2001 No. 2750

EDUCATION, ENGLAND

The Education Maintenance Allowance (Pilot Areas) Regulations 2001

Made - - - - -	*31st July 2001*
Laid before Parliament	*31st July 2001*
Coming into force - -	*20th August 2001*

In exercise of the powers conferred on the Secretary of State by sections 518 and 569(4) of the Education Act 1996(**a**) the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education Maintenance Allowance (Pilot Areas) Regulations 2001 and shall come into force on 20th August 2001.

Interpretation

2.—(1) In these Regulations—

"the 1992 Act" means the Social Security Contributions and Benefits Act 1992(**b**);

"academic year" means the period from 1st September in one year to 31st August in the next year, except that where the first term of an institution to begin after July begins before 1st September, the academic year is the period beginning at the start of that term and ending immediately before the start of the first such term in the following year;

"advanced education" has the same meaning as in regulation 1(2) of the Child Benefit (General) Regulations 1976(**c**);

"education maintenance allowance learning agreement" has the meaning given in regulation 7;

"full-time education" has the same meaning as in regulation 1(2) of the Child Benefit (General) Regulations 1976;

"GCSE" means a General Certificate of Secondary Education;

"GNVQ" means a General National Vocational Qualification;

"learning goal" means a standard of achievement, whether taking the form of a qualification or not;

"NVQ" means a National Vocational Qualification;

"parent"—

(**a**) 1996 c. 56; section 518 was substituted by section 129 of the School Standards and Framework Act 1998 (c. 31). By virtue of S.I. 1999/672 the powers conferred by this section are exercisable by the Secretary of State only in relation to England.
(**b**) 1992 c. 4.
(**c**) S.I. 1976/965; a relevant amending instrument is S.I. 1987/357.

(a) in regulation 5 and 6(1)(e) means the mother or father of the student (including the mother or father by adoption) but not any other person with parental responsibility for the student, and

(b) elsewhere in these regulations has the same meaning as in section 576 of the Education Act 1996;

"period of eligibility" in relation to a student means the period beginning at the end of the student's final school year and ending after—

(a) 4 academic years where the student is—

(i) a student with assessed learning difficulties; or

(ii) a vulnerable student; or

(b) 3 academic years in any other case;

"relevant area" means—

(a) the area of the relevant authorities except East Lancashire,

(b) in East Lancashire the following wards: Burnley, Hyndburn, Pendle, Ribble Valley and Rossendale;

"relevant authority" means a local education authority specified in the Schedule;

"relevant educational establishment" means—

(a) a school maintained by a local education authority,

(b) an independent school within the meaning of section 463 of the Education Act 1996 other than one whose registration under section 465 of that Act is provisional only,

(c) an institution within the further education sector, or

(d) any other educational institution which the local education authority considers appropriate;

"relevant period" in relation to the payment of any allowance in respect of a student means the period starting on 30th June immediately before the start of the academic year in respect of which the allowance is paid and ending at the end of that academic year;

"student with assessed learning difficulties" means a student who had a statement of special educational needs made under section 324 of the Education Act 1996 during the school year in which he ceased to be of compulsory school age or a student in respect of whom an assessment has been made under section 140 of the Learning and Skills Act 2000(**a**);

"vulnerable student" means a student who was ordinarily resident on any date during the relevant period in Cornwall, Nottingham, Stoke on Trent or Walsall and,

(a) is at any time during a relevant period in the opinion of the local authority estranged from his parents,

(b) is pregnant at any time during a relevant period,

(c) is a student with assessed learning difficulties or has a disability within the meaning of section 1 of the Disability Discrimination Act 1995(**b**),

(d) has at any time been a looked after student since reaching the age of 11,

(e) has at any time been permanently excluded from school while undergoing secondary education,

(f) has at any time been identified by the youth offending team established under section 39 of the Crime and Disorder Act 1988(**c**) for the area as needing additional educational support,

(g) has not, by the end of the student's final school year, achieved NVQ level 1, GNVQ level 1 or any GCSE passes or obtained any qualifications of a higher standard,

(h) is a parent to whom child benefit is paid under Part IX of the 1992 Act in respect of the person's child,

(i) has at any time been in receipt of invalid care allowance in accordance with section 70 of the 1992 Act, or

(j) has at any time participated in the provision known as Life Skills forming part of the programme known as the Learning Gateway;

"week" means a period of 7 days beginning with a Monday.

(**a**) 2000 c. 21.
(**b**) 2000 c. 21.
(**c**) 1998 c. 37.

(2) For the purposes of these Regulations a student is a looked after student if he is looked after by a relevant authority and in this paragraph "looked after" shall be construed in accordance with section 22 of the Children Act 1989(**a**).

(3) For the purposes of these Regulations a student is an independent student if the student is—

(a) in the opinion of the Local Education Authority estranged from his parents;

(b) a parent to whom child benefit is paid under Part IX of the 1992 Act in respect of the person's child; or

(c) aged 19.

(4) Any reference in these Regulations to a person responsible for a pupil shall be construed in accordance with section 143 of the 1992 Act.

(5) Any reference in these Regulations to a student being educated otherwise than at an institution is a reference to a student being so educated under arrangements made by a relevant authority under section 19 of the Education Act 1996.

(6) Any reference in these Regulations to the student's final school year is a reference to—

(a) the school year in which the student was in a class in which the majority of the students reached the age of 16, where the student attended school; or

(b) the academic year in which the student reached the age of 16, where the student did not attend school.

Payment of education maintenance allowance

3.—(1) Subject to paragraph (2) and the provisions of these Regulations a relevant authority may, in respect of any academic year, pay any of the allowances specified in regulation 8, 9, 10 or 11 in respect of any student over compulsory school age if—

(a) the condition specified in regulation 4 which is applicable to the student in question is satisfied;

(b) the condition specified in regulation 5 is satisfied, unless the student is one in respect of whom the condition specified in regulation 4 is satisfied by virtue of the student being a looked after student; and

(c) such of the conditions specified in regulation 6 as are applicable to the student in question are satisfied.

(2) If a condition specified in regulation 4 which is applicable to the student in question is satisfied by reference to ordinary residence in one relevant area ("Area A") and is subsequently also satisfied by reference to ordinary residence in another relevant area ("Area B") the relevant authority for Area A shall not—

(a) pay any allowance under regulation 8 in respect of any week in respect of which such an allowance is paid by the relevant authority for Area B;

(b) pay any allowances under regulations 9 or 10 in respect of any term period or learning goal if an allowance in respect of the same term period or learning goal is paid by the relevant authority for Area B; or

(c) pay any allowance under regulation 11 if an allowance in respect of the same pregnancy or confinement is paid by the relevant authority for Area B.

(3) Nothing in regulation 4 of the Local Education Authority (Post-Compulsory Education Awards) Regulations 1999(**b**) shall apply in relation to the payment of any of the allowances specified in regulations 8, 9, 10 or 11.

Residence condition

4. The condition specified in this regulation is—

(a) unless paragraph (b) or (c) applies, that a person responsible for the student was ordinarily resident in a relevant area on any date during the relevant period;

(b) where the student was an independent student, that the student was ordinarily resident in a relevant area on any date during the relevant period; or

(c) that the student was a looked after student at any time during the relevant period.

(**a**) 1989 c. 49.
(**b**) S.I. 1999/229; amended by S.I. 2000/2057.

Income condition

5.—(1) The condition specified in this Regulation is—

(a) where the student's parents live together as husband and wife (whether or not they are married to each other) and the student is not an independent student, that the aggregate of the incomes of the student's parents did not, during the tax year ending before the start of the academic year in respect of which the allowance is paid, exceed the relevant amount;

(b) where the student's parents do not live together as husband and wife and the student is not an independent student,

(i) if paragraph (2) applies, that the aggregate of the incomes of the student's parents did not, during the tax year ending before the start of the academic year in respect of which the allowance is paid, exceed the relevant amount;

(ii) if paragraph (3) applies, that the income of the student's relevant parent did not, during the tax year ending before the start of the academic year in respect of which the allowance is paid, exceed the relevant amount;

(c) where the student is an independent student, that the income of the student did not, during the tax year ending before the start of the academic year in respect of which the allowance is paid, exceed the relevant amount.

(2) This paragraph applies where the income of the relevant parent includes a maintenance payment other than one made under an arrangement made by the Child Support Agency pursuant to the Child Support Act 1991(**a**) and where it is reasonably practicable for the relevant authority to ascertain the income of the other parent.

(3) This paragraph applies where the income of the relevant parent—

(a) does not include a maintenance payment; or

(b) includes a maintenance payment made under an arrangement made by the Child Support Agency pursuant to the Child Support Act 1991; or

(c) includes any maintenance payment not falling within sub-paragraph (b), but where it is not reasonably practicable for the relevant authority to ascertain the income of the other parent.

(4) Where the condition contained in paragraph (1) is not satisfied but it appears to the local education authority (whether before or after the start of an academic year) that the income of the persons referred to in paragraph (1)(a), (b) or (c) (as appropriate to the student in question) is likely, during the tax year following that referred to in paragraph (1)—

(a) not to exceed the relevant amount; and

(b) to be not more than 85% of the person's income during the tax year referred to in paragraph (1),

the authority may determine that the condition contained in paragraph (1) is to be treated as satisfied.

(5) For the purposes of this Regulation the income of a person is the person's total income within the meaning of section 835 of the Income and Corporation Taxes Act 1988(**b**) less the amount (if any) specified in paragraph (6) but—

(a) where paragraph (2) applies—

(i) the relevant parent's total income shall be computed as though the maintenance payment was not part of the parent's total income; and

(ii) the other parent's income shall be computed without any deduction for the maintenance payment;

(b) where paragraph (3) applies the relevant parent's total income shall be computed as though the maintenance payment was part of the parent's total income,

whether or not, in either case, it would be so computed apart from the provisions of this Regulation.

(**a**) 1991 c. 48; amended by the Child Support, Pensions and Social Security Act 2000 (c. 19).
(**b**) 1988 c. 1.

(6) The amount referred to in paragraph (5) is £1,000 multiplied by the number of applicable children and for the purpose of this paragraph an applicable child is—

(a) a child (excluding the student in respect of whom the allowances are to be paid) in respect of whom either of the student's parents (where the student's parents live together as husband and wife) or the student's relevant parent (where the student's parents do not live together as husband and wife) is entitled to child benefit under Part IV of the 1992 Act for any week during the relevant period comprising the academic year in respect of which the allowance is paid; and

(b) a child of one of the student's parents (excluding the student in respect of whom the allowances are to be paid) who is entitled to incapacity benefit under Part II of the 1992 Act or severe disablement allowance under Part III of that Act for any day during the relevant period comprising the academic year in respect of which the allowance is paid.

(7) In this regulation—

"maintenance payment" means a periodical payment (not including an instalment of a lump sum) which—

(a) is made pursuant to an order made by a court (whether in the United Kingdom or elsewhere) or under any arrangement made by the Child Support Agency pursuant to the Child Support Act 1991 or under a separation agreement; and

(b) is made by—

(i) one of the parties to a marriage (including a marriage which has been dissolved or annulled) to or for the benefit and for the maintenance of the other party; or

(ii) one of the parents of the student to or for the benefit, and for the maintenance or education of the student.

(c) is due at a time when—

(i) as regards a maintenance payment of the nature described in sub-paragraph (b)(i), the parties are not living together as husband and wife; or

(ii) as regards a maintenance payment of the nature described in sub-paragraph (b)(ii) the parent making the payment does not reside in the same household as the student; and

"the relevant amount" means—

(a) £20,000, where the relevant authority is Barking and Dagenham, Brent, Camden, Ealing, Greenwich, Hackney, Halton, Hammersmith and Fulham, Haringey, Hartlepool, Islington, Kingston-upon-Hull, Lambeth, Lewisham, Newham, Salford, Sandwell, Southwark, Tower Hamlets, Waltham Forest, or Wandsworth,

(b) £25,000 where the relevant authority is St. Helens, Wirral, Bradford, or Barnsley,

(c) £30,000 in any other case;

"the relevant parent" means (where the student's parents do not live together as husband and wife), the parent with whom the student normally resides, or where the student is not an independent student but does not normally reside with either of his parents, whichever of the student's parents as the authority determines.

Other Conditions

6.—(1) The conditions specified in this regulation are—

(a) that—

(i) where the relevant area is the area of an authority specified in Part I of the Schedule, the student's final school year was the 1998–1999, 1999–2000 or 2000–2001 school year, if the student attended school, or the 1998–1999, 1999–2000 or 2000–2001 academic year if he did not attend school,

(ii) where the relevant area is the area of an authority specified in Part II of the Schedule (or the wards in East Lancashire specified in paragraph (b) of the definition of "relevant area"), the student's final school year was the 1999–2000 or 2000–2001 school year if the student attended school, or the 1999–2000 or 2000–2001 academic year if he did not attend school;

(b) that regulation 6(1)(b) of the Education Maintenance Allowance (Pilot Areas) Regulations 2000(**a**) (signature of education maintenance allowance learning agreement) was complied with before 20th August 2001 or (subject to paragraphs (2) and (3)) that—

(i) a parent of the student and the student have signed an education maintenance allowance learning agreement, unless the student is an independent student or a looked after student when he starts to attend the institution;

(ii) a person nominated by the relevant authority and the student have signed an education maintenance allowance learning agreement, if the student is a looked after student when he starts to attend the institution; or

(iii) the student has signed an education maintenance allowance learning agreement if the student is an independent student,

in each case relating to the student and to the institution which the student attends (or, if the student attends more than one institution, relating to each institution which the student attends) and that the education maintenance allowance learning agreement has in each case also been signed on behalf of the institution (or, as the case may be, each institution);

(c) where the condition in regulation 4 is satisfied by virtue of regulation 4(a) that either—

(i) the person responsible for the student was entitled to child benefit under Part IV of the 1992 Act for the week in which the date by reference to which the condition was satisfied falls; or

(ii) the student was entitled to incapacity benefit under Part II of the 1992 Act or severe disablement allowance under Part III of that Act for the date by reference to which the condition was satisfied;

(d) that neither the student nor either of his parents receive during the academic year in respect of which the allowance is paid any payment pursuant to regulations(**b**) made under section 485 of the Education Act 1996 in respect of the student's attendance on a dance or drama course; and

(e) that the student and the student's parents provide the relevant authority with such information and make such declarations as the authority may reasonably require.

(2) Where a student is to be educated otherwise than at a relevant educational establishment paragraph (1)(b) shall have effect as if—

(a) references to attending the institution had effect as references to being educated otherwise than at an institution;

(b) the reference to the institution which the pupil attends had effect as a reference to the education which the student is to be provided with; and

(c) the reference to the education maintenance allowance learning agreement being signed on behalf of the institution was a reference to such agreement being signed on behalf of the local education authority.

(3) Paragraph (1)(b) shall not apply to the extent that the relevant authority consider that it would be impracticable by reason of any disability for the parent of the student or the student to sign the education maintenance allowance learning agreement.

Meaning of education maintenance allowance learning agreement

7.—(1) For the purposes of these Regulations an education maintenance allowance learning agreement is a document—

(a) specifying responsibilities which the institution intends to discharge in connection with the education of the student in question;

(b) specifying, unless the student is an independent student, the responsibilities which the parents of the student are expected to discharge in connection with the education of the student in question; and

(c) specifying or providing for the specification of the institution's expectations of the student, that is to say the expectations of the institution as regards—

(**a**) S.I. 2000/2012.

(**b**) The regulations currently in force are the Education (Grants etc.) (Dance and Drama) (England) Regulations 2000 (S.I. 2000/2144).

(i) attendance,

(ii) the completion of tasks assigned to the student,

(iii) the conduct of the student,

(iv) any other appropriate matter;

(d) specifying the learning goals for the student; and

(e) which states the effect of such of regulations 8, 9, 10 and 11 as are appropriate to the student in question.

(2) Where a student is to be educated other than at an institution paragraph (1) shall have effect as if for "the institution" there were substituted "the local education authority".

Weekly allowance

8.—(1) Except as provided in paragraph (7) and subject to paragraphs (2) and (4) an allowance ("a weekly allowance") may be paid in respect of each week during which the student—

(a) is in full-time education at a relevant educational establishment for the purpose of being provided with education which is not advanced education;

(b) is being educated otherwise than at such an establishment, is being provided with education which is not advanced education and, in the opinion of the relevant authority in question, is in full-time education; or

(c) is undertaking unsupervised study for the purpose of preparation for an examination which he is entering in connection with the education referred to in sub-paragraph (a) or (b).

(2) A weekly allowance shall only be paid in respect of a week any weekday of which falls outside the term of the institution which the student attends if the student has during that week spent at least 12 hours in connection with the course which he is pursuing—

(a) receiving instruction or tuition,

(b) undertaking unsupervised study or practical work; or

(c) taking part in any exercise, experiment or project for which provision is made in the curriculum of the course which the student is pursuing, and for the purpose of this paragraph no account shall be taken of time occupied by meal breaks or time spent on unsupervised study whether undertaken on or off the premises of the institution.

(3) In paragraph (2) above "weekday" means any day other than a Saturday or Sunday.

(4) No weekly allowance shall be paid—

(a) in respect of any week if the institution has notified the relevant authority that in their opinion the student has without good reason failed to do anything that is expected of him in accordance with the education maintenance allowance learning agreement and, where the relevant authority is Coventry or Kingston upon Hull, if the institution has notified the relevant authority to this effect on at least one previous occasion during the term in question;

(b) in respect of any week which starts after the end of the period of eligibility;

(c) in a case where regulation 5(4) applies and the relevant authority determines after the beginning of the academic year that the condition contained in regulation 5(1) is to be treated as satisfied, in respect of any week in a term before the term following the date on which the relevant authority so determine;

(d) if payment of a weekly allowance (by any relevant authority) has already been made in respect of the relevant number of terms;

(e) if payment of a weekly allowance (by any relevant authority) has already been made, or would have been made but for sub-paragraph (a), in respect of 38 weeks in the academic year in question;

(f) in respect of any week in which the student is in receipt of a jobseekers allowance (payable under the Jobseekers Act 1995)(**a**) or a training allowance; or

(g) in respect of any week beginning before the first date by reference to which both the condition in regulation 4 which is applicable to the student in question and the condition in regulation 6(1)(c) if applicable is satisfied;

(**a**) 1995 c. 18.

(h) where the condition specified in regulation 5 is not satisfied at the beginning of the academic year but is, by virtue of regulation 5(6), satisfied during the academic year, in respect of any week beginning before the date on which that condition is satisfied.

(5) For the purpose of paragraph (4)(d)—

(a) a payment of a weekly allowance is made "in respect of" a term if a payment is made, or would have been made but for paragraph (4)(a), in respect of any week falling within that term;

(b) the relevant number of terms is—

(i) three times the number of terms in each academic year if the student is a student with assessed learning difficulties or is a vulnerable student,

(ii) twice the number of terms in each academic year in any other case;

(c) in a case where regulation 5(4) applies and the relevant authority determines, after the beginning of the academic year, that the condition contained in regulation 5(1) is to be treated as satisfied, payment of a weekly allowance shall be treated as having been made in respect of each term in the academic year in which the relevant authority so determines.

(6) Where a student is educated otherwise than at a relevant educational establishment paragraph (2) shall not apply and paragraph (4) shall have effect as if—

(a) for sub-paragraph (a) there were substituted—

"(a) in respect of any week if the relevant authority are of the opinion that the student has without good reason failed to do anything that is expected of him in accordance with the education maintenance allowance learning agreement and, where the relevant authority is Coventry or Kingston upon Hull, if the relevant authority has formed this opinion in respect of at least one previous week during the term in question"; and

(b) paragraph (d) were omitted.

(7) No weekly allowance may be paid where the relevant authority is Suffolk, Sunderland or East Lancashire.

(8) In the regulation "training allowance" means a payment made by the Secretary of State to the student in connection with his use of facilities arranged by the Secretary of State pursuant to section 2 of the Employment and Training Act 1973(**a**), or a payment made by the Learning and Skills Council for England to the student under section 5(1)(c) of the Learning and Skills Act 2000.

Termly bonus

9.—(1) Except as provided in paragraph (6) or where paragraph (2) or (3) applies, and subject to paragraph (4), an allowance ("a termly bonus") may be paid in respect of any term period where the institution has notified the relevant authority that in its opinion the student has attended the institution for the apropriate percentage of the hours for which he is expected to attend in accordance with the education maintenance allowance learning agreement and has otherwise done everything else that is expected of him in accordance with the learning agreement or had good reason for failing to do so.

(2) Except as provided in paragraph (6) where a student has attended more than one institution a termly bonus may, subject to paragraph (4), be paid in respect of any term period where—

(a) the relevant authority determine (in the light of notifications from the institutions giving their opinion as to the number of hours for which the student has attended the institution and the number of hours for which he is expected to attend the institution in accordance with the education maintenance allowance learning agreement) that the student has attended the institutions taken together for the appropriate percentage of the aggregate of the hours which he is expected to attend in accordance with the learning agreements; and

(b) each institution has notified the relevant authority that the pupil has otherwise done everything else that is expected of him in accordance with the learning agreement.

(**a**) 1973 c. 50; section 2 was substituted by section 25 of the Employment Act 1998 (c. 19) and subsections (4) and (6) were repealed by the Employment Act 1989 (c. 38) Schedule 7 Part I.

(3) Where a student is educated otherwise than at a relevant educational establishment a termly bonus may, subject to paragraph (4), be paid in respect of any term period where the relevant authority are of the opinion that the student has done everything that is expected of him under the learning agreement.

(4) No termly bonus shall be paid—

(a) if a weekly allowance cannot be paid in respect of any week in that term period by reason of regulation 8(4)(d); or

(b) in respect of any term period which starts after the end of the period of eligibility.

(5) In this regulation—

(a) "the appropriate percentage" is—

(i) where the relevant authority is Suffolk, East Lancashire or Sunderland, 90 per cent., and

(ii) in any other case, 95 per cent.; and

(b) "term period" (in relation to a student educated at an institution) means—

(i) where the relevant authority is Suffolk, East Lancashire, or Sunderland, such part of the institution's term as may be determined by the authority provided that there shall be two term periods in each term of the institution, and

(ii) in any other case, the institution's term,

and in relation to a student educated other than at an institution means such period as the relevant authority may determine.

(6) No termly bonus may be paid where the relevant authority is North East Lincolnshire or Worcestershire.

Achievement bonus

10.—(1) Except as provided in paragraph (5) and subject to paragraph (2) an allowance ("an achievement bonus") may be paid in respect of any student who achieves any learning goal specified in the education maintenance allowance learning agreement arising from being in full-time education.

(2) No achievement bonus shall be paid in respect of any such learning goal where the course which led to the achievement of the learning goal started after the end of the period of eligibility.

(3) Except in the case of a vulnerable student no achievement bonus shall be paid—

(a) if an achievement bonus has already been paid (by any relevant authority)—

(i) three times, where the student is a student with assessed learning difficulties, or

(ii) twice in any other case; or

(b) if an achievement bonus has already been paid (by any relevant authority) in respect of another learning goal where the course which led to that learning goal ended in the same academic year as the course which led to the learning goal in question.

(4) No achievement bonus may be paid where the relevant authority is North East Lincolnshire or Worcestershire.

Special allowance

11.—(1) Where the relevant authority is Cornwall, Nottingham, Stoke-on-Trent or Walsall an allowance may be paid in respect of any student—

(a) who has not done everything that is expected of her in accordance with the education maintenance allowance learning agreement because of pregnancy or confinement, and

(b) to whom (by reason of the pregnancy or confinement) a weekly allowance was not paid by reason of regulation 8(4)(a),

if the conditions in paragraph (2) are satisfied.

(2) The conditions are that—

(a) the period during which she did not do everything that was expected of her in accordance with the education maintenance allowance learning agreement does not exceed 18 weeks; and

(b) after the expiry of the period referred to in sub-paragraph (a) above, she does everything that is expected of her in accordance with the learning agreement for a continuous period of 4 weeks unless in the opinion of the institution (or the relevant authority where the student is educated otherwise than at a relevant educational establishment), she has good reason for failing to do so.

Revocation

12. The Education Maintenance Allowance (Pilot Areas) Regulations 2000 are hereby revoked.

Ivan Lewis
Parliamentary Under-Secretary of State,
Department for Education and Skills

31st July 2001

SCHEDULE

Regulation 2

PART I

Bolton
Cornwall
Doncaster
Gateshead
Greenwich
Lambeth
Leeds
Lewisham
Middlesbrough
Nottingham
Oldham
Southampton
Southwark
Stoke-on-Trent
Walsall

PART II

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Birmingham
Bradford
Brent
Camden
Coventry
Ealing
East Lancashire
Hackney
Halton
Hammersmith & Fulham
Haringey
Hartlepool
Islington
Kingston upon Hull
Knowsley
Leicester
Liverpool
Luton
Manchester
Newham
North East Lincolnshire
North Tyneside
Northumberland
St. Helens
Salford
Sandwell
Sheffield
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Suffolk
Sunderland
Tameside
Tower Hamlets
Wakefield
Waltham Forest
Wandsworth
Wigan
Wirral
Wolverhampton
Worcestershire

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Education Maintenance Allowance (Pilot Areas) Regulations 2000.

The Regulations make provision for the payment of allowances by the local education authorities listed in the Schedule to or in respect of students over compulsory school age.

Regulations 4 to 6 provide for the conditions which have to be satisfied for the allowances to be paid. Regulation 4 provides for conditions as to residence in a relevant area specified in the Schedule. Regulation 5 provides for conditions as to income and regulation 6 provides for other conditions. Amongst the other conditions is a requirement for an education maintenance allowance learning agreement (an expression defined in regulation 7) to be signed by a parent, student and on behalf of the institution.

Regulations 8, 9, 10 and 11 prescribe further circumstances in which each of the allowances, that is the weekly allowance, the termly bonus, the achievement bonus and the special allowance can be paid.

The main differences between these Regulations and the 2000 Regulations are changes to conditions relating to residence (regulation 4) and changes in the way income is calculated for the purposes of determining whether the "income condition" (regulation 5) is satisfied.

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