STATUTORY INSTRUMENTS

1977 No. 619

SOCIAL SECURITY

The Supplementary Benefits (Students) Regulations 1977

Made - - - -	31*st March* 1977
Laid before Parliament	31*st March* 1977
Coming into Operation	1*st April* 1977

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 14(1) to (3) and 15 of the Social Security (Miscellaneous Provisions) Act 1977**(a)** and section 166(1) to (3) of the Social Security Act 1975**(b)** as applied by section 24(3) of the first-mentioned Act, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefits (Students) Regulations 1977 and shall come into operation on 1st April 1977.

(2) In these regulations, unless the context otherwise requires—

"the 1966 Act" means the Supplementary Benefit Act 1966**(c)**;

"the 1976 Act" means the Supplementary Benefits Act 1976**(d)**;

"parent in a one parent family" has the same meaning as in paragraph 22(1)(*b*) of Schedule 1 to the 1976 Act;

"prescribed authority" means a government department, a local education authority as defined in section 114(1) of the Education Act 1944**(e)**, an education authority as defined in section 145(16) of the Education (Scotland) Act 1962**(f)**, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1972**(g)**, and any body which is a research council for the purposes of the Science and Technology Act 1965**(h)**;

"prescribed contribution" means a contribution in respect of the income of a person other than the student which a Minister of the Crown or prescribed authority takes into account in assessing the amount of the student's grant or award;

(a) 1977 c. 5.
(b) 1975 c. 14.
(c) 1966 c. 20.
(d) 1976 c. 71.
(e) 1944 c. 31.
(f) 1962 c. 47.
(g) S.I. 1972/1263 (N.I. 12).
(h) 1965 c. 4.

"student" means a person under pensionable age who has left school and is attending a course of full-time education, and "disabled student" means a person who by reason of a disability would, in comparison with other students, be unlikely to be able to obtain employment within a reasonable period of time;

and other expressions have the same meanings as in the 1976 Act.

(3) Unless the context otherwise requires, any reference in these regulations to—

(*a*) a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;

(*b*) any provision made by or contained in any enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889**(a)** shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

Circumstances in which a person is to be treated as attending a course of full-time education

2. For the purposes of these regulations a person shall be treated as attending a course of full-time education during any period when he is not in attendance but in respect of which he receives a grant or award from a Minister of the Crown or a prescribed authority.

Circumstances in which prescribed contribution to be treated as a resource

3.—(1) Subject to paragraph (2), the resources of a student shall, for the purposes of Part I of the 1976 Act (right to and amount of supplementary benefits) and of Parts I and III of Schedule 1 to that Act (general provisions as to assessment and calculation of resources), be treated as including any prescribed contribution notwithstanding that the contribution is not actually made.

(2) Paragraph (1) shall not apply in the case of a student who is—

(*a*) the parent in a one parent family; or

(*b*) a person whose requirements and resources are, under paragraph 3(1) of Schedule 1 to the 1976 Act, aggregated with and treated as those of another person; or

(*c*) a disabled student.

Modification of paragraphs 23 *and* 27 *of Schedule* 1 *to the* 1976 *Act in relation to prescribed contribution, grant or award*

4.—(1) Subject to paragraphs (2) and (3), paragraph 23 of Schedule 1 to the 1976 Act (disregard of £4 a week of certain income) shall not apply to any income to which this regulation applies.

(a) 1889 c. 63.

(2) In the case of a student who is—

(*a*) a parent in a one parent family; or

(*b*) a person whose requirements and resources are, under paragraph 3(1) of Schedule 1 to the 1976 Act, aggregated with and treated as those of another person with whom the requirements and resources of a child are, under paragraph 3(2) of Schedule 1 to the 1976 Act, also so aggregated and treated; or

(*c*) a disabled student;

there shall, subject to paragraph (3), be disregarded under the said paragraph 23 not more than £2 a week of any income to which this regulation applies.

(3) In the case of a disabled student there shall under the said paragraph 23, and without prejudice to the eligibility of any other income for disregard under that paragraph, be disregarded any income to which this regulation applies consisting of an addition to a grant or award made in respect of the student's additional expenditure by reason of his disability.

(4) Any income to which paragraph (1) or paragraph (2) applies shall, for the purposes of paragraph 27 of Schedule 1 to the 1976 Act (further disregard of resources not specified), be treated as a resource specified in paragraph 23 of that Schedule.

(5) This regulation applies to any income of a student, including any amount which in consequence of regulation 3 falls to be treated as income, consisting of a prescribed contribution or of a grant or award made to a student by a Minister of the Crown or a prescribed authority in connection with a course of full-time education which the student is attending.

Application to past periods

5.—(1) Subject to paragraph (3), these regulations shall, in relation to the 1976 Act, take effect from 15th November 1976.

(2) Subject to paragraph (3), these regulations shall apply also, for the period from 11th August 1966 to 14th November 1976, in relation to the 1966 Act and in their application to that Act—

(*a*) until 16th November 1975, for the words "£2" in regulation 4(2) there shall be substituted the words "£1", and

(*b*) for references in regulations 3 and 4 to the provisions of the 1976 Act specified in column (1) of the Schedule hereto there shall be substituted references to the provisions of the 1966 Act specified opposite thereto in column (2) of the Schedule.

(3) These regulations shall not affect any decision substituted or to be substituted for a decision quashed by an order of a Court made before 4th March 1977.

David Ennals,
Secretary of State for Social Services.

31st March 1977.

Regulation 5(2)

THE SCHEDULE

APPLICATION OF REGULATIONS TO 1966 ACT

Provisions of the 1976 Act (1)	Provisions of the 1966 Act (2)
Part I	Part II
Schedule 1	Schedule 2
Paragraph 23	(*a*) Until 16th November 1975, paragraphs 24 and 25 (*b*) From 17th November 1975, paragraph 24
Paragraph 27	Paragraph 26

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations contain provisions relating to the assessment of students for supplementary benefit under the Supplementary Benefits Act 1976. They provide for the circumstances in which a person is to be treated as attending a course of full-time education (Regulation 2); for the circumstances in which a prescribed contribution is to be treated as a resource notwithstanding that the contribution is not actually made (Regulation 3); and for the modification of paragraphs 23 and 27 of Schedule 1 to the 1976 Act in relation to the eligibility for disregard of a prescribed contribution, grant or award (Regulation 4).

The Regulations, which are made under powers conferred by the Social Security (Miscellaneous Provisions) Act 1977, come into operation on 1st April 1977 but also have retrospective effect (Regulation 5) to apply from 15th November 1976 for the purposes of the 1976 Act and from 11th August 1966 for the purposes of the Supplementary Benefit Act 1966 (enacted as the Ministry of Social Security Act 1966 and repealed, on consolidation, by the 1976 Act).

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