
STATUTORY INSTRUMENTS

1987 No. 1967

The Income Support (General) Regulations 1987

PART V

INCOME AND CAPITAL

CHAPTER VIII

students

Interpretation

61. In this Chapter, unless the context otherwise requires—

[^{F1}“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;]

[^{F2}“contribution” means any contribution in respect of the income [^{F3}of a student or] of any other person which the Secretary of State or an education authority takes into account in ascertaining the amount of the student’s grant [^{F4}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 Secretary of State or education authority takes into account being sums which the Secretary of State 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;]

[^{F2}“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 ^{F5}... 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 ^{F6} (interpretation), [^{F7}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^{F8}, any body which is a research council for the purposes of the Science and Technology Act 1965^{F9} or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain.

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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)

[^{F1}“the FEFC” means the Further Education Funding Council for England or the Further Education Funding Council for Wales;]

[^{F1}“full-time course of advanced education” means a course of advanced education which is taken by a person who is—

- (a) attending a full-time course of study which is not funded in whole or in part by the FEFC or a full-time course of study which is not funded in whole or in part by the Secretary of State for Scotland 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 Secretary of State for Scotland;
- (b) undertaking a course of study which is funded in whole or in part by the FEFC 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 in the case of a course funded by the FEFC for England, in his learning agreement signed on behalf of the establishment which is funded by the FEFC for the delivery of that course or, in the case of a course funded by the FEFC for Wales, in a document signed on behalf of the establishment which is funded by the FEFC for the delivery of that course; or
- (c) undertaking a course of study (not being higher education) which is funded in whole or in part by the Secretary of State for Scotland 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;]

[^{F1}“full-time course of study” means a full-time course of study which—

- (a) is not funded in whole or in part by the FEFC or a full-time course of study which is not funded in whole or in part by the Secretary of State for Scotland 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 Secretary of State for Scotland;
- (b) is funded in whole or in part by the FEFC 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 in the case of a course funded by the FEFC for England, in his learning agreement signed on behalf of the establishment which is funded by the FEFC for the delivery of that course or, in the case of a course funded by the FEFC for Wales, in a document signed on behalf of the establishment which is funded by the FEFC for the delivery of that course; or
- (c) is not higher education and is funded in whole or in part by the Secretary of State for Scotland 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;]

“grant” means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary [^{F10}but does not include a payment derived from funds made available by the Secretary of State for the purpose of assisting students in financial difficulties under section 100 of the Education Act 1944, [^{F11}section 65 of the Further and Higher Education Act 1992] or section 73 of the Education (Scotland) Act 1980][^{F12}or section 40 of the Higher and Further Education (Scotland) Act 1992];

“grant income” means—

- (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 [^{F13}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.

[^{F14}“higher education” means higher education within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992;]

[^{F15}“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 [^{F16}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, [^{F17}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) the day before the start of the next year of the course in a case where the student's grant is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant, where it 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) [^{F18}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;]

“periods of experience” has the meaning prescribed in paragraph 1(1) of Schedule 5 to the [^{F19}Education (Mandatory Awards) Regulations 1995];

“sandwich course” has the meaning prescribed in paragraph 1(1) of Schedule 5 to the [^{F20}Education (Mandatory Awards) Regulations 1995];

[^{F21}“standard maintenance grant” means—]

- (a) except where paragraph (b) or (c) applies, in the case of a student attending 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;

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- (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) in the case of a student receiving an allowance or bursary under the Further and Higher Education (Scotland) Act 1992, the amount of money specified as "standard maintenance allowance" for the relevant year appropriate for the student set out in the Guide to Undergraduate allowances issued by the Student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary as set by the local education authority;
- (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;

[^{F20}“student” means a person, other than a person in receipt of a training allowance,] aged less than 19 who is attending a full-time course of advanced education or, as the case may be, a person aged 19 or over but under pensionable age who is attending a full-time course of study at an educational establishment; and for the purposes of this definition—

- (a) a person who has started on such a course shall be treated as attending it ^{F21}... until [^{F22}the last day of the course] or such earlier date as he abandons it or is dismissed from it;
- (b) a person on a sandwich course shall be treated as attending a full-time course of advanced education or, as the case may be, of study;

[^{F23}“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;

“year”, in relation to a course, means the period of 12 months beginning on 1st January, 1st April, 1st July or 1st September according to whether the academic year of the course 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.]

Textual Amendments

- F1** 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](#))
- F2** 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](#))
- F3** 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)**
- F4** 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)**
- F5** 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](#))
- F6** [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)**.
- F7** 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](#))

- F8** S.I. 1986/594 (NI 3).
- F9** 1965 c. 4.
- F10** Words in reg. 61 added (1.9.1990) by The Social Security Benefits (Student Loans and Miscellaneous Amendments) Regulations 1990 (S.I. 1990/1549), regs. 1(1)(a), **5(5)** (with reg. 7(1))
- 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)(c)(iii)** (with reg. 13)
- F12** Words in reg. 61 added (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)(iii)** (with reg. 13)
- F13** 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)**
- F14** 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))
- F15** 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))
- F16** 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))
- F17** 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))
- 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)(iv)** (with reg. 13)
- F19** 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)(v)** (with reg. 13)
- F20** Words in reg. 61 substituted (6.4.1992) by The Income Support (General) Amendment Regulations 1992 (S.I. 1992/468), regs. 1(1), **5(1)** (with reg. 1(2))
- F21** Words in reg. 61 omitted (1.8.1995) by virtue of The Social Security Benefits (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/1742), regs. 1(1)(a), **2(2)(e)**
- F22** 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(c)** (with reg. 1(2))
- F23** 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)**

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 [^{F24}paragraphs (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;
- ^{F25}(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;

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- (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^{F26} ... ^{F27} ...;
- (h) intended to meet travel expenses incurred as a result of his attendance on the course.

[^{F28}(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 £250 in respect of travel costs; and
- (b) where no amount has been disregarded under paragraph (2)(g), the sum of £303 towards the cost of books and equipment,

whether or not any such costs are incurred.]

(3) A student's grant income^{F29}, except any amount intended for the maintenance of dependants under [^{F30}Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 1991] or intended for an older student under Part 4 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 in that period;
- (b) in any other case, equally between the weeks in the period in respect of which it is payable.

[^{F31}(3A) Any amount intended for the maintenance of dependants or for an older student 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.]

(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 the remaining weeks in that period.

Textual Amendments

- F24** Words in reg. 62(1) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Income-related Benefits Schemes \(Miscellaneous Amendments\) \(No. 3\) Regulations 1992 \(S.I. 1992/2155\)](#), regs. 1(1), **20**
- F25** 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)
- F26** 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)
- F27** 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)**
- F28** 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)**
- F29** Words in reg. 62(3) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **24(a)**
- F30** Words in reg. 62(3) substituted (6.4.1992) by [The Income Support \(General\) Amendment Regulations 1992 \(S.I. 1992/468\)](#), regs. 1(1), **5(2)(b)** (with reg. 1(2))
- F31** Reg. 62(3A) inserted (11.4.1988) by [The Income Support \(General\) Amendment Regulations 1988 \(S.I. 1988/663\)](#), regs. 1(1), **24(b)**

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 [F32]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

F32 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 [F33]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 [F33]regulation 62(2)(g) and (h) and (2A)].

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Textual Amendments

- F33** 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](#)

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 [^{F34}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 [^{F35}£20].

Textual Amendments

- F34** 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)**
- F35** 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 [^{F36}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) [^{F37}and (2A)], 63(3) [^{F38}, 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

- F36** 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)**
- F37** 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)**
- F38** 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](#)

[^{F39}Treatment of student loans

66A.—[^{F40}(1) A student loan shall be treated as income.]

(2) In calculating the weekly amount of the loan to be taken into account as income—

- (a) except where sub-paragraph (b) applies, the loan shall be apportioned equally between the weeks in the academic year in respect of which the loan is payable;
- (b) in the case of a loan which is payable in respect of the final academic year of the course or if the course is only of one academic year's duration, in respect of that year the loan shall be apportioned equally between the weeks in the period beginning with the start of the final academic year or, as the case may be, the single academic year and ending with [^{F41}the last day of the course,]

and from the weekly amount so apportioned there shall be disregarded £10.

[^{F42}(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.]]

[^{F42}(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.]

[^{F42}(5) There shall be deducted from the amount of income taken into account under paragraph (4)

- (a) the sum of £250 in respect of travel costs; and
- (b) where no amount has been disregarded under regulation 62(2)(g), the sum of £303 towards the cost of books and equipment,

whether or not any such costs are incurred.]

Textual Amendments

F39 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\(1\)](#))

Status: Point in time view as at 30/08/1999.

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)

- F40** Reg. 66A(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(5)(a)**
- F41** Words in reg. 66A(2)(b) substituted (5.8.1991) by [The Income Support \(General\) Amendment No. 4 Regulations 1991 \(S.I. 1991/1559\)](#), regs. 1(1)(a), **12** (with reg. 1(2))
- F42** 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)**

Disregard of contribution

67. Where the claimant or his partner is a student and^[F43], for the purposes of assessing a contribution to the student's grant ^[F44]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

- F43** 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)**
- F44** 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](#)

^[F45]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 ^[F46]or student loan], the amount taken into account shall be disregarded in assessing that student's income.]

Textual Amendments

- F45** [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)**
- F46** 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. Any amount by way of a refund of tax deducted from a student's income shall be treated as capital.

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 an adjudication officer shall disregard 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.

Commencement Information

18 Reg. 69 in force at 11.4.1988, see [reg. 1](#)

Status:

Point in time view as at 30/08/1999.

Changes to legislation:

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