20 per week.

(4) Where a payment from access funds is made—

- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
- (b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment shall be disregarded as income.]

#### Textual Amendments

- F97** Reg. 66B inserted (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2000 (S.I. 2000/1922), regs. 1, **2(6)**
- F98** Words in reg. 66B(3) substituted (8.4.2002) by The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), **Sch. Pt. 1 para. 10(a)**

*Status: Point in time view as at 08/08/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, CHAPTER VIII. (See end of Document for details)*

**F99** Words in reg. 66B(3) omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), **Sch. Pt. 1 para. 10(b)**

### Disregard of contribution

**67.** Where the claimant or his partner is a student and<sup>[F100]</sup>, for the purposes of assessing a contribution to the student's grant <sup>[F101]</sup>or student loan], the other partner's income has been taken into account, an amount equal to that contribution shall be disregarded for the purposes of assessing that other partner's income.]

#### Textual Amendments

**F100** Words in reg. 67 substituted (8.4.1996) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/462\)](#), regs. 1(2), **10(1)(2)(a)**

**F101** Words in reg. 67 inserted (1.8.1999, 30.8.1999 in so far as not already in force) by [The Social Security Amendment \(Students\) Regulations 1999 \(S.I. 1999/1935\)](#), regs. 1(1)(b), **3(6)**

#### Commencement Information

**I6** Reg. 67 in force at 11.4.1988, see [reg. 1](#)

### <sup>[F102]</sup>Further disregard of student's income

**67A.** Where any part of a student's income has already been taken into account for the purposes of assessing his entitlement to a grant <sup>[F103]</sup>or student loan], the amount taken into account shall be disregarded in assessing that student's income.]

#### Textual Amendments

**F102** Reg. 67A inserted (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/563\)](#), regs. 1(2), **4(3)(4)(e)**

**F103** Words in reg. 67A inserted (1.8.1999, 30.8.1999 in so far as not already in force) by [The Social Security Amendment \(Students\) Regulations 1999 \(S.I. 1999/1935\)](#), regs. 1(1)(b), **3(7)**

### Income treated as capital

**68.**—<sup>[F104]</sup>(1) Any amount by way of a refund of tax deducted from a student's income shall be treated as capital.

<sup>[F104]</sup>(2) An amount paid from access funds as a single lump sum shall be treated as capital.

(3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear (which has the same meaning as in paragraph 15(2) of Schedule 9), household fuel, rent for which housing benefit is payable <sup>[F105]</sup>or any housing costs] to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs) <sup>F106</sup>..., of a single claimant or, as the case may be, of any other member of his family, or which is used for an item other than any council tax or water charges for which that claimant or member is liable shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.]



#### Textual Amendments

- F104** Reg 68 renumbered as reg. 68(1) and reg. 68(2)(3) added (for specified purposes and with effect in accordance with reg. 1(b)(i)(ii) of the amending S.I.) by The Social Security Amendment (Students and Income-related Benefits) Regulations 2000 (S.I. 2000/1922), regs. 1, 2(7)
- F105** Words in reg. 68(3) substituted (8.4.2002) by The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), reg. 1, **Sch. Pt. 1 para. 11(a)**
- F106** Words in reg. 68(3) omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), **Sch. Pt. 1 para. 11(b)**

#### Commencement Information

- I7** Reg. 68 in force at 11.4.1988, see reg. 1

#### Disregard of changes occurring during summer vacation

**69.** In calculating a student's income [<sup>F107</sup>there shall be disregarded] any change in the standard maintenance grant occurring in the recognised summer vacation appropriate to the student's course, if that vacation does not form part of his period of study, from the date on which the change occurred up to the end of that vacation.

#### Textual Amendments

- F107** Words in reg. 69 substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 5 para. 7** (with reg. 3(1)(b), Schs. 21-23)

#### Commencement Information

- I8** Reg. 69 in force at 11.4.1988, see reg. 1

**Status:**

Point in time view as at 08/08/2003.

**Changes to legislation:**

There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, CHAPTER VIII.