

2008 No. 1599

SOCIAL SECURITY

**The Social Security (Students and Miscellaneous Amendments)
Regulations 2008**

Made - - - - - *19th June 2008*

Laid before Parliament *26th June 2008*

Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by—

— sections 123(1)(a), (d) and (e), 136(3), (4) and (5)(b), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a);

— sections 5(1)(hh) and (j), 189(1), (4) and (6) and 191 of the Social Security Administration Act 1992(b).

— sections 12(1) to (3) and (4)(b), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(c);

— sections 17(1), (2) and (3)(b), 24(1), 25(1), (2) and (3)(b) of the Welfare Reform Act 2007(d).

In respect of the provisions in these Regulations relating to housing benefit and council tax benefit, the Secretary of State has consulted the organisations appearing to him to be representative of the authorities concerned(e).

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- (a) 1992 c.4; section 123(1)(e) was substituted by paragraph 1(1) of Schedule 9 to the Local Government Finance Act 1992 (c.14); section 137(1) is an interpretation provision and is cited because of the meaning there given to the word “prescribed”; section 175(1) and (4) was amended by section 2 of, and paragraph 29(1) and (2) of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c.2).
- (b) 1992 c.5. Section 5(1)(hh) was inserted by the Social Security Act 1998 (c.14), section 74 and amended by the Child Support, Pensions and Social Security Act 2000 (c.19), section 68, Schedule 7, paragraph 21(1). Section 189(1) was amended by the Social Security Act 1998, Schedule 7, paragraph 109(a) and Schedule 8, by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2), Schedule 3, paragraph 57(1) and (2) and by the Tax Credits Act 2002 (c.21), Schedule 6. Section 189(4) and (6) was amended by the Social Security Act 1998, Schedule 7, paragraph 109(c) and (e) and Schedule 8. Section 191 is cited for the meaning ascribed to the word “prescribe”.
- (c) 1995 c.18; section 35(1) is an interpretation provision and is cited because of the meaning given to the words “prescribed” and “regulations”; sections 35(1) and 36(4) were amended by section 2 of, and paragraphs 62 and 63 respectively of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999.
- (d) 2007 c.5; section 24(1) is an interpretation provisions and is cited because of the meaning given to the words “prescribed” and “regulations”.
- (e) See section 176(1) of the Social Security Administration Act 1992 (c.5).

The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Students and Miscellaneous Amendments) Regulations 2008.

(2) This regulation shall come into force on 1st August 2008.

(3) Regulations 2 and 4 to 6 shall come into force—

(a) in the case of a person whose period of study begins on or after 1st August 2008 but before 1st September 2008, on the day the period of study begins; and

(b) in any other case, on 1st September 2008.

(4) Regulation 3 shall come into force on 25th August 2008.

(5) Regulation 7 shall come into force on 27th October 2008, immediately after regulations 104, 132 and 137 of the Employment and Support Allowance Regulations 2008(b) come into force.

(6) In paragraph (3), “period of study” has the same meaning as in regulation 61 of the Income Support (General) Regulations 1987(c).

Amendment of the Income Support Regulations

2.—(1) The Income Support (General) Regulations 1987 are amended as follows.

(2) In regulation 40(d) (calculation of income other than earnings)—

(a) in paragraph (3A), for “Paragraph (3AA) applies” substitute “Paragraphs (3AA) and (3AAA) apply”;

(b) at the beginning of paragraph (3AA), for “The” substitute “Where a relevant payment is made quarterly, the”;

(c) after paragraph (3AA) insert—

“(3AAA) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a person to whom paragraph (3A) applies, shall be calculated by applying the formula in paragraph (3AA) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under regulation 66A(5).”;

(d) in paragraph (3AB)—

(i) for “In paragraphs (3A) and (3AA)”, substitute “In this regulation”;

(ii) for the definition of “assessment period” substitute—

““assessment period” means—

(a) in a case where a relevant payment is made quarterly, the period beginning with the benefit week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the benefit week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;

(b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the benefit week which includes the day on

(a) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992.

(b) S.I. 2008/794.

(c) S.I. 1987/1967.

(d) Paragraphs (3A), (3AA) and (3AB) were inserted by S.I. 2001/2319.

which the person abandoned, or was dismissed from, his course and ending with the benefit week which includes—

- (i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
- (ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,

whichever of those dates is earlier;”

(iii) at the appropriate place insert—

““quarter” in relation to an assessment period means a period in that year beginning on—

- (a) 1st January and ending on 31st March;
- (b) 1st April and ending on 30th June;
- (c) 1st July and ending on 31st August; or
- (d) 1st September and ending on 31st December;”.

(3) In regulation 62(2A)(a) (calculation of grant income)—

- (a) in sub-paragraph (a), for “£290” substitute “£295”;
- (b) in sub-paragraph (b), for “£370” substitute “£380”.

(4) In regulation 66A(5)(b) (treatment of student loans)—

- (a) in sub-paragraph (a), for “£290” substitute “£295”;
- (b) in sub-paragraph (b) for “£370” substitute “£380”.

Amendment of the Social Security (Claims and Payments) Regulations 1987

3.—(1) The Social Security (Claims and Payments) Regulations 1987(c) are amended as follows.

(2) In regulation 32(6)(d) (information to be given and changes to be notified)—

- (a) in sub-paragraph (a), for “at the end of an assessed income period” substitute “in connection with the setting of a new assessed income period” and for “required” substitute “which the Secretary of State may require”;
- (b) in sub-paragraph (c), for “the information” substitute “any information” and after “required” insert “to be notified”.

Amendment of the Jobseeker’s Allowance Regulations

4.—(1) The Jobseeker’s Allowance Regulations 1996(e) are amended as follows.

(2) In regulation 103(f) (calculation of income other than earnings)—

- (a) in paragraph (5), for “Paragraph (5ZA) applies” substitute “Paragraphs (5ZA) and (5AZA) apply”;
- (b) at the beginning of paragraph (5ZA), for “The” substitute “Where a relevant payment is made quarterly, the”;

(a) Paragraph (2A) was inserted by S.I. 1992/468 and substituted by S.I. 1999/1935. Relevant amending instruments are S.I. 2001/2319, 2007/1632.
(b) Regulation 66A was inserted by S.I. 1990/1549 and substituted by S.I. 1999/1935. Relevant amending instruments are S.I. 2001/2319, 2007/1632.
(c) S.I. 1987/1968.
(d) Regulation 32(6) was inserted by S.I. 2002/3019 and amended by S.I. 2003/2274.
(e) S.I. 1996/207.
(f) Paragraphs (5), (5ZA) and (5ZB) were inserted by S.I. 2001/2319.

(c) after paragraph (5ZA) insert—

“(5AZA) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a person to whom paragraph (5) applies, shall be calculated by applying the formula in paragraph (5ZA) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under regulation 136(5).”;

(d) in paragraph (5ZB)—

(i) for “In paragraphs (5) and (5ZA)”, substitute “In this regulation”;

(ii) for the definition of “assessment period” substitute—

““assessment period” means—

(a) in a case where a relevant payment is made quarterly, the period beginning with the benefit week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the benefit week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;

(b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the benefit week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the benefit week which includes—

(i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or

(ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,

whichever of those dates is earlier;”

(iii) at the appropriate place insert—

““quarter” in relation to an assessment period means a period in that year beginning on—

(a) 1st January and ending on 31st March;

(b) 1st April and ending on 30th June;

(c) 1st July and ending on 31st August; or

(d) 1st September and ending on 31st December;”.

(3) In regulation 131(3)(a) (calculation of grant income)—

(a) in sub-paragraph (a), for “£290” substitute “£295”;

(b) in sub-paragraph (b), for “£370” substitute “£380”.

(4) In regulation 136(5)(b) (treatment of student loans)—

(a) in sub-paragraph (a), for “£290” substitute “£295”;

(b) in sub-paragraph (b), for “£370” substitute “£380”.

Amendment of the Housing Benefit Regulations

5.—(1) The Housing Benefit Regulations 2006(c) are amended as follows.

(2) In regulation 40 (calculation of income other than earnings)—

(a) in paragraph (7), for “Paragraph (8) applies” substitute “Paragraphs (8) and (8A) apply”;

(a) Paragraph (3) was substituted by S.I. 1999/1935 and amended by S.I. 2001/2319, 2007/1632.

(b) Paragraph (5) was substituted by S.I. 1999/1935 and amended by S.I. 2001/2319, 2007/1632.

(c) S.I. 2006/213.

- (b) at the beginning of paragraph (8), for “The” substitute “Where a relevant payment is made quarterly, the”;
- (c) after paragraph (8) insert—
 - “(8A) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a person to whom paragraph (7) applies, shall be calculated by applying the formula in paragraph (8) but as if—
 - A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under regulation 64(5).”;
- (d) in paragraph (9)—
 - (i) for “In paragraphs (7) and (8)”, substitute “In this regulation”;
 - (ii) for the definition of “assessment period” substitute—
 - ““assessment period” means—
 - (a) in a case where a relevant payment is made quarterly, the period beginning with the benefit week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the benefit week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
 - (b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the benefit week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the benefit week which includes—
 - (i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
 - (ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,
 whichever of those dates is earlier;”
 - (iii) at the appropriate place insert—
 - ““quarter” in relation to an assessment period means a period in that year beginning on—
 - (a) 1st January and ending on 31st March;
 - (b) 1st April and ending on 30th June;
 - (c) 1st July and ending on 31st August; or
 - (d) 1st September and ending on 31st December;”.
- (3) In regulation 59(3)(a) (calculation of grant income)—
 - (a) in sub-paragraph (a), for “£290” substitute “£295”;
 - (b) in sub-paragraph (b), for “£370” substitute “£380”.
- (4) In regulation 64(5)(b) (treatment of student loans)—
 - (a) in sub-paragraph (a), for “£290” substitute “£295”;
 - (b) in sub-paragraph (b), for “£370” substitute “£380”.

Amendment of the Council Tax Benefit Regulations

6.—(1) The Council Tax Benefit Regulations 2006(c) are amended as follows.

(a) Relevant amending instruments is S.I. 2007/1632.
 (b) Relevant amending instruments is S.I. 2007/1632.
 (c) S.I. 2006/215.

- (2) In regulation 30 (calculation of income other than earnings)—
- (a) in paragraph (8), for “Paragraph (9) applies” substitute “Paragraphs (9) and (9A) apply”;
 - (b) at the beginning of paragraph (9), for “The” substitute “Where a relevant payment is made quarterly, the”;
 - (c) after paragraph (9) insert—

“(9A) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a person to whom paragraph (8) applies, shall be calculated by applying the formula in paragraph (9) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under regulation 51(5).”;
 - (d) in paragraph (10)—
 - (i) for “In paragraphs (8) and (9)”, substitute “In this regulation”;
 - (ii) for the definition of “assessment period” substitute—

““assessment period” means—

 - (a) in a case where a relevant payment is made quarterly, the period beginning with the benefit week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the benefit week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
 - (b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the benefit week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the benefit week which includes—
 - (i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
 - (ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,
 whichever of those dates is earlier;”
 - (iii) at the appropriate place insert—

““quarter” in relation to an assessment period means a period in that year beginning on—

 - (a) 1st January and ending on 31st March;
 - (b) 1st April and ending on 30th June;
 - (c) 1st July and ending on 31st August; or
 - (d) 1st September and ending on 31st December;”.
- (3) In regulation 46(3)(a) (calculation of grant income)—
- (a) in sub-paragraph (a), for “£290” substitute “£295”;
 - (b) in sub-paragraph (b), for “£370” substitute “£380”.
- (4) In regulation 51(5)(b) (treatment of student loans)—
- (a) in sub-paragraph (a), for “£290” substitute “£295”;
 - (b) in sub-paragraph (b), for “£370” substitute “£380”.

(a) Relevant amending instruments is S.I. 2007/1632.
 (b) Relevant amending instruments is S.I. 2007/1632.

Amendment of the Employment and Support Allowance Regulations

- 7.—(1) The Employment and Support Allowance Regulations 2008 are amended as follows.
- (2) In regulation 104 (calculation of income other than earnings)—
- (a) in paragraph (4), for “Paragraph (5) applies” substitute “Paragraphs (5) and (5A) apply”;
 - (b) at the beginning of paragraph (5), for “The” substitute “Where a relevant payment is made quarterly, the”;
 - (c) after paragraph (5) insert—

“(5A) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a person to whom paragraph (4) applies, shall be calculated by applying the formula in paragraph (5) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under regulation 137(6).”;
 - (d) in paragraph (6)—
 - (i) for “For the purposes of this paragraph and paragraphs (4) and (5)” substitute “In this regulation”;
 - (ii) for the definition of “assessment period” substitute—

““assessment period” means—

 - (a) in a case where a relevant payment is made quarterly, the period beginning with the benefit week which includes the day on which the claimant abandoned, or was dismissed from, the course and ending with the benefit week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that claimant;
 - (b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the benefit week which includes the day on which the claimant abandoned, or was dismissed from, the course and ending with the benefit week which includes—
 - (i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
 - (ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that claimant,

whichever of those dates is earlier.”.
- (3) In regulation 132(3) (calculation of grant income)—
- (a) in sub-paragraph (a), for “£290” substitute “£295”;
 - (b) in sub-paragraph (b), for “£370” substitute “£380”.
- (4) In regulation 137(6) (treatment of student loans)—
- (a) in sub-paragraph (a), for “£290” substitute “£295”;
 - (b) in sub-paragraph (b), for “£370” substitute “£380”.

Signed by authority of the Secretary of State for Work and Pensions.

James Plaskitt
Parliamentary Under-Secretary of State,
Department for Work and Pensions

19th June 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend a number of different regulations relating to social security.

Regulations 2 and 4 to 7 amend the Income Support (General) Regulations 1987, the Jobseeker's Allowance Regulations 1996, the Housing Benefit Regulations 2006, the Council Tax Benefit Regulations 2006 and the Employment and Support Allowance Regulations 2008 in so far as they relate to students and sums to be disregarded in the calculation of their entitlement to benefit. They provide—

- for increases in the amounts of grant and loan income to be disregarded in respect of travel costs and the costs of books and equipment;
- that where student loans are paid on the basis of two or more instalments in a quarter and the student abandons or is dismissed from his course, the loan payment is taken into account for an appropriate period for the purposes of a benefit claim.

Regulation 3 amends the Social Security (Claims and Payments) Regulations 1987 so as to give the Secretary of State a discretion as to the circumstances in which he may require information or evidence to be notified in connection with the setting of a new assessed income period in state pension credit cases.

An impact assessment has not been published for this instrument as it has no impact on the costs of businesses, charities or voluntary bodies.

£3.00

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