STATUTORY INSTRUMENTS

1970 No. 497

EDUCATION, ENGLAND AND WALES

The Awards (First Degree, etc. Courses) Regulations 1970

Made - - -	*24th March* 1970
Laid before Parliament	*8th April* 1970
Coming into Operation	*9th April* 1970

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by sections 1 and 4 of the Education Act 1962(**a**) as amended by the Secretary of State for Education and Science Order 1964(**b**), hereby makes the following regulations :—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Awards (First Degree, etc. Courses) Regulations 1970 and shall come into operation on 9th April 1970.

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Definitions

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

"academic authority" means appropriate authority of an establishment ;

"authority" means local education authority ;

"award" includes an award bestowed under any regulations superseded by these regulations ;

"designated course" has the meaning assigned to it by paragraph (2) below;

"establishment" means a university or establishment of further education ;

"ordinarily resident" is to be construed in accordance with schedule 1 to the Education Act 1962 ;

"prescribed fraction" has the meaning assigned to it by paragraph 1 of schedule 4 ;

"prescribed qualification" means an educational qualification specified in, or prescribed under, regulation 6 ;

(**a**) 1962 c. 12.
(**b**) S.I. 1964/490 (1964 I, p. 800).
(**c**) 1889 c. 63.

"sandwich year" has the meaning assigned to it by paragraph 1 of schedule 4 ;

"student" means a person upon whom an award has been bestowed under these regulations or under any regulations superseded by these regulations ;

"university" means a university in the United Kingdom and includes a university college and a constituent college, school or hall of a university ;

"year" means the period of twelve months beginning on 1st January, 1st April or 1st September according as the academic year of the course in question begins in the spring, the summer or the autumn respectively ; and "first year" means first such year of a designated course.

(2) "Designated course" means a course prescribed by regulation 7 and any reference otherwise unqualified to a course shall as the context requires be construed as a reference to a designated course which the person in question attends or has applied to attend.

(3) For the purposes of these regulations a person's marriage is to be treated as having been terminated, not only by the death of the other spouse or the annulment or dissolution of the marriage by an order of a court of competent jurisdiction, but also by virtue of the parties to the marriage ceasing to live together, whether or not an order for their separation has been made by any court.

Revocations

3. The regulations specified in schedule 5 shall, as respects the bestowal of an award in respect of any course beginning after 31st August 1970, cease to have effect and are accordingly hereby revoked as from 1st September 1970.

PART II

AWARDS

Duty to bestow awards

4. Subject to and in accordance with these regulations, it shall be the duty of every authority to bestow an award on any person who—

(*a*) is ordinarily resident in their area ; and

(*b*) possesses a prescribed qualification—

in respect of his attendance at a designated course beginning after 31st August 1970.

Modification of provisions for determining ordinary residence

5.—(1) This regulation shall have effect for modifying paragraph 2 of schedule 1 to the Education Act 1962 in the case of a person who, apart from this regulation, would be treated by virtue of that paragraph as having been ordinarily resident in the area of more than one authority within the period of twelve months ending with the date on which the course is due to begin.

(2) Any such person as is described in paragraph (1) above shall be treated as being ordinarily resident in the area of the authority in which he was so resident on the last day of the month of October, February or June preceding the beginning of the course according as the course begins in the spring, the summer or the autumn respectively.

Educational qualifications

6. The requisite educational qualifications shall be

(*a*) in relation to any course one of the following—

(i) a pass at advanced level in two subjects in the examination for the General Certificate of Education ;

(ii) an Ordinary National Certificate or Diploma, in the examination for which the holder obtained either a mark of not less than 60 per cent. in any two final year subjects or an average mark of not less than 60 per cent. in any three final year subjects ;

(iii) a pass in two principal subjects in the examination for the Higher School Certificate ;

(iv) an Attestation of Fitness of the Scottish Universities Entrance Board ;

(v) a pass at advanced level in two subjects in the Northern Ireland General Certificate or Senior Certificate of Education Examination ;

(vi) any other qualification for the time being prescribed by the Secretary of State for the purposes of these regulations ; and

(*b*) in relation to a course for the Diploma in Art and Design—

(i) any qualification specified by, or prescribed under, sub-paragraph (*a*) above ; or

(ii) the successful completion of, or exemption with the approval of the National Council for Diplomas in Art and Design from, a foundation course of at least one year's duration and a pass in the examination for the General Certificate of Education either in five subjects at ordinary level or in three subjects at ordinary level and one subject at advanced level.

For the purposes of this sub-paragraph a pass at Grade 1 level in a subject in an examination for the Certificate of Secondary Education shall be treated as a pass at the ordinary level in the corresponding subject in an examination for the General Certificate of Education.

Designated Courses

7. The following are prescribed as designated courses—

(*a*) a full-time course of study at a university or at an establishment of further education maintained or assisted out of public funds, being a course of study for a first degree (other than the degree of Bachelor of Education) of a university ;

(*b*) a full-time course of study at an establishment of further education in preparation for a first degree of the Council for National Academic Awards ;

(*c*) a full-time course of study of at least three years' duration at a university in preparation for a Certificate or Diploma ;

(*d*) any other full-time course for the time being prescribed by the Secretary of State for the purposes of these regulations.

Conditions

8.—(1) The duty of an authority to bestow an award shall be subject to the conditions that—

(*a*) an application in writing for the award reaches the authority before the date on which the course is due to begin ; and

(*b*) the applicant gives the authority a written undertaking that, where any sum is paid in pursuance of the award before the end of the year in respect of which the sum is payable, he will if called upon to do so repay the amount by which the sums paid during the year exceed the grant payable in respect of that year.

(2) If the applicant is a minor, paragraph (1)(*b*) above shall have effect, with the necessary modifications, as if the references to the applicant were references to the applicant or his parent.

Exception for non-residents, etc.

9. An authority shall not be under a duty to bestow an award upon—

(*a*) a person who has not been ordinarily resident in the United Kingdom for the three years immediately preceding the first year, unless the authority are satisfied that he has not been so resident only because he, his wife (or, in the case of a woman student, her husband) or his parent was for the time being employed outside the United Kingdom ;

(*b*) a person who has, in the opinion of the authority, shown himself by his conduct to be unfitted to receive an award.

Other exceptions

10.—(1) An authority shall not be under a duty to bestow an award upon any person who—

(*a*) has attended a designated course ;

(*b*) has attended a full-time course of initial training as a teacher or has successfully completed a part-time course of such training ;

(*c*) has attended any full-time course of further education of not less than two years' duration (not being a course in preparation for a prescribed qualification) or a comparable course outside the United Kingdom ;

(*d*) has successfully completed a part-time course of a kind described in paragraph (*a*) or (*b*) of schedule 1 to the Further Education Regulations 1969(**a**) (not being a course in preparation for a prescribed qualification) or a comparable course outside the United Kingdom.

(2) For the purposes of this regulation a person shall be deemed to have attended a course if he has attended any part of that course.

Transfer of awards

11.—(1) Subject to paragraph (2) below, an award shall be transferred by the authority so as to be held in respect of attendance at a course other than that in respect of which it was bestowed in any case where either—

(i) on the recommendation of the academic authority made before the expiry of two months after the end of the first year, the student commences to attend another course at the establishment ; or

(**a**) S.I. 1969/403 (1969 I, p. 1138).

(ii) with the consent of the academic authority of both establishments concerned, given on educational grounds before the expiry of two months after the end of the first year, the student commences to attend a course at another establishment.

(2) The authority may, after consultation with the academic authority, refuse to transfer the award under paragraph (1) above if they are satisfied that when the student applied for it he did not intend to complete the course to which the application related.

Termination of awards

12.—(1) The award shall terminate on the expiry of the period ordinarily required for the completion of the course :

provided that—

(*a*) if the academic authority refuse to allow the student to complete the course, the authority shall terminate the award forthwith ;

(*b*) if the student does not complete the course within the period ordinarily required, the authority

(i) may extend the award until the student has completed the course ; and

(ii) shall extend it for a period equivalent to any period in respect of which they have made any payment under regulation 23 below.

(2) The authority may, after consultation with the academic authority, terminate the award if they are satisfied that the student has shown himself by his conduct to be unfitted to hold it.

Supplementary Provisions

13. The authority may require the student to provide from time to time such information as they consider necessary for the exercise of their functions under this Part ; and if in the case of any student the authority are satisfied that he has wilfully failed to comply with any such requirement, they may terminate the award or withhold any payments due under it as they see fit.

PART III

PAYMENTS

Ordinary Cases

Payments

14. Except in a case to which any of regulations 17 to 21 below inclusive applies the authority shall, subject to regulation 23 below, in respect of each year pay in pursuance of the award either the sum of £50 (in these regulations called "minimum payment") or a grant calculated in accordance with regulation 15, whichever is the greater.

Calculation of grant

15. The grant payable to the student in any year shall be the amount by which his resources fall short of his requirements, and for the purpose of ascertaining that amount—

(*a*) the requirements of any student shall be taken to be the aggregate of such of the amounts specified in schedule 1 as are applicable to his case ;

(*b*) the resources of any student shall be taken to be the aggregate of his income for the year calculated in accordance with Part 1 of schedule 2 and any parental contribution applicable to his case by virtue of Part 2 of that schedule.

Assessment of requirements and resources

16. The requirements and resources of the student shall be assessed by the authority, and for the purpose of the exercise of their functions under this regulation the authority shall require the student to provide from time to time such information as they consider necessary as to the resources of any person whose means are relevant to the assessment of his requirements and resources.

Special Cases

Women Students

17. In pursuance of an award to a woman student (other than a woman student who is a member of a religious order) the authority shall pay in each year whichever is the greater of the minimum payment and a grant calculated in accordance with regulation 15 above as modified by virtue of schedule 3.

Sandwich Courses

18. In the case of a sandwich course—

(*a*) the authority shall—

(i) in respect of a sandwich year, pay a grant calculated in accordance with regulation 15 above as modified by virtue of schedule 4 ; and

(ii) in respect of a year in which there are no periods of experience within the meaning of paragraph 1 of schedule 4, make a payment in accordance with regulation 14 above ; and

(*b*) in respect of a year in which there are no periods of full-time study no payment shall be made.

Members of religious orders

19.—(1) Subject to paragraph (2) below, there shall in each year be paid in pursuance of an award to a student who is a member of a religious order the aggregate of £150 and the sums specified by paragraphs 1 and 7 of schedule 1.

(2) As respects any sandwich year in which the period of full-time study does not exceed 30 weeks, paragraph (1) above shall have effect with the substitution for the reference to £150 of a reference to the prescribed fraction of £150.

Students whose parents cannot be found

20. In the case of any student in respect of whom a grant would apart from this regulation be payable the authority may, if they see fit, pay the minimum payment instead of the grant if they are unable to assess the parental contribution because his parents have not been found but the authority are not satisfied that they cannot be found.

Assisted students

21. Notwithstanding anything in the preceding provisions of these regulations, no payment shall be made in any year to or in respect of a student who—

(*a*) holds a state scholarship or any award from a government department or other public body or is in receipt of any other payment in respect of his attendance at the course ; and

(*b*) receives in pursuance of that scholarship, award or payment an amount which is not less than the aggregate of the requirements for fees and ordinary maintenance prescribed as applicable to his case by schedule 1.

General

Method of payment

22.—(1) The authority shall make any payment due under these regulations in such instalments (if any) and at such times as they consider appropriate ; and in the exercise of their functions under this paragraph the authority may in particular make provisional payments pending the final calculation of the grant.

(2) Any payment in respect of such fees as are described in Part 1 of schedule 1 may be made to the academic authority but subject thereto all payments shall be made to the student.

Payments for special periods

23. In respect of any period during which the student repeats any part of the course, the authority shall pay in pursuance of the award such sums (if any) as they consider appropriate, being sums not exceeding the amount of any payment that would, apart from this regulation, be payable in respect of that period.

Suspension, etc. of payments

24.—(1) The authority may withhold any payment to or in respect of any student who is for the time being in default of any requirement to provide such information as is described in regulation 16 :

provided that, in the case of a student (other than a student attending a sandwich course) in respect of whom apart from this paragraph a grant would be payable, the authority shall in respect of any year in which he remains in default pay a grant of a sum not less than the minimum payment.

(2) The authority shall reduce the payment otherwise due under these regulations by an amount equal to the sum specified by paragraph (3) below in respect of—

(*a*) any period after the termination of the award ; and

(*b*) any period during which the student is excluded from attendance at the course by the academic authority or is absent without leave ;

and in respect of any other period during which the student does not attend the course (other than a period of not more than 28 days due to his illness) they may reduce the payment by such amount not exceeding that sum as, having regard to all relevant circumstances, they consider appropriate.

(3) The sum referred to in paragraph (2) above is the aggregate of

(*a*) fees otherwise due that are not payable by reason of the student not attending the course ; and

(*b*) the appropriate proportion of the balance of the grant.

SCHEDULE 1

Regulation 15(*a*)

REQUIREMENTS

PART I

FEES

1. The amount of the following fees—

(*a*) sessional or tuition fees, which in the case of a composition fee shall not include the element of the fee attributable to maintenance;

(*b*) special fees, including lecture fees, laboratory fees and any fees in respect of such courses as are described in Part 3 of this schedule;

(*c*) fees for admission or registration;

(*d*) fees for matriculation or matriculation exemption and graduation;

(*e*) fees for examinations taken as part of a course;

(*f*) at any university which is organised on a collegiate basis, university and college dues;

(*g*) the subscription to any one association (being a students' union, an amalgamated club or junior common room) membership of which is obligatory by reason of any provision of the instrument regulating the conduct of the establishment.

PART 2

ORDINARY MAINTENANCE

2.—(1) This Part shall apply for the ascertainment of the student's requirements for his maintenance in respect of his attendance at the course during term.

(2) The lower rate prescribed by paragraph 3(3) below shall be applicable in the case of—

(*a*) any student who resides at his parent's home, unless his case falls within sub-paragraph (3)(*c*) below; and

(*b*) any student whose case falls within the exception to sub-paragraph (3)(*b*) below.

(3) The appropriate higher rate prescribed by paragraph 3 below shall be applicable in the case of—

(*a*) any student who, on the recommendation of the academic authority, resides in the establishment or in a hostel administered by the academic authority;

(*b*) any other student who does not reside at his parent's home, unless he can in the opinion of the authority conveniently attend the course from his parent's home and the authority, after consultation with the academic authority, consider that in all the circumstances the lower rate would be appropriate; and

(*c*) any student residing at his parent's home whose parents by reason of age, incapacity or otherwise cannot reasonably be expected to support him and in respect of whom the authority are satisfied that in all the circumstances the higher rate would be appropriate.

(4) In this Part of this schedule references to the parent's home include, in the case of a student whose spouse attends a full-time course in any establishment or college of education, the home of the parent of the student's spouse.

3—(1) Higher rate for the university of Oxford, the university of Cambridge, the university of London and any other establishment within the city of London and the Metropolitan Police District	£395
(2) Higher rate for any other establishment in the United Kingdom ...	£360
(3) Lower rate	£290
(4) Higher rate for an institution outside the United Kingdom in respect of attendance (otherwise than on an exchange basis) required as part of a course	£420

PART 3

SUPPLEMENTARY MAINTENANCE, ETC.

4.—(1) Subject to sub-paragraph (3) below for each day, in respect of—

(*a*) attendance at the course in excess of 25 weeks (at the university of Oxford or Cambridge) or 30 weeks (at any other establishment);

(*b*) vacation study on the recommendation, and under the guidance of the academic authority—

if the student resides at his parent's home	11/6d (57½p)
if the student does not reside at his parent's home	£1.0.0d.

(2) Subject to sub-paragraph (3) below, for each day, in respect of any additional expenditure on his maintenance incurred for the purpose of attending, as part of the course, a period of residential study during term away from the establishment ... ... so much of the expenditure as does not exceed £1.2.6d. (£1.12½p).

(3) Sub-paragraphs (1)(*b*) and (2) above shall apply in relation to a period of study outside the United Kingdom only if the academic authority certify that if the student did not attend he would not be eligible to complete the course; and if no such certificate is given the student's requirements shall be treated as such a sum (if any) not exceeding the amount specified above as the authority consider appropriate.

5. In respect of vacation study, undertaken on the recommendation of the academic authority by a student studying modern languages, in a country whose language is a main language of the course, for each day on which he resides with a family approved for the purposes of this paragraph by the academic authority ... ... £1.0.0d.

6. In respect of any expenditure necessarily incurred on travel necessarily undertaken within the United Kingdom for the purpose of attending the establishment or on such travel, whether within or without the United Kingdom, for the purpose of attending any period of study to which paragraphs 3(4), 4(1)(*b*), 4(2) or 5 applies ... ... the amount by which the expenditure exceeds £12: provided that paragraph 4(3) shall, with the necessary modifications, apply to expenditure incurred in connection with periods of study outside the United Kingdom.

7. In respect of expenditure necessarily incurred on the purchase of—

(*a*) medical equipment;

(*b*) veterinary equipment;

(*c*) dental equipment ... ... so much of the expenditure as does not during the course exceed £15, £15 and £45 respectively.

8. In the case of any student who in the opinion of the authority would otherwise suffer undue hardship, in respect of any week during the vacation in respect of which no sum is prescribed by the preceding provisions of this Part ... ... such sum (if any) not exceeding £5.10.0d. (£5.50p) as, regard being had to the means of the student, the authority consider appropriate.

9. In the case of a student whose home is for the time being outside the United Kingdom, in respect of expenditure necessarily incurred at the beginning and end of term on travel between his home and the establishment ... ... such sum (if any) as the authority consider appropriate.

PART 4

MAINTENANCE OF DEPENDANTS

10.—(1) The requirements of a student to whom this paragraph applies for the maintenance of persons in the United Kingdom who are dependent on him shall be the amount by which the relevant sum specified in paragraph 11 exceeds the income of the dependant concerned.

(2) This paragraph applies to a student who married before the first year, being—

(*a*) any student who for any three years preceding the first year supported himself out of his earnings;

(*b*) a man who attained the age of 25 before that year; or

(*c*) a woman who attained the age of 21 before that year:

provided that, in their application to paragraphs 11(1)(*b*) and 12 below—

(i) this sub-paragraph is to be read without the words "who married before the first year"; and

(ii) sub-paragraph (2)(*c*) above shall be construed as a reference to a woman who attained the age of 25 before the first year.

(3) In this Part—

"income" means income (less income tax and national insurance contributions) for the year and in calculating that income there shall be disregarded, in the case of the spouse, the first £100 and, in the case of any dependant, family allowances;

"child" includes a person adopted in pursuance of adoption proceedings and a stepchild.

11.—(1)(*a*) Wife (or, in the case of a woman student, incapacitated husband); or

(*b*) one other adult dependant; or

(*c*) the first child £210

(2) except where sub-paragraph (1)(*c*) above applies, the first child ... £90

(3) the second child £50

(4) any other child £45

12. The requirements of a student to whom paragraph 10 applies for the maintenance in the United Kingdom, at a place other than that at which he resides during the course, of a home for himself and any such dependant as is described in paragraph 11 shall be £75.

13. The requirements of—

(*a*) a student to whom paragraph 10 applies, for the maintenance of any dependant outside the United Kingdom;

(*b*) a student to whom paragraph 10 does not apply, for the maintenance of any dependant in the United Kingdom—

shall be such sum not exceeding the amount that would be treated as his requirements if his case fell within paragraph 10 as the authority, having regard to all the circumstances, consider reasonable.

PART 5

OLDER STUDENTS

14.—(1) The requirements of any student to whom this paragraph applies shall include the sum of £24 for every complete year not exceeding five by which his age at the the beginning of the first year exceeds 25.

(2) This paragraph applies to any student—

(*a*) who attained the age of 26 before the first year; and

(*b*) whose gross earnings in any three of the six years immediately preceding that year amounted to a sum which exceeded by not less than one quarter the aggregate of £360 and the amounts specified as his requirements by paragraph 4(i)(*a*) and Part 4 above.

Note 1:—Any reference in this Schedule to a requirement, expenditure or attendance in respect of which no period of time is specified is to be construed as a reference to such a requirement, expenditure or attendance for the year.

Note 2:—The provisions of paragraphs 4, 5 and 8 of this Schedule are to be so applied that, unless in the case of any student the authority for special reasons determine otherwise, the number of weeks in respect of which his requirements for his maintenance are taken into account under this schedule does not exceed 47 (48 in the case of a medical student or dental student engaged on clinical studies who is required to attend a course for 48 weeks).

Regulation 15(*b*)

SCHEDULE 2

RESOURCES

PART 1

STUDENT'S INCOME

Calculation of student's income

1. In calculating the student's income there shall be taken into account his income (reduced by income tax and national insurance contributions) from all sources, but there shall be disregarded the following resources—

(*a*) the first £100 of income;

(*b*) in the case of a student who—

(i) has no parent living; and

(ii) is not such a person as is described in sub-paragraph (*a*), (*b*) or (*c*) of paragraph 3 below—

£200 of any such income as is described in paragraph 5(2) below: provided that the amount disregarded under this sub-paragraph shall not, together with the amount disregarded under sub-paragraph (*a*) above, exceed £200;

(*c*) any disability pension not subject to income tax;

(*d*) any bounty received as a Reservist with the Armed Forces;

(*e*) remuneration for work done in vacations;

(*f*) in the case of a student in respect of whom a parental contribution is by virtue of Part 2 of this schedule treated as forming part of his resources, any payment made under covenant by his parent;

(*g*) any payment made for a specific educational purpose not treated by schedule 1 as a requirement for the purpose of these regulations;

(*h*) family allowances;

(*i*) any benefit under the Ministry of Social Security Act 1966**(a)**;

and in the case of any such student as is described in sub-paragraph (*a*), (*b*) and (*c*) of paragraph 3 below there shall be deducted a sum equivalent to any payment made by him in pursuance of an obligation reasonably incurred by him before the first year.

(a) 1966 c. 20.

PART 2

PARENTAL CONTRIBUTION

Definitions

2. In this Part—

"child" includes a person adopted in pursuance of adoption proceedings but, except in paragraph 4(2) below, does not include a child who holds a statutory award nor, except in sub-paragraphs (1), (10) and (11) of paragraph 6 below, a stepchild; and "parent" shall be construed accordingly;

"gross income" has the meaning assigned to it by paragraph 5 below;

"income" has the same meaning as in the Income Tax Acts and includes all income except that which is exempt from income tax by virtue of Section 380 of the Income Tax Act 1952(a) (wounds and disability pensions), section 14 of the Finance Act 1956(b) and section 11 of the Finance Act 1965(c) (annuities paid to holders of the Victoria Cross and the George Cross), section 17 of the Finance Act 1962(d) (bounties for extension of Army service) and section 38 of the Finance Act 1966(e) (redundancy payments);

"residual income" means the balance of gross income remaining in any year after the deductions specified in paragraph 6 have been made;

"statutory award" means any award bestowed or grant paid under the Education Act 1962 or any analogous grant which is paid out of moneys provided by Parliament.

Application of Part 2

3. A parental contribution ascertained in accordance with this Part shall be applicable in the case of every student except any of the following—

(*a*) a student who for any three years preceding the first year supported himself out of his earnings;

(*b*) a student who attained the age of 25 before that year;

(*c*) a woman who both married and attained the age of 21 before that year;

(*d*) a student in respect of whom the authority are satisfied that his parents cannot be found.

Parental contribution

4.—(1) Subject to sub-paragraph (2) below, the parental contribution shall in any case in which the residual income is not less than £900 be £20 with the addition of £1 for every complete £10 by which the residual income exceeds £900; and in any case in which the residual income is less than £900; the parental contribution shall be nil.

(2) For any year in which more than one child of the parent holds a statutory award, the parental contribution for each student shall be such proportion of the parental contribution, ascertained in accordance with this Part, as the authority consider just.

Gross Income

5.—(1) Subject to the provisions of this paragraph "gross income" means the income of the student's parent in the financial year preceding the year in respect of which the resources of the student fall to be assessed: provided that, where the authority are satisfied that the income of the parent in the next succeeding financial year is likely to be not more than four-fifths of that income, they may for the purpose of calculating the parental contribution ascertain the gross income by reference to that next succeeding financial year; and in that case the above definition shall have effect accordingly both in relation to that year and, if the authority so determine, the year following that year and any subsequent year.

(a) 1952 c. 10.
(b) 1956 c. 54.
(c) 1965 c. 25.
(d) 1962 c. 44.
(e) 1966 c. 18.

(2) Where trustees of property held in trust for a student or for any other person dependent on the parent pay, by virtue either of section 31(1) of the Trustee Act 1925**(a)** or of the trust instrument, any income of that property to the parent or otherwise apply it for or towards the maintenance, education or other benefit of the beneficiary the amount so paid or applied shall be treated as part of the gross income of the parent.

(3) Any dividends or interest paid or credited to the parent by a building society which has entered into arrangements with the Commissioners of Inland Revenue under section 445(1) of the Income Tax Act 1952 shall be deemed to have been received by him after deduction of income tax at the reduced rate determined under those arrangements for the year of assessment in which the dividends or interest are paid or credited; and the amount deemed to have been so deducted shall be treated as part of his gross income.

(4) There shall be treated as part of the gross income any expenditure incurred for any such purpose as is mentioned in paragraph 6 below which is allowable as a deduction in the computation of income for the purposes of the Income Tax Acts.

(5) There shall be disregarded any income of the student which is treated as income of the parent in accordance with any provision of the Income Tax Acts relating to the aggregation of the income of unmarried minors not regularly working.

(6) Where the parents do not ordinarily live together the parental contribution shall be ascertained by reference to the income of whichever parent the authority consider the more appropriate in the circumstances.

Deductions

6.—(1) In respect of any child dependent on the parent during the year for which the contribution falls to be ascertained ... ... the amount by which £200 exceeds the child's income.

(2) In respect of any other person, other than a spouse, dependent on the parent during the year for which the contribution falls to be ascertained ... ... the amount by which £200 exceeds the income of that person.

(3) The amount of any sums paid as interest (including interest on a mortgage) in respect of which relief is given under the Income Tax Acts.

(4) The amount of any contribution to a dependants' pension scheme being a contribution in respect of which relief is given under the Income Tax Acts.

(5) So much of the aggregate of the amount of any other contribution to a pension or superannuation fund or scheme (excluding national insurance and graduated pensions contributions) and any premium on a policy of life assurance being a contribution or premium in respect of which relief is given under the Income Tax Acts as does not exceed one-tenth of the gross income.

(6) Where the parents are living together and are gainfully employed ... ... the cost in wages of domestic assistance not exceeding whichever is the less of £200 and the emoluments of the parent who earns the less.

(7) Where the parents ordinarily live together and one of them is incapacitated ... ... so much of the cost in wages of domestic assistance as does not exceed £200.

(8) Where a parent whose marriage has terminated either is gainfully employed or is incapacitated ... ... so much of the cost in wages of domestic assistance as does not exceed £100.

(9) In respect of additional expenditure incurred by reason of the fact that the parent lives in a place where the cost of living is higher than that cost in the United Kingdom ... ... such sum (if any) as the authority consider reasonable in all the circumstances.

(a) 1925 c. 19.

(10) In respect of the fees paid and other expenditure incurred on the education of a child attending school ... ... so much of the expenditure incurred as does not exceed £100.

(11) In respect of the cost incurred on the further training (including university education and vocational training) of a dependent child ... ... so much of the expenditure incurred as does not exceed £350.

(12) In respect of any payment made under covenant otherwise than for the benefit of a child ... ... so much of the gross amount as does not exceed £200.

(13) In the case of a parent who holds a statutory award ... ... the amount by which the aggregate of his requirements for his ordinary maintenance and £100 exceeds the sum payable in pursuance of that award.

SCHEDULE 3

Regulation 17

Women Students

1. In its application to a woman student whose marriage terminates during the course, regulation 15 shall have effect subject to the proviso that the grant shall be payable to her after the termination of her marriage at a rate not lower than that at which it was payable before its termination.

2. The requirements of a married woman who resides in the matrimonial home shall be £275 for her ordinary maintenance and 11/6d. (57½p) for supplementary maintenance under paragraph 4 of schedule 1, unless—

(*a*) her husband is incapacitated and dependent on her; or

(*b*) he attends a full-time course in any establishment or college of education—

and in either of those cases Parts 2 and 3 of schedule 1 shall apply without modification.

3. If the student is a person in respect of whom any requirements are specified by paragraph 10 of schedule 1 as applicable and her marriage has terminated, whether before or during the course, then—

(*a*) the sum to be disregarded under paragraph 1(*a*) of schedule 2 shall be £200 instead of £100; or

(*b*) her requirements for the maintenance of persons dependent on her shall be treated as increased by the sum of £100; or

(*c*) in the case of a student to whom paragraph 14 of schedule 1 applies, her requirements shall be treated as including the sum specified by that paragraph—

whichever is the most favourable to her.

4. A widow may elect that the sums specified as her requirements under Part 4 of schedule 1 shall be disregarded and that in lieu thereof there shall in calculating her income be disregarded £300 in respect of her first dependent child and £100 in respect of every other dependent child.

SCHEDULE 4

Regulation 18

Sandwich Courses

1.—(1) In this schedule—

(*a*) "sandwich course" means a course consisting of alternate periods of full time study in an establishment and associated industrial, professional or commercial experience (in this schedule called "periods of experience") at a place outside the establishment so organised that, taking the course as a whole,

the student attends the periods of full-time study for an average of not less than 19 weeks in each year; and for the purpose of calculating his attendance the course shall be treated as beginning with the first period of full-time study and ending with the last such period;

"periods of experience" does not include unpaid service in a hospital, with a local authority acting in the exercise of their functions relating to health, welfare or the care of children and young persons or with a voluntary organisation providing facilities or carrying out activities of a like nature, or unpaid research in an establishment;

"sandwich year" means, as respects any student, any year of a sandwich course which includes periods of both such study and such experience as are described above;

"prescribed fraction" means the fraction of which the denominator is 30 and the numerator is the number of weeks in the year for which the student in question attends the establishment;

"modified fraction" means the fraction of which the denominator is 52 and the numerator is as specified for a prescribed fraction; and

(*b*) in the application of this schedule to women students, references to schedules 1 and 2 are to be construed as references to those schedules as modified in accordance with schedule 3.

2. The provisions of schedule 1 shall, as respects any sandwich year, have effect subject to the following modifications—

(*a*) where the period of full-time study does not exceed 30 weeks, the student's requirements for his maintenance shall be the prescribed fraction of the sum ascertained by deducting £36 from the appropriate amount specified by Part 2;

(*b*) where the period of full-time study exceeds 30 weeks, the student's requirements for his maintenance shall be the aggregate of the sum ascertained by deducting £36 from the appropriate amount specified in Part 2 and the appropriate amount specified by paragraph 4(1)(*a*) of Part 3;

(*c*) the student's requirements for the maintenance of a dependant shall be the modified fraction of the sum specified by Part 4; and

(*d*) if the student is a person to whom paragraph 14 of schedule 1 applies, his requirements under that paragraph shall be the prescribed fraction of the amount specified by it.

3. The provisions of schedule 2 shall, as respects any sandwich year, have effect subject to the following modifications—

(*a*) the sum to be disregarded under paragraph 1(*a*) shall be the prescribed fraction of £100 and the reference in the proviso to paragraph 1(*b*) to £200 shall be construed as a reference to the aggregate of £100 and that prescribed fraction;

(*b*) in calculating the student's income there shall be disregarded any payment made to him by his employer in respect of any period of experience; and

(*c*) the amount of the parental contribution applicable to his case shall be the prescribed fraction of the contribution ascertained in accordance with Part 2 of the schedule.

SCHEDULE 5 Regulation 3

REVOCATIONS

Regulations Revoked	References
The University and Other Awards Regulations 1965	S.I. 1965/1404 (1965 II, p. 4134).
The University and Other Awards Amending Regulations 1966...	S.I. 1966/985 (1966 II, p. 2360).
The University and Other Awards Amending Regulations 1967...	S.I. 1967/209 (1967 I, p. 353).
The University and Other Awards (Amendment) Regulations 1968...	S.I. 1968/1296 (1968 II, p. 3608).

Given under the Official Seal of the Secretary of State for Education and Science on 24th March 1970.

(L.S.)

Jennie Lee,
Minister of State for Education and Science.

EXPLANATORY NOTE

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

Section 1 of the Education Act 1962 imposes on local education authorities a duty to make awards in order to enable students to attend designated courses at universities and establishments of further education.

These regulations consolidate with amendments the regulations, specified in schedule 5, which designate the courses and prescribe the conditions and exceptions to which the duty is subject, the educational qualifications requisite and the payments to be made in pursuance of awards. The form of the regulations has been revised and minor changes have been made to the provisions relating to payments.

SI 1970/ 497
ISBN 0-11-000497-3

