STATUTORY INSTRUMENTS

1985 No. 1160

EDUCATION, ENGLAND AND WALES

The Education (Students' Dependants Allowances) (Amendment) Regulations 1985

Made - - - -	*24th July* 1985
Laid before Parliament	*1st August* 1985
Coming into Operation	*1st September* 1985

In exercise of the powers conferred on the Secretary of State by section 3 of the Education Act 1973(**a**) and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

1. These Regulations may be cited as the Education (Students' Dependants Allowances) (Amendment) Regulations 1985 and shall come into operation on 1st September 1985.

2. In Regulation 7 of the Education (Students' Dependants Allowances) Regulations 1983(**b**) (Income of student's family)—

(*a*) in paragraph (1)(*a*)(i), there shall be substituted for the sum of £1,600, in both places where it appears, the sum of £1,705, and for the sum of £1,900, the sum of £2,025;

(*b*) in paragraph (1)(*a*)(ii), there shall be substituted for the words "vacation earnings", the words "remuneration for work done";

(*c*) in paragraph (1)(*c*) the words "in the case of a student to whom the minimum maintenance payment is paid under the principal Regulations" shall be deleted and for the word "those", there shall be substituted the words "the principal";

(*d*) in paragraph (3)(*a*), for the sum of £400, there shall be substituted the sum of £425.

Keith Joseph,
Secretary of State for Education and Science.

24th July 1985.

(**a**) 1973 c. 16.
(**b**) S.I. 1983/1185; Regulation 7 was amended by S.I. 1984/1179.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Education (Students' Dependants Allowances) Regulations 1983 ("the 1983 Regulations"), which empower the Secretary of State to pay allowances in respect of certain dependants of students holding local education authority awards in cases where the dependants' requirements are not taken into account in calculating sums payable under such awards.

Two of the four amendments in Regulation 2 relate to increases in the sums to be disregarded in determining the income of a student's family during the relevant academic year (this income is taken into account in determining the amount of any allowance payable to a student). The amount of scholarship income to be disregarded is increased from £1,600 to £1,705, or from £1,900 to £2,025 in the case of industrial scholarships. (Regulation 7(1)(*a*)(i) of the 1983 Regulations). The maximum amount of income earned by the student's spouse that may be disregarded is increased from £400 to £425 (Regulation 7(3)(*a*) of the 1983 Regulations).

Under the 1983 Regulations, both eligibility for and the amount of any dependants' allowance are to be determined by reference to the Education (Mandatory Awards) Regulations 1983 (S.I. 1983/1135) (relating to awards by local education authorities). These latter Regulations were superseded by the Education (Mandatory Awards) Regulations 1984 (S.I. 1984/1116) which in turn are superseded by the Education (Mandatory Awards) Regulations 1985 (S.I. 1985/1126) ("the Principal Regulations") which come into operation on the 1st September 1985. From that date, any reference in the 1983 Regulations to provisions of the Education (Mandatory Awards) Regulations 1983 is to be construed as a reference to the corresponding provisions of the Principal Regulations of 1985, by virtue of sections 17(2) and 23 of the Interpretation Act 1978 (c. 30).

The remaining two amendments in Regulation 2 reflect changes in the Principal Regulations. Under the Principal Regulations, all remuneration for work done (as opposed to that done in the vacations) is to be disregarded in calculating a student's income and Regulation 7(1)(*a*)(ii) has been amended accordingly. The minimum maintenance payment formerly payable under Regulation 17 of the Principal Regulations has been abolished and Regulation 7(1)(*c*) has been amended accordingly.

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