2002 No. 1330

EDUCATION, ENGLAND AND WALES

The Education (Mandatory Awards) Regulations 2002

Made - - - - -	*13th May 2002*
Laid before Parliament	*14th May 2002*
Coming into force - -	*1st September 2002*

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The Secretary of State for Education and Skills, in exercise of the powers conferred by sections 1 and 4(2) of, and paragraphs 3 and 4 of Schedule 1 to, the Education Act 1962(**a**), and by sections 3(1) and (3) of the Education Act 1973(**b**) hereby makes the following Regulations:—

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Education (Mandatory Awards) Regulations 2002 and shall come into force on 1st September 2002.

Definitions

2. In these Regulations, unless the context otherwise requires—

"academic authority" means, in relation to an institution, the governing body, or other body having the functions of a governing body and includes a person acting with the authority of that body;

"authority" means a local education authority;

"award" includes either a fees only award or a full award bestowed under these Regulations and any award bestowed under previous Awards Regulations which is an old award;

"Certificate in Education" includes a Teacher's Certificate;

"course", "designated course", "sandwich course" and other qualified references to courses have the meanings respectively assigned to them by regulation 4;

"degree" means a degree awarded by a university, institution of higher education in the United Kingdom or the Council for National Academic Awards;

"dependent" means wholly or mainly financially dependent;

(**a**) 1962 c. 12; the relevant provisions, as amended, are set out in Schedule 5 to the Education Act 1980 (c. 20); section 1(3)(d) was amended by the Education (Grants and Awards) Act 1984 (c. 11), section 4; section 4 was amended by the Education Act 1994 (c. 30), Schedule 2, paragraph 2; the entire Act was repealed by the Teaching and Higher Education Act 1998 (c. 30), section 44(2) and Schedule 4, subject to the transitional and saving provisions set out in the Teaching and Higher Education Act 1998 (Commencement No 4 and Transitional Provisions) Order 1998 (S.I. 1998/3237 (c. 81)), article 3.

(**b**) 1973 c. 16; section 3 was repealed by the Teaching and Higher Education Act 1998 (c. 30), section 44(2) and Schedule 4, subject to the transitional and saving provisions set out in the Teaching and Higher Education Act 1998 (Commencement No 4 and Transitional Provisions) Order 1998 (S.I. 1998/3237 (c. 81)), article 3.

"employment" means full-time employment or part-time employment which, in a normal week, involves a significant number of hours of work and "employed" shall be construed accordingly, and for the purposes hereof the references to employment include references to the holding of any office and to any occupation for gain;

"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(**a**) as adjusted by the Protocol signed at Brussels on 17th March 1993(**b**);

"EEA migrant worker" has the meaning assigned to it in regulation 5;

"European Community" means the area comprised by the member states of the European Community (including the United Kingdom) as constituted from time to time;

"European Economic Area" means the European Community and subject to the conditions laid down in the EEA Agreement the area comprised by the Republic of Iceland, the Kingdom of Norway, and the Principality of Liechtenstein;

"European student" means a person who is a national of a member state of the European Community or the child of such a national who has not been ordinarily resident in the British Islands as described in regulation 13(1)(a) and (b) or who is not settled in the United Kingdom as described in regulation 13(1)(c);

"fees only award" means an award bestowed only in respect of fees described in Schedule l;

"full award" means an award bestowed in respect of both fees described in Schedule 1 and a maintenance grant;

"**high cost country" means . . . Japan and Switzerland;**

. . .

"independent student" has the meaning assigned to it by regulation 3;

"institution" means an educational institution in the United Kingdom providing further or higher education or both, or providing a course which qualifies for funding under Part I of the Education Act 1994(**c**);

"maintenance grant" has the meaning assigned to it by regulation 17;

"Metropolitan Police District" means the areas referred to in section 76(1) of the London Government Act 1963(**d**) as it had effect prior to its amendment by section 323 of the Greater London Authority Act 1999(**e**);

"old award" means an award bestowed under previous Awards Regulations which is an old award within the meaning of the Education (Mandatory Awards) Regulations 1998(**f**);

"overseas institution" means an educational institution outside the United Kingdom providing further or higher education or both;

"periods of experience", "prescribed proportion" and "sandwich year", in relation to a sandwich course, have the meanings respectively assigned to them by paragraph 1 of Schedule 5;

"previous Awards Regulations" means Regulations made under section 1 of the Education Act 1962 and revoked either by regulation 6 or before the coming into force of these Regulations;

"refugee" means a person who is recognized by Her Majesty's Government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951(**g**) as extended by the Protocol thereto which entered into force on 4th October 1967(**h**) and any reference to the child of a refugee includes a reference to a person adopted in pursuance of adoption proceedings and a step-child;

(**a**) Cmnd. 2073.
(**b**) Cmnd. 2183.
(**c**) 1994 c. 30.
(**d**) 1963 c. 33; section 76 was amended by the Local Authorities etc. (Miscellaneous Provisions) Order 1974 (S.I.1974/482), article 11.
(**e**) 1999 c. 29.
(**f**) S.I. 1998/1166, amended by The Education (Mandatory Awards) Regulations 1998 (Amendment) Regulations 1998 (S.I. 1998/1972).
(**g**) Cmnd. 9171.
(**h**) Cmnd. 3906 (Out of print: photocopies are available, free of charge, from the Student Support Division, Department for Education and Skills, Mowden Hall, Staindrop Road, Darlington DL3 9BG or the Student Awards Agency for Scotland, Gyleview House, 3 Redheughs Rigg, South Gyle, Edinburgh EH12 9HH).

"statutory award" means any award bestowed or grant paid by virtue of the Education Act 1962 or any comparable award, grant or other payment made in respect of attendance at a course which is paid out of moneys provided by Parliament;

"student" means a person upon whom an award has been bestowed under these Regulations or previous Awards 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", in relation to a course, means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according as the academic year of the course in question begins in the winter, the spring, the summer or the autumn respectively; and references to the first or the final year of a designated course shall be construed accordingly.

References to independent students

3.—(1) In these Regulations "independent student" means a student who—

(a) has attained the age of 25 years before the beginning of the year for which payments in pursuance of his award fall to be made; or

(b) has supported himself out of his earnings for periods before the first year of his course aggregating not less than three years; or

(c) has been married before the beginning of the year for which payments in pursuance of his award fall to be made whether or not the marriage is still subsisting; or

(d) has no parent living; or

(e) is irreconcilably estranged from his parents.

(2) For the purposes of paragraph (1)(b) a student shall be treated as having supported himself out of his earnings for any period or periods for which—

(a) he was participating in arrangements for training for the unemployed under any scheme operated, sponsored or funded by any state authority or agency, national, regional or local;

(b) the student was in receipt of benefit payable by any state authority or agency, national, regional or local, in respect of a person who is available for employment but who is unemployed;

(c) the student was available for employment and had complied with any requirement of registration imposed by a body referred to in paragraphs (a) and (b) as a condition of entitlement for participation in arrangements for training or receipt of benefit; or

(d) the student held a State Studentship or comparable award; or

(e) the student received any pension, allowance or other benefit paid by reason of a disability to which the student is subject, or by reason of confinement, injury or sickness, paid by any state authority or agency, national, regional or local, by an employer or any former employer, or by any other person; or

(f) the student could not reasonably have been expected to support himself out of his earnings because he had the care of a person under the age of 18 years who was dependent upon him.

(3) For the purposes of paragraph (1)(e) a student shall be regarded as irreconcilably estranged from his parents if, but not only if, he has not communicated with either one of them for the period of one year before the beginning of the year for which payments in pursuance of his award fall to be made.

(4) In this regulation "parent" shall have the same meaning as in Part II of Schedule 3 to these Regulations.

References to courses

4.—(1) In these Regulations any reference to a designated course shall be construed as a reference to a course designated by or under regulation 10 and, in relation to any person, any reference to such a course (otherwise unqualified) 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; and, in relation to any designated course except one designated under regulation 10(1)(d), any reference to a course shall be construed as a reference to either a course of full-time study or a sandwich course.

(2) In these Regulations any reference to a first degree course, a DipHE course, an HND course, a course of initial training for teachers, a course comparable to a first degree course or an international course shall be construed in accordance with regulation 10.

(3) In these Regulations any reference to a sandwich course shall be construed as a reference to such a course within the meaning of paragraph 1 of Schedule 5.

(4) In these Regulations, any reference to a course of higher education shall be construed in accordance with section 120(1) of the Education Reform Act 1988(**a**).

(5) For the purposes of these Regulations a course the standard of which is not higher than a first degree course which leads to a qualification as a medical doctor, a dentist, a veterinary doctor, an architect, a landscape architect, a landscape designer, a landscape manager, a town planner or a town and country planner shall be considered to be a single course for a first degree or for an equivalent qualification notwithstanding that the course may lead to another degree or qualification being conferred before the degree or equivalent qualification, and notwithstanding that part of the course may be optional.

General construction and interpretation

5.—(1) In these Regulations, references to payments made to a student include references to payments made to the academic authority or to a third party in respect of the student by virtue of regulation 24(5).

(2) In calculating a person's income for any year any reduction for income tax is to be made by calculating the tax payable on the income received in that year as if the year were a year of assessment for the purposes of the relevant tax legislation (the necessary apportionment being made in any case where the relevant provisions of that legislation change during the year).

(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 ordinarily to live together, whether or not an order for their separation has been made by any court.

(4) A person shall be treated for the purposes of regulation 13 as ordinarily resident in the British Islands or in the European Economic Area, if the authority are satisfied that he would have been so resident at the relevant time but for the fact that he, his spouse, his parent, guardian, any other person having parental responsibility for him, or any person having care of him while he is a child, is, or was, temporarily employed outside the British Islands or, as the case may be, outside the European Economic Area and paragraph (1)(b) of regulation 13 shall not apply in the case of such a person. Without prejudice to the foregoing, members of the regular naval, military or air forces of the Crown shall be treated as being temporarily employed within the meaning of this paragraph for any period during which they serve outside the British Islands as members of such forces.

(5) For the purposes of these Regulations an area which—

(a) was previously not part of the European Community or the European Economic Area, but

(b) at any time before or after these Regulations come into force has become part of one or other or both of those areas

shall be considered to have always been part of the European Economic Area.

(6) In these Regulations a reference to an EEA migrant worker is a reference to a person who is a national of a member State of the European Economic Area who has taken up an activity as an employed person in the United Kingdom—

(a) under Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community, as extended by the EEA Agreement(**b**); or

(b) in circumstances where as a national of the United Kingdom he has an enforceable Community right to be treated no less favourably than a national of another member State in relation to matters which are the subject of the above mentioned Council Regulation.

(**a**) 1988 c. 40.
(**b**) OJ No. L257, 19.10.68, p. 2 (OJ/SE 1968 (II) p. 457).

(7) Except where the context otherwise requires, in these Regulations any reference to a regulation or a Schedule is a reference to a regulation contained herein or a Schedule hereto and a reference in a regulation or a Schedule to a paragraph is a reference to a paragraph of that regulation or Schedule, and a reference in a paragraph to a sub-paragraph is a reference to a sub-paragraph thereof.

Revocations and transitional provisions

6.—(1) **The Regulations listed in Schedule 6 are hereby revoked**.

(2) Without prejudice to section 17(2)(b) of the Interpretation Act 1978(**a**) and the definition of "award" in regulation 2, an old award bestowed in pursuance of previous Awards Regulations before the coming into force of these Regulations, in so far as it could have been bestowed in pursuance of these Regulations, shall, for the purposes thereof, be treated as having been so bestowed.

(3) Subject to paragraph (4), where the current academic year of a student's course began in the winter or spring of **2002** then, notwithstanding anything in these Regulations, payments in pursuance of an old award in respect of the year beginning on 1st January or, as the case may be, 1st April **2002** shall be the aggregate of—

(a) two-thirds or, as the case may be, one-third of the payments which would have fallen to be made in respect of that year under the Education (Mandatory Awards) Regulations **2001** had they not been revoked, and

(b) one-third or, as the case may be, two-thirds of the payments which would have fallen to be made in respect of the year beginning on 1st September **2002** under these Regulations had the academic year of his course begun in the autumn of **2002**.

(4) In the case of a course at the University of Buckingham beginning in the winter, spring or summer of **2002** then, notwithstanding anything in these Regulations, payments in pursuance of an old award in respect of the year beginning on 1st January, 1st April or 1st July (as the case may be) shall be the aggregate of—

(a) three-quarters, one-half or one-quarter (as the case may be) of the payments which would have fallen to be made in respect of that year under the Education (Mandatory Awards) Regulations **2001** had they not been revoked, and

(b) one-quarter, one-half or three-quarters (as the case may be) of the payments which would have fallen to be made in respect of the year beginning on 1st September **2002** under these Regulations had the academic year of the course begun in the autumn of **2002**.

(5) Where an award was bestowed on a student under section 2 of the Education Act 1962 ("the discretionary award") in respect of a course to which section 1 of that Act did not then apply but the course becomes or has become a designated course and an award within the meaning of these Regulations is or has been bestowed on the student in respect of that course ("the mandatory award") then, if the discretionary award continues to be payable it shall be disregarded in calculating the student's income for the purposes of regulation 18(1)(b); but payments on account of the mandatory award in respect of fees and in respect of maintenance for any period shall be respectively reduced or extinguished by those on account of the corresponding element of the discretionary award.

. . .

(6) Where—

(a) an award was bestowed on a person pursuant to previous Awards Regulations in respect of his attendance at a course during an academic year beginning before 1st September 1997, and

(b) the person immediately after ceasing to attend that course (disregarding any intervening vacation) begins to attend another course

an authority shall not be excepted from the duty to bestow an award in respect of the person's attendance at the second course by the application of the exception relating to settlement in the United Kingdom found in regulation 13(1)(c).

(**a**) 1978 c. 30.

PART II

AWARDS

Duty to bestow an award

7.—(1) Subject to paragraph (2), in pursuance of section 1(1) of the Education Act 1962 it shall be the duty of an authority, subject to the conditions and exceptions hereinafter provided, to bestow—

(a) a full award in respect of a person's attendance at a designated course within the meaning of these Regulations during an academic year beginning after 31st August **2002** if—

(i) the person concerned is ordinarily resident in the authority's area within the meaning of section 1 of the said Act of 1962 and Schedule 1 thereto, read with these Regulations, and

(ii) the duty is not owed to the person only because he is a European student;

(b) where paragraph (a) does not apply, a fees only award in respect of a person's attendance at a designated course at an institution in England or Wales during an academic year beginning after the 31st August **2002** if the person is a European student and the institution at which he attends his course is within the area of the authority.

(2) The duty of an authority to bestow an award in pursuance of section 1(1) of the Education Act 1962, which was repealed with transitional and saving provisions on 1st January 1999 by section 44(2) of and Schedule 4 to the Teaching and Higher Education Act 1998(**a**), shall apply only to the extent provided for in articles 3 and 4 of the Teaching and Higher Education Act 1998 (Commencement No.4 and Transitional Provisions) Order 1998, that is, in respect of a person's attendance at a course which is—

(a) a first degree course where—

(i) the person begins to attend the course immediately after ceasing to attend a DipHE course or an HND course (disregarding any intervening vacation), and

(ii) an award bestowed on him in respect of his attendance at the DipHE or HND course was an old award, or where no award was bestowed an award would have been an old award if it had been bestowed;

(b) subject to paragraphs (3) and (4), a postgraduate course for the initial training of teachers where—

(i) the person begins to attend the course immediately after ceasing to attend a first degree course (disregarding any intervening vacation), and

(ii) an award bestowed on him in respect of his attendance at the first degree course was an old award, or where no award was bestowed an award would have been an old award if it had been bestowed;

(c) a course the first year of which began before 1st September 1999.

(3) The authority shall not be under a duty to bestow a fees only award where the student is attending a flexible postgraduate course for the initial training of teachers, and for the purposes of this regulation "flexible postgraduate course for the initial training of teachers" means a course of initial teacher training, which has been approved by the Teacher Training Agency(**b**), the length and pattern of which is determined by the student's experience and training requirements.

(4) The authority shall not be under a duty to bestow a maintenance grant where the student is attending a flexible postgraduate course for the initial training of teachers which is of less than one year's duration.

Modification of provisions for determining ordinary residence

8.—(1) This regulation shall have effect for modifying paragraph 2 of Schedule 1 to the Education Act 1962.

(**a**) 1998 c. 30; section 44(2) came into force for the purpose of bringing into force the repeal of the Education Act 1962 by virtue of the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998 (S.I.1998/3237 (c. 81)).

(**b**) The Teacher Training Agency was established under section 1 of the Education Act 1994 (c. 30).

(2) 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 12 months ending with the date of the beginning of the course 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, April, or June (according as the academic year of the course begins in the winter, the spring, the summer or the autumn respectively) preceding the beginning of the course.

(3) A person who, apart from this regulation, would be treated by virtue of that paragraph as being ordinarily resident in the area of the authority in which he attends his course as a result of having moved from Scotland, Northern Ireland, the Channel Islands or the Isle of Man to become ordinarily resident in the area of an authority for the purpose of attending his current course or such previous course as is mentioned in regulation 8 of the Education (Areas to which Pupils and Students Belong) Regulations 1996(**a**) shall be treated as being ordinarily resident in the place from which he has moved.

No area students

9. A person who, apart from this regulation, would by virtue of paragraph 2 of Schedule 1 to the Education Act 1962 fall to be treated for the purposes of section 1 of that Act as not being ordinarily resident in the area of any authority shall be treated for the purposes of that section as ordinarily resident in the area of the authority in which the institution providing his course is situated.

Designated courses

10.—(1) The following courses are hereby designated—

(a) a first degree course, that is to say—

(i) a course provided by a publicly funded institution for a first degree or for the degree of Bachelor of Medicine or an equivalent degree;

(ii) a course provided by the University of Buckingham for a first degree of that university;

(iii) an international course, that is to say a course provided by a publicly funded institution in conjunction with an overseas institution for a first degree;

(iv) a course provided by a publicly funded institution in conjunction with a private institution, or by a private institution, for a first degree or for the degree of Bachelor of Medicine or an equivalent degree, which is for the time being designated for the purposes of this provision by the Secretary of State;

(b) a DipHE course, that is to say—

(i) a course provided by a publicly funded institution for the Diploma of Higher Education;

(ii) a course provided by a publicly funded institution for the Diploma of Higher Education or a first degree as the student may elect after the commencement of the course;

(iii) a course provided by a publicly funded institution in conjunction with a private institution, or by a private institution, for the Diploma of Higher Education which is for the time being designated for the purposes of this provision by the Secretary of State;

(c) an HND course, that is to say—

(i) a course provided by a publicly funded institution for the Higher National Diploma or the Higher National Diploma of the Business & Technology Education Council;

(ii) a course provided by a publicly funded institution in conjunction with a private institution, or by a private institution, for the Higher National Diploma or the Higher National Diploma of the Business & Technology Education Council, which is for the time being designated for the purposes of this provision by the Secretary of State;

(d) a course of initial training for teachers, that is to say—

(**a**) S.I. 1996/615.

(i) a full-time course for the initial training of teachers (other than a course for the degree of Bachelor of Education) provided by a publicly funded institution, or, where a private institution is an eligible institution as defined by section 4(2) of the Education Act 1994(**a**), by a public institution in conjunction with such a private institution, or by such a private institution;

(ii) a part-time course of teacher training, involving not less than 3 days' attendance for the purposes of study or teaching practice during each of at least 30 weeks during each year of the course, for the time being designated for the purposes of this provision by the Secretary of State;

(iii) any other course of teacher training, whether full-time, part-time or partly full-time and partly part-time, for the time being so designated;

(e) a course comparable to a first degree course, that is to say—

(i) a course of at least three academic years' duration provided by a university or universities for a certificate, diploma, or other academic award; or

(ii) a course for the time being designated for the purposes of this provision by the Secretary of State.

(2) In this regulation a reference to a publicly funded institution is a reference to an institution or institutions which are maintained or assisted by recurrent grants out of public funds, and a reference to a private institution is a reference to an institution or institutions which are not so maintained or assisted.

(3) For the purposes of paragraph (1)(d) a full-time course is a course involving not less than 30 weeks' full-time attendance for the purposes of study or teaching practice during each year of the course, a part-time course is a course involving periods of attendance for those purposes all of which are part-time, and a partly full-time and partly part-time course is any other course.

(4) In paragraphs (1)(d)(ii) and (3) in relation to a course provided at the University of Oxford or Cambridge a reference to a period of 30 weeks shall have effect as a reference to a period of 25 weeks.

Conditions

11.—(1) Subject to paragraph (2), the duty of an authority to bestow an award shall be subject to the conditions that—

(a) an application in writing reaches the authority not later than four months after the date of the beginning of the course; and

(b) the applicant gives the authority a written undertaking that, where any provisional or other payments made in pursuance of the award in respect of a year exceed (for whatever reason) the grant payable in respect of that year, he will, if called upon to do so, repay the excess amount.

(2) For the purposes of paragraph (1)(a), an application shall be treated as having reached the authority as there mentioned—

(a) where, to the knowledge of the authority, an application has so reached some other authority;

(b) where, not later than four months after the date of the beginning of the course, it has not become a designated course and the application reaches the authority not later than four months after the date on which it becomes a designated course;

(c) in the case of a person who becomes a European student as a result of the accession of the State of which he is a national to the European Community, where the application reaches the authority not later than four months after the date of the accession;

(d) in the case of a refugee, or the spouse or child of a refugee, where the application reaches the authority not later than four months after the date on which the refugee was recognized as a refugee; or

(e) where, having regard to the circumstances of the particular case, the authority consider that it should be so treated.

(**a**) 1994 c. 30.

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

Exceptions relating to attendance at previous courses

12.—(1) An authority shall not bestow an award on a person in respect of his attendance at a course if it is their duty under regulation 14 to transfer an award already bestowed on him so that it is held in respect of his attendance at that course.

(2) Subject to paragraphs (4), (5) and (7) an authority shall not be under a duty to bestow an award on any person where he has previously attended—

(a) a course designated under regulation 10(1)(a); or

(b) one or more courses of higher education the aggregate duration of which exceeds two academic years (a part-time course being treated as its full-time equivalent).

(3) An authority shall not be under a duty to bestow an award on any person in respect of his attendance at any course designated by or under regulation 10(l)(b) or (c) if he has previously attended any other course designated by or under regulation 10(1).

(4) A previous course shall be disregarded for the purposes of paragraph (2) if it was provided by a college providing long term residential courses of full-time education for adults which is specified in regulation 7 of the State Awards Regulations 1978(**a**).

(5) Nothing in paragraph (2) shall affect the duty of an authority to bestow an award on a person in respect of his attendance at—

(a) a postgraduate course for the initial training of teachers unless he has—

(i) previously attended such a course, or

(ii) successfully completed a course for the degree of Bachelor of Education (or a comparable first degree or award of an institution or the Council for National Academic Awards) which is referred to in paragraph (6);

(b) a course for the degree of Bachelor of Education (or a comparable first degree or academic award of an institution or the Council for National Academic Awards) the duration of which does not exceed two years and which is referred to in paragraph (6) unless he has previously attended—

(i) such a course, whether or not its duration exceeded two years, or

(ii) a postgraduate course for the initial training of teachers;

(c) a full-time course of initial training as a teacher of one year's duration, or a comparable part-time course, not within sub-paragraphs (a) or (b), unless he has for more than three years held a statutory award in respect of his attendance at a full-time course of higher education or a comparable course outside England and Wales.

(6) A course is referred to in this paragraph if the successful completion of it resulted or results in the person completing it being a qualified teacher within the meaning of section 218(2)(a) of the Education Reform Act 1988(**b**).

(7) Nothing in paragraph (2) shall affect the duty of an authority to bestow an award on a person who—

(a) attends a course having previously attended a designated course in respect of which he received payments of the kind described in regulation 23 in pursuance of section 63 of the Health Services and Public Health Act 1968(**c**) or article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(**d**) in respect of the courses referred to therein; and

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(**a**) S.I. 1978/1096, to which there are amendments not relevant to these Regulations.

(**b**) 1988 c. 40.

(**c**) 1968 c. 46; section 63 was amended by the National Health Service Reorganisation Act 1973 (c. 32), section 57, Schedule 4, paragraph 124 and Schedule 5, the National Health Service Act 1977 (c. 49), section 129, Schedule 15, paragraph 45 and Schedule 16, the National Health Service (Scotland) Act 1978 (c. 29), section 109, Schedule 16, paragraph 26(2)and Schedule 17, the Health Services Act 1980 (c. 53), sections 1, 2 and Schedule 1, Part I, paragraph 19(3), the Local Government Act 1985 (c. 51), section 102(2) and Schedule 17, the Family Practitioner Committees (Consequential Modifications) Order 1985 (S.I.1985/39), article 6(1), the Health and Medicines Act 1988 (c. 49), section 20, the Local Government (Scotland) Act 1994 (c.39), section 180(1), Schedule 13, paragraph 74(1) and (2), and the Health Authorities Act 1995 (c. 17), section 2 and Schedule 1, paragraph 95(2); and the National Health Service (Primary Care) Act 1997 (c. 46), section 41(10) and Schedule 2, paragraph 9.

(**d**) S.I. 1972/1265 (N.I. 14).

(b) has not attended any other course of higher education;

provided that the requirements of regulation 14(1)(a) or (b) are satisfied, the payments referred to in sub-paragraph (a) above being treated as an award bestowed in respect of a course.

(8) In this regulation any reference to the duration of a course is a reference to the period ordinarily required for its completion by a student who is not excused part of the course on account of his having attended a previous course, in the case of a sandwich course ignoring any periods of experience.

(9) For the purposes of this regulation a person shall not be treated as having previously attended a course by reason only of his having attended from its beginning the course to which his application for an award relates.

(10) For the purposes of this regulation a person shall only be treated as having attended a course if he has both attended and held a statutory award in respect of either more than one course or one course for a period longer than twenty weeks; and it is hereby declared that any reference to a person having attended a course shall be construed as a reference to his having done so before or after the coming into force of these Regulations.

(11) For the purposes of this regulation where an award has been transferred under regulation 14 the student on whom the award has been bestowed shall be treated as having attended only the new course, and the duration of that course shall be treated as the aggregate of the period spent following the previous course and the period which the student in question would ordinarily require for the completion of the new course, in the case of either course being a sandwich course ignoring any periods of experience.

Other exceptions

13.—(1) An authority shall not be under a duty to bestow an award in respect of a person's attendance at a course if—

(a) he has not been ordinarily resident, throughout the three years preceding the first year of the course in question, in the British Islands or, in the case of such a person as is mentioned in paragraph (3), who has not been so resident in the European Economic Area; or

(b) his residence in the British Islands or, in the case of such a person as is mentioned in paragraph (3), in the European Economic Area, has during any part of the period referred to in sub-paragraph (a) been wholly or mainly for the purposes of receiving full-time education; or

(c) he is not settled in the United Kingdom within the meaning of the Immigration Act 1971(**a**) at the beginning of the first year of the course in question, unless he is such a person as is mentioned in paragraph (3); or

(d) he has, in the opinion of the authority, shown himself by his conduct to be unfitted to receive an award.

(2) Paragraph (1)(a) to (c) shall not apply in the case of a refugee, ordinarily resident in the British Islands, who has not ceased to be so ordinarily resident since he was recognized as a refugee, or in the case of the spouse or child of such a refugee, and paragraph (1)(c) shall not apply in the case of a person who—

(a) has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify for recognition as a refugee, it is thought right to allow him to enter or remain in the United Kingdom,

(b) has been granted leave to enter or remain accordingly, and

(c) has been ordinarily resident in the British Islands throughout the period since he was granted leave to enter or remain

or in the case of the spouse or child of such a person.

(3) The person referred to in paragraph (1)(a) to (c) is—

(a) a European student,

(**a**) 1971 c. 77; amended by the British Nationality Act 1981 (c. 61), section 39 and Schedule 4, by the Immigration Act 1988 (c. 14), sections 1, 3, 4, 6 and 10 and the Schedule and by the Asylum and Immigration Appeals Act 1993 (c. 23), sections 10 to 12.

(b) an EEA migrant worker who is entitled to the payment of an award by virtue of Article 7(2) or (3) of Council Regulation (EEC) No. 1612/68 on freedom of movement of workers within the Community, as extended by the EEA Agreement(**a**), or, where he is a national of the United Kingdom, by virtue of an enforceable Community right to be treated no less favourably than a national of another member State in relation to matters which are the subject of Article 7(2) and (3);

(c) the spouse of an EEA migrant worker who is installed in the United Kingdom with his spouse, or

(d) the child of an EEA migrant worker who is entitled to the payment of an award by virtue of Article 12 of the above mentioned Council Regulation, or where his migrant worker parent is a national of the United Kingdom, by virtue of an enforceable Community right to be treated no less favourably than the child of a national of another member State in relation to matters which are the subject of Article 12.

(4) In paragraph (3), "parent" includes a guardian, any other person having parental responsibility for a child and any person having care of a child, and "child" shall be construed accordingly.

Transfer of awards

14.—(1) An award shall be transferred by the authority at the request of a student so as to be held in respect of attendance at a course other than that in respect of which it is held in any case where—

(a) on the recommendation of the academic authority the student **starts** to attend another course at the institution;

(b) with the. . . consent of the academic **authority** of **the institution** concerned. . . the student **starts** to attend a course at another institution;

(c) after commencing a course for the Certificate in Education, the student is, on or before the completion of that course, admitted to a course for the degree of Bachelor of Education;

(d) after commencing a course for the degree (other than an honours degree) of Bachelor of Education, the student is, on or before the completion of that course, admitted to a course for the honours degree of Bachelor of Education; or

(e) after commencing a course for a first degree (other than an honours degree) the student is, before the completion of that course, admitted to a course for an honours degree in the same subject or subjects at the institution.

. . .

(2) For the purposes of the duty of an authority to transfer an award in pursuance of paragraph (1)(c) or (d) it shall be immaterial whether or not the two courses are provided by the same institution.

Termination of awards

15.—(1) An 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 25(1).

(2) The authority may, after consultation with the academic authority, terminate an award if they are satisfied that the student has either—

(a) abandoned the course in respect of which it is held and the award does not fall to be transferred in pursuance of regulation 14; or

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(**a**) OJ No. L257, 19.10.68, p.2 (OJ/SE 1968 (II) p. 457).

(b) shown himself by his conduct to be unfitted to hold the award.

Supplementary provisions

16. 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 or has provided information which he knows to be false in a material particular or has recklessly provided information which is false in a material particular, they may terminate the award or withhold any payments due under it as they see fit.

PART III

PAYMENTS

Payments

17.—(1) Subject to regulations 16, 20, 21, 22, 23, 25 and 26, the authority shall in respect of each year pay in pursuance of an award—

(a) in respect of fees, a sum equal to the aggregate of any such fees payable in respect of the student as are described in Schedule 1, less—

(i) the amount if any by which the student's resources exceed his requirements for the purposes of regulation 18(1) (whether or not a maintenance grant is calculated under sub-paragraph (b)), or

(ii) the amount of any income referred to in paragraph 1(1)(b) of Schedule 3 which is not disregarded under that paragraph,

whichever is the less;

(b) where the award is a full award, in respect of maintenance a sum calculated in accordance with regulation 18.

(2) The aggregate of any sums paid in respect of maintenance shall be called the "maintenance grant", and so much of the maintenance grant as appears to the authority to be appropriate shall be treated as being in respect of the Easter and Christmas vacations.

Calculation of grant

18.—(1) Subject to paragraph (2) the sum mentioned in regulation 17(1)(b) shall be the amount by which the student's resources fall short of his requirements and for the purposes of ascertaining that amount—

(a) the requirements of the student shall be taken to be the aggregate of the amounts specified in Schedule 2 other than those specified in paragraphs 9 and 10 as are applicable in his case; and

(b) the resources of the student shall be taken to be the aggregate of his income for the year calculated in accordance with Part I of Schedule 3 and any contribution applicable in his case by virtue of Part II or III of that Schedule.

(2) There shall be added to the sum referred to in regulation 17(1)(b) the amount of any supplementary requirements of the student specified in paragraphs 9 and 10 of Schedule 2, less such part of any amount subtracted in accordance with regulation 17(1)(a) as is not required to reduce the amount payable in respect of fees to nil.

(3) This regulation and Schedules 2 and 3 shall have effect—

(a) in the case of such a student as is mentioned in Schedule 4, subject to the provisions thereof; and

(b) where regulation 20 applies, subject as therein provided.

Assessment of requirements and resources

19. The requirements and resources of a student shall be assessed by the authority and, for the purpose of the exercise of their function 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.

Sandwich courses

20.—(1) This regulation shall apply where the course is a sandwich course unless—

(a) the student is a member of a religious order and regulation 21 applies; or

(b) the course is a course for the initial training of teachers designated under regulation 10(1)(d).

(2) For the purpose of calculating payments under regulation 17 in respect of a sandwich year, that regulation and Schedules 2 and 3 shall have effect subject to the provisions of Schedule 5; but no payments in respect of maintenance shall be made in respect of a year in which there are no periods of full-time study.

Members of religious orders

21.—(1) This regulation shall apply where the student is a member of a religious order ("the Order") unless the course is a course of teacher training designated under regulation 10(1)(d)(iii) and regulation 22 applies.

(2) The payment in respect of maintenance under regulation 17(1)(b) in the case of a student upon whom an old award has been bestowed shall be the sum specified as appropriate in paragraph (3) or (4):

Provided that—

(a) where the course is a sandwich course, the payment in respect of a sandwich year shall be the prescribed proportion of the sum otherwise payable in respect of maintenance and no payment shall be made in respect of a year which includes no periods of full-time study;

(b) where the course is a part-time course of teacher training designated under regulation 10(1)(d)(ii), the payment shall be three-quarters of the sum so specified.

(3) In the case of a student who resides at his parents' home or in a house of the Order, the appropriate sum shall be **£770**.

(4) In the case of any other student, the appropriate sum shall be **£1,050** except that—

(a) **if he attends** a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District it shall be **£1,315**;

(b) **if he attends as part of his course an overseas institution, it shall be—**

£1,515 if the institution is in a high cost country; or

£1,135 if the institution is in any other country.

. . .

(5) In this regulation "prescribed proportion" shall have the same meaning as in Schedule 5 to these Regulations.

Courses of teacher training

22.—(1) This regulation shall apply—

(a) where the course is a part-time course of teacher training designated under sub-paragraph (d)(ii) or (d)(iii) of regulation 10(1); or

(b) where it is a partly full-time and partly part-time course designated under the said sub-paragraph (d)(iii),

unless the student is a member of a religious order, the course is a part-time course of teacher training designated under the said sub-paragraph (d)(ii) and regulation 21 applies.

(2) Where the course is designated under the said sub-paragraph (d)(ii), the payment in respect of maintenance under regulation 17(1)(b) shall be a grant equal to three-quarters of the sum otherwise payable.

(3) Subject to the following paragraphs, where the course is designated under the said sub-paragraph (d)(iii), the said payment under regulation 17(1)(b) shall be—

(a) in a year in which the student's periods of attendance are all periods of full-time attendance or in which his aggregate period of full-time attendance is 30 weeks or more, the maintenance grant;

(b) in a year in which the student's periods of attendance are all periods of part-time attendance, in the case of an old award, the sum of £325;

(c) in any other year, a sum equal to the aggregate of—

(i) the proportion of the maintenance grant which the student's aggregate period of full-time attendance in the year, expressed in weeks, bears to 30, and

(ii) in the case of an old award the proportion of £325 which the difference between the said aggregate period and 30 weeks bears to 30.

(4) In relation to a student employed full-time as a teacher, paragraph (3) shall have effect except in such a year as is mentioned in sub-paragraph (a) thereof, as if it provided that the said payment under regulation 17 should be £90;

(5) In relation to a student attending a course provided at the University of Oxford or Cambridge, sub-paragraphs (a) and (c) of paragraph (3) shall have effect as if any reference therein to—

(a) a period of 30 weeks were a reference to a period of 25 weeks; and

(b) the proportion which a period expressed in weeks bears to 30 were a reference to the proportion which that period bears to 25.

(6) For the purposes of this regulation a day shall be reckoned as a seventh of a week, and "attendance" means attendance for the purposes of study or teaching practice.

Assisted Students

23. Notwithstanding anything in the preceding provisions of these Regulations, no payment under regulation 17 shall be made to a person in respect of any year in respect whereof he receives any payment in pursuance of any bursary or award of similar description bestowed on him in pursuance of section 63 of the Health Services and Public Health Act 1968(**a**) or article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(**b**) in respect of a course in nursing, occupational therapy, orthoptics, physiotherapy, radiography, midwifery, speech and language therapy, chiropody, dietetics or prosthetics and orthotics.

Method of payment

24.—(1) Subject to paragraphs (2) to (6), 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 award.

(2) Subject to paragraphs (3) and (4), the authority shall pay such fees as are described in Schedule 1 promptly when a valid request for payment in respect thereof has been received.

(3) Fees described in paragraphs (i), (ii), (iv), (v), (vi) and (viii) of Schedule 1 shall be paid during the period of 10 weeks which begins after the expiry of 3 months from the beginning of the year except in respect of a student who becomes eligible for an award after 1st September 1999 in respect of a course that began before 1st September 1998, in which case fees shall be paid as soon as reasonably practicable thereafter.

(4) Fees described in paragraphs (iii) and (vii) of Schedule 1 shall be paid in the number of instalments mentioned therein after the first dates on which the student is required to attend his course after 1st January, 1st April, 1st July and 1st September respectively, beginning with a payment after the first date on which he is required to attend after the beginning of the year of the course, and continuing with payments after the next such first dates on which he is required to attend, until all the instalments which are payable for the year have been paid.

(5) All payments shall be made to the student, except—

(a) payment of the fees described in Schedule 1 may be made to the academic authority, and

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(**a**) 1968 c. 46; section 63 was amended by the National Health Service Reorganisation Act 1973 (c. 32), section 57, Schedule 4, paragraph 124 and Schedule 5, the National Health Service Act 1977 (c. 49), section 129, Schedule 15, paragraph 45 and Schedule 16, the National Health Service (Scotland) Act 1978 (c. 29), section 109, Schedule 16, paragraph 26(2) and Schedule 17, the Health Services Act 1980 (c. 53), sections 1, 2 and Schedule 1, Part 1, paragraph 19(3), the Local Government Act 1985 (c. 51), section 102(2) and Schedule 17, the Family Practitioner Committees (Consequential Modifications) Order 1985 (S.I. 1985/39), article 6(1), The Health and Medicines Act 1988 (c. 49), section 20, the Local Government (Scotland) Act 1994 (c. 39), section 180(1) and Schedule 13, paragraph 74(1) and (2), and The Health Authorities Act 1995 (c. 17), section 2 and Schedule 1, paragraph 95(2) and the National Health Service (Primary Care) Act 1997 (c. 46), section 41(10) and Schedule 2, paragraph 9.

(**b**) S.I.1972/1265 (N.I. 14).

(b) where amounts specified in paragraph 9 or 10 of Schedule 2 are payable to him on his written instruction payment in respect of his maintenance grant may be made to a third party.

(6) Without prejudice to regulation 26 or the recovery of an over-payment by way of a deduction from a subsequent payment, any over-payment or under-payment made in pursuance of this regulation shall be adjusted by payment between the student or, as the case may be, the academic authority and the authority.

Reduced entitlement to payments

25.—(1) In respect of any period during which the student repeats any part of his course, the authority shall not be required to make any payments under regulation 17 but may pay in pursuance of the award such sums (if any) as they consider appropriate, being sums not exceeding the amount of any payments that would, apart from this regulation, be payable to that student in respect of that period.

(2) Subject to paragraph (3), paragraph (4) shall apply in the case of a student who—

(a) has previously attended a course of higher education being—

(i) a course of up to two academic years' duration, in the case of one designated by or under regulation 10(1), or

(ii) a course of two academic years' duration, in the case of one not so designated, or

(b) has previously successfully completed a part-time course corresponding to such a course as is mentioned above

("the previous course"), and who holds an award bestowed so as to be held, in respect of a course designated by or under regulation 10(1)(a), (d) or (e) being a course of more than one year's duration ("the current course").

(3) Paragraph (4) shall not apply if the current course is for the degree of Bachelor of Education (or a comparable first degree or academic award of an institution) and a subject thereof is—

(a) physics, chemistry or biology (or a combination of those subjects); or

(b) mathematics; or

(c) design and technology; or

(d) information technology; or

(e) a modern foreign language or languages; or

(f) Welsh; or

(g) religious education; or

(h) music; or

(i) geography; or

(j) some other subject the study of which the authority are satisfied fits a person to teach in schools any of the above-mentioned subjects.

(4) Where this paragraph applies, the authority shall only be required to make payments under regulation 17 in pursuance of the award in respect of the current course—

(a) where that course is of not more than two years' duration, in respect of the final year of the student's course;

(b) where that course is of a greater number of years' duration, in respect of the last two years of the student's course;

but, in respect of any other year of the student's current course, they may make such payments as they consider appropriate not exceeding those which would, apart from this regulation, have been payable under regulation 17 as aforesaid.

(5) In paragraphs (2) and (4) any reference—

(a) to the duration of a course is a reference to the period ordinarily required for its completion by a student who is not excused part of the course on account of his having attended a previous course, in the case of a sandwich course ignoring any periods of experience;

(b) to the final year or years of a student's course is, in the case of a student so excused part of the course, a reference thereto after taking account of the consequential reduction in the duration of his course; and

(c) to a person's having attended a course shall be construed as provided in regulation 12(9) and (10).

(6) Where the authority have come under a duty to bestow an award on a person during a year because he has become—

(a) a European student as a result of the accession of the State of which he is a national to the European Community, or

(b) a refugee, or the spouse or child of a refugee, as a result of the recognition of him, or his spouse or parent, as a refugee,

they shall deduct from the sums and grant payable in respect of that year in pursuance of the award under regulation 17 the amounts referred to in paragraph (8).

(7) Where a student is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS(**a**) and

(a) his course is an international course, and

(b) all the periods of study during a year are at an institution outside the United Kingdom

no sum shall be payable in respect of fees under regulation 17(1)(a) in respect of that year.

(8) The amounts to be deducted under paragraph (6) are—

(a) from the sum payable in respect of fees under regulation 17 any amount payable before the date on which the student became a European student or the refugee was recognized as a refugee, and

(b) from the sum or grant payable in respect of maintenance under regulation 17 the proportion of that sum or grant which relates to the period before the date referred to in sub-paragraph (a).

(9) Where an award has been transferred by the authority under regulation 14(1)(a) or (b) and—

(a) the requisite recommendation or consent to the transfer is given after the expiry of four months after the end of the first year of the course in respect of which the award was originally bestowed ("the previous course"), and

(b) the authority are not satisfied, after consulting the academic authority or authorities concerned, that the fact that the requisite recommendation or consent was given after the expiry of the period specified in sub-paragraph (a) was due only to the need to apply through a clearing admission system, and

(c) the authority are satisfied, after consulting the academic authority or authorities concerned, that the period which the student in question will ordinarily require for the completion of the course which he now attends ("the current course") will expire later than the period which he would have required for the completion of the previous course

then the authority shall not make payments otherwise due under regulation 17 in respect of the current course in respect of the period mentioned in paragraph (10).

(10) The period referred to in paragraph (9) is the period which begins on the first day the student attends the current course and which ends after the number of weeks mentioned in paragraph (11).

(11) The number of weeks referred to in paragraph (10) is the difference between the number of weeks from the beginning of the current course which the student in question will ordinarily require to complete it and the number of weeks from the same date which he would have required to complete the previous course.

(12) Where an award has been transferred under regulation 14(1)(c) or (d) so as to be held in respect of a student's attendance at a course for the degree of Bachelor of Education ("the current course") if the period which the student in question would ordinarily require for the completion of the current course, when aggregated with the period for which the student has already pursued a course in respect of which the award was held ("the overall period of study"), exceeds—

(a) five years where the current course is for the honours degree of Bachelor of Education; or

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(**a**) ERASMUS is part of the European Community action programme SOCRATES, OJ No. L87, 20.4.95, p. 10.

(b) four years where the current course is for that degree not being an honours degree

("the prescribed period of study") then the authority shall not make payments otherwise due under regulation 17 in respect of the current course in respect of the period mentioned in paragraph (13).

(13) The period referred to in paragraph (12) is the period beginning on the first day on which the student attends the current course and continues for the number of weeks mentioned in paragraph (14).

(14) The number of weeks referred to in paragraph (13) is the number of weeks by which the overall period of study exceeds the prescribed period of study.

(15) In determining the period ordinarily required to complete a course for the purposes of paragraph (9), (11) or (12) there shall be included vacations, and any period until the end of the final year of the course, but there shall be ignored—

(a) in each case, periods of experience which are part of a sandwich course, and

(b) in the case of the previous course any period during which the student would now be required by the academic authority to repeat part of the course, if the authority would not make any payments for maintenance in respect of that period under paragraph (1).

(16) For the purposes of paragraphs (9) and (12) a payment is due in respect of the period mentioned in paragraphs (10) and (13) respectively if it is—

(a) any instalment or other payment on account of fees becoming payable under regulation 17 during that period; or

(b) a sum or grant payable, or the proportion of a sum or grant payable, in respect of maintenance under regulation 17 which relates to that period.

Withholding and reduction of payments

26.—(1) Without prejudice to regulation 16, in the case of any student who is for the time being in default of any requirement to provide such information as is described in regulation 19, the authority may withhold, in part, any payment due to him in respect of maintenance and calculated or determined in accordance with regulation 18, 20, 21, or 22.

(2) No payment shall be made in respect of fees if—

(a) before the date on which the fees become payable the student ceases to attend the course, and

(b) the academic authority has determined or agreed that he will not commence attending again during the year in respect of which the fees are payable, or at all.

(3) In respect of any period—

(a) after the termination of an award;

(b) during which a student is excluded from attendance at the course by the academic authority; or

(c) during which a student is absent from his course without leave,

any payment in respect of maintenance otherwise due in pursuance of the award shall be reduced by the sum mentioned in paragraph (5).

(4) In respect of any other period being—

(a) a period during which a student is absent from his course (other than a period of not more than 60 days due to illness);

(b) where an award held in respect of one course is transferred in pursuance of regulation 14 so as to be held in respect of another course, a period during which the student is not required to attend either course (other than the period of a single vacation); or

(c) a period during which the student is detained in pursuance of an order made by any court,

the authority may reduce any payment in respect of maintenance otherwise due in pursuance of the award by such amount, not exceeding the sum mentioned in paragraph (5), as having regard to all relevant circumstances they consider appropriate.

(5) The sum referred to in paragraphs (3) and (4) is the aggregate of—

(a) the maintenance grant calculated under regulation 18(1) multiplied by the number of days for which the period in question lasted divided by the number of days in respect of which the grant is payable for the year; and

(b) such portion of the maintenance grant calculated under regulation 18(2) as the authority consider appropriate.

(6) In determining the number of days for which the period in question lasted under paragraph (5) the authority shall disregard the first 60 days of any period of absence due to illness.

Margaret Hodge
Minister of State,
13th May 2002 Department for Education and Skills

SCHEDULE 1

Regulations 17 and 24(2)

FEES

The fees referred to in regulation 17 are the aggregate of any fees payable by the student in respect of, or otherwise in connection with, his attendance on the course, including admission, tuition and graduation fees, but excluding fees payable—

(a) to an institution for awarding or accrediting any qualification where the institution does not provide the whole or part of the course and is not a publicly funded institution;

(b) for board and lodging;

(c) for field trips (including any tuition element of such fees);

(d) for attending any graduation or other ceremony; and

(e) which are prescribed by the Education (Student Fees) (Exceptions) (England) Regulations 1999(**a**);

subject to the following maxima:

(i) in the case of a course not covered by any other sub-paragraph of this paragraph, **£1,100**, but where the final year of the course is ordinarily required to be completed after less than 15 weeks' attendance, **£540**;

(ii) subject to sub-paragraph (iii), in respect of courses at institutions which are neither maintained nor assisted by grants paid out of public funds, **£1,025**;

(iii) in the case of a course at the University of Buckingham, four instalments of **£645**, in the case of a course at the Guildhall School of Music, three instalments of **£1,320**, and in the case of a course at Heythrop College, three instalments of **£650**;

(iv) where during the year of a sandwich course any periods of full-time study are in aggregate less than 10 weeks, **£540**;

(v) where during the year of a course of initial training for teachers referred to in regulation 10(1)(d) any periods of full-time study are in aggregate less than 10 weeks, **£540**;

(vi) where during the year of an international course the periods of full-time study at the institution in the United Kingdom are in aggregate less than 10 weeks, **£540**;

(vii) in respect of the final year of a course referred to in paragraph (iii) which is ordinarily required to be completed before the first, the second or, in the case of a course at the University of Buckingham the third of the dates 1st January, 1st April, 1st July and 1st September which follow the beginning of that year, the first, the first two, or the first three of the instalments which would be payable respectively if this paragraph did not apply;

(viii) in respect of not more than one academic year of a course referred to in paragraphs (iv) or (vi) where the periods of full-time study at the institution in the United Kingdom are 10 weeks or more, but in respect of that year and any previous such years the aggregate of any one or two periods of attendance which are not periods of full-time study at the institution (disregarding intervening vacations) exceeds 30 weeks, or where the institution is the University of Oxford or Cambridge, 25 weeks, **£540**.

SCHEDULE 2

Regulations 18 and 20(2)

REQUIREMENTS

PART I

ORDINARY MAINTENANCE

1.—(1) The requirements of the student referred to in regulation 18(1)(a) shall include his requirement for ordinary maintenance during—

(a) any period while he is attending the course; and

(b) the Christmas and Easter vacations;

and the amount of such requirement ("ordinary maintenance requirement") shall be determined in accordance with this Part of this Schedule.

(2) Where a student's ordinary maintenance requirements are different in respect of different parts of a year, his ordinary maintenance requirement for that year shall be the aggregate of the proportionate parts of those differing requirements.

2.—(1) This paragraph shall apply in the case of—

(a) any student who does not reside at his parents' home; and

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(**a**) SI 1999/2265.

(b) any student residing at his parents' 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 ordinary maintenance requirement specified herein would be appropriate.

(2) In the case of such a student the ordinary maintenance requirement shall be **£1,990** except that—

(a) **if he attends** a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, it shall be **£2,450**; and

(b) **if he attends for a period** of at least eight weeks and as . . . part of his course an overseas institution, it shall . . . be—

£3,755 if the institution is in a high cost country; or

£2,850 if the institution is in any other country.

. . .

3. In the case of any other student the ordinary maintenance requirement shall be **£1,625**.

PART II

SUPPLEMENTARY MAINTENANCE ETC.

4. The requirements referred to in regulation 18 shall include the student's requirements—

(a) for supplementary maintenance in the cases and for the periods mentioned in paragraphs 5, 6 and 10; and

(b) in respect of such expenditure as is mentioned in paragraphs 7 to 9;

and the amount of any such requirement ("supplementary requirement") shall be determined in accordance with this Part of this Schedule.

5.—(1) This paragraph shall apply in the case of a student who having, in any academic year, attended his course-

(a) in the case of a course provided at the University of Oxford or Cambridge, for a period of 25 weeks 3 days; or

(b) in the case of any other course, for a period of 30 weeks 3 days,

in that year attends a course so provided for a further period ("the excess period").

(2) In respect of each week and any part of a week comprised in the excess period the supplementary requirement shall be—

(a) in the case of a student residing at his parents' home, **£47**;

(b) in the case of any other student, **£69** except that—

(i) **if he attends** a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, it shall be **£90**;

(ii) **if he attends for a period** of at least eight weeks and as . . . part of his course an overseas institution, it shall . . . be—

£127 if the institution is in a high cost country; or

£97 if the institution is in any other country.

. . .

6.—(1) This paragraph shall apply in the case of a student who attends his course for a period of not less than 45 weeks in any continuous period of 52 weeks.

(2) In respect of each aggregate period of a complete week for which he does not attend his course in the period of 52 weeks in question, the student's supplementary requirement shall be determined in accordance with paragraph 5(2).

7.—(1) This paragraph shall apply in the case of a student who is obliged to incur reasonable expenditure—

(a) in the case of a student attending a course in medicine, dentistry or nursing, a necessary part of which is a period of study by way of clinical training, for the purpose of attending in connection with his course any hospital or other premises in the United Kingdom (not comprised in the institution) at which facilities for clinical training are provided, but not incurred for the purpose of residential study away from the institution;

(b) within or outside the United Kingdom for the purpose of attending for a period of at least eight weeks and as . . . part of his course an overseas institution.

(2) The student's supplementary requirement in respect of such expenditure shall be the amount of such expenditure less **£265**.

(3) For the purposes of this paragraph any reference to expenditure incurred for the purpose of attending an institution or period of study—

(a) includes expenditure both before and after so attending; and

(b) does not include any expenditure for a purpose specified in paragraph 9.

8.—(1) This paragraph shall apply in the case of a student who reasonably incurs any expenditure in insuring against liability for the cost of medical treatment provided outside the United Kingdom for any illness or bodily injury contracted or suffered during a period of study outside the United Kingdom which is . . . part of the student's course.

(2) The student's supplementary requirement in respect of such expenditure shall be the amount reasonably incurred.

9.—(1) This paragraph shall apply in the case of a disabled student where the authority are satisfied that by reason of his disability he is obliged to incur additional expenditure in respect of his attendance at the course.

(2) The student's supplementary requirements shall be such amounts as the authority consider appropriate—

(a) in respect of a non-medical personal helper not exceeding **£11,015**;

(b) in respect of major items of specialist equipment not exceeding **£4,355** in total for the duration of his course;

(c) in respect of expenditure incurred—

(i) within the United Kingdom for the purposes of attending the institution;

(ii) within or outside the United Kingdom for the purpose of attending as . . . part of his course . . . an overseas institution;

(d) in respect of any other expenditure including expenditure incurred for the purposes specified in paragraphs (a) and (b) which exceed the maxima specified therein not exceeding **£1,455**.

10.—(1) This paragraph shall apply in the case of a student—

(a) who is under the age of 21 on the first day of the course;

(b) in respect of whom a parental contribution is not applicable in accordance with Part II of Schedule 3 because he has pursuant to an order of a competent court been in **such** custody or care . . . or has been provided with accommodation as described in paragraph 3(c) of that Schedule; and

(c) who in the opinion of the authority is subject to greater financial hardship by reason of having been in custody, care or having been provided with accommodation as mentioned in paragraph (b) than he would have been if he had not been in custody, care or having been provided with accommodation.

(2) The student's supplementary requirement shall be such amount as the authority in all the circumstances consider appropriate not exceeding £100 for each week or part of a week which—

(a) falls within the longest vacation taken; and

(b) during no part of which week the student attends his course.

PART III

MAINTENANCE OF DEPENDANTS

11.—(1) The requirements referred to in regulation 18(1)(a) shall include the student's requirements for the maintenance of dependants during the year and the amount of any such requirement ("dependants requirement") shall be determined in accordance with this Part of this Schedule.

(2) Where a student's requirements for the maintenance of dependants are different in respect of different parts of a year, his dependants requirement for that year shall be the aggregate of the proportionate parts of those differing requirements.

12.—(1) In this Part of this Schedule—

"adult dependant" means, in relation to a student, an adult person dependent on the student not being his child, his spouse or a person living with him as his spouse or his former spouse, subject however to sub-paragraphs (2) and (3);

"child", in relation to a student, includes a person adopted in pursuance of adoption proceedings, a step-child and any child for whom the student has parental responsibility and who is dependent on him;

"dependant" means, in relation to a student, his dependent child, his spouse or an adult dependant, subject however to sub-paragraphs (2) and (3);

"income" means income for the year from all sources (reduced by income tax and social security contributions) but disregarding—

(a) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the person is subject;

(b) child benefit payable under Part IX of the Social Security Contributions and Benefits Act 1992(**a**);

(c) any allowance payable to his spouse by an adoption agency in accordance with regulations made under section 57A of the Adoption Act 1976(**b**);

(d) any guardian's allowance to which his spouse is entitled under section 77 of the Social Security Contributions and Benefits Act 1992;

(e) in the case of a spouse with whom a child in the care of a local authority is boarded out, any payment made to him in pursuance of section 23 of the Children Act 1989(**c**);

(f) any payments made to his spouse in pursuance of an order made under section 34 of the Children Act 1975(**d**), or under section 15 of and Schedule 1 to the Children Act 1989 or any assistance given by a local authority pursuant to section 24 of that Act, in respect of a person who is not the spouse's child;

(g) where the spouse holds an award in respect of a course of teacher training designated under regulation 10(1)(b)(iii), being a part-time course or a course which is partly full-time and partly part-time, the payments in respect of maintenance made to the spouse in pursuance of regulation 17(1)(b) or so much of those payments as related to the part-time part of the course;

(h) where the spouse or the student make any recurrent payments which were previously made by the student in pursuance of an obligation incurred before the first year of the student's course—

(i) if, in the opinion of the authority, the obligation had been reasonably so incurred, an amount equal to the payment in question;

(ii) if, in their opinion, only a lesser obligation could have been reasonably so incurred, such correspondingly lesser amount (if any) as appears to them appropriate;

"relevant award" means a statutory award in respect of a person's attendance at—

(a) a full-time course of higher education or a comparable course outside England and Wales;

(b) a course designated under sub-paragraph (d)(ii) of regulation 10(1); or

(c) the full-time part of a course designated under sub-paragraph (d)(iii) of regulation 10(1) which is partly full-time and partly part-time;

"spouse", except in the definition above of adult dependant, shall not include a student's spouse if they have ceased ordinarily to live together whether or not an order for their separation has been made by any court.

(2) A person, including the student's spouse, shall not be treated as a dependant of the student during any period for which that person—

(a) holds a relevant award; or

(b) (save for the purposes of paragraph 17) is ordinarily living outside the United Kingdom.

(3) A person shall not be treated as a student's adult dependant or as his dependent child—

(a) in the case of a person other than a child of the student, if his income exceeds by **£975** or more the sum specified in paragraph 13(4)(a);

(b) in the case of a child of a student who either has a spouse who is, or but for sub-paragraph (2) would be, his dependant or has an adult dependant, if the child's income so exceeds the sum specified in paragraph 13(4)(b) as applicable to his age;

(c) in the case of a child of a student not falling within sub-paragraph (b), unless either—

(i) the child is the only or eldest child dependent on the student whose income does not so exceed the sum specified in paragraph 13(4)(a); or

(ii) the child's income does not so exceed the sum specified in paragraph 13(4)(b) as applicable to his age.

13.—(1) This paragraph shall apply in the case of a student with dependants.

(2) The dependants requirement of the student shall, subject to paragraphs 14 to 17, be—

(a) if the student's spouse holds a statutory award and in calculating payments under it account is taken of the spouse's dependants requirement, one half of the amount determined in accordance with sub-paragraphs (3), (4), and (5);

(b) in any other case, the whole of the amount so determined.

(**a**) 1992 c. 4.

(**b**) 1976 c. 36; section 57A was introduced by paragraph 25 of Schedule 10 to the Children Act 1989 (c. 41). The relevant instruments are S.I. 1991/2030 and 2742.

(**c**) 1989 c. 41.

(**d**) 1975 c. 72; a new section 34 was substituted by section 64 of the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22); the Act was repealed by the Children Act 1989 (c. 41), section 108(7) and Schedule 15.

(3) The amount referred to in sub-paragraph (2) shall be the amount which is X-(Y-Z) where—

(a) X is the aggregate of the relevant sums specified in sub-paragraph (4);

(b) Y is the aggregate of the income of the student's dependants;

(c) Z is so much of the sum ascertained by multiplying **£975** by the number of his dependants as does not exceed Y.

(4) Subject to sub-paragraph (5), the relevant sums referred to in sub-paragraph (3) are—

(a) except where the student has a spouse who is the holder of a relevant award, **£2,225**;

and

(b) in respect of each dependent child—

(i) under the age of 11 immediately before the beginning of the academic year, or born during that year, **£465**;

(ii) then aged 11 or over, but under 16, **£930**;

(iii) then aged 16 or over, but under 18, **£1,240**;

(iv) then aged 18 or over, **£1,780**;

except that the only or eldest dependent child shall be disregarded for the purposes hereof if the student has neither an adult dependant nor a spouse who is, or but for paragraph 12(2) would be, a dependant.

(5) Where the student has not made an election under paragraph 4 of Schedule 4, the sum of **£255** will be payable in respect of either:

(i) an only or eldest dependent child whose income does not exceed **£3,455**, where the dependants requirement in respect of that child is calculated by reference to sub-paragraph (4)(a); or

(ii) a dependent child whose income does not exceed the amount applicable to his age by more than **£1,230**, where the dependants requirement in respect of that child is calculated by reference to sub-paragraph (4)(b).

(6) Where the student has not made an election under paragraph 4 of Schedule 4, the dependants requirement under this paragraph **in respect of dependent children** shall be increased by **£510** in respect of expenditure on travel, books and equipment for the purpose of attending his course.

14.—(1) Subject to the following sub-paragraphs, where the student has not made an election under paragraph 4 of Schedule 4, the dependants requirement of the student shall, in respect of each year, be increased in respect of childcare costs for each dependent child where the childcare is provided by an approved or registered childcare provider, if—

(a) the child is under the age of 15 immediately before the beginning of the academic year; or

(b) the child has registered special educational needs within the meaning of the Education Act 1996(**a**) and is under the age of 17 immediately before the beginning of the academic year.

(2) For the purpose of this paragraph and notwithstanding the provisions of paragraph 12(3), a child shall be treated as a dependent child of a student even if the child's income exceeds by **£975** or more the relevant sum specified in paragraph 13(4)(a) or (b).

(3) The dependants requirement for each week for which a student shall be eligible under paragraph (1) is:

(a) where the academic year begins in the autumn, for the period of 40 weeks beginning on the first day of the first term of the academic year:

(i) for one dependent child, 85 per cent. of the costs of the childcare, subject to a maximum amount of £114.75 per week; or

(ii) for two or more dependent children, 85 per cent. of the costs of the childcare, subject to a maximum amount of £170 per week;

(b) where the academic year begins in the winter, spring or summer, for each week of each term of the academic year and the Christmas and Easter vacations beginning on the first day of the first term of the academic year—

(i) for one dependent child, 85 per cent. of the costs of the childcare, subject to a maximum amount of £114.75 per week; or

(ii) for two or more dependent children, 85 per cent. of the costs of the childcare, subject to a maximum amount of £170 per week; and

(c) for any other week of the academic year to which sub-paragraphs (a) or (b) do not apply including a week of the summer vacation, except each week falling within the period between the end of the course and the end of the academic year in which the course ends:

(i) for one dependent child, 70 per cent. of the costs of the childcare, subject to a maximum amount of £94.50 per week; or

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(**a**) 1996 c. 56, section 312.

(ii) for two or more dependent children, 70 per cent. of the costs of the childcare, subject to a maximum amount of £140 per week.

(4) With reference to the calculation set out in paragraph 13, where the amount (Y-Z) exceeds X, the amount payable under sub-paragraph (3) shall be reduced by the amount of that excess.

(5) Where the income of a dependent child of the student exceeds by **£975** or more the sum specified in paragraph 13(4)(a) or (b), the amount payable under sub-paragraph (3) shall be reduced by the amount of his income less **£975**.

(6) If the student's spouse holds a statutory award and in calculating payments under it account is taken of the spouse's dependants requirement, the amount calculated under sub-paragraph (3) shall be reduced by one half.

(7) Where a student has in any academic year attended his course—

(a) in the case of a course provided at the University of Oxford or Cambridge, for a period of 25 weeks 3 days; or

(b) in the case of any other course, for a period of 30 weeks 3 days

and he attends for a further period and the period of 40 weeks referred to in sub-paragraph (3)(a) has expired, the relevant amounts referred to in sub-paragraph (3)(a) shall apply for each week or part week of such attendance.

(8) In this paragraph—

"approved childcare provider" means a childcare provider within the meaning of the Tax Credit (New Category of Childcare Provider) Regulations 1999(**a**), who has been approved in accordance with those regulations;

"registered childcare provider" means a person who **acts as a child minder or provides day care** and is registered within the meaning of section **79F** of the Children Act 1989(**b**), (**grant or refusal of** registration of child minders and persons providing day care for young children).

15.—(1) Subject to sub-paragraph (3), this paragraph shall apply in the case of a student with a dependent child where an amount is included in respect of the child in determining the dependants requirement under paragraph 13 and the child is either

(a) aged 3 or 4 during the relevant school year, or

(b) attends a school maintained by a local education authority or a city technology college or a city college for the technology of the arts(**c**) or a city academy(**d**) during the relevant school year.

(2) The dependants requirement of the student (determined in accordance with paragraph 13(2)(a) or (b)), shall be increased by—

(a) **£255** for each dependent child aged 3 or over on 31st December in the relevant school year, but under the age of 11 immediately before the beginning of the relevant school year;

(b) **£170** for each dependent child whose third birthday falls after 31st December but on or before 31st March in the relevant school year;

(c) **£85** for each dependent child whose third birthday falls after 31st March but before the end of the relevant school year;

(d) **£275** for each dependent child of compulsory school age who is aged 11 or over immediately before the beginning of the relevant school year.

(3) This paragraph shall not apply where the dependent child receives school meals free of charge under section 512 or 512A of the Education Act 1996(**e**) or where similar provision is made for him pursuant to an agreement made between the Secretary of State and a person who establishes and maintains a city technology college or a city college for the technology of the arts or a city academy under section 482 of that Act.

(4) In this paragraph "relevant school year" means :

(a) in the case of a child who attends a school (of a kind referred to in sub-paragraph 1(b)), the school year (within the meaning of Section 579(1) of the Education Act 1996(**f**)) whose beginning is closest to the beginning of the academic year in respect of which the dependants requirement under this Part of this Schedule is being assessed; and

(b) in the case of a child aged 3 or 4 who does not attend such a school, the period of twelve months beginning on 1st September, falling closest to the beginning of the academic year in respect of which the dependants requirement under this Part of this Schedule is being assessed.

(**a**) S.I. 1999/3110, made in exercise of the powers conferred by sections 15(1) and 15(4) of the Tax Credits Act 1999 (c. 10).
(**b**) 1989 c. 41; **section 79F was inserted by the Care Standards Act 2000 (c. 14), section 79(1)**.
(**c**) City technology colleges and city colleges for the technology of the arts are established pursuant to section 482 of the Education Act 1996 (c. 56).
(**d**) City academies are established pursuant to section 482 of the Education Act 1996 (c. 56) as amended by the Learning and Skills Act 2000 (c. 21), section 130.
(**e**) 1996 c. 56. Section 512A was inserted by section 116 of the School Standards and Framework Act 1998 (c. 31).
(**f**) The definition of "school year" was inserted by the Education Act 1997 (c. 44) Schedule 7, paragraph 43.

16. In the case of a student with dependants who maintains a home for himself and a dependant at a place other than that at which he resides while attending the course, the dependants requirement of the student (determined in accordance with paragraph 13(2)(a) or (b)) shall be increased by either:

(a) **£520**; or

(b) where he has made an election under paragraph 4 of Schedule 4, **£775**.

17.—(1) This paragraph shall apply in the case of a student who maintains any dependant outside the United Kingdom.

(2) Notwithstanding anything in the foregoing paragraphs of this Part of this Schedule, the dependants requirement of the student shall be of such amount, if any, as the authority consider reasonable in all the circumstances, not exceeding the amount determined in accordance with those paragraphs.

PART IV

CONSTRUCTION OF PARTS I TO III

18. In this Schedule, any reference to the home of the student's parents shall be construed, in the case of a student whose spouse attends a full-time course at any institution, as including a reference to the home of the parents of the student's spouse.

19. In this Schedule, except where the context otherwise requires, any reference to a requirement, expenditure or attendance in respect of which no period of time is specified shall be construed as a reference to a requirement, expenditure or attendance for the year.

. . .

SCHEDULE 3

Regulation 18

RESOURCES

PART I

STUDENT'S INCOME

Calculation of student's income

1.—(1) In calculating a student's income for the purposes of regulation18(1)(b) there shall be taken into account his income (reduced by income tax and social security contributions) from all sources, and any payment referred to in paragraph (b), whether or not it is income, but there shall be disregarded the following—

(a) in a case not covered by paragraph (u), the first **£880** of income of any description;

(b) the first **£4,150** of any payment by way of—

(i) scholarship, studentship, exhibition, bursary, award, grant, allowance or benefit however described payable in connection with the student's attendance on the course, otherwise than under the Act and regulations made under it; and

(ii) in the case of a student in gainful employment, by way of remuneration (reduced by income tax and social security contributions) paid in respect of any period for which he has leave of absence or is relieved of his normal duties for the purpose of attending the course;

(c) any grant to facilitate teacher training paid to the student under regulations made under section 50(1) of the Education (No.2) Act 1986(**a**) or any payment made in respect of the student's training as a teacher by an institution to which grants, loans or other payments for that purpose are provided under section 5 of the Education Act 1994(**b**) or under section 65(3) of the Further and Higher Education Act 1992(**c**);

(d) in the case of a student for whose benefit any income is applied or any payments are required to be applied as described in paragraph 5(5) the whole of that income or those payments if a parental contribution ascertained in accordance with Part II or a spouse's contribution ascertained in accordance with Part III is applicable (at whatever amount, including nil, that contribution is ascertained to be);

(e) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the student is subject and any war widow's or war widower's pension;

(f) any bounty received as a reservist with the armed forces;

(**a**) 1986 c. 61; section 50 was amended by the Education Act 1993 (c. 35), section 278(6), Schedule 19, paragraph 102, Schedule 21 Part II, and by the Education Act 1994 (c. 30), section 13(2) to (4).

(**b**) 1994 c. 30.

(**c**) 1992 c. 13.

(g) remuneration for work done during any academic year of the student's course;

(h) in the case of a student in whose case a parental contribution is by virtue of Part II of this Schedule applicable (at whatever amount, including nil, that contribution is ascertained to be) any payment which is made under covenant by a parent by reference to whose income that contribution falls to be ascertained;

(i) any payment made for a specific educational purpose otherwise than to meet such fees and such requirements for maintenance as are specified in Schedules 1 and 2;

(j) child benefit payable under Part IX of the Social Security Contributions and Benefits Act 1992(**a**);

(k) any allowance payable to the student by an adoption agency in accordance with regulations made under section 57A of the Adoption Act 1976(**b**);

(l) any guardian's allowance to which he is entitled under section 77 of the Social Security Contributions and Benefits Act 1992;

(m) in the case of a student with whom a child in the care of a local authority is boarded out, any payment made to him in pursuance of section 23 of the Children Act 1989(**c**);

(n) any payments made to the student in pursuance of an order made under section 34 of the Children Act 1975(**d**) or under section 15 of and Schedule 1 to the Children Act 1989 in respect of a person who is not his child, or any assistance given by a local authority pursuant to section 24 of that Act;

(o) income support or working families' tax credit under Part VII of the Social Security Contributions and Benefits Act 1992;

(p) any housing benefit or community charge benefits granted to the student in pursuance of a statutory or local scheme under Part VII of the Social Security Contributions and Benefits Act 1992 or any council tax benefit granted to him in pursuance of a statutory or local scheme under that Act;

(q) in a case not covered by paragraph (u), the first **£3,340** of any pension, allowance or other benefit payable by reason of the student's old age, his retirement, the death of his spouse or parent or another person on whom he was wholly or mainly financially dependent, or by reason of his military or other public service;

(r) any payments made to the student under the action scheme of the European Community for the mobility of university students known as ERASMUS(**e**), the European Community programme for foreign language competence known as LINGUA(**f**) or the European Community programme known as LEONARDO DA VINCI(**g**);

(s) any payments made to the student out of access bursary funds or hardship funds paid to the institution at which he attends his course under section 65 of the Further and Higher Education Act 1992(**h**), or sections 73 and 74 of the Education (Scotland) Act 1980(**i**) or out of access funds under article 30 of the Education and Libraries (Northern Ireland) Order 1993(**j**) or article 5 of the Further Education (Northern Ireland) Order 1997(**k**);

(t) any payments made to the student for the maintenance of his child by virtue of any agreement, instrument or enactment;

(u) where a parental contribution does not apply because the student falls within paragraph 3 of this Schedule and a spouse's contribution does not apply under Part III of this Schedule, the first £7,500 of income of any description, other than any sum treated as income under sub-paragraph (6).

(**a**) 1992 c. 4; there are amendments which are not relevant.
(**b**) 1976 c. 36; section 57A was introduced by the Children Act 1989 (c.41), Schedule 10, paragraph 25; the relevant instruments are S.I.1991/2030, 2130 and 2742.
(**c**) 1989 c. 41.
(**d**) 1975 c. 72; a new section 34 was substituted by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), section 64; the Act was repealed by the Children Act 1989 (c. 41), Schedule 15.
(**e**) ERASMUS is part of the European Community action programme known as SOCRATES, OJ No.L87, 20.4.95, p.10.
(**f**) LINGUA is part of the European Community action programme known as SOCRATES, OJ No.L87, 20.4.95, p.10.
(**g**) OJ No.L340, 29.12.94, p.8.
(**h**) 1992 c. 13.
(**i**) 1980 c. 20.
(**j**) S.I. 1993/2810 (N.I. 12).
(**k**) S.I. 1997/1772 (N.I. 15).

(2) Where income may be disregarded under more than one of the sub-paragraphs of paragraph (1) it shall be disregarded under the sub-paragraph or sub-paragraphs which will result in the largest amount of the student's income from all sources being disregarded under paragraph (1).

(3) Where the student is a European student and his income arises from sources or under legislation different from sources or legislation normally relevant to a person who is settled in the United Kingdom within the meaning of the Immigration Act 1971(**a**) his income shall not be disregarded in accordance with paragraph (1) but shall be disregarded to the extent necessary to ensure that he is treated no less favourably than a person in similar circumstances in receipt of similar income who is settled in the United Kingdom.

(4) Where the student makes any payment for the maintenance of his child or former spouse or person who lived with him as his spouse by virtue of any agreement, instrument or enactment, the amount of such payment shall be deducted in calculating his income for the purposes aforesaid.

(5) In the case of a student who makes any payment in pursuance of an obligation incurred before the first year of his course, in calculating his income for the purposes aforesaid there shall be deducted therefrom—

(a) if, in the opinion of the authority, the obligation had been reasonably so incurred, an amount equal to the payment in question;

(b) if, in their opinion, only a lesser obligation could have been reasonably so incurred, such correspondingly lesser amount (if any) as appears to them appropriate;

except that no deduction shall be made from the income of a married student where the student's spouse is a dependant for the purpose of Part III of Schedule 2 and, in pursuance of paragraph 16(1) thereof, the payment is taken into account in determining the spouse's income.

(6) In a case where the student is the parent or step-parent of an award holder in respect of whom a contribution is ascertained under Part II of this Schedule, so much of the amount (if any) by which the contribution is reduced under paragraph 4(3) as the authority consider just shall be treated as part of the student's income for the purposes of regulation 18(1)(b).

(7) Where the student receives income in a currency other than sterling the value of the income shall be—

(a) if the student purchases sterling with the income the amount of sterling the student receives for it, and

(b) otherwise the value of the sterling which the income would purchase using the rate for the month in which it is received published by the Office for National Statistics in "Financial Statistics".

PART II

PARENTAL CONTRIBUTION

Definitions and construction of Part II

2.—(1) In this Part of this Schedule—

"child" includes a person adopted in pursuance of adoption proceedings and a step-child but, except in paragraph 4, does not include a child who holds a statutory award; and, except as otherwise provided by paragraph 5, "parent" shall be construed accordingly;

"financial year" means **subject to sub-paragraph (2)** the period of 12 months for which the income of the student's parent is computed for the purposes of the income tax legislation which applies to it;

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

"income of the student's parent" means the taxable income of the parent from all sources computed as for the purposes of the Income Tax Acts or as for the purposes of the income tax legislation of another member State of the European Community which applies to the parent's income, or where the legislation of more than one member State applies in respect of the same period, as for the purposes of the legislation pursuant to which the authority consider that the parent will pay the largest amount of tax in that period, except as otherwise provided by paragraph 5 or 6;

"residual income" means, subject to sub-paragraph (2), the balance of gross income remaining in any year after the deductions specified in paragraph 6 have been made;

(2) **In the case of a student whose parent's income is subject to the income tax legislation of the Republic of Ireland, for the purposes of this Part of this Schedule the income of the student's parent in the period from 1st January 2001 to 5th April 2001 shall be treated not only as income in the financial year ending on 5th April 2001 but also as income in the period from 6th April 2001 to 31st December 2001 and the latter period shall be treated as a financial year notwithstanding that it is less than 12 months in duration**.

(**a**) 1971 c. 77; amended by the British Nationality Act 1981(c. 61), section 39 and Schedule 4, by the Immigration Act 1988 (c. 14), sections1,3,4,6 and 10 and the Schedule, by the Asylum and Immigration Appeals Act 1993 (c. 23), sections 10 to 12.

(3) Where, in a case not falling within paragraph 5(3) or (4), the authority are satisfied that the income of the parent in any financial year is as a result of some event beyond his control likely to be, and to continue after that year to be, not more than 85 per cent. of his income in the financial year preceding that year, they may, for the purpose of enabling the student to attend the course without hardship, ascertain the parental contribution for the year of his course in which that event occurred by taking as the residual income the average of the residual income for each of the financial years in which that year falls.

(4) Where the student's parent satisfies the authority that his income is wholly or mainly derived from the profits of a business or profession carried on by him, then, if the authority and the parent so agree, any reference in this Part of this Schedule to a financial year shall be construed as a reference to a year ending with such date as appears to the authority expedient having regard to the accounts kept in respect of that business or profession and the periods covered thereby.

(5) Where a parent is in receipt of any income which does not form part of his taxable income by reason only that—

(a) he is not resident, ordinarily resident or domiciled in the United Kingdom, or where the parent's income is computed as for the purposes of the income tax legislation of another member State of the European Community, not so resident, ordinarily resident or domiciled in that member State,

(b) the income does not arise in the United Kingdom, or where the parent's income is computed as for the purposes of the income tax legislation of another member State, does not arise in that member State, or

(c) the income arises from an office, service or employment, income from which is exempt from tax in pursuance of any legislation,

his income for the purposes of this Part of the Schedule shall be computed as though the income first mentioned in this sub-paragraph were part of his total income.

(6) Where the income of the student's parent is computed as for the purposes of the income tax legislation of another member State—

(a) it shall be computed in the currency of that member State,

(b) the value of any deduction mentioned in paragraph 6(2) shall be the amount of that currency required to purchase the sterling value of the deduction, and

(c) the value of the sterling which the income of the student's parent in that currency would purchase shall be determined, and shall constitute the income of the student's parent for the purposes of this Part.

(7) The rate applied in determining the sterling value of another currency under paragraph (6) shall be the rate for the month in which the last day of the financial year in question falls published by the Office for National Statistics in "Financial Statistics".

Application of Part II

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

(a) an independent student;

(b) a student in respect of whom the authority are satisfied either—

(i) that his parents cannot be found; or

(ii) that it is not reasonably practicable to get in touch with them;

(c) a student who pursuant to an order of a competent court has been in the custody or care of or has been provided with accommodation by—

(i) a state authority or agency, national, regional or local,

(ii) a voluntary or charitable organisation, or

(iii) any person who is not the student's parent

throughout any three month period ending on a date on or after a date on which he attains the age of 16 and before the first day of his course; provided that he has not at any time from the beginning of the three month period to the first day of his course in fact been under the charge or control of his parents.

(d) a student whose parents are residing outside the European Community where the authority are satisfied either—

(i) that the assessment of a parental contribution would place those parents in jeopardy; or

(ii) that it would not be reasonably practicable for those parents to send any such contribution to the United Kingdom;

(e) where sub-paragraph (7) of paragraph 5 applies and the parent whom the authority considered the more appropriate for the purposes of that sub-paragraph has died.

Parental contribution

4.—(1) The parental contribution shall, subject to sub-paragraphs (2) and (3) be in any case in which the residual income is **£20,480** or more £45 with the addition of £1 for every complete £9.50 by which it exceeds **£20,480**, reduced in each case in respect of each child of the parent (other than the student) who is wholly or mainly dependent on him on the first day of the year for which the contribution falls to be ascertained, by **£81**; and in any case in which the residual income is less than **£20,480** the parental contribution shall be nil.

(2) The amount or (where a contribution is ascertained in respect of more than one child of the parent) the aggregate amount of the parental contribution shall in no case exceed **£6,749**.

(3) For any year in which a statutory award is held by—

(a) more than one child of the parent;

(b) the parent; or

(c) the student's step-parent,

the parental contribution for the student shall be such proportion of any contribution ascertained in accordance with this Part as the authority (after consultation with any other authority concerned) consider just; provided that where a contribution is ascertained in respect of more than one child of the parent the aggregate amount of the contributions in respect of each shall not exceed the amount of the contribution that would be ascertained if only one child held an award.

Gross income

5.—(1) For the purposes of this paragraph "preceding financial year" means the financial year preceding the year in respect of which the resources of the student fall to be assessed and "current financial year" means the financial year which includes the first day of the year; provided that where references to a financial year fall to be construed in accordance with paragraph 2(3) as references to a year ending less than five months before the beginning of a year of the student's course, "preceding financial year" shall mean the year last ending five or more months before the year in respect of which the resources of the student fall to be assessed and "current financial year" shall mean the year ending within those five months.

(2) Subject to the provisions of this paragraph, "gross income" means the income of the student's parent in the preceding financial year or, for the purpose of calculating residual income under paragraph 2(2), in the financial year there mentioned.

(3) Where the authority are satisfied that the sterling value of the income of the student's parent in the current financial year is likely to be not more than 85 per cent of the sterling value of his income for the preceding financial year, they may for the purpose of calculating the parental contribution ascertain the gross income by reference to the current financial year; and in such case sub-paragraph (2) shall have effect, in relation to the year in respect of which the student's resources fall to be assessed and, if the authority so determine, any subsequent year, as if the reference therein to the preceding financial year were a reference to the current financial year.

(4) Where—

(a) one of the student's parents dies either before or during the year in respect of which the resources of the student fall to be ascertained ("the relevant year"); and

(b) that parent's income has been or would be taken into account for the purpose of determining the parental contribution,

the parental contribution shall—

(c) where the parent dies before the relevant year, be determined by reference to the income of the surviving parent; or

(d) where the parent dies during the relevant year, be the aggregate of—

(i) the appropriate proportion of the contribution determined by reference to the income of both parents that is to say such proportion thereof as the part of the relevant year during which both parents were alive bears to the full year, subject to a maximum of the same proportion of the student's maintenance requirements as determined in accordance with Schedule 2; and

(ii) the appropriate proportion of the contribution determined by reference to the income of the surviving parent, that is to say such proportion thereof as the part of the relevant year remaining after the parent dies bears to the full year, subject to a maximum of the same proportion of the student's maintenance requirements as determined in accordance with Schedule 2.

(5) Without prejudice to sub-paragraph (6), where, in pursuance of any trust deed or other instrument or by virtue of any applicable legislation any income is applied by any person for or towards the maintenance, education or other benefit of the student or of any person dependent on the student's parent, or payments made to his parent are required to be so applied, that income, or those payments, shall be treated as part of the gross income of the parent.

(6) Where any such benefit as is mentioned in paragraph l(l)(b)(i) of Part I of this Schedule is provided, by reason of the parent's employment, for any member of his family or household who holds a statutory award (whether the student or some other such member) then that benefit shall not be treated as part of the gross income of the parent.

(7) Where the parents do not ordinarily live together throughout the year in respect of which the resources of the student fall to be ascertained ("the relevant year"), the parental contribution shall be determined by reference to the income of whichever parent the authority consider the more appropriate in the circumstances.

(8) Where the parents do not ordinarily live together for part only of the relevant year, the parental contribution shall be the aggregate of—

(a) the appropriate proportion of the contribution determined as provided in sub-paragraph (7), that is to say such proportion thereof as the part of the relevant year for which the parents do not so live together bears to the full year, subject to a maximum of the same proportion of the student's maintenance requirements as determined in accordance with Schedule 2; and

(b) the appropriate proportion of the contribution determined without regard to this subparagraph, that is to say, such proportion thereof as the part of the relevant year for which the parents so live together bears to the full year, subject to a maximum of the same proportion of the student's maintenance requirements as determined in accordance with Schedule 2.

(9) Where one of the student's parents is his step-parent the parental contribution shall be ascertained by reference only to the income of the other parent.

Deductions

6.—(1) For the purposes of determining the income of a student's parent (and, accordingly, the parent's gross income), in computing his taxable income as for the purposes of the Income Tax Acts or for the purposes of the income tax legislation of another member State of the European Community any deductions which fall to be made or exemptions which are permitted—

(a) by way of personal reliefs provided for in Chapter I of Part VII of the Income and Corporation Taxes Act 1988(**a**), or where the parent's income is computed as for the purposes of the income tax legislation of another member State, any comparable personal reliefs;

(b) in respect of any payment made by the parent under covenant;

(c) in pursuance of any legislation or rule of law with the effect that payments which for the purposes of the law of the United Kingdom are treated as taxable income are not treated as taxable income; or

(d) without prejudice as aforesaid, of a kind mentioned in sub-paragraph (2),

shall not be made or permitted.

(2) For the purpose of determining a parent's residual income there shall be deducted from his gross income—

(a) in respect of any person, other than a spouse, child or holder of a statutory award, dependent on the parent during the year for which the contribution falls to be ascertained, the amount by which **£2,360** exceeds the income of that person in that year;

(b) the gross amount of any sums paid as interest (including interest on a mortgage) in respect of which relief is given under the Income Tax Acts in respect of a loan to the parent, or where the parent's income is computed as for the purposes of the income tax legislation of another member State, the gross amount of any such sums in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

(c) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life insurance) in respect of which relief is given under section 266, 273, 619 or 639 of the Income and Corporation Taxes Act 1988, or where the parent's income is computed as for the purposes of the income tax legislation of another member State, the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

(d) 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 **£1,850**;

(e) 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 **£1,850**;

(f) 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**) 1988 c. 1.

(g) in the case of a parent who holds a statutory award, the amount by which the aggregate of his requirements for his ordinary maintenance (ascertained in accordance with Part I of Schedule 2) and **£950** exceeds the sum payable in respect of maintenance in pursuance of that award;

(h) any payments made to the parent of the student in pursuance of an order of a competent court for the benefit of a child who is not his child of whom he has custody or care or for whom he provides accommodation;

(i) where the parent's income is computed as for the purposes of the income tax legislation of another member State, sums equivalent to any amounts which would not be treated as taxable income if that legislation made provision equivalent to the Income Tax Acts.

(3) In any case where income is computed as for the purposes of the Income Tax Acts by virtue of paragraph 2(5), there shall be deducted from the parent's gross income sums equivalent to the deductions mentioned in paragraph (b), (c), or (d) of sub-paragraph (2), provided that any sums so deducted shall not exceed the deductions that would be made if the whole of the parent's income were in fact total income for the purposes of the Income Tax Acts.

PART III

SPOUSE'S CONTRIBUTION

Application of Part III

7. A spouse's contribution ascertained in accordance with this Part shall be applicable in the case of every man student ordinarily living with his wife and every woman student so living with her husband except—

(a) a student in whose case a parental contribution is applicable in accordance with Part II; and

(b) a student whose child holds an award in respect of which a parental contribution is applicable.

Spouse's contribution

8.—(1) Subject to sub-paragraphs (3) and (4), Part II above, except paragraphs 3, 4(1), (2), (3)(a) and (c), 5(4), (7), (8) and (9), and 6(2)(e), shall apply with the necessary modifications for the ascertainment of the spouse's contribution as it applies for the ascertainment of the parental contribution, references to the parent being construed, except where the context otherwise requires, as references to the student's spouse and, unless the context otherwise requires, this Part shall be construed as one with the said Part II.

(2) The spouse's contribution shall be in any case in which the residual income is **£17,615** or more £45 with the addition of £1 for every complete £8 by which it exceeds **£17,615**, reduced in any such case by **£81** in respect of each child of the student who is dependent on him or his spouse on the first day of the year for which the contribution falls to be ascertained; and in any case in which the residual income is less than **£17,615** the spouse's contribution shall be nil; provided that the amount of the spouse's contribution shall in no case exceed **£6,749**.

(3) If the student marries during any year for which the contribution falls to be ascertained the contribution for that year shall be the fraction of the sum ascertained in accordance with the provisions of sub-paragraphs (1) and (2) of which the denominator is 52 and the numerator is the number of complete weeks between the date of the marriage and whichever is the earlier of the end of that year and the end of the course.

(4) If the student's marriage terminates during any year for which the contribution falls to be ascertained the contribution for that year shall be the fraction of the sum ascertained in accordance with the provisions of sub-paragraphs (1) and (2) of which the denominator is 52 and the numerator is the number of complete weeks between the beginning of that year and the termination of the marriage.

SCHEDULE 4

Regulation 18(3)

SINGLE STUDENTS WITH DEPENDANTS

1. This Schedule shall apply in the case of a student who does not ordinarily live with a spouse or with another person as a spouse.

2.—(1) This paragraph shall apply where the student has dependants within the meaning of Part III of Schedule 2.

(2) In the case of such a student—

(a) the sum to be disregarded under paragraph l(l)(a) of Schedule 3 shall be **£1,915** instead of **£880**; or

(b) where he has made an election in accordance with paragraph 4, his requirements under paragraph 13 of Schedule 2 shall be treated as increased by the sum of **£1,100**,

whichever is the most favourable to him (disregarding sub-paragraph (b) where, in pursuance of the following paragraph, he elects as mentioned therein).

3.—(1) This paragraph shall apply in the case of a student with one or more child dependants under the age of 19 years and for the purpose of this paragraph "child" shall have the same meaning as in Part III of Schedule 2.

(2) Such a student may elect that the sum specified as his requirements in Part III of Schedule 2 shall be disregarded and that instead there shall in calculating his income be disregarded **£2,560** in respect of his only or eldest such child and **£810** in respect of every other such child.

4.—(1) A student may elect not to receive an increase to the dependants requirement under paragraph 14 of Part III of Schedule 2 at any time before or during the year.

(2) No further election may be made following the revocation of an election under sub-paragraph (1).

SCHEDULE 5

Regulations 2, 4(3) and 20

SANDWICH COURSES

1.—(1) In this Schedule—

"sandwich course" means a course consisting of alternate periods of full-time study in an institution and periods of experience 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" means, subject to sub-paragraph (2), periods of industrial, professional or commercial experience associated with full-time study at the institution but at a place outside the institution;

"sandwich year" means, as respects any student, any year of a sandwich course which includes both periods of full-time study in the institution and periods of experience, other than—

(a) unpaid service in a hospital or in a public health service laboratory or with a Primary Care Trust in the United Kingdom;

(b) unpaid service with a local authority in the United Kingdom 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 in the United Kingdom;

(c) unpaid service in the prison or probation and aftercare service in the United Kingdom;

(d) teaching practice;

(e) unpaid research in an institution or, in the case of a student attending an overseas institution as a necessary part of his course, in an overseas institution;

(f) such experience as aforesaid falling wholly within the usual periods of attendance at the institution in any year which do not comprise paid service or employment and either—

(i) do not aggregate more than 6 weeks during that year; or

(ii) fall within that year and another year and do not aggregate more than 12 weeks during the two years taken together, where that other year has not already been taken into account for the purposes hereof; or

(g) unpaid service with—

(i) a Health Authority established pursuant to section 8 of the National Health Service Act 1977(**a**) or a Special Health Authority established pursuant to section 11 of that Act(**b**);

(ii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(**c**); or

(iii) a health and social services board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**d**);

(**a**) 1977 c. 49; section 8 was substituted by the Health Authorities Act 1995 (c. 17), section 1(1).

(**b**) Section 11 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 31, the National Health Service and Community Care Act 1990 (c. 19), Schedule 10 and the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 2.

(**c**) 1978 c. 29; section 2 was amended by the Health and Social Security Adjudications Act 1983 (c. 41), Schedule 7, paragraph 1, and by the National Health Service and Community Care Act 1990 (c. 19), section 28 and Schedule 9, paragraph 19(1).

(**d**) S.I. 1972/1265 (N.I. 14).

"prescribed proportion" means the proportion which the number of weeks in the year for which the student in question attends the institution bears to 30, except that where that proportion is greater than the whole it means the whole;

"modified proportion" means the proportion which the number of weeks in the year in which there are no periods of experience for the student in question bears to 52.

(2) In the case of a student whose course includes the study of one or more modern languages for not less than one half of the time spent studying on the course and which includes periods of residence in a country whose language is a language of the course, "periods of experience" means such periods of residence during which the student is employed.

(3) For the purposes of determining the prescribed proportion or the modified proportion where the number of weeks in question is not a whole number, a day shall be reckoned as a seventh of a week.

(4) In the application of this Schedule to a student to whom Schedule 4 applies, references to Schedules 2 and 3 are to be construed as references to those Schedules as modified in accordance with Schedule 4.

(5) In the application of this Schedule to a student attending a course provided at the University of Oxford or of Cambridge the provisions thereof shall have effect as if—

(a) in the definition of "prescribed proportion" in sub-paragraph (1) for the number "30" there were substituted the number "25"; and

(b) in paragraph 3 for the words "30 weeks 3 days", in both places where they occur, there were substituted the words "25 weeks 3 days".

2. For the purposes of calculating payments in respect of maintenance under regulation 17(1)(b)(ii) the prescribed proportion of the aggregate of the amounts specified in Schedule 2, paragraph 9 shall, as respects any sandwich year, be treated as the aggregate of the amounts so specified.

3. The provisions of Schedule 2 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 3 days, the student's requirements for his ordinary maintenance shall be the prescribed proportion of the appropriate amount specified in Part I;

(b) where the period of full-time study exceeds 30 weeks 3 days, the student's requirements for his ordinary and supplementary maintenance shall be the aggregate of the appropriate amount specified in Part I and the appropriate amount specified in paragraph 5 of Part II; and

(c) the student's requirement for the maintenance of a dependant shall be the modified proportion of the sum specified in Part III except that where such a requirement falls to be increased under paragraph 16 it shall be increased by the prescribed proportion or the sum there specified.

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

(a) the sum to be disregarded under paragraph 1(1)(a) of Part I shall be the prescribed proportion of **£880**;

(b) in calculating the student's income,

(i) there shall be disregarded any payment made to him by his employer in respect of any period of experience;

(ii) the prescribed proportion of his income shall be treated as if it were the whole of his income;

(c) the amount of the parental contribution applicable to his case shall be the prescribed proportion of the contribution ascertained in accordance with Part II;

(d) the amount of the spouse's contribution applicable to his case shall be the prescribed proportion of the contribution ascertained in accordance with Part III.

SCHEDULE 6

Regulation 6(1)

REVOCATIONS

(1)	*(2)*
Regulations revoked	***References***
The Education (Mandatory Awards) Regulations 2001	**S.I. 2001/1734**
The Education (Mandatory Awards) (Amendment) Regulations 2001	**S.I. 2001/2613**
The Education (Mandatory Awards) (No. 2) (Amendment) Regulations 2001	**S.I. 2001/2800**
The Education (Mandatory Awards) (No. 4) (Amendment) Regulations 2002	**S.I. 2002/232**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st September 2002, supersede the Education (Mandatory Awards) Regulations 2001 as amended ("the 2001 Regulations").

Provisions in these Regulations which differ from the corresponding provisions of the 2001 Regulations (except as a result of minor drafting or consequential changes) are indicated by the use of heavy type. Omissions are indicated by the use of dots. The changes of substance made by these Regulations other than the changes in the rates of fees, grants and allowances are described below.

A number of minor changes are made. The definitions of "high-cost country" and "higher-cost country" in regulation 2 are replaced by one definition of "high cost country".

Under regulation 3(1)(c) and paragraph 3(a) of Schedule 3 to these Regulations there will be no assessment of parental contribution where a student has been married before the academic year in respect of which the contribution would have applied. This is so whether or not the marriage still subsists.

Regulation 14(1)(b) provides that where a student attends another course at another institution he can with the consent of the academic authority of the institution to which he is proposing to transfer his eligibility in relation to a course request that the relevant local education authority transfer his eligibility. The academic authority's consent need no longer be in writing or based on educational grounds. The student is no longer required to obtain the consent of the academic authority of the institution from which he is proposing to transfer his eligibility in relation to a course.

Regulation 14 has also been amended to remove the provision which authorised a local education authority to refuse, after consulting the academic authority concerned, to transfer a student's award in certain specified circumstances.

Regulation 21(4) is amended to provide that for the appropriate overseas grant to apply a student must attend an overseas institution as part of his course.

The amendments to paragraphs 2, 5, 8 and 9 of Schedule 2 remove the requirement that a student's attendance of part of his course at an overseas institution is a necessary part of his course. A consequential amendment is made in the deletion of paragraph 20 of Schedule 2 which defined "necessary" for these purposes.

Paragraph 13(6) of Schedule 2 provides that the increase in the dependants requirement under paragraph 13 in respect of expenditure on travel, books and equipment only applies if part or all of the dependants requirement is in respect of dependent children.

The new paragraph 2(2) of Schedule 3 provides that in relation to the assessment of parental contribution where the student's parent's income is subject to the income tax legislation of the Republic of Ireland, the parent's income for 1st January 2001 to 5th April 2001 shall be treated as income for the financial year ending on the latter date and for the period from 6th April 2001 to 31st December 2001. The latter period shall be treated as a financial year notwithstanding that it is less than 12 months in duration.