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STATUTORY INSTRUMENTS

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**1999 No. 1677**

**SOCIAL SECURITY**

**The Social Security Amendment (Educational Maintenance Allowance) Regulations 1999**

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| <i>Made</i>                   | - - - - | <i>14th June 1999</i>   |
| <i>Laid before Parliament</i> |         | <i>21st June 1999</i>   |
| <i>Coming into force</i>      | - -     | <i>16th August 1999</i> |

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 123(1), 136(5)(b), 137(1) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(1) and sections 12(4)(b), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995(2) and of all other powers enabling him in that behalf, after consultation, in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to the Secretary of State to be representative of the authorities concerned(3) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(4), hereby makes the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Social Security Amendment (Educational Maintenance Allowance) Regulations 1999 and shall, subject to paragraph (2) of this regulation, come into force on 16th August 1999.

(2) In relation to any particular claimant for either family credit or disability working allowance, regulation 2 of these Regulations shall have effect, where a claimant has an award of either of those benefits—

- (a) which expires on 16th August 1999, on 17th August 1999;
- (b) which expires after 16th August 1999, on the day following the expiration of that award.

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(1) 1992 c. 4; sections 123 and 137 were amended to have effect in relation to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14), paragraphs 1 and 9; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(2) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

(3) See section 176(1) of the Social Security Administration Act 1992 (c. 5).

(4) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (c. 5); paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.

## Disregard of educational maintenance allowance

2.—(1) For each of the paragraphs specified in paragraph (2) of this regulation (which relate to sums to be disregarded in the calculation of income other than earnings) there shall be substituted the following paragraph—

“Any—

- (a) educational maintenance allowance payable by virtue of regulations made under section 518 of the Education Act 1996<sup>(5)</sup> (payment of school expenses; grant of scholarships etc.) (“the 1996 Act”); or
- (b) sum (not being an allowance coming within sub-paragraph (a)) in respect of a course of study attended by a child or young person payable by virtue of regulations made under section 518 of the 1996 Act, section 49 of the Education (Scotland) Act 1980<sup>(6)</sup> (power to assist persons to take advantage of educational facilities) or section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992<sup>(7)</sup> (provision of financial assistance to students).”.

(2) The paragraphs specified for the purposes of paragraph (1) of this regulation are—

- (a) paragraph 10 of Schedule 4 to the Council Tax Benefit (General) Regulations 1992<sup>(8)</sup>;
- (b) paragraph 9 of Schedule 3 to the Disability Working Allowance (General) Regulations 1991<sup>(9)</sup>;
- (c) paragraph 9 of Schedule 2 to the Family Credit (General) Regulations 1987<sup>(10)</sup>;
- (d) paragraph 10 of Schedule 4 to the Housing Benefit (General) Regulations 1987<sup>(11)</sup>;
- (e) paragraph 11 of Schedule 9 to the Income Support (General) Regulations 1987<sup>(12)</sup>;
- (f) paragraph 12 of Schedule 7 to the Jobseeker’s Allowance Regulations 1996<sup>(13)</sup>.

Signed by authority of the Secretary of State for Social Security.

*Angela Eagle*  
Parliamentary Under-Secretary of State,  
Department of Social Security

14th June 1999

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(5) 1996 c. 56; section 518 was substituted by section 129 of the School Standards and Framework Act 1998 (c. 31).  
(6) 1980 c. 44.  
(7) 1992 c. 37.  
(8) S.I. 1992/1814 to which there are amendments which are not relevant to these Regulations.  
(9) S.I. 1991/2287 to which there are amendments which are not relevant to these Regulations.  
(10) S.I. 1987/1973 to which there are amendments which are not relevant to these Regulations.  
(11) S.I. 1987/1971 to which there are amendments which are not relevant to these Regulations.  
(12) S.I. 1987/1967 to which there are amendments which are not relevant to these Regulations.  
(13) S.I. 1996/207 to which there are amendments which are not relevant to these Regulations.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814), the Family Credit (General) Regulations 1987 (S.I. 1987/1973) and the Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887).

In particular, regulation 2 of these Regulations provides that educational maintenance allowances shall be disregarded in the calculation of a person's income for the purpose of ascertaining entitlement to the benefits referred to above.

These Regulations do not impose a charge on business.