STATUTORY INSTRUMENTS

1977 No. 1307

EDUCATION, ENGLAND AND WALES

The Local Education Authority Awards Regulations 1977

Made - - - -	28*th July* 1977
Laid before Parliament	10*th August* 1977
Coming into Operation	1*st September* 1977

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

1. Citation, commencement and interpretation.
2. Definitions.
3. Revocations.

PART II

AWARDS

4. Duty to bestow awards.
5. Modification of provisions for determining ordinary residence.
6. No area students.
7. Designated courses.
8. Conditions.
9. Exceptions relating to attendance at previous courses.
10. Other exceptions.
11. Transfer of awards.
12. Termination of awards.
13. Supplementary provisions.

PART III

PAYMENTS

14. Payments.
15. Calculation of maintenance grant.
16. Assessment of requirements and resources.
17. Sandwich courses.
18. Members of religious orders.
19. Part-time courses of teacher training.
20. Assisted students.
21. Students provided with free board and lodging.
22. Method of payment.
23. Discretionary payments.
24. Suspension, etc. of payments.

SCHEDULES

Schedule 1. Fees.
Schedule 2. Requirements.
Schedule 3. Resources.
Schedule 4. Widows, widowers, divorced persons, etc.
Schedule 5. Educational qualifications.
Schedule 6. Sandwich courses.

The Secretary of State for Education and Science, 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**) (as amended by section 1 of the Education Act 1975(**b**) and section 8 of the Education Act 1976(**c**), and vested in her(**d**), hereby makes the following Regulations:—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Education Authority Awards Regulations 1977 and shall come into operation on 1st September 1977.

(2) The Interpretation Act 1889(**e**) 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of that Act shall have effect in relation to the Regulations revoked by these Regulations as if they were enactments repealed by an Act.

Definitions

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

"academic authority" means, in relation to an establishment, the governing body, or other body having the functions of a governing body;

"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 prescribed under Regulation 7(1)(*d*)(ii) or (iii), includes a course of full-time study and a sandwich course;

"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, Japan, Luxembourg, Netherlands, Norway, Sweden, Switzerland or the United States of America;

"independent student" means a student who either—

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

(**a**) 1962 c. 12. (**b**) 1975 c. 2. (**c**) 1976 c 81.
(**d**) S.I. 1964/490 (1964 I, p. 800). (**e**) 1889 c. 63.

(*b*) supported himself out of his earnings for any three years preceding the first year of his course, there being treated for the purposes of this provision as a period during which he so supported himself (subject to paragraph (2) below)—

(i) any period not exceeding six months during which the student was registered for employment as mentioned in section 5 of the Supplementary Benefits Act 1976(**a**) or in receipt of unemployment benefit under section 14(1)(*a*) of the Social Security Act 1975(**b**);

(ii) any period during which the student held a State Studentship or comparable award;

(iii) any period during which the student received sickness benefit, invalidity pension or maternity allowance under section 14(1)(*b*), 15(1)(*b*), 22(1) or 36(1) of the Social Security Act 1975; or

(iv) in the case of a student who is or has been married, any period during which he could not reasonably have been expected to support himself out of his earnings because he had the care of his dependent children;

"maintenance grant", "full maintenance grant" and "minimum maintenance payment" have the meanings respectively assigned to them by Regulation 14 below;

"previous Awards Regulations" means the Regulations revoked by Regulation 3 below and any Regulations superseded by those Regulations;

"sandwich course" and, in relation to such a course, "prescribed proportion" and "sandwich year" have the meanings respectively assigned to them by paragraph 1 of Schedule 6;

"statutory award" means any award bestowed or grant paid under the Education Act 1962, as amended by the Education Act 1975 and the Education Act 1976, 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", in relation to a 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) The definition of "independent student" in paragraph (1) above shall have effect as if any reference therein to an enactment contained in the Supplementary Benefits Act 1976 or the Social Security Act 1975 included, in relation to a period before the coming into force of the enactment in question, a reference to the corresponding enactment then in force.

(3) In these Regulations "designated course" means a course prescribed by or under Regulation 7 and any reference otherwise unqualified to such a course

(**a**) 1976 c. 71. (**b**) 1975 c. 14.

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 any reference to a first degree course, a Dip HE course, a course for the Higher Diploma, a course of initial training for teachers or a course comparable to a first degree course shall be construed in accordance with Regulation 7.

(4) In these Regulations 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 22(2).

(5) 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).

(6) 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.—(1) The Local Education Authorities Awards Regulations 1975(**a**), the Local Education Authorities Awards (Amendment) Regulations 1975(**b**) and, subject to paragraph (2) below, the Local Education Authorities Awards (Amendment) Regulations 1976(**c**) are hereby revoked.

(2) Nothing in this Regulation shall affect the said Regulations of 1976 so far as they amend the Students' Dependants' Allowances Regulations 1975(**d**).

(**a**) S.I. 1975/1207 (1975 II, p. 4142).
(**b**) S.I. 1975/1697 (1975 III, p. 5810).
(**c**) S.I. 1976/1087 (1976 II, p. 2896).
(**d**) S.I. 1975/1225 (1975 II, p. 4213).

PART II
AWARDS

Duty to bestow awards

4. Subject to and in accordance with these Regulations, it shall be the duty of an authority to bestow an award in respect of a person's attendance at a designated course during an academic year beginning after 31st August 1977 if—

(*a*) the person is ordinarily resident in the authority's area (within the meaning of section 1 of the Education Act 1962), and

(*b*) an award has not already been bestowed upon him under the previous Awards Regulations, by that or another authority, in respect of the course in question.

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, subject to paragraph (3) below, of the beginning of the course.

(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 (according as the academic year of the course begins in the spring, the summer or the autumn respectively) preceding, subject to paragraph (3) below, the beginning of the course.

(3) Where the course began before 1st September 1977, paragraphs (1) and (2) above shall have effect as if each reference to the beginning of the course were a reference to the beginning of the academic year of the course first starting after that date.

No area students

6.—(1) 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 any area shall for those purposes be treated as being so resident—

(*a*) in the area in which he was resident on the relevant day;

(*b*) if he was not resident in the area of any authority on the relevant day but at any time during the two years preceding that day would have fallen to be treated as belonging to an area for the purposes of section 7 of the Education (Miscellaneous Provisions) Act 1953(**a**), in the last such area;

(*c*) in any other case, in the area in which the establishment is situated.

(2) In this Regulation "relevant day" means the last day of the month of October, February or June (according as the academic year of the course begins in the spring, the summer or the autumn, respectively) preceding the beginning of the course or, where it began before 1st September 1977, preceding the beginning of the academic year of the course first starting after that date; and "area" means area of an authority.

(a) 1953 c. 33.

Designated courses

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

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

(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*) a Dip HE course, that is to say—

(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*) a course for the Higher Diploma, that is to say, a course provided by an establishment of further education for the Higher National Diploma, the Higher Diploma of the Technician Education Council ("TEC") or the Higher National Diploma of the Business Education Council ("BEC");

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

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

(i) a course of at least 3 academic years duration provided by a university for a certificate (except the University of Oxford Certificate in Fine Art) 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

8.—(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 for the award reaches the authority before the end of the term in which the student commences to attend the course or, where it began before 1st September 1977, before the end of the first term beginning on or after that date; 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.

Exceptions relating to attendance at previous courses

9.—(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 paragraphs (5) and (6) 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 academic 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 academic years' duration to which Schedule 1 to 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—

(i) was a course of not more than two academic years' duration or a part-time course of equivalent duration, being one to which Schedule 1 to the Further Education Regulations 1975 applies; or

(ii) was a course for a qualification prescribed by Schedule 5; or

(iii) 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 paragraphs (5) and (6) below, an authority shall not be under a duty to bestow an award on a person in respect of his attendance at a course prescribed by or under Regulation 7(1)(*a*), (*d*) or (*e*) if he has previously—

(*a*) attended a course prescribed by or under Regulation 7(1)(*a*), (*d*)(i) or (*e*) or successfully completed a course prescribed under Regulation 7(1)(*d*)(ii) or (iii); or

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

(*b*) attended a course prescribed by Regulation 7(1)(*b*)(ii) in a case where after the commencement of the course he elected to study for a first degree.

(4) Subject to paragraph (6) below, an authority shall not be under a duty to bestow an award on any person in respect of his attendance at any course prescribed by Regulation 7(1)(*b*) or (*c*) if he has previously—

(*a*) successfully completed a part-time course of teacher training prescribed under sub-paragraph (*d*)(ii) or (iii) of Regulation 7(1), or

(*b*) attended any other course prescribed by or under Regulation 7(1).

(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 full-time course of initial training as a teacher of one academic year's duration, 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.

(6) In the case of any course which began before 1st September 1977, the duty of an authority to bestow an award on a person in respect thereof shall not be affected by paragraph (2), (3) or (4) above by reason only of his having attended the course from its beginning.

(7) For the purposes of this Regulation a person shall only be treated as having attended a course if he has attended that course for more than one term; and it is hereby declared that any reference to a person having attended or completed a course shall be construed as a reference to his having done so before or after the coming into operation of these Regulations.

Other exceptions

10. An authority shall not be under a duty to bestow an award in respect of a person's attendance at a course—

(*a*) upon a person who has not been ordinarily resident in the United Kingdom for the three years immediately preceding the first year of the course in question 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 the case of a course comparable to a first degree course, upon a person who does not possess a qualification prescribed by Schedule 5.

Transfer of awards

11.—(1) 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 is held in any case where—

(*a*) subject to paragraph (2) below, on the recommendation of the academic authority the student commences to attend another course at the establishment;

(*b*) subject to paragraph (2) below, with the consent of the academic authority of both establishments concerned, given on educational grounds, the student commences to attend a course at another establishment;

(*c*) with the consent of the academic authority of both establishments concerned, the student completes his course at another establishment by attending a course which began in the same year as the course at the first establishment concerned and is of the same duration as, and in other respects comparable with, that course;

(*d*) on the completion of a Dip HE course the student is admitted to a course prescribed by or under Regulation 7(1)(*a*), (*d*) or (*e*);

(*e*) 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;

(*f*) 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) For the purposes of sub-paragraphs (*a*) and (*b*) of paragraph (1) above, a recommendation or consent shall be given before the expiry of two months after the end of the first year of the course in respect of which the award was originally bestowed and, notwithstanding anything in the said sub-paragraphs, the authority may, after consultation with the academic authority, refuse to transfer the award thereunder 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 (*d*), (*e*) or (*f*) of paragraph (1) whether or not the two courses are provided by the same establishment.

Termination of awards

12.—(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 23(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

13. 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 so 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

14. Subject to Regulation 13 above and Regulations 20, 23 and 24 below, the authority shall in respect of each year pay in pursuance of the 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;

(*b*) in respect of maintenance—

(i) except in a case in which Regulation 17, 18, 19 or 21 below applies, either the sum of £80 (in these Regulations called "the minimum maintenance payment") or a grant calculated in accordance with Regulation 15 below (in these Regulations called "the maintenance grant" or "the full maintenance grant"), whichever is the greater;

(ii) in a case in which one of those Regulations applies (subject to Regulation 17(3) a sum or grant determined in accordance with the Regulation in question.

Calculation of maintenance grant

15.—(1) The maintenance grant in respect of any year shall be the amount by which the student's resources fall short of his requirements and for the purpose of ascertaining that amount—

(*a*) the requirements of the student shall be taken to be the aggregate of such of the amounts specified in Schedule 2 as are applicable in his case;

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

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

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

(*b*) in such a case as is mentioned in the proviso to Regulation 17(2), subject as therein provided.

Assessment of requirements and resources

16. The requirements and resources of a 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.

Sandwich courses

17.—(1) This Regulation shall apply where the course is a sandwich course unless the student is a member of a religious order and Regulation 18 below applies.

(2) The payment in respect of maintenance under Regulation 14(*b*) above shall be the minimum maintenance payment or a maintenance grant, whichever is the greater:

Provided that, for the purpose of calculating the maintenance grant in respect of a sandwich year, Schedules 2 and 3 shall have effect subject to the provisions of Schedule 6.

(3) No payment in respect of maintenance under Regulation 14(*b*) above shall be made in respect of a year in which there are no periods of full-time study.

Members of religious orders

18.—(1) This Regulation shall apply where the student is a member of a religious order ("the Order") unless the course is a part-time course of teacher training prescribed under Regulation 7(1)(*d*)(iii) above and Regulation 19 below applies.

(2) Subject to paragraph (5), the payment in respect of maintenance under Regulation 14(*b*) above shall be the sum specified as appropriate in the case of the student in paragraph (3) or (4) below:

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 so specified;

(*b*) where the course is a part-time course of teacher training prescribed under Regulation 7(1)(*d*)(ii) above, the payment shall be three-quarters of the sum so specified.

(3) In the case of a student who resides at his parent's home or in a house of the Order, the appropriate sum shall be £430.

(4) In the case of any other student, the appropriate sum shall be £555 except that, where he is attending a course—

(*a*) at the University of London,

(*b*) at an establishment within the area comprising the City of London and the metropolitan police district, or

(*c*) at an institution in a country outside the United Kingdom which is not a high-cost country,

it shall be £630 and, where he is attending a course at an institution in a high-cost country, it shall be £725.

(5) The payment in respect of maintenance, determined as aforesaid, shall, in the case of any student who is attending such a course as is mentioned in paragraph 13(1) of Part 2 of Schedule 2 and for the purposes thereof necessarily incurs expenditure in the purchase of special equipment, be increased by so much of that expenditure as does not during the course exceed £40.

Part-time courses of teacher training

19.—(1) This Regulation shall apply where the course is a part-time course of teacher training prescribed under sub-paragraph (*d*)(ii) or (*d*)(iii) of Regulation 7(1) above unless, in the case of a course prescribed under the said sub-paragraph (*d*)(ii), the student is a member of a religious order and Regulation 18 above applies.

(2) Where the course is prescribed under the said sub-paragraph (*d*)(ii), the payment in respect of maintenance under Regulation 14(*b*) shall be the minimum maintenance payment or a grant equal to three-quarters of the full maintenance grant, whichever is the greater.

(3) Where the course is prescribed under the said sub-paragraph (*d*)(iii), the said payment under Regulation 14(*b*) shall be—

(*a*) in the case of a student employed full-time as a teacher, a sum equal to any such expenditure which he is obliged to incur as is mentioned in sub-paragraph (1)(*a*), (*b*) or (*c*) of paragraph 10 of Part 2 of Schedule 2.

(*b*) in the case of any other student, a sum equal to the aggregate of the amount by which such expenditure exceeds £32 and the amount of £245.

Assisted students

20.—(1) Notwithstanding anything in the preceding provisions of these Regulations, no payment under Regulation 14(*a*) or (*b*) shall be made to a student in respect of any year in respect whereof he receives such payments as are mentioned in paragraph (2) below amounting to not less than the aggregate of—

(*a*) such fees payable in respect of him as are described in Schedule 1, and

(*b*) his requirements for ordinary maintenance ascertained in accordance with Part 1 of Schedule 2.

(2) The payments referred to in paragraph (1) above are the aggregate payments received by the student—

(*a*) by way of remuneration paid in respect of any period for which he had leave of absence from his employment to attend the course, and

(*b*) in pursuance of any scholarship, studentship, exhibition or award of similar description bestowed on him in respect of the course (otherwise than in pursuance of section 1 of the Education Act 1962);

except that, if the student's course is a part-time course of teacher training prescribed under Regulation 7(1)(*d*)(iii) above, any payments by way of remuneration shall be disregarded.

Students provided with free board and lodging

21.—(1) This Regulation shall apply where the student is provided with free board and lodging by the academic authority in accordance with arrangements whereunder fees for board and lodging are charged only to those students whose resources exceed their requirements (ascertained as provided in Regulation 15).

(2) The payment in respect of maintenance under Regulation 14(*b*) above shall be a maintenance grant calculated in accordance with Regulation 15.

Method of payment

22.—(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 Schedule 1 may be made to the academic authority but subject thereto all payments shall be made to the student.

Discretionary payments

23.—(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 14(*a*) or (*b*) above 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)(*a*) This paragraph shall apply in the case of a student who—

(i) has previously attended a course of more than one, but not more than two, academic years' duration to which Schedule 1 to the Further Education Regulations 1975 applies or successfully completed a part-time course corresponding to such a course ("the previous course"), and

(ii) holds an award bestowed, or transferred in pursuance of Regulation 11(1)(*d*) above so as to be held, in respect of a course prescribed by or under Regulation 7(*a*), (*d*) or (*e*), not being a course for the degree of Bachelor of Education or of initial training for teachers, in either case, of one academic year's duration ("the current course").

(*b*) If the academic authority do not treat the student's attendance at the previous course as excusing him from attending the whole of the first two academic years of the current course, then, in respect of so much of those first two years as he is not excused from attending, the authority shall not be required to make any payments under Regulation 14(*a*) or (*b*) above 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.

Suspension, etc. of payments

24.—(1) Without prejudice to Regulation 13, 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 16, the authority may withhold, in whole or in part, any payment due to him by way of maintenance grant:

Provided that, in the case of a student in respect of whom apart from this paragraph such a grant would be payable (other than a student to whom Regulation 21 above applies), the authority shall in respect of any year in which he remains in default pay a sum not less than the minimum maintenance 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 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 any maintenance grant payable to him.

Regulations 14, 20(1) and 22(2)

SCHEDULE 1

FEES

The fees referred to in Regulation 14(*a*) are—

(*a*) the aggregate of any fees for admission, registration or matriculation (including matriculation exemption), any sessional or tuition fees, any composition fee and any graduation fee (in each case excluding any element thereof representing or attributable to any such fee as is mentioned in the following sub-paragraphs, or to maintenance) subject to a maximum of £750 in the case of a course which is a post-graduate one or £500 in the case of any other course:

Provided that the said maximum shall not apply in the case of a course at the Guildhall School of Music, the London School of Music, the Royal Academy of Music, the Royal Academy Schools, the Royal College of Music or the Trinity College of Music;

(*b*) college fees or dues at the universities of Cambridge, Durham, Kent, Lancaster, Oxford and York (excluding any element thereof representing or attributable to any such fee as is mentioned in the following sub-paragraphs or to maintenance);

(*c*) any fees charged by an external body in respect of examinations or the validation of the course or otherwise charged by such a body whose requirements must (for the purposes of the course) be satisfied, or any fees attributable to fees so charged;

(*d*) any fee (howsoever described) by way of subscription to a students' union, junior common room or similar body where either—

(i) membership is obligatory by virtue of any requirement contained in, or having effect under, the instruments regulating the conduct of the establishment, or

(ii) the fee is an element of a composition fee.

SCHEDULE 2 Regulations 15(1)(*a*), 18(5) 19(3) and 20(1)

REQUIREMENTS

PART 1

ORDINARY MAINTENANCE

1. The requirements of the student referred to in Regulation 15(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.—(1) Subject to paragraph 4 below, this paragraph shall apply in the case of—

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

(*b*) any independent or married student who does not reside at his parents' home;

(*c*) any other student who does not reside at his parents' home, except where he can in the opinion of the authority conveniently attend the course from his parents' home and the authority, after consultation with the academic authority, consider that in all the circumstances the ordinary maintenance requirement specified in paragraph 3(2) below would be appropriate; and

(*d*) 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 £1,010 except that where he is attending—

(*a*) a course at the University of London;

(*b*) a course at an establishment within the area comprising the City of London and the metropolitan police district;

(*c*) as part of his course, at an institution in a country outside the United Kingdom which is not a high cost country,

it shall be £1,145 and, where he is attending, as part of his course, at an institution in a high-cost country it shall be £1,315.

3.—(1) Subject to paragraph 4 below, this paragraph shall apply in the case of any other student, that is to say, in the case of—

(*a*) a student residing at his parents' home, except where the conditions specified in paragraph 2(1)(*d*) are satisfied;

(*b*) a student whose case falls within the exception to paragraph 2(1)(*c*).

(2) In the case of such a student the ordinary maintenance requirement shall be £785.

4.—(1) This paragraph shall apply, to the exclusion of paragraph 2 or 3 above, in the case of a 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 (ascertained as provided in Regulation 15).

(2) In the case of such a student the ordinary maintenance requirement shall be £430.

PART 2

SUPPLEMENTARY MAINTENANCE ETC.

5. The requirements of the student referred to in Regulation 15(1)(*a*) shall include his requirements—

(*a*) for supplementary maintenance in the cases and for the periods mentioned in paragraphs 6, 7, 8 and 14 below, and

(*b*) in respect of such expenditure as is mentioned in paragraphs 9 to 13 and 15 below;

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

6.—(1) This paragraph shall apply in the case of a student who attends at his course for a period ("excess period") in any academic year in excess of—

(*a*) in the case of the University of Oxford or Cambridge, 25 weeks 3 days;

(*b*) in any other case, 30 weeks 3 days;

except that this paragraph shall not apply where the student is provided with board and lodging as mentioned in paragraph 4 above.

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

(*a*) a student residing at his parents' home, £10.80;

(*b*) a student not so residing, £18.30 except that where he is attending—

(i) a course at the University of London;

(ii) a course at an establishment within the area comprising the City of London and the metropolitan police district;

(iii) as part of his course, at an institution in a country outside the United Kingdom which is not a high-cost country,

it shall be £22.80 and, where he is attending, as part of his course, at an institution in a high-cost country it shall be £28.50.

7. (1) This paragraph shall apply in the case of a student who attends at his course for a period of not less than 45 weeks in any year.

(2) In respect of each complete week comprised in the period in that year for which he is not attending his course, the student's supplementary requirement shall be determined in accordance with paragraph 6(2) above.

8.—(1) This paragraph shall apply, unless paragraph 7 above applies, in the case of a student at an establishment of further education which is not wholly maintained out of public funds, or at a service establishment mentioned in sub-paragraph (3), who undertakes a period of vacation study on the recommendation of the academic authority—

(*a*) under the guidance of that authority, or

(*b*) where he is studying modern languages either—

(i) under such guidance, or

(ii) with a family, approved for the purposes hereof by that authority, in a country whose language is a main language of the course.

(2) In respect of each day of such vacation study the supplementary requirement shall be such amount, if any, as the authority consider appropriate not exceeding the amount hereinafter specified, that is to say—

(*a*) in the case of a student residing at his parents' home, not exceeding £2.20;

(*b*) in the case of a student not so residing, not exceeding £3.30 or, where he is studying—

(i) at the University of London;

(ii) at an establishment within the area comprising the City of London and the metropolitan police district;

(iii) at an institution, or as mentioned in sub-paragraph (1)(*b*)(ii) above, in a country outside the United Kingdom which is not a high-cost country,

not exceeding £3.90 or, where he is studying at an institution, or as mentioned in sub-paragraph (1)(*b*)(ii) above, in a high-cost country, not exceeding £4.70.

(3) The service establishments referred to in paragraph (1) are the Royal Military College of Science, Shrivenham and the Royal Naval Engineering College, Manadon.

9.—(1) This paragraph shall apply in the case of a student at an establishment of further education which is not wholly maintained out of public funds, or at a service establishment mentioned in paragraph 8(3) above, who incurs additional expenditure on his maintenance for the purpose of attending, as part of his course, a period of term-time residential study away from the establishment, being study within the United Kingdom unless (apart from the said period) he is attending, as part of his course, at an institution in a country outside the United Kingdom and the study is away from that institution.

(2) Subject to paragraph 16 below, in respect of each day for which the student incurs such additional expenditure his supplementary requirement shall be £3.20 or the daily additional expenditure, whichever is the less.

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

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

(*b*) within or outside the United Kingdom, for the purpose of attending, as part of his course, any period of study at an institution in a country outside the United Kingdom;

(c) in the case of a student at an establishment of further education which is not wholly maintained out of public funds, or at a service establishment mentioned in paragraph 8(3) above—

(i) within or outside the United Kingdom, for the purpose of attending a period of vacation study or of term-time residential study in respect of which he has a supplementary requirement under paragraph 8 or 9 above, and

(ii) without prejudice to the preceding provisions of this paragraph, on any other term-time travel within the United Kingdom in connection with his course.

(2) Subject to paragraph 16 below, the student's supplementary requirement in respect of such expenditure shall be the amount by which, in the aggregate, it exceeds £32.

(3) In the case of an establishment which is a constituent college, school or hall of a university, or is a university with such constituent establishments, the reference in sub-paragraph (1)(*a*) above to the student attending the establishment shall be construed as including a reference to his attending, in connection with his course, any constituent establishment of the university in question.

11.—(1) This paragraph shall apply in the case of a student whose home is for the time being outside the United Kingdom and who incurs expenditure travelling between his home and the establishment at the beginning and end of term.

(2) The student's supplementary requirement in respect of such expenditure shall be of such amount as the authority consider appropriate, not exceeding the expenditure necessarily incurred.

12.—(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.

(2) Subject to paragraph 16 below, the student's supplementary requirement in respect of such expenditure shall be the amount reasonably incurred.

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

(*a*) is attending a course in architecture, art and design, domestic science, landscape architecture, medicine, music, ophthalmic optics, physical education, town and country planning or veterinary science (or medicine) or a course comprising any of those subjects as a principal subject, and

(*b*) for the purposes thereof necessarily incurs expenditure in the purchase of special equipment.

(2) The student's supplementary requirement in respect of such expenditure shall be so much of the expenditure as does not during the course exceed £40.

14.—(1) This paragraph shall apply in the case of a student who, in any week during a vacation (not being a week in respect of which a supplementary requirement falls to be determined under paragraph 7 or 8) would, in the opinion of the authority, suffer undue hardship but for this paragraph.

(2) The student's supplementary requirement in respect of each such week shall be such amount as the authority consider appropriate having regard to his means, not exceeding £21.85.

15.—(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 requirement in respect of such expenditure shall be such amount as the authority consider appropriate, not exceeding £160.

16.—(1) The following provisions, that is to say—

(*a*) paragraph 9;

(*b*) paragraph 10, in its application to expenditure incurred outside the United Kingdom, and

(*c*) paragraph 12,

shall have effect subject to sub-paragraph (2) below.

(2) A student's supplementary requirement under any of the said paragraphs (in the case of paragraph 10 in its application as aforesaid)—

(*a*) must be the amount specified in sub-paragraph (2) of the paragraph in question only where the academic authority certify that if the student did not undertake the relevant period of study he would not be eligible to complete his course;

(*b*) where the academic authority do not so certify, shall be such amount as the authority consider appropriate, not exceeding the amount so specified.

PART 3

MAINTENANCE OF DEPENDANTS

17.—(1) The requirements of the student referred to in Regulation 15(1)(*a*) shall include his requirements for the maintenance of dependants and the amount of any such requirement ("dependants requirement") shall be determined in accordance with this Part of this Schedule.

(2) In this Part of this Schedule a reference to the 1971 Regulations is a reference to the Awards (First Degree, etc. Courses) Regulations 1971(**a**), as from time to time amended(**b**); and a reference to any provision of those Regulations includes a reference to a provision to the like effect contained in arrangements made under section 2(3) of the Education Act 1962 and "award" shall be construed accordingly.

(3) In this Part of this Schedule—

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

"dependant" means, subject to sub-paragraphs (4) and (5) below, the student's spouse or a person dependent on the student, not being a person living with him as his spouse;

(**a**) S.I. 1971/1297 (1971 II, p. 3722).
(**b**) S.I. 1972/1124; 1973/1233, 1298, 1644; 1974/1231, 1540 (1972 II, p. 3326; 1973 II, pp. 3683; 3916; III, p. 5094; 1974 II, p. 4665; III, p. 5831).

"income" means income for the year from all sources less income tax, social security contributions and child benefit and, in the case of the spouse, the amount of any payment made by the student or his spouse and previously made by the student in pursuance of an obligation reasonably incurred before the first year.

(4) A person, including the student's spouse, shall not be treated as a dependant of a student during any period for which the person 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, at a comparable course outside England and Wales or at a course prescribed under Regulation 7(1)(*d*)(ii).

(5) A person, other than the student's spouse, shall not be treated as a dependant of a student if the person's income exceeds by £215 or more—

(*a*) in the case of an adult dependant or, if the student has neither a dependent spouse nor such a dependant, in the case of the eldest dependent child, the sum specified in paragraph 18(4)(*a*) below,

(*b*) subject as aforesaid, in the case of a dependent child, the appropriate sum specified in paragraph 18(4)(*b*) below.

18.—(1) This paragraph shall apply in the case of a student who married before the first year of his course where he has dependants and either—

(*a*) is an independent student; or

(*b*) 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;

except that for the purpose of determining a student's dependants requirement for an adult dependant other than his spouse it shall be immaterial whether or not he married as aforesaid.

(2) The dependants requirement of the student shall, subject to paragraphs 20 and 21 below, 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) and (4) below;

(*b*) in any other case, subject to paragraph 19 below, the whole of the amount so determined.

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

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

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

(*c*) Z is so much of the sum ascertained by multiplying £215 by the number of his dependants as does not exceed Y.

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

(*a*) £480, and

(*b*) in respect of each dependent child—

(i) under the age of 11 immediately before the beginning of the academic year, £185,

(ii) then aged 11 or over, but under 17, £325,

(iii) then aged 17 or over, £480;

except that the eldest dependent child shall be disregarded for the purposes hereof if the student has neither a dependent spouse nor other adult dependant.

19.—(1) This paragraph shall apply in the case of a student upon whom an award was bestowed in respect of his attendance at a course which began before 1st September 1975 whose dependants requirement falls to be determined in accordance with paragraph 18(2)(*b*) above.

(2) While he holds the award, the student's dependants requirement shall be determined in accordance with Part 4 of Schedule 1 to the 1971 Regulations where that amount is greater than the amount specified in paragraph 18(2)(*b*).

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

(*a*) satisfies either of the conditions in paragraph 18(1)(*a*) and (*b*) above, and

(*b*) maintains a home for himself and a dependant at a place other than that at which he resides while attending the course.

(2) The dependants requirement of the student (determined in accordance with paragraph 18(2)(*a*) or (*b*) and, where applicable, paragraph 19) shall be increased by £225.

21.—(1) This paragraph shall apply in the case of a student, in whose case paragraph 18 above applies, 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 as the authority consider reasonable in all the circumstances, not exceeding the amount determined in accordance with those paragraphs.

PART 4

Older Students

22. This Part of this Schedule shall apply in the case of a student who attained the age of 26 before the first year of his course and either—

(*a*) was in full-time employment for a total of three of the six years immediately preceding that year; 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 either was in full-time employment as aforesaid immediately preceding the first year of that course or was a person to whom paragraph 14 of Schedule 1 to the 1971 Regulations applied (or any provision to the like effect in such arrangements as aforesaid).

23. The requirements of the student referred to in Regulation 15(1)(*a*) shall include the sum of £100 for every complete year not exceeding four by which his age at the beginning of the first year of his course exceeds 25.

PART 5

CONSTRUCTION OF PARTS 1 TO 4

24. 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 establishment, as including a reference to the home of the parents of the student's spouse.

25. In this Schedule 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 15(1)

RESOURCES

PART 1

STUDENT'S INCOME

Calculation of student's income

1. In calculating the student's income for the purposes of Regulation 15(1)(*b*) there shall be taken into account his income (reduced by income tax and social security contributions) from all sources, but there shall be disregarded the following resources—

(*a*) the first £215 of the aggregate of—

(i) any income other than such as is mentioned in any of the following sub-paragraphs, and

(ii) so much of any income mentioned in sub-paragraph (*b*) below as is not disregarded under that sub-paragraph;

(*b*) the first £500 of any income by way of—

(i) scholarship, studentship, exhibition or award of a similar description bestowed on the student in respect of the course (in pursuance of a sponsorship scheme or otherwise) not being an award bestowed in pursuance of section 1 of the Education Act 1962, and

(ii) in the case of a student released by his employer to attend the course, any payments made by that employer;

(*c*) in the case of a student who—

(i) has no parent living, and

(ii) is not such a person as is mentioned in paragraph 3(*a*) or (*b*) below,

so much of any income as is described and applied for his benefit as mentioned in paragraph 5(2) below as, when aggregated with any amount disregarded under sub-paragraph (*a*) above, does not exceed £430;

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

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

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

(*g*) 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;

(*h*) 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;

(*i*) child benefit;

(*j*) any benefit under the Supplementary Benefits Act 1976;

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

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

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

and in the case of any such student as is described in paragraph 3(*a*) or (*b*) below there shall be deducted the amount of any payment made in pursuance of an obligation reasonably incurred by him before the first year of his course unless his spouse is a dependant for the purposes of Part 3 of Schedule 2 and in pursuance of paragraph 17(3) thereof, the payment is taken into account in determining her income.

PART 2

PARENTAL CONTRIBUTION

Definitions

2.—(1) In this Part of this Schedule—

"child" includes a person adopted in pursuance of adoption proceedings but, except in paragraph 4 below, does not include a child who holds a statutory award nor, except in paragraph 6(1) and (3) below, a step-child; 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 in respect of personal reliefs under Chapter II of Part I of the Income and Corporation Taxes Act 1970(**a**) or which is otherwise 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. 9 parental contribution ascertained in accordance with this Part shall be applicable in the case of every student except any of the following—

(*a*) an independent student;

(*b*) 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(**b**), 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;

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

(**a**) 1970 c. 10. (**b**) 1962 c. 12.

Parental contribution

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

(*a*) in any case in which the residual income is more than £3,199 but less than £4,800, £20 with the addition of £1 for every complete £5 by which it exceeds £3,200; and

(*b*) in any case in which the residual income is more than £4,799 but less than £6,000, £340 with the addition of £1 for every complete £10 by which it exceeds £4,800; and

(*c*) in any case in which the residual income is not less than £6,000, £460 with the addition of £1 for every complete £11 by which it exceeds £6,000;

reduced in each case by £45 in respect of every other child of the parent who holds a statutory award; and in any case in which the residual income is less than £3,200 the parental contribution shall be nil.

(2) 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.

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 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.

(**a**) 1925 c. 19.

(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) 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) For the purpose of determining a parent's residual income there shall be deducted from his gross income, in respect of any child dependent on him 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	£425
11 or over but under 17	£435
17 or over	£545

(2) For the purpose aforesaid there shall also be deducted from the parent's gross income—

(*a*) in respect of any person, other than a spouse or child, dependent on the parent during the year for which the contribution falls to be ascertained, the amount by which £545 exceeds the income of that person in that year;

(*b*) 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;

(*c*) the amount of any contributions to a dependants' pension scheme (being a contribution in respect of which relief is given under the Income Tax Acts);

(*d*) the aggregate amount of any other contributions to a pension or superannuation fund or scheme and of any premiums on a policy of life assurance (being a contribution or premium in respect of which relief is given under the Income Tax Acts) or so much of that amount as does not exceed 15% of the parent's gross income;

(*e*) where the parents are living together and are gainfully employed, the cost in wages of domestic assistance not exceeding whichever is the less of £435 and the emoluments of the parent who earns the less;

(*f*) 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 £435;

(*g*) 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 £435;

(*h*) 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;

(*i*) 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 1 of Schedule 2) and £215 exceeds the sum payable in pursuance of that award.

(3) Where the student holds an award bestowed in respect of his attendance at a course beginning before September 1975, for the purpose aforesaid there shall also be deducted from the parent's gross income so much of any expenditure in respect of a child or payments under covenant as—

(*a*) would have been deductible by virtue of sub-paragraph (10), (11) or (12) of paragraph 6 of Schedule 2 to the Awards (First Degree etc. Courses) Regulations 1971 (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 payments under that covenant, in ascertaining the parental contribution for the year ending last before 1st 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 (3) and (4) below, Part 2 above, except paragraphs 3, 4(1) and (2)(*a*), 5(5) and 6(2)(*g*), 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 the references to the parent and step-parent in paragraph 4(2)(*b*) and (*c*) being construed as references to the student's child and step-child respectively.

(2) The spouse's contribution shall be—

(*a*) in any case in which the residual income is more than £2,999 but less than £4,800, £20 with the addition of £1 for every complete £5 by which it exceeds £3,000; and

(*b*) in any case in which the residual income is not less than £4,800, £380 with the addition of £1 for every complete £10 by which it exceeds £4,800;

and in any case in which the residual income is less than £3,000 the spouse's contribution shall be nil.

(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) 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.

(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) 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.

SCHEDULE 4 Regulation 15(2)

WIDOWS, WIDOWERS, DIVORCED PERSONS, ETC.

1. In its application to a student whose marriage terminates during the course, Regulation 15 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 Part 3 of Schedule 2 and paragraph 18 thereof 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 3 shall be £565 instead of £215, or

(*b*) his requirements under paragraph 18 of Part 3 of Schedule 2 shall be treated as increased by the sum of £350, or

(*c*) in the case of a student to whom Part 4 of Schedule 2 applies, his requirements shall be treated as including the sum specified in paragraph 23 thereof,

whichever is the most favourable to him.

3. A student whose marriage has terminated may elect that the sum specified as his requirements in Part 3 of Schedule 2 shall be disregarded and that instead there shall in calculating his income be disregarded £720 in respect of his eldest dependent child and £350 in respect of every other dependent child.

Regulations 9(2) and 10 SCHEDULE 5

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.

4. A Certificate or Diploma of TEC.

5. A National Certificate or National Diploma of BEC.

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

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

8. 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.

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

10. 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.

11. The International Baccalaureate Diploma awarded by the International Baccalaureate Office, Geneva.

12. Any other qualification for the time being prescribed by the Secretary of State for the purposes of these Regulations.

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

SCHEDULE 6 Regulations 2(1) and 17

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 proportion" means the proportion which the number of weeks in the year for which the student in question attends the establishment 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; and

(*b*) in the application of this Schedule to a student whose marriage has terminated, references to Schedules 2 and 3 are to be construed as references to those Schedules as modified in accordance with Schedule 4.

2. 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 1;

(*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 1 and the appropriate amount specified in paragraph 6 of Part 2;

(*c*) the student's requirements in respect of such expenditure as is referred to in paragraph 5(*b*) of Part 2 shall be determined in accordance with that Part except that his requirements in respect of such expenditure as is mentioned in paragraph 10 shall be the amount by which the expenditure exceeds the prescribed proportion of £32;

(*d*) the student's requirement for the maintenance of a dependant shall be the modified proportion of the sum specified in Part 3 except that

where such a requirement falls to be increased under paragraph 20 it shall be increased by the prescribed proportion of the sum there specified; and

(*e*) if the student is a person to whom Part 4 applies, his requirements under that Part shall be the prescribed proportion of the amount there specified.

3. 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(*a*) of Part 1 shall be the prescribed proportion of £215 and the reference in paragraph 1(*c*) to £430 shall be construed as a reference to the aggregate of £215 and the prescribed proportion of £215;

(*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 proportion of the contribution ascertained in accordance with Part 2; and

(*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 3.

Given under the Official Seal of the Secretary of State for Education and Science on 28th July 1977.

(L.S.)

Shirley Williams,

Secretary of State for Education and Science.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate, with amendments, the Local Education Authorities Awards Regulations 1975. The principal amendments are described below.

Provision is made whereunder an application for an award may be made notwithstanding that the student has begun his course (*Regulation (8)(1)(a)*).

Courses leading to the Higher Diploma of the Technician Education Council or the Higher National Diploma of the Business Education Council qualify for awards (*Regulation 7(1)(c)*).

The element in an award in respect of fees is not subject to a means test (*Regulation 14(a)*) and the means test applicable to the maintenance element is relaxed (*paragraphs 1, 4 and 8 of Schedule 3*).That element is increased and, save in special cases, is always at least £80 *(Regulations 14(b) and 15)*.

SI 1977/1307
ISBN 0-11-071307-9

