STATUTORY INSTRUMENTS

1986 No. 1325

EDUCATION, ENGLAND AND WALES

The Education (Students' Dependants Allowances) (Amendment) Regulations 1986

Made - - - - -	24*th July* 1986
Laid before Parliament	7*th August* 1986
Coming into Operation	1*st September* 1986

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 1986 and shall come into operation on 1st September 1986.

2. In Regulation 2(1) of the Education (Students' Dependants Allowances) Regulations 1983 **(b)** ("the 1983 Regulations"), in the definition of the expression "the principal Regulations" for "the Education (Mandatory Awards) Regulations 1983 **(c)**" there shall be substituted "the Education (Mandatory Awards) Regulations 1986 **(d)**".

3. In Regulation 6 of the the 1983 Regulations—

(*a*) in paragraph (1), sub-paragraphs (*a*) and (*b*) shall be deleted;

(*b*) in paragraph (2)(*b*), there shall be substituted for the words "the number of weeks in the year for which he attends his course" the word "fifty-two"; and

(*c*) paragraph (7) shall be deleted.

4. In Regulation 7 of the 1983 Regulations—

(*a*) in paragraph (1)(*a*)(i), there shall be substituted for the sum of £1,705 in both places where it appears the sum of £1,840, and for the sum of £2,025 the sum of £2,190;

(*b*) in paragraph (1)(*a*)(ii), there shall be substituted for the expression "or (*o*)" the expression ", (*o*), (*p*) or (*q*)" and there shall be substituted for the words "and boarding-out allowance" the words ", boarding-out allowance, custodianship order payments and COMETT payments";

(a) 1973 c. 16.
(b) S.I. 1983/1185, amended by S.I. 1984/1179 and 1985/1160.
(c) S.I. 1983/1135.
(d) S.I. 1986/1306.

(*c*) in paragraph (1)(*a*)(iii), for "4(*b*)" there shall be substituted "33(*b*)";

(*d*) in paragraph (3)(*a*), there shall be substituted for the sum of £425 the sum of £460; and

(*e*) after paragraph (3)(*h*), there shall be added the following sub-paragraphs—

"(*i*) any payments made pursuant to an order made under section 34 of the Children Act 1975**(a)**;

(*j*) any payments made under the action programme of the European Community known as COMETT."

Kenneth Baker,
Secretary of State for Education and Science.

24th July 1986.

(a) 1975 c. 72.

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 the sums payable under such awards.

Two of the amendments in Regulation 4 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 £1705 to £1840, or from £2025 to £2190 in the case of an Industrial Scholarship (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 £425 to £460 (Regulation 7(3)(*a*) of the 1983 Regulations).

Under the 1983 Regulations, both eligibility for and the amount of any dependants allowance were 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 in 1984 by the Education (Mandatory Awards) Regulations 1984 (S.I. 1984/1116), and in 1985 by the Education (Mandatory Awards) Regulations 1985 (S.I. 1985/1126). The latter Regulations were superseded by the Education (Mandatory Awards) Regulations 1986 (S.I. 1986/1306) which come into operation on 1st September 1986 and the definition of the "principal Regulations" in the 1983 Regulations has been amended accordingly.

The amendments of substance in Regulation 3 make the allowance payable for a full year whether or not the student lives with a spouse (Regulation 6(1) of the 1983 Regulations) and make the sum specified in paragraph 19 of Part 3 of Schedule 2 to the principal Regulations (the two homes allowance) divisible by 52 instead of by the number of weeks the student attends his course (Regulation 6(2)(*b*) of the 1983 Regulations). Other amendments of substance in Regulation 4 allow payments made pursuant to an order made under section 34 of the Children Act 1975 or payments under the European Community Action Programme in Education and Training for Technology (COMETT) to be disregarded in calculating income (Regulation 7(1)(*a*)(ii) and (3)(*i*) and (*j*) of the 1983 Regulations, as now amended).

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