
STATUTORY INSTRUMENTS

1996 No. 1944

The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996

Amendment of the Housing Benefit Regulations

5.—(1) The Housing Benefit Regulations shall be amended in accordance with the following paragraphs.

(2) In paragraph (1) of regulation 2 (interpretation)—

(a) after the definition of “housing association” there shall be inserted the following definition—

““immigration authorities” in regulation 7A(4) (persons from abroad)(1) means an adjudicator, an immigration officer or an immigration appeal tribunal appointed for the purposes of the Immigration Act 1971(2) and in addition means the Secretary of State;”;

(b) for paragraph (c) in the definition of “person affected” the following paragraph shall be substituted—

“(c) the landlord, in the case of a determination made under regulation 93 or 94, except where the payment is made to an agent acting for the landlord when the person affected is the agent.”;

(c) for the definition of “young individual”(3) there shall be substituted the following definition—

““young individual” means a single claimant who has not attained the age of 25 years, but does not include such a claimant—

(a) whose landlord is a registered housing association;

(b) who has not attained the age of 22 years and has ceased to be the subject of a care order made pursuant to section 31(1)(a) of the Children Act 1989(4) which had previously been made in respect to him either—

(i) after he attained the age of 16 years; or

(ii) before he attained the age of 16 years, but had continued after he attained that age;

(c) who has not attained the age of 22 years and was formerly provided with accommodation under section 20 of the Children Act 1989;

(d) who has not attained the age of 22 years and has ceased to be subject to a supervision requirement by a children’s hearing under section 44 of the Social Work (Scotland) Act 1968(5) (“the 1968 Act”) made in respect of him which had continued after he attained the age of 16 years, other than a case where—

(1) Regulation 7A was inserted by [S.I. 1994/470](#); relevant amending instruments [S.I. 1994/1807](#) and [1996/30](#).

(2) [1971 c. 77](#).

(3) This definition was inserted in regulation 2 by [S.I. 1996/965](#).

(4) [1989 c. 41](#).

(5) [1968 c. 49](#).

- (i) the ground of referral was based on the sole condition as to the need for compulsory measures of care specified in section 32(2)(g) of the 1968 Act (commission of offences by child); or
 - (ii) he was required by virtue of the supervision requirement to reside with a parent or guardian of his within the meaning of the 1968 Act, or with a friend or relative of his or of his parent or guardian;
 - (e) who has not attained the age of 22 years and has ceased to be a child in respect of whom parental rights and duties were vested in a local authority by virtue of a resolution by the authority under section 16 of the 1968 Act which had previously been made in respect of him—
 - (i) after he attained the age of 16 years; or
 - (ii) before he attained the age of 16 years, but had continued after he attained that age; or
 - (f) who has not attained the age of 22 years and has ceased to be in the care of a local authority by virtue of section 15 of the 1968 Act where he has previously been received into the care of the authority under that provision—
 - (i) after he attained the age of 16 years; or
 - (ii) before he attained the age of 16 years, but had continued to be in such care after he attained that age; and”.
- (3) In regulation 7A (persons from abroad)—
- (a) in paragraph (3)(a) the words “, the Channel Islands or the Isle of Man” shall be omitted;
 - (b) in paragraph (4)(e) for the words from “the Republic of Ireland” to “the Isle of Man” there shall be substituted the words “the Channel Islands, the Isle of Man or the Republic of Ireland”.
- (4) In paragraph (8) of regulation 43A (diminishing notional capital rule)(6)—
- (a) in sub-paragraph (b) the words “or part-week” shall be omitted each time they occur and the words “or, as the case may be, the later or latest such part-week” shall also be omitted;
 - (b) in sub-paragraph (c) the words “or part-week” shall be omitted.
- (5) In regulation 46 (students interpretation)—
- (a) for the definitions of “contribution”, “course of study”, “full-time student” and “standard maintenance grant”, there shall be respectively substituted the following definitions—
 - ““contribution” means any contribution in respect of the income 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; 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(7), the Secretary of State or the 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;”;
 - ““course of study” means any course of study, whether or not it is a sandwich course and whether or not a grant is made for undertaking or attending it and for the purposes of this definition a person who has started a course of study shall be treated as

(6) Regulation 43A was inserted by S.I. 1990/1775; relevant amending instruments S.I. 1991/235, 1599, 1992/2148 and 1993/317.
 (7) 1992 c. 37.

attending or undertaking it, as the case may be, until the last day of the course or such earlier date as he abandons it or is dismissed from it;”;

““full-time student” means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;”;

““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”)(8) 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) 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;”;

(b) the following definitions shall be inserted in the appropriate places—

““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;”;

““the FEFC” means the Further Education Funding Council for England or the Further Education Funding Council for Wales;”;

““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 (not being higher education) which is not funded in whole or in part by the Secretary of State for Scotland at a college of further education;
- (b) is funded in whole or in part by the FEFC and 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 and 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 hours per week, according to the number of hours set out in a document signed on behalf of the college;”;

““higher education” means higher education within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992;”;

(c) in the definition of—

- (i) “covenant income” the words “including any sum deducted from the gross amount for tax” shall be omitted;
- (ii) “education authority” for the words “an education authority as defined in section 135(1) of the Education (Scotland) Act 1980 (interpretation)” there shall be substituted the words “a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973⁽⁹⁾”;
- (iii) “grant” for the words “sections 131 and 132 of the Education Reform Act 1988” there shall be substituted the words “section 65 of the Further and Higher Education Act 1992⁽¹⁰⁾” and at the end there shall be added the words “or section 40 of the Higher and Further Education (Scotland) Act 1992⁽¹¹⁾”;
- (iv) “periods of experience” for the words “Education (Mandatory Awards) Regulations 1987” there shall be substituted the words “Education (Mandatory Awards) Regulations 1995⁽¹²⁾”;
- (v) “sandwich course” for the words “Education (Mandatory Awards) Regulations 1987” there shall be substituted the words “Education (Mandatory Awards) Regulations 1995”.

(6) In paragraph (2) of regulation 53 (calculation of grant income)—

- (a) sub-paragraph (b) shall be omitted;
- (b) in sub-paragraph (g) the words “(other than special equipment)” shall be omitted.

(7) In paragraph (1) of regulation 54 (calculation of covenant income where a contribution is assessed) the words “and the amount deducted by way of tax in respect of that income” shall be omitted.

(8) Sub-paragraph (d) of paragraph (1) of regulation 55 (covenant income where no grant income or no contribution is assessed) shall be omitted.

⁽⁹⁾ 1973 c. 65.

⁽¹⁰⁾ 1992 c. 13.

⁽¹¹⁾ 1992 c. 37.

⁽¹²⁾ 1995/3321.