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STATUTORY INSTRUMENTS

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**2000 No. 55**

**SOCIAL SECURITY**

**The Social Security Amendment (Education Maintenance Allowance) Regulations 2000**

<i>Made</i>	- - - -	<i>12th January 2000</i>
<i>Laid before Parliament</i>		<i>17th January 2000</i>
<i>Coming into force</i>	- -	<i>7th February 2000</i>

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 123(1)(a), (d) and (e), 136(5)(b), 137(1) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992<sup>M1</sup> and sections 12(4)(b), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995<sup>M2</sup> 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<sup>M3</sup> and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it<sup>M4</sup>, hereby makes the following Regulations:

**Marginal Citations**

- M1** 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".
- M2** 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".
- M3** See section 176(1) of the [Social Security Administration Act 1992 \(c. 5\)](#).
- M4** 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.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security Amendment (Education Maintenance Allowance) Regulations 2000 and shall come into force on 7th February 2000.

(2) In these Regulations—

[<sup>F1</sup>“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992<sup>M5</sup>;

[<sup>F1</sup>“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987<sup>M6</sup>;

“the Income Support Regulations” means the Income Support (General) Regulations 1987<sup>M7</sup>;

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996<sup>M8</sup>.

#### Textual Amendments

**F1** Words in [reg. 1\(2\)](#) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), [reg. 1\(1\)](#), [Sch. 1](#) (with [regs. 2, 3](#), [Sch. 3](#), [Sch. 4](#))

#### Marginal Citations

**M5** [S.I. 1992/1814](#).

**M6** [S.I. 1987/1971](#).

**M7** [S.I. 1987/1967](#).

**M8** [S.I. 1996/207](#).

### Disregard of education 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) education maintenance allowance payable by virtue of regulations made under section 518 of the Education Act 1996<sup>M9</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>M10</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>M11</sup> (provision of financial assistance to students).”.

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

[<sup>F2</sup>(a) paragraph 10 of Schedule 4 to the Council Tax Benefit Regulations;]

[<sup>F2</sup>(b) paragraph 10 of Schedule 4 to the Housing Benefit Regulations;]

(c) paragraph 11 of Schedule 9 to the Income Support Regulations;

(d) paragraph 12 of Schedule 7 to the Jobseeker’s Allowance Regulations.

(3) At the end of each of the Schedules specified in paragraph (4) of this regulation (which relate to capital to be disregarded) there shall be added the following paragraph bearing the respective specified paragraph number<sup>M12</sup>—

“Any education maintenance allowance payable by virtue of regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc.) which is payable as a termly bonus or as an achievement bonus at the end of an academic term but only for a period of 52 weeks from the date of receipt of that allowance.”.

[<sup>F3</sup>(4) The paragraphs specified for the purposes of paragraph (3) of this regulation are—

- [<sup>F4</sup>(a) paragraph 60 of Schedule 5 to the Council Tax Benefit Regulations;]  
[<sup>F4</sup>(b) paragraph 60 of Schedule 5 to the Housing Benefit Regulations;]  
(c) paragraph 57 of Schedule 10 to the Income Support Regulations;  
(d) paragraph 52 of Schedule 8 to the Jobseeker's Allowance Regulations.]

#### Textual Amendments

- F2** Reg. 2(2)(a)(b) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)  
**F3** Reg. 2(4) substituted (3.4.2000) by [The Social Security \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/681\)](#), regs. 1(1)(c), **9**  
**F4** Reg. 2(4)(a)(b) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

#### Marginal Citations

- M9** 1996 c. 56; section 518 was substituted by section 129 of the [School Standards and Framework Act 1998 \(c. 31\)](#).  
**M10** 1980 c. 44.  
**M11** 1992 c. 37.  
**M12** The Schedules specified in paragraph (4) were modified to include the paragraphs preceding those specified in that paragraph by [S.I. 1998/2825](#).

#### Revocation and saving

**3.** The Social Security Amendment (Educational Maintenance Allowance) Regulations 1999<sup>M13</sup> are hereby revoked except to the extent that regulation 2(2)(b) and (c) of those Regulations substitutes the provisions specified in regulation 2(1) of those Regulations.

#### Marginal Citations

- M13** [S.I. 1999/1677](#).

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

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

**Changes to legislation:** There are currently no known outstanding effects for the The Social Security Amendment (Education Maintenance Allowance) Regulations 2000. (See end of Document for details)

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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) and the Council Tax Benefit (General) Regulations 1992 (S.I.1992/1814).

In particular, regulation 2(1) of these Regulations provides that education 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. Regulation 2(3) provides that bonus payments of such allowances shall be disregarded as capital for the purpose of ascertaining entitlement to those benefits.

Regulation 3 revokes, with a saving, a previous set of Regulations.

These Regulations do not impose a charge on business.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security Amendment (Education Maintenance Allowance) Regulations 2000.