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STATUTORY INSTRUMENTS

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**2006 No. 213**

**The Housing Benefit Regulations 2006**

**PART 7**

Students

*SECTION 3*

*Income*

**Calculation of grant income**

**59.**—(1) The amount of a student's grant income to be taken into account shall, subject to paragraphs (2) and (3), be the whole of his grant income.

(2) There shall be excluded from a student's grant income any payment—

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (e) 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;
- (f) intended to meet the cost of books and equipment;
- (g) intended to meet travel expenses incurred as a result of his attendance on the course;
- (h) intended for the child care costs of a child dependant.

[<sup>F1</sup>(i) of higher education bursary for care leavers made under Part III of the Children Act 1989 [<sup>F2</sup>or Part 6 of the Social Services and Well-being (Wales) Act 2014].]

(3) Where a student does not have a student loan [<sup>F3</sup>or a postgraduate <sup>F4</sup>... loan] and is not treated as possessing [<sup>F5</sup>a student loan or a postgraduate <sup>F4</sup>... loan], there shall be excluded from the student's grant income—

- (a) the sum of [<sup>F6</sup>£303] per academic year in respect of travel costs; and
- (b) the sum of [<sup>F7</sup>£390] per academic year towards the costs of books and equipment,

whether or not any such costs are incurred.

[<sup>F8</sup>(4) There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998 [<sup>F9</sup>or paid under section 63(6) of the Health Services and Public Health Act 1968].]

- (5) Subject to paragraphs (6) and (7), a student's grant income shall be apportioned—
- (a) subject to paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in the period beginning with the benefit week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
  - (b) in any other case, equally between the weeks in the period beginning with the benefit week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- (6) Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 <sup>M1</sup> (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 <sup>M2</sup> shall be apportioned equally over the period of 52 weeks or, if there are 53 benefit weeks (including part-weeks) in the year, 53.
- (7) In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither paragraph (6) nor regulation 63(2) (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- (8) 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 weeks in the period beginning with the benefit week, the first day of which immediately follows the last day of the period of experience and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

#### Textual Amendments

- F1** Reg. 59(2)(i) added (6.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), regs. 1(2), **6(8)**
- F2** Words in reg. 59(2)(i) inserted (3.11.2017) by [The Social Services and Well-being \(Wales\) Act 2014 and the Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Order 2017 \(S.I. 2017/901\)](#), arts. 1, **11(6)**
- F3** Words in reg. 59(3) inserted (4.8.2016) by [The Social Security \(Treatment of Postgraduate Masters Degree Loans and Special Support Loans\) \(Amendment\) Regulations 2016 \(S.I. 2016/743\)](#), regs. 1, **4(3)(a)**
- F4** Words in reg. 59(3) omitted (15.7.2020) by virtue of [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **5(7)**
- F5** Words in reg. 59(3) substituted (4.8.2016) by [The Social Security \(Treatment of Postgraduate Masters Degree Loans and Special Support Loans\) \(Amendment\) Regulations 2016 \(S.I. 2016/743\)](#), regs. 1, **4(3)(b)**
- F6** Sum in reg. 59(3)(a) substituted (1.8.2009 with effect in accordance with reg. 1(3) of the amending S.I.) by [The Social Security \(Students and Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/1575\)](#), regs. 1(2), 2(2)(4)
- F7** Sum in reg. 59(3)(b) substituted (1.8.2009 with effect in accordance with reg. 1(3) of the amending S.I.) by [The Social Security \(Students and Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/1575\)](#), regs. 1(2), 2(3)(4)
- F8** Reg. 59(4) substituted (1.8.2006 for specified purposes, 1.9.2006 in so far as not already in force) by [The Social Security \(Students and Income-related Benefits\) Amendment Regulations 2006 \(S.I. 2006/1752\)](#), regs. 1(2), **3(3)**

**F9** Words in reg. 59(4) added (23.2.2015) by [The Social Security \(Miscellaneous Amendments\) Regulations 2015 \(S.I. 2015/67\)](#), regs. 1, 6

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**Marginal Citations**

**M1** 1968 c. 46.

**M2** [S.I. 2003/1994](#); the relevant amending Instrument is [S.I. 2005/2083](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, Section 59.