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STATUTORY INSTRUMENTS

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**2006 No. 213**

**The Housing Benefit Regulations 2006**

**PART 7**

Students

*SECTION 3*

*Income*

**Treatment of student loans [<sup>F1</sup>and postgraduate <sup>F2</sup>... loans]**

- 64.**—(1) A student loan [<sup>F3</sup>and a postgraduate <sup>F4</sup>... loan] shall be treated as income.
- (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) except in a case where head (ii) applies, the benefit week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
- (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the benefit week, the first day of which coincides with, or immediately follows, the first day of the course,
- and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned 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 that academic year and ending with the benefit week, the last day of which coincides with or immediately precedes, the last day of that academic year but excluding any benefit weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, “quarter” shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005 <sup>M1</sup>;
- (c) 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—
- (i) except in a case where head (ii) applies, the benefit week, the first day of which coincides with, or immediately follows, the first day of that academic year;
- (ii) where the final academic year starts on 1st September, the benefit week, the first day of which coincides with, or immediately follows, the earlier of 1st September or the first day of the autumn term,

and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of the course;

- (d) 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 benefit week, the first day of which coincides with, or immediately follows the first day of the autumn term,

and ending with the benefit week, the last day of which coincides with, or immediately precedes, the last day of June,

and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

(3) A student shall be treated as possessing a student loan [<sup>F5</sup>or a postgraduate <sup>F6</sup>... loan] in respect of an academic year where—

- (a) a student loan [<sup>F5</sup>or a postgraduate <sup>F6</sup>... loan] has been made to him in respect of that year; or
- (b) he could acquire [<sup>F7</sup>a student loan or a postgraduate <sup>F6</sup>... loan] in respect of that year by taking reasonable steps to do so.

(4) Where a student is treated as possessing a student loan under paragraph (3), the amount of the student loan to be taken into account as income shall be, subject to paragraph (5)—

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to—
  - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
  - (ii) any contribution whether or not it has been paid;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—
  - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
  - (ii) no deduction in that loan was made by virtue of the application of a means test.

[<sup>F8</sup>(4A) Where a student is treated as possessing a postgraduate <sup>F9</sup>... loan under paragraph (3) in respect of an academic year, the amount of that loan to be taken into account as income shall be, subject to paragraph (5), a sum equal to 30 per cent. of the maximum postgraduate <sup>F9</sup>... loan the student is able to acquire in respect of that academic year by taking reasonable steps to do so.]

(5) There shall be deducted from the amount of a student's loan income—

- (a) the sum of [<sup>F10</sup>£303] per academic year in respect of travel costs; and
- (b) the sum of [<sup>F11</sup>£390] per academic year towards the cost of books and equipment,

whether or not any such costs are incurred.

#### Textual Amendments

- F1** Words in reg. 64 heading heading added (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(4)(a)**
- F2** Words in reg. 64 heading omitted (15.7.2020) by virtue of [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **5(8)(a)**

- F3** Words in reg. 64(1) 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(4)(b)**
- F4** Words in reg. 64(1) omitted (15.7.2020) by virtue of The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **5(8)(b)**
- F5** Words in reg. 64(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(4)(c)(i)**
- F6** Words in reg. 64(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(8)(c)**
- F7** Words in reg. 64(3)(b) 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(4)(c)(ii)**
- F8** Reg. 64(4A) 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(4)(d)**
- F9** Words in reg. 64(4A) omitted (15.7.2020) by virtue of The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **5(8)(d)**
- F10** Sum in reg. 64(5)(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)**
- F11** Sum in reg. 64(5)(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)**

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#### **Marginal Citations**

- M1** S.I. 2005/52; *see* regulation 2(1).

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, Section 64.