
STATUTORY INSTRUMENTS

2000 No. 1922

**The Social Security Amendment (Students and
Income-related Benefits) Regulations 2000**

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987^{M1} shall be amended in accordance with the following paragraphs of this regulation.

(2) Paragraph (1) of regulation 61 (interpretation of Chapter VIII of Part V—students) shall be amended by inserting in the appropriate place the following definition of “access funds” and substituting for the definitions of “grant”^{M2}, and “sandwich course”^{M3} the following definitions—

““access funds” means—

- (a) grants made under section 7 of the Further and Higher Education Act 1992^{M4} and described as “learner support funds” or grants made under section 68 of that Act and described as “access bursary funds” or “hardship funds”;
- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980^{M5}; or
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993^{M6}, or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997^{M7} 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;”;

““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;”;

““sandwich course” has the meaning prescribed in regulation 5(2) of the Education (Student Support) Regulations 2000^{M8}, regulation 5(2) of the Education (Student Loans) (Scotland) Regulations 2000^{M9} or regulation 5(2) of the Education (Student Support) Regulations (Northern Ireland) 2000^{M10}, as the case may be;”.

(3) Paragraph (1) of regulation 61 (interpretation of Chapter VIII of Part V—students) shall be further amended by substituting for sub-paragraph (b)(i) of the definition of “period of study”^{M11} the following sub-paragraph—

- “(i) 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”.

(4) Regulation 62 (calculation of grant income)^{M12} shall be amended as follows—

- (a) in paragraph (1), for the words “(2), (2A) and (2B)”^{M13} there shall be substituted the words “(2) and (2A)”;;
- (b) in paragraph (2A)^{M14}—

- (i) in sub-paragraph (a), for the sum “£250” there shall be substituted the sum “ £255 ”; and
- (ii) in sub-paragraph (b), for the sum “£303” there shall be substituted the sum “ £311 ”;
- (c) paragraph (2B) ^{M15} shall be omitted;
- (d) in paragraph (3) ^{M16} for the words “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 1998 or intended for an older student under Part IV of that Schedule” there shall be substituted the words “ 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 ^{M17} or intended for an older student under Part IV of that Schedule ”; and
- (e) the following paragraph shall be inserted after paragraph (3A) ^{M18}—

“(3B) 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 would have been apportioned had he had one.”.
- (5) Regulation 66A (treatment of student loans) ^{M19} shall be amended as follows—
 - (a) for paragraph (1), there shall be substituted the following paragraphs—

“(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.”;
 - (b) for paragraph (2) ^{M20} there shall be substituted the following paragraph—

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

 - (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) the start of the single academic year; or
 - (ii) where the course is of less than an academic year’s duration, the first day of the course,
 and ending with the last day of the course;
 - (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 the earlier of—
 - (i) the first day of the first benefit week in September; or
 - (ii) the first day of the first benefit week following the beginning of the autumn term,
 and ending with the last day of the last benefit week before 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) the first day of the first benefit week following the beginning of the autumn term,
and ending with the last day of the last benefit week in June,
and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.”;
- and
- (c) in paragraph (5) ^{M21}—
 - (i) in sub-paragraph (a), for the sum “£250” there shall be substituted the sum “ £255 ”; and
 - (ii) in sub-paragraph (b), for the sum “£303” there shall be substituted the sum “ £311 ”.
- (6) The following regulation shall be inserted after regulation 66A (treatment of student loans)—

“ 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, any housing costs to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs) or any accommodation charges to the extent that they are met under regulation 19 (persons in residential care or nursing homes), 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.”.

- (7) Regulation 68 (income treated as capital) shall be amended by renumbering that regulation as regulation 68(1) and adding the following paragraphs—

“(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, any housing costs to the extent that they are met under regulation 17(1)(e) or 18(1)(f) (housing costs) or any accommodation charges to the extent that they are met under regulation 19 (persons in residential care or nursing homes), 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.”.

(8) Schedule 1B (prescribed categories of person)^{M22} shall be amended by substituting for paragraph 12 (deaf students) the following paragraph—

“A person who is a full-time student in respect of whom—

- (a) a supplementary requirement has been determined under paragraph 9 of Part II of Schedule 2 to the Education (Mandatory Awards) Regulations 1999;
- (b) an allowance or, as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students’ Allowances (Scotland) Regulations 1999^{M23} or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995^{M24}, in respect of expenses incurred;
- (c) a payment has been made under section 2 of the Education Act 1962^{M25};
- (d) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2000, or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
- (e) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999^{M26} or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986^{M27},

on account of his disability by reason of deafness.”.

(9) Paragraph 36 of Schedule 9^{M28} shall be amended by inserting after the words “regulation 66A(2) (treatment of student loans)” the words “, regulation 66B(3) (treatment of payments from access funds)”.

Marginal Citations

- M1** [S.I. 1987/1967](#).
- M2** The definition has been amended by [S.I. 1990/1549](#) and 1996/1944.
- M3** The definition has been amended by [S.I. 1996/1944](#).
- M4** [1992 c. 13](#).
- M5** [1980 c. 44](#). The functions of the Secretary of State were transferred to Scottish Ministers by virtue of section 53 of the [Scotland Act 1998 \(c. 46\)](#).
- M6** [S.I. 1993/2810 \(N.I. 12\)](#).
- M7** [S.I. 1997/1772 \(N.I. 15\)](#).
- M8** [S. I. 2000/1121](#).
- M9** [S.S.I. 2000/200](#).
- M10** [S.R. 2000 No. 213](#).
- M11** The definition was amended by [S.I. 1991/1559](#).
- M12** [Regulation 62](#) has been amended by [S.I. 1988/663](#), 1992/468, 1992/2155, 1996/1944, 1998/1379, 1999/1935 and 2000/1444.
- M13** These references were substituted for previous references by [S.I. 2000/1444](#).
- M14** Paragraph (2A) was inserted by [S.I. 1992/468](#) and substituted by regulation 3 (3)(b) of [S.I. 1999/1935](#).
- M15** Paragraph (2B) was inserted by [S.I. 2000/1444](#).
- M16** This paragraph has been amended by [S.I. 1992/468](#), 1998/1166 and 1999/1935.
- M17** [S.I. 1999/1494](#).
- M18** Paragraph (3A) was inserted by [S.I. 1988/663](#).
- M19** [Regulation 66A](#) was inserted by [S.I. 1990/1549](#) and amended by [S.I. 1991/236](#) and 1559, 1996/462 and 1999/1935.
- M20** Paragraph (2) has been amended by [S.I. 1991/1559](#).
- M21** Paragraph (5) was inserted by regulation 3(5)(b) of [S.I. 1999/1935](#).
- M22** [Schedule 1B](#) was inserted by [S.I. 1996/206](#).
- M23** [S.I. 1999/1131 \(S. 91\)](#).

Changes to legislation: There are currently no known outstanding effects for the The Social Security Amendment (Students and Income-related Benefits) Regulations 2000, Section 2. (See end of Document for details)

M24 [S.I. 1995/1793](#) (S. 119).

M25 [1962 c. 12](#).

M26 [S.R. 1999 No. 351](#); the relevant amending Regulations are [S.R. 1999 No. 369](#).

M27 [S.I. 1986/594](#) (N.I. 3).

M28 [Paragraph 36](#) has been amended by [S.I. 1990/547](#), [1990/1657](#) and [1996/462](#).

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