STATUTORY INSTRUMENTS

1975 No. 1207

EDUCATION, ENGLAND AND WALES

The Local Education Authorities Awards Regulations 1975

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The Secretary of State for Education and Science, in exercise of the powers conferred by section 1 of the Education Act 1962(**a**) as amended by section 1 of the Education Act 1975(**b**) and vested in him(**c**), hereby makes the following regulations:—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Local Education Authorities Awards Regulations 1975 and shall come into operation on 1st September 1975.

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

(3) Without prejudice to paragraph (2) above, section 37 (exercise of powers before commencement) of the Interpretation Act 1889 shall apply in relation to these regulations as it applies in relation to an Act; and section 38(2) (effect of repeals) of that Act shall have effect in relation to the regulations revoked by these regulations as if they were enactments repealed by an Act.

(**a**) 1962 c. 12.
(**b**) 1975 c. 2.
(**c**) S.I. 1964/490 (1964 I, p. 800).
(**d**) 1889 c. 63.

Definitions

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

"academic authority" means governing body, or other body having the function in question, of an establishment;

"authority" means local education authority;

"award" includes an award bestowed under previous awards regulations;

"Certificate in Education" includes Teacher's Certificate;

"course", in relation to any designated course except one designated under regulation 6(1)(*d*)(ii) or (iii), includes a course of full-time study and a sandwich course within the meaning of paragraph 1 of schedule 5;

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

"establishment" means a university or establishment of further education, and "establishment of further education" includes a college of education;

"high-cost country" means Austria, Belgium, Denmark, Federal Republic of Germany, France, Luxembourg, Netherlands, Norway, Sweden, Switzerland or the United States of America;

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

"prescribed fraction" has the meaning assigned to it by paragraph 1 of schedule 5;

"previous awards regulations" means the Awards (First Degree, etc. Courses) Regulations 1971(**a**) as amended(**b**) ("the 1971 regulations") and any regulations(**c**) superseded by those regulations;

"sandwich year" has the meaning assigned to it by paragraph 1 of schedule 5;

"statutory award" means any award bestowed or grant paid under the Education Act 1962 as amended by the Education Act 1975 or any comparable grant 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", as regards any course, means the period of twelve months beginning on 1st January, 1st April or 1st September according as the academic year of the course in question begins in the spring, the summer or the autumn respectively; and references to the first year of a designated course shall be construed accordingly.

(2) "Designated course" means a course prescribed by or under regulation 6 and any reference otherwise unqualified to such a course shall as the context requires be construed as a reference to a designated course which the person in question attends or has applied to attend.

(**a**) S.I. 1971/1297 (1971 II, p. 3722).

(**b**) S.I. 1972/1124, 1973/1233, 1234, 1298, 1644, 1974/1231, 1540 (1972 II, p. 3326; 1973 II, pp. 3683, 3686, 3916; III, p. 5094; 1974 II, p. 4665; III, p. 5831).

(c) S.I. 1970/497, 867, 1266, 1686, 1971/884 (1970 I, p. 1676; II, pp 2800, 4111; III, p. 5572; 1971 II, p. 2604).

(3) References to payments made to a student include references to payments made to the academic authority in respect of a student by virtue of regulation 21(2).

(4) 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 within the meaning of the Income Tax Acts (the necessary apportionment being made in any case where the relevant provisions of those Acts change during the year).

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

Revocations

3. The regulations specified in schedule 6 are hereby revoked.

PART II

AWARDS

Duty to bestow awards

4. Subject to and in accordance with these regulations, it shall be the duty of every authority to bestow an award on any person who is ordinarily resident in their area in respect of his attendance at—

(*a*) any designated course beginning after 31st August 1975; and

(*b*) any designated course beginning before 1st September 1975 which was not designated under previous awards regulations.

Modification of provisions for determining ordinary residence

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

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

Designated courses

6.—(1) The following are prescribed as designated courses—

(*a*) as a first degree course ("a first degree course")—

(i) a course provided by an establishment for a first degree of a university or for the degree of Bachelor of Medicine or an equivalent degree;

(ii) a course provided by an establishment of further education for a first degree of the Council for National Academic Awards;

(*b*) as a course for the Diploma of Higher Education ("a Dip HE course")—

(i) a course provided by an establishment for the Diploma of Higher Education;

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

(*c*) as a course for the Higher National Diploma ("an HND course"), a course provided by an establishment of further education for the Higher National Diploma;

(*d*) as a course of initial training for teachers ("a teacher training course")—

(i) a course for the initial training of teachers (other than a course for the degree of Bachelor of Education) provided by an establishment;

(ii) a part-time day course of teacher training, involving not less than 3 days' attendance a week during the course, for the time being prescribed for the purposes of this provision by the Secretary of State;

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

(*e*) as a course comparable to a first degree course—

(i) a course of at least 3 years' duration provided by a university for a certificate or diploma;

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

(2) In this regulation references to an establishment and an establishment of further education do not include references to establishments of further education which are neither maintained, nor assisted by recurrent grants, out of public funds.

Conditions

7.—(1) Subject to paragraph (3), the duty of an authority to bestow an award shall be subject to the conditions that—

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

(*b*) the applicant gives the authority a written undertaking that, where any sum is paid, whether as a provisional payment or not, in pursuance of the award before the end of the year in respect of which the sum is payable, he will if called upon to do so repay the amount by which the sums paid during the year exceed (for whatever reason) the grant payable in respect of that year.

(2) 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.

(3) Paragraph (1)(*a*) above shall not apply in respect of any course beginning before 1st September 1975 which is designated by or under paragraph (1)(*b*), (*c*) or (*d*) of regulation 6 above.

Exceptions relating to attendance at previous courses

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

(2) Subject to paragraph (5) below, an authority shall not be under a duty to bestow an award on a person in respect of his attendance at a course if—

(*a*) (in the case of a person who has not attained the age of 25 before the first year) he has previously attended a full-time course of further education of not less than two years' duration or successfully completed a part-time course of such education of equivalent duration or attended or, as the case may be, successfully completed a comparable course outside the United Kingdom; or

(*b*) (in the case of a person who has attained the age of 25 before the first year) he has previously attended a full-time course of not less than two years' duration to which schedule 1 of the Further Education Regulations 1975(**a**) applies or successfully completed a part-time course of equivalent duration to which that schedule applies or attended or, as the case may be successfully completed a comparable course outside the United Kingdom—

unless (in either case) the course which he previously attended or, as the case may be, completed either—

(i) was a course for the Diploma of Higher Education, the Higher National Diploma or a qualification prescribed by schedule 4; or

(ii) was provided by a college designated by the schedule to the State Awards Regulations 1963(**b**) as amended(**c**) (colleges providing long term residential courses of full-time education for adults).

(3) Subject to paragraph (5) below, an authority shall not be under a duty to bestow an award on a person in respect of his attendance at a course designated by or under regulation 6(1)(*a*), (*d*) or (*e*) if he has previously—

(*a*) attended a course designated by or under regulation 6(1)(*a*), (*d*)(i) or (*e*) or successfully completed a course designated under regulation 6(1)(*d*)(ii) or (iii); or

(*b*) attended a course designated by regulation 6(1)(*b*)(ii) in a case where after the commencement of the course he elected to attend a course for a first degree.

(4) 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 regulation 6(1)(*b*) or (*c*) if he has previously—

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

(*b*) attended any other designated course;

or has before the commencement of these regulations attended a course for the Diploma of Higher Education or the Higher National Diploma: provided that nothing in this paragraph shall affect the duty of an authority to bestow an award on a person in respect of his attendance at a course for the Diploma of Higher Education or the Higher National Diploma beginning before 1st September 1975 which he was attending immediately before that date.

(**a**) S.I. 1975/1054 (1975 II, p. 3676). (**b**) S.I. 1963/1223 (1963 II, p. 2035).
(**c**) The relevant amendment is S.I. 1975/940 (1975 II, p. 3284).

(5) Nothing in paragraphs (2) and (3) above shall affect the duty of an authority to bestow an award on a person—

(*a*) in respect of his attendance at a course for the post-graduate Certificate in Education (or a comparable qualification) or for the Art Teacher's Certificate or Diploma (or a comparable qualification);

(*b*) in respect of his attendance at any one year full-time course of initial training as a teacher, or a comparable part-time course, not within sub-paragraph (*a*) above unless he has for more than three years held a statutory award in respect of his attendance at a full-time course to which schedule 1 to the Further Education Regulations 1975 applies or a comparable course outside England and Wales;

(*c*) in respect of his attendance at a course for the degree of Bachelor of Education to which he is admitted on or before the completion of a course for the Certificate in Education;

(*d*) in respect of his attendance at a course of initial training for teachers of the deaf to which he is admitted on the completion of a course for the Certificate in Education or the degree of Bachelor of Education.

(6) For the purposes of this regulation a person shall be treated as having attended a course if he has attended any part of that course.

Other exceptions

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

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

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

(*c*) in respect of his attendance at a course designated by or under regulation 6(1)(*e*), upon a person who does not possess a qualification prescribed by schedule 4.

Transfer of awards

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

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

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

(*c*) on the completion of a Dip HE course the student is admitted to a course designated by or under regulation 6(1)(*a*), (*d*) or (*e*);

(*d*) 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;

(*e*) on the completion of a course for the Certificate in Education or the degree of Bachelor of Education, the student is admitted to a course of initial training for teachers of the deaf.

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

(3) It shall be the duty of the authority to transfer the award under sub-paragraphs (*c*), (*d*) or (*e*) of paragraph 1 whether or not the second course is provided by the same establishment as the first.

Termination of awards

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

provided that—

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

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

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

(ii) shall extend it for a period equivalent to any period in respect of which they have made any payment under regulation 22(1) below.

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

Supplementary provisions

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

PART III

PAYMENTS

Ordinary cases

Payments

13. Except in a case to which any of regulations 16 to 20 below inclusive applies the authority shall, subject to regulations 22 and 23(2) below and to schedule 3, in respect of each year pay in pursuance of the award either the sum of £50 (in these regulations called "minimum payment") or a grant calculated in accordance with regulation 14, whichever is the greater.

Calculation of grant

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

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

(*b*) the resources of any student shall be taken to be the aggregate of his income for the year calculated in accordance with Part 1 of schedule 2 and any contribution applicable to his case by virtue of Part 2 or 3 of that schedule.

Assessment of requirements and resources

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

Special cases

Sandwich courses

16. In the case of a sandwich course—

(*a*) the authority shall—

(i) in respect of a sandwich year, pay a grant calculated in accordance with regulation 14 above as modified by virtue of schedule 5; and

(ii) in respect of a year in which there are no periods of experience within the meaning of paragraph 1 of schedule 5, make a payment in accordance with regulation 13 above; and

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

Members of religious orders

17.—(1) Subject to paragraph (2) and regulation 18 below, there shall in each year be paid in pursuance of an award to a student who is a member of a religious order the aggregate of the appropriate sum specified under paragraph (3) below and the sums specified by paragraphs 1 and 9 of schedule 1.

(2) As respects any sandwich year in which the period of full-time study does not exceed 30 weeks, paragraph (1) above shall have effect with the substitution for the reference to the appropriate sum specified under paragraph (3) below of a reference to the prescribed fraction of that sum.

(3) The sum referred to in paragraphs (1) and (2) above is—

if the student resides at his parent's home or in a house of the order of which he is a member	£315

if the student resides elsewhere—

in the case of a student attending a course at the university of London or any other establishment within the area comprising the City of London and the Metropolitan Police District, or at an institution outside the United Kingdom which is not in a high cost country	£445
in the case of a student attending an institution in a high cost country	£510
in the case of a student attending a course elsewhere ...	£405

Part-time courses of teacher training

18.—(1) There shall be paid in each year to a student attending a course designated under regulation 6(1)(*d*)(ii) whichever is the greater of the minimum payment and a grant equal to the amount by which the aggregate of his requirements under paragraph 1 of schedule 1 and three-quarters of his requirements under the other provisions of that schedule exceed three-quarters of his resources under schedule 2.

(2) There shall be paid in each year to a student attending part-time a course designated under regulation 6(1)(*d*)(iii) the aggregate of any relevant sum specified by paragraph 1 (fees) of schedule 1 and—

(*a*) (if he is employed full-time as a teacher) the amount of such travelling expenses as are mentioned in paragraph 7 of that schedule; or

(*b*) (if he is not so employed) any relevant sum specified by that paragraph and £180.

Assisted students

19. Notwithstanding anything in the preceding provisions of these regulations, no payment shall be made in any year to a student to whom there is in respect of that year paid an amount which is not less than the aggregate of the requirements for fees and ordinary maintenance prescribed as applicable to his case either—

(*a*) by way of remuneration (except remuneration paid to a person whose case falls within regulation 18(2) above) paid in respect of any period when he has leave of absence from his employment to attend the course; or

(*b*) in pursuance of any scholarship, bursary or similar allowance in respect of his attendance at the course; or

(*c*) partly by way of such remuneration and partly in pursuance of such a scholarship, bursary or allowance.

Students provided with free board and lodging

20. In its application in any year to a student whose case falls within paragraph 2(4) of schedule 1, regulation 13 above shall have effect as if there were omitted the words "either the sum of £50 (in these regulations called "minimum payment") or" and "whichever is the greater".

General

Method of payment

21.—(1) The authority shall make any payment due under these regulations in such instalments (if any) and at such times as they consider appropriate;

and in the exercise of their functions under this paragraph the authority may in particular make provisional payments pending the final calculation of the grant.

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

Discretionary payments

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

(2) In any case where an award is bestowed on, or transferred in pursuance of regulation 10(1)(*c*) to, a student who has previously attended a course for the Diploma of Higher Education or the Higher National Diploma ("the first course") in respect of his attendance at a course designated by or under regulation 6(1)(*a*), (*d*) or (*e*) above ("the designated course"), then, if the academic authority do not treat his attendance at the first course as excusing him from attending the whole of the first two years of the designated course, paragraph (1) above shall apply in respect of so much of those first two years as he is not excused from attending.

Suspension, etc. of payments

23.—(1) The authority may withhold any payment to any student who is for the time being in default of any requirement to provide such information as is described in regulation 15:

provided that, in the case of a student in respect of whom apart from this paragraph a grant (other than a grant in respect of a sandwich year or a grant to a student to whom regulation 20 above applies) would be payable, the authority shall in respect of any year in which he remains in default pay a grant of a sum not less than the minimum payment.

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

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

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

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

(3) The sum referred to in paragraph (2) above is in the case of a student in respect of whom apart from this paragraph a minimum payment would be payable, the appropriate proportion of the minimum payment, and in the case of any other student the aggregate of—

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

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

SCHEDULE 1 Regulation 14(a)

REQUIREMENTS

PART 1

FEES

1. The amount of the following fees—

(*a*) except in the case of a college to which sub-paragraph (*b*) applies, sessional or tuition fees, which in the case of a composition fee shall not include the element of the fee attributable to maintenance;

(*b*) so much as does not exceed £325 of the sessional or tuition fees of a college of a university (other than a college of the university of Oxford or Cambridge) which is a college in respect of which no grant is paid out of moneys provided by Parliament to the university to which it belongs;

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

(*d*) fees for admission or registration;

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

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

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

(*h*) where a sum representing the subscription to a students' union, junior common room or similar body is not included in the fee charged under sub-paragraph (*a*), (*b*) or (*d*) above—

(i) the fees charged for such membership at the university of Durham, the university of Newcastle, any college of the universities of Oxford and Cambridge or any establishment designated by the Secretary of State as a Polytechnic;

(ii) at any other establishment, the subscription to any one such body membership of which is obligatory by virtue of any requirement contained in, or having effect under, the instruments regulating the conduct of the establishment.

PART 2

ORDINARY MAINTENANCE

2.—(1) This Part shall apply for the ascertainment of the student's requirements for his ordinary maintenance.

(2) Subject to sub-paragraph (4), the lower rate prescribed by paragraph 3(3) below shall be applicable in the case of—

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

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

(3) Subject to sub-paragraph (4), the appropriate higher rate prescribed by paragraph 3 below shall be applicable in the case of—

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

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

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

(4) The special rate prescribed by paragraph 3(6) below shall be applicable in the case of any student who is provided with board and lodging by the academic authority in accordance with arrangements under which fees for board and lodging are charged only to those students whose resources exceed their requirements.

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

3.—(1) Higher rate for the university of London and any other establishment within the City of London and the Metropolitan Police District ...	£810
(2) Higher rate for any other establishment in the United Kingdom ...	£740
(3) Lower rate	£570
(4) Higher rate for an institution in a high cost country in respect of attendance required as part of a course	£930
(5) Higher rate for any other institution outside the United Kingdom in respect of attendance required as part of a course	£810
(6) Special rate	£315

PART 3

SUPPLEMENTARY MAINTENANCE, ETC.

4.—(1) Subject to sub-paragraph (3) below, for each additional week or incomplete part of an additional week in attendance at the course—

if the student resides at his parent's home	£8·40
if the student does not reside at his parent's home—	
in the case of a student attending a course at the university of London or any other establishment within the area comprising the City of London and the Metropolitan Police District, or at an institution outside the United Kingdom which is not in a high cost country	£16·10
in the case of a student attending a course at an institution in a high cost country	£18·90
in the case of a student attending a course elsewhere	£14

(2) For the purposes of this paragraph attendance at the course in any year is additional if it is in excess of 25 weeks 3 days at the university of Oxford or Cambridge or in excess of 30 weeks 3 days at any other establishment or an institution outside the United Kingdom.

(3) This paragraph does not apply to a student whose case falls within paragraph 2(4) above.

5. In the case of a student who attends the course for not less than 45 weeks, for each week or incomplete part of a week during the vacation in respect of which paragraph 4(1) above does not apply . . . the sum prescribed as appropriate to his case by paragraph 4(1) above.

6.—(1) Subject to sub-paragraph (2) and paragraph 8, in the case of a student attending a course at an establishment of further education which is not wholly maintained out of public funds—

(*a*) for each day in respect of vacation study on the recommendation, and under the guidance, of the academic authority—

if the student resides at his parent's home... ... ... £1·20

if the student does not reside at his parent's home—

in the case of study at the university of London or otherwise within the area comprising the City of London and the Metropolitan Police District, or at an institution outside the United Kingdom which is not in a high cost country ... ... £2·30

in the case of study at an institution in a high cost country ... £2·70

in any other case £2

(*b*) in respect of vacation study, undertaken on the recommendation of the academic authority by a student studying modern languages, in a country whose language is a main language of the course, for each day on which he resides with a family approved for the purposes of this paragraph by the academic authority—

if the country is a high cost country ... ... £2·70

in any other case ... ... £2·30

(*c*) for each day in respect of any additional expenditure on his maintenance incurred for the purpose of attending, as part of the course, a period of residential study during term away from the establishment . . . so much of the expenditure as does not exceed £2·30.

(2) Sub-paragraph (1)(*a*) and (*b*) above does not apply to any case to which paragraph 5 above applies.

7.—(1) Subject to paragraph 8, in respect of any expenditure which he is obliged to incur—

(*a*) within the United Kingdom for the purpose of attending the establishment;

(*b*) within or without the United Kingdom, for the purpose of attending any period of study to which paragraph 3(4) or (5) or 6 applies;

(*c*) (in the case of a student attending a course at an establishment of further education which is not wholly maintained out of public funds) on any other travel within the United Kingdom in connection with the course during term—

the amount by which the expenditure exceeds £22.

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

8. Paragraphs 6(1)(*a*) and (*c*) and 7(1)(*b*) above shall apply in relation to a period of study or, as the case may be, travel outside the United Kingdom only where the academic authority certify that if the student did not attend or, as the case may be, did not travel he would not be eligible to complete the course; and where no such certificate is given the student's requirements shall be treated as such a sum (if any) not exceeding the amount specified in the relevant paragraph as the authority consider appropriate.

9.—(1) In respect of expenditure necessarily incurred on the purchase of special equipment for the course by a student attending a course to which this paragraph applies . . . . so much of the expenditure as does not during the course exceed £30.

(2) This paragraph applies to courses in architecture, art and design, domestic science, landscape architecture, medicine, music, ophthalmic optics, physical education, town and country planning and veterinary science or medicine and to courses in which any of these is a principal subject.

10. In the case of any student who in the opinion of the authority would otherwise suffer undue hardship, in respect of any week during the vacation in respect of which no sum is prescribed by the preceding provisions of this Part . . . such sum (if any) not exceeding £10 as, regard being had to the means of the student, the authority consider appropriate.

11. In the case of any disabled student in respect of whom the authority are satisfied that he is obliged by reason of his disability to incur additional expenditure in respect of his attendance at the course . . . such sum not exceeding £120 as the authority consider appropriate.

PART 4

MAINTENANCE OF DEPENDANTS

12.—(1) In this Part—

references to provisions of the 1971 Regulations include references to provisions to the like effect contained in arrangements made under section 2(3) of the Education Act 1962 and "award" shall be construed accordingly;

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

"dependant" means spouse or qualified dependant;

"income" means income for the year from all sources less income tax, national insurance contributions and family allowances and, in the case of the spouse the amount of any payment made by the student in pursuance of an obligation reasonably incurred before the first year;

"qualified dependant" means a person dependent on the student whose income does not exceed the relevant sum prescribed by sub-paragraph (5) below by £160 or more;

a person shall not be treated as dependent on the student during any period when he holds a statutory award in respect of his attendance at a full-time course to which schedule 1 to the Further Education Regulations 1975 applies, or a comparable course outside England and Wales, or a course designated under regulation 6(1)(*d*)(ii).

(2) The requirements of a student to whom this paragraph applies for the maintenance of persons in the United Kingdom who are dependent on him shall be—

(*a*) if the student's spouse holds a statutory award and in calculating payments under it account is taken of the spouse's dependants, one half of any sum more than nil which is ascertained in accordance with the formula in sub-paragraph (4) below;

(*b*) in any other case, subject to paragraph 13, the whole of any such sum.

(3) This paragraph applies to a student who married before the first year and—

(*a*) supported himself out of his earnings for any three years preceding the first year (any period not exceeding six months during which he was registered under section 11 of the Supplementary Benefit Act 1966(**a**) or in receipt of benefit under section 14(1)(*a*) of the Social Security Act 1975(**b**), or any period during which he held a State Studentship or comparable award, being treated as a period during which he so supported himself); or

(*b*) attained the age of 25 before the year for which his requirements fall to be ascertained; or

(*c*) held an award bestowed in respect of attendance at a course beginning before 1st September 1975 and is a person to whom paragraph 10 of schedule 1 to the 1971 regulations applied by virtue of sub-paragraph 2(*c*) of that paragraph:

provided that in its application to sub-paragraph (5)(*a*)(ii) and paragraph 14 below this sub-paragraph is to be read without the words " married before the first year and ".

(**a**) 1966 c. 20. (**b**) 1975 c. 14.

(4) The formula referred to in sub-paragraph (2) above is—

$$X-(Y-Z)$$

where X is the aggregate of the relevant sums prescribed by sub-paragraph (5) below; Y is the aggregate of the income of the student's dependants; and Z is so much of the sum ascertained by multiplying the number of those dependants by £160 as does not exceed Y.

(5) The relevant sums referred to in sub-paragraph (3) above are—

(*a*) (i) spouse; or	
(ii) one other adult dependant; or	
(iii) the first child	£380
(*b*) except where sub-paragraph (*a*)(iii) above applies, first child ...	£165
(*c*) any other child	£85

13. Except in the case which falls within paragraph 12(2)(*a*) above, the requirements under this Part of a student upon whom an award was bestowed in respect of his attendance at a course beginning before September 1975 shall while he holds that award be whichever is the greater of the sum ascertained in accordance with Part 4 of schedule 1 to the 1971 regulations and the sum ascertained in accordance with paragraph 12 above.

14. The requirements of a student to whom paragraph 12 applies for the maintenance in the United Kingdom, at a place other than that at which he resides during the course, of a home for himself and any such dependant as is mentioned in that paragraph shall be £135.

15. The requirements of a student to whom paragraph 12 applies, for the maintenance of any dependant outside the United Kingdom shall be such sum not exceeding the amount that would be treated as constituting his requirements if his case fell within paragraph 12 as the authority, having regard to all the circumstances, consider reasonable.

PART 5

OLDER STUDENTS

16.—(1) The requirements of any student to whom this paragraph applies shall include the sum of £57 for every complete year not exceeding five by which his age at the beginning of the first year exceeds 25.

(2) This paragraph applies to any student who attained the age of 26 before the first year and either—

(*a*) was in full-time employment for a total of three of the six years immediately preceding that year and whose gross earnings in any one year of those six amounted to a sum which exceeded by not less than one-quarter the aggregate of £740 and any relevant sum specified in respect of his dependants by paragraph 12(5); or

(*b*) held an award (or was in receipt of a grant under arrangements made under section 2(3) of the Education Act 1962) in respect of his attendance at a previous course and is a person to whom sub-paragraph (2)(*a*) above or paragraph 14(1) of schedule 1 to the 1971 regulations (or provision to the like effect in such arrangements) applied in respect of that course.

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

Regulation 14(*b*)

SCHEDULE 2

RESOURCES

PART 1

STUDENT'S INCOME

Calculation of student's income

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

(*a*) the first £160 of income;

(*b*) in the case of a student who—

(i) has no parent living; and

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

£320 of any such income as is described in paragraph 5(2) below: provided that the amount disregarded under this sub-paragraph shall not, together with the amount disregarded under sub-paragraph (*a*) above, exceed £320;

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

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

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

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

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

(*h*) family allowances;

(*i*) any benefit under the Supplementary Benefit Act 1966;

(*j*) any attendance allowance under section 35 of the Social Security Act 1975;

(*k*) any allowance granted to him in pursuance of a scheme under section 19 of the Housing Finance Act 1972(**a**);

and in the case of any such student as is described in sub-paragraph (*a*), (*b*) or (*c*) of paragraph 3 below there shall be deducted a sum equivalent to any payment made by him in pursuance of an obligation reasonably incurred by him before the first year unless a deduction in respect of the payment has been made under paragraph 12 of schedule 1.

(**a**) 1972 c. 47.

PART 2

PARENTAL CONTRIBUTION

Definitions

2.—(1) In this Part—

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

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

"income of the student's parent" means the total income of the parent from all sources computed as for income tax purposes, except that no deduction shall be made which is of a kind for which provision is made by paragraph 6 below;

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

(2) Where, in a case not falling within the proviso to paragraph 5(1) below, 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 four-fifths 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 academic year 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 academic year falls.

Application of Part 2

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

(*a*) a student who for any three years preceding the first year supported himself out of his earnings (any period not exceeding six months during which he was registered under section 11 of the Supplementary Benefit Act 1966 or in receipt of benefit under section 14(1)(*a*) of the Social Security Act 1975, or any period during which he held a State Studentship or comparable award, being treated as a period during which he so supported himself);

(*b*) a student who attained the age of 25 before the year for which the grant falls to be ascertained;

(*c*) a student who held an award bestowed, or was in receipt of a grant under arrangements made under section 2(3) of the Education Act 1962, in respect of his attendance at a course beginning before 1st September 1975, and in whose case no contribution was applicable by virtue of previous awards, regulations or such arrangements;

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

Parental contribution

4.—(1) Subject to sub-paragraphs (2) and (3) below, the parental contribution shall be—

(*a*) in any case in which the residual income is more than £2,199 but less than £3,400, £30 with the addition of £1 for every complete £5 by which it exceeds £2,200; and

(*b*) in any case in which the residual income is not less than £3,400, £270 with the addition of £1 for every complete £10 by which it exceeds £3,400;

and in any case in which the residual income is less than £2,200 the parental contribution shall be nil.

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

(3) For any year in which the parent holds a statutory award and a contribution is applicable under Part 3, the parental contribution shall be such sum, not exceeding the amount ascertained in accordance with the preceding provisions of this paragraph, as the authority consider just.

Gross income

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

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

(3) Any dividends or interest paid or credited to the parent by a building society which has entered into arrangements with the Commissioners of Inland Revenue under section 343(1) of the Income and Corporation Taxes Act 1970(**b**) shall be deemed to have been received by him after deduction of income tax at the reduced rate determined under those arrangements for the year of assessment in which the dividends or interest are paid or credited; and the amount deemed to have been so deducted shall be treated as part of his gross income.

(4) There shall be treated as part of the gross income all income arising from an office or employment which by virtue of any enactment is as such exempt from tax.

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

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

Deductions

6.—(1) In respect of any child dependent on the parent during the year for which the contribution falls to be ascertained . . . the amount by which the relevant sum specified below exceeds the child's income in that year:

Age of child immediately before beginning of academic year	Sum
Under 11	£310
11 or over but under 17	£320
17 or over	£400

(**a**) 1925 c. 19. (**b**) 1970 c. 10.

(2) In respect of any other person, other than a spouse, dependent on the parent during the year for which the contribution falls to be ascertained . . . the amount by which £400 exceeds the income of that person in that year.

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

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

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

(6) Where the parents are living together and are gainfully employed . . . the cost in wages of domestic assistance not exceeding whichever is the less of £320 and the emoluments of the parent who earns the less.

(7) Where the parents ordinarily live together and one of them is incapacitated . . . so much of the cost in wages of domestic assistance as does not exceed £320.

(8) Where a parent whose marriage has terminated either is gainfully employed or is incapacitated . . . so much of the cost in wages of domestic assistance as does not exceed £320.

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

(10) In the case of a parent who holds a statutory award . . . the amount by which the aggregate of his requirements for his ordinary maintenance and £160 exceeds the sum payable in pursuance of that award.

(11) In the case of any student who holds an award bestowed in respect of his attendance at a course beginning before September 1975, so much of any expenditure in respect of a child or covenant as—

(*a*) would have been deductible by virtue of sub-paragraph (10), (11) or (12) of paragraph 6 of schedule 2 to the 1971 regulations (or provisions to the like effect contained in arrangements made under section 2(3) of the Education Act 1962); and

(*b*) does not exceed the amounts respectively deducted in respect of that child or covenant in ascertaining the parental contribution for the year ending last before September 1975.

PART 3

SPOUSE'S CONTRIBUTION

Application of Part 3

7. A spouse's contribution ascertained in accordance with this Part shall be applicable in the case of every man student living with his wife and every woman student living with her husband if (in either case) no parental contribution is applicable by virtue of paragraph 3(*a*), (*b*) or (*c*) above.

Spouse's contribution

8.—(1) Subject to sub-paragraphs (2) and (3) below, Part 2 above, except paragraphs 3, 4(2), 5(6) and 6(8), 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.

(2) 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-paragraph (1) above 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.

(3) 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-paragraph (1) above 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.

Regulation 13

SCHEDULE 3

WIDOWS, WIDOWERS, DIVORCED PERSONS, ETC.

1. In its application to a student whose marriage terminates during the course, regulation 14 shall have effect subject to the proviso that the grant shall be payable to him after the termination of his marriage at a rate not lower than that at which it was payable before its termination.

2. If the student has dependants within the meaning of paragraph 12 of schedule 1 and that paragraph applies to him, then, whether his marriage terminated before or during the course—

(*a*) the sum to be disregarded under paragraph 1(*a*) of schedule 2 shall be £400 instead of £160; or

(*b*) his requirements under paragraph 12 of schedule 1 shall be treated as increased by the sum of £240; or

(*c*) in the case of a student to whom paragraph 16 of schedule 1 applies, his requirements shall be treated as including the sum specified by that paragraph—

whichever is the most favourable to him.

3. A student whose marriage has terminated may elect that the sum specified as his requirements under Part 4 of schedule 1 shall be disregarded and that instead there shall in calculating his income be disregarded £550 in respect of his first dependent child and £240 in respect of every other dependent child.

Regulation 9(*c*)

SCHEDULE 4

EDUCATIONAL QUALIFICATIONS

1. A foundation credit of the Open University obtained by a student who had attained the age of 21 at the beginning of the Open University course in question.

2. A pass at advanced level in two subjects in the examination for the General Certificate of Education.

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

4. A pass in two principal subjects in the examination for the Higher School Certificate.

5. An Attestation of Fitness of the Scottish Universities Entrance Board.

6. A pass in three subjects in the higher grade gained at not more than two sittings of the Scottish Universities Preliminary Examination, the Scottish Certificate of Education Examination or the examination for the Scottish Leaving Certificate.

7. A pass at advanced level in two subjects in the Northern Ireland General Certificate or Senior Certificate of Education Examination.

8. The European Baccalaureate awarded by any establishment to which the European Communities (European Schools) Order 1972(a) applied at the time when it was awarded.

9. Any other qualification for the time being prescribed by the Secretary of State for the purposes of these regulations.

SCHEDULE 5 Regulation 16

SANDWICH COURSES

1. In this schedule—

(*a*) "sandwich course" means a course consisting of alternate periods of full-time study in an establishment and associated industrial, professional or commercial experience (in this schedule called "periods of experience") at a place outside the establishment so organised that, taking the course as a whole, the student attends the periods of full-time study for an average of not less than 19 weeks in each year; and for the purpose of calculating his attendance the course shall be treated as beginning with the first period of full-time study and ending with the last such period;

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

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

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

"modified fraction" means the fraction of which the denominator is 52 and the numerator is the number of weeks in the year in which there are no periods of experience for the student in question; and

(*b*) in the application of this schedule to a student whose marriage has terminated, references to schedules 1 and 2 are to be construed as references to those schedules as modified in accordance with schedule 3.

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

(*a*) where the period of full-time study does not exceed 30 weeks 3 days, the student's requirements for his maintenance shall be the prescribed fraction of the appropriate amount specified by Part 2;

(a) S.I. 1972/1582 (1972 III, p. 4586).

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

(*c*) the student's requirements for travelling expenses under paragraph 7(1) of Part 2 shall be the amount by which the expenditure incurred exceeds the prescribed fraction of £22;

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

(*e*) if the student is a person to whom paragraph 16 of schedule 1 applies, his requirements under that paragraph shall be the prescribed fraction of the amount specified by it.

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

(*a*) the sum to be disregarded under paragraph 1(*a*) shall be the prescribed fraction of £160 and the reference in the proviso to paragraph 1(*b*) to £320 shall be construed as a reference to the aggregate of £160 and that prescribed fraction;

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

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

(*d*) the amount of the spouse's contribution applicable to his case shall be the prescribed fraction of the contribution ascertained in accordance with Part 3 of the schedule.

Regulation 3

SCHEDULE 6

REVOCATIONS

Regulations revoked	References
The Awards (First Degree, etc. Courses) Regulations 1971	S.I. 1971/1297 (1971 II, p. 3722).
The Awards (First Degree, etc. Courses) (Amendment) Regulations 1972	S.I. 1972/1124 (1972 II, p. 3326).
The Awards (First Degree, etc. Courses) (Amendment) Regulations 1973	S.I. 1973/1233 (1973 II, p. 3683).
The Awards (First Degree, etc. Courses) (Amendment No. 2) Regulations 1973	S.I. 1973/1298 (1973 II, p. 3916).
The Awards (First Degree, etc. Courses) (Amendment No. 3) Regulations 1973	S.I. 1973/1644 (1973 III, p. 5094).
The Awards (First Degree, etc. Courses) (Amendment) Regulations 1974	S.I. 1974 /1231 (1974 II, p. 4665).
The Awards (First Degree, etc. Courses) (Amendment No. 2) Regulations 1974	S.I. 1974/1540 (1974 III, p. 5831).

Given under the Official Seal of the Secretary of State for Education and Science on 22nd July 1975.

(L.S.)

Fred Mulley,

Secretary of State for Education and Science.

EXPLANATORY NOTE

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

These Regulations consolidate with amendments the existing provisions regulating the duty of local education authorities to bestow awards on students attending first degree and comparable courses and extend them to students attending courses for the initial training of teachers, the Diploma of Higher Education and the Higher National Diploma. The principal amendments involve the removal of all provisions which discriminate between students on grounds of sex, increases in the sums treated by schedule 1 as the student's requirements and the modification of the provisions of schedule 2 relating to the parental and spouse's contribution.

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