STATUTORY INSTRUMENTS

1978 No. 1097

EDUCATION, ENGLAND AND WALES

The Local Education Authority Awards Regulations 1978

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ARRANGEMENT OF REGULATIONS

PART I

GENERAL

1. Citation and commencement.
2. Definitions.
3. References to independent students.
4. References to courses.
5. General construction and interpretation.
6. Revocations and transitional provisions.

PART II

AWARDS

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

PART III

PAYMENTS

17. Payments.

18. Calculation of maintenance grant.

19. Assessment of requirements and resources.

20. Sandwich courses.

21. Members of religious orders.

22. Part-time courses of teacher training.

23. Assisted students.

24. Students provided with free board and lodging.

25. Method of payment.

26. Discretionary payments.

27. Withholding and reduction 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:—

(a) 1962 c. 12.
(b) 1975 c. 2.
(c) 1976 c. 81.
(d) S.I. 1964/490.

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Local Education Authority Awards Regulations 1978 and shall come into operation on 1st September 1978.

Definitions

2. 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 a local education authority;

"award" includes an award bestowed under previous Awards Regulations;

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

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

"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" has the meaning assigned to it by Regulation 3;

"maintenance grant", "full maintenance grant" and "minimum maintenance payment" have the meanings respectively assigned to them by Regulation 17;

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

"previous Awards Regulations" means the Regulations revoked by Regulation 6 and any Regulations made but revoked under section 1 of the Education Act 1962 before the coming into operation of these Regulations;

"statutory award" means any award bestowed or grant paid by virtue of the Education Act 1962 or any comparable award or 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.

References to independent students

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

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

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

(2) For the purposes of paragraph (1) a student shall be treated as having supported himself out of his earnings—

(*a*) for any period or periods, not exceeding six months in the aggregate, 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**);

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

(*c*) for 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

(*d*) in the case of a student who is or has been married, for 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.

This paragraph 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.

References to courses

4.—(1) In these Regulations any reference to a designated course shall be construed as a reference to a course prescribed as such by or under Regulation 10 and, in relation to any person, any reference to such a course (otherwise unqualified) shall, as the context requires, be construed as a reference to a designated course which the person in question attends or has applied to attend; and, in relation to any designated course except one prescribed under Regulation 10(1)(*d*)(ii) or (iii), any reference to a course shall be construed as a reference to either a course of full-time study or a sandwich course.

(2) In these Regulations any reference to a first degree course, a 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 10.

(3) In these Regulations any reference to a sandwich course shall be construed as a reference to such a course within the meaning of paragraph 1 of Schedule 6.

(4) In these Regulations any reference to a course of advanced further education is a reference to a course such as is now mentioned in Schedule 1 to the Further Education Regulations 1975(**c**).

(**a**) 1976 c. 71. (**b**) 1975 c. 14. (**c**) S.I. 1975/1054.

General construction and interpretation

5.—(1) In these Regulations references to payments made to a student include references to payments made to the academic authority in respect of the student by virtue of Regulation 25(2).

(2) In calculating a person's income for any year any reduction for income tax is to be made by calculating the tax payable on the income received in that year as if the year were a year of assessment 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).

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

(4) A person shall be treated, for the purposes of Regulation 9, as ordinarily resident in England and Wales or, for the purposes of Regulation 13, as so resident in the United Kingdom, if the authority are satisfied that he is not, or has not been, so resident at the relevant time only because he, his spouse or his parent is, or was, temporarily employed outside England and Wales or, as the case may be, outside the United Kingdom.

(5) Except where the context otherwise requires, in these Regulations any reference to a Regulation or a Schedule is a reference to a Regulation contained therein or a Schedule thereto; and a reference in a Regulation or a Schedule to a paragraph is a reference to a paragraph of that Regulation or Schedule, and a reference in a paragraph to a sub-paragraph is a reference to a sub-paragraph thereof.

(6) Except where the context otherwise requires, any reference in these Regulations to an enactment is a reference to that enactment as amended or extended by or under any subsequent enactment.

(7) The Interpretation Act 1889(**a**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament and, without prejudice as aforesaid, section 37 thereof (exercise of powers before commencement) shall apply in relation to these Regulations as it applies in relation to an Act and section 38(2) (effect of repeals) shall apply as though the Regulations revoked by these Regulations were enactments repealed by an Act of Parliament.

Revocations and transitional provisions

6.—(1) The Local Education Authority Awards Regulations 1977(**b**) and the Local Education Authority Awards (Amendment) Regulations 1977(**c**) are hereby revoked.

(2) Without prejudice to the definition of "award" in Regulation 2, an award bestowed, or anything done, in pursuance of the Regulations revoked by paragraph (1) before the coming into operation of these Regulations, in so far as it could have been bestowed or done in pursuance of these Regulations, shall, for the purposes thereof, be treated as having been so bestowed or done.

(**a**) 1889 c. 63.
(**b**) S.I. 1977/1307.
(**c**) S.I. 1977/1409.

PART II

AWARDS

Duty to bestow awards

7. 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 1978 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 these Regulations or the previous Awards Regulations, by that or another authority, in respect of the course in question.

Modification of provisions for determining ordinary residence

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

(2) Any such person as is described in paragraph (1) 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), the beginning of the course.

(3) Where the course began before 1st September 1978, paragraphs (1) and (2) 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

9.—(1) A person (subject to paragraph (3)) ordinarily resident in England and Wales who, apart from this Regulation, would, by virtue of paragraph 2 of Schedule 1 to the Education Act 1962, fall to be treated for the purposes of section 1 of that Act as not being ordinarily resident in the area of any authority shall for those purposes be treated as so resident—

(*a*) if at any time during the period of two years preceding the relevant day he would have fallen to be treated as belonging to the area of an authority for the purposes of section 7 of the Education (Miscellaneous Provisions) Act 1953(**a**), in the last such area;

(*b*) if sub-paragraph (*a*) does not apply but at any time during the said period he was resident in the area of an authority, in the last such area;

(*c*) if neither sub-paragraph (*a*) nor (*b*) applies, in the area of the authority in which the establishment providing his course is situate.

(**a**) 1953 c. 33.

(2) In paragraph (1) "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 1978, preceding the beginning of the academic year of the course first starting after that date; and "area" means area of an authority.

(3) Paragraph (1) shall have effect until 1st January 1979 as if the words "ordinarily resident in England and Wales" were omitted therefrom.

Designated courses

10.—(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

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

(*a*) an application in writing reaches the authority before the end of the term in which the student commences his course or, where he commenced his course before 1st September 1978 but has not during the year ending immediately before that date been required to attend for full-time study at the establishment providing the course, 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

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

(2) In the case of a person who has not attained the age of 25 years before the first year of his course, subject to paragraphs (7) and (8), an authority shall not be under a duty to bestow an award if he has previously—

(*a*) attended a full-time course of further education of not less than two academic years' duration (ignoring, in the case of a sandwich course, periods of experience), or

(*b*) successfully completed a part-time course of such education of equivalent duration, or

(*c*) attended a full-time, or successfully completed a part-time, course outside England and Wales comparable to such a full-time or part-time course,

unless the previous course was such as is mentioned in paragraph (4)(*a*), (*b*) or (*c*).

(3) In the case of a person who has so attained that age, subject as aforesaid, an authority shall not be under a duty to bestow an award if he has previously—

(*a*) attended a full-time course of advanced further education of more than two academic years' duration (ignoring, in the case of a sandwich course, periods of experience), or

(*b*) successfully completed a part-time course of advanced further education of equivalent duration, or

(*c*) attended a full-time, or successfully completed a part-time, course outside England and Wales comparable to such a full-time or part-time course,

unless the previous course was such as is mentioned in paragraph (4)(*b*) or (*c*).

(4) An authority shall not be relieved of the duty to bestow an award by paragraph (2) or (3) if the previous course—

(*a*) was a full-time course of advanced further education of two academic years' duration (ignoring, in the case of a sandwich course, periods of experience), or a part-time course of advanced further education of equivalent duration, or

(*b*) was for an educational qualification specified by or under Schedule 5, or

(*c*) was provided by a college providing long term residential courses of full-time education for adults which is now specified in Regulation 7 of the State Awards Regulations 1978(**a**).

(5) Subject to paragraphs (7) and (8), 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 10(1)(*a*), (*d*) or (*e*) if he has previously—

(*a*) attended a course prescribed by or under Regulation 10(1)(*a*), (*d*)(i) or (*e*) or successfully completed a course prescribed under Regulation 10(1)(*d*)(ii) or (iii); or

(*b*) attended a course prescribed by Regulation 10(1)(*b*)(ii) in a case where after the commencement of the course he elected to study for a first degree.

(6) Subject to paragraph (8), 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 10(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 10(1), or

(*b*) attended any other course prescribed by or under Regulation 10(1).

(7) Nothing in paragraphs (2), (3) and (5) 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 of advanced further education or a comparable course outside England and Wales.

(8) 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), (5) or (6) by reason only of his having attended the course from its beginning.

(9) For the purposes of this Regulation a person shall only be treated as having attended a course if he has attended either more than one course or one course for a period of 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.

(**a**) S.I. 1978/1096.

Other exceptions

13. 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;

(*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 specified by or under Schedule 5.

Transfer of awards

14.—(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), on the recommendation of the academic authority the student commences to attend another course ("the new course") at the establishment;

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

(*c*) on the completion of a Dip HE course the student is admitted to a course prescribed by or under Regulation 10(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;

(*f*) after commencing a course for the degree (other than an honours degree) of Bachelor of Education, the student is, on or before the completion of that course, admitted to a course at the establishment for the honours degree of Bachelor of Education.

(2) An award shall not be transferred in pursuance of paragraph (1)(*a*) or (*b*) unless either—

(*a*) the requisite recommendation or consent is 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, or

(*b*) the authority, after consulting the academic authority or authorities concerned, are satisfied that the period which the student in question will ordinarily require for the completion of the new course will expire not later than the period which he would so require for the completion of the course in respect of which the award is held,

and, after consulting the academic authority concerned, an authority may refuse the transfer of an award as aforesaid if they are satisfied that when the student applied for it he did not intend to complete the course to which his application related.

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

Termination of awards

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

Provided that—

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

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

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

(ii) shall extend it for a period equivalent to any period in respect of which they have made any payment under Regulation 26(1).

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

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

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

Supplementary provisions

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

PART III

PAYMENTS

Payments

17. Subject to Regulations 16, 23, 26 and 27, 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 20, 21, 22 or 24 applies, either the sum of £200 (in these Regulations called "the minimum maintenance payment") or a grant calculated in accordance with Regulation 18 (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 20(3)) a sum or grant determined in accordance with the Regulation in question.

Calculation of maintenance grant

18.—(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 20(2), subject as therein provided.

Assessment of requirements and resources

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

20.—(1) This Regulation shall apply where the course is a sandwich course unless the student is a member of a religious order and Regulation 21 applies.

(2) The payment in respect of maintenance under Regulation 17(*b*) 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 17(*b*) shall be made in respect of a year in which there are no periods of full-time study.

Members of religious orders

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

(2) Subject to paragraph (5), the payment in respect of maintenance under Regulation 17(*b*) shall be the sum specified as appropriate in the case of the student in paragraph (3) or (4):

Provided that—

(*a*) where the course is a sandwich course, the payment in respect of a sandwich year shall be the prescribed proportion of the sum so specified;

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

(3) In the case of a student who resides at his parent's home or in a house of the Order, the appropriate sum shall be £480.

(4) In the case of any other student, the appropriate sum shall be £605 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 £725 and, where he is attending a course at an institution in a high-cost country, it shall be £940.

(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 £49.

Part-time courses of teacher training

22.—(1) This Regulation shall apply—

(*a*) where the course is a part-time course of teacher training prescribed under sub-paragraph (*d*)(ii) or (*d*)(iii) of Regulation 10(1), or

(*b*) in relation to that part of the course which is part-time, where it is a partly full-time and partly part-time one prescribed under the said sub-paragraph (*d*)(iii),

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

(2) Where the course is prescribed under the said sub-paragraph (*d*)(ii), the payment in respect of maintenance under Regulation 17(*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 17(*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 £34 and—

(i) where the first year of his course began before 1st September 1978, £245, or

(ii) where it began on or after that date £150.

Assisted students

23.—(1) Notwithstanding anything in the preceding provisions of these Regulations, no payment under Regulation 17(*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) 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 (reduced by income tax and social security contributions), 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 10(1)(*d*)(iii), or the part-time part of a course so prescribed which is partly full-time and partly part-time, any payments by way of remuneration shall be disregarded.

Students provided with free board and lodging

24.—(1) This Regulation shall apply where the student is provided with free board and lodging by the academic authority in accordance with arrangements whereunder charges for board and lodging are made only in the case of students whose resources exceed their requirements (ascertained as provided in Regulation 18), unless the student is a member of a religious order and Regulation 21 applies.

(2) The payment in respect of maintenance under Regulation 17(*b*) shall be a maintenance grant calculated in accordance with Regulation 18.

Method of payment

25.—(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

26.—(1) In respect of any period during which the student repeats any part of his course, the authority shall not be required to make any payments under

Regulation 17(*a*) or (*b*) 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) Paragraph (3) shall apply in the case of a student who—

(*a*) has previously attended a course of advanced further education of more than one, but not more than two, academic years' duration (ignoring, in the case of a sandwich course, periods of experience) or successfully completed a part-time course corresponding to such a course ("the previous course"), and

(*b*) holds an award bestowed, or transferred in pursuance of Regulation 14(1)(*c*) so as to be held, in respect of a course prescribed by or under Regulation 10(1)(*a*), (*d*) or (*e*), not being a course of one academic year's duration for a first degree or of initial training for teachers ("the current course").

(3) If the academic authority do not treat such a 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—

(*a*) the authority shall not be required to make any payments under Regulation 17(*a*) or (*b*), but

(*b*) the authority 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.

Withholding and reduction of payments

27.—(1) Without prejudice to Regulation 16, in the case of any student who is for the time being in default of any requirement to provide such information as is described in Regulation 19, the authority may withhold, in part, any payment due to him in respect of maintenance and calculated or determined in accordance with Regulation 18, 20 or 22 or, in whole or in part, any such payment determined in accordance with Regulation 24:

Provided that a partial payment made to the student in respect of any year in which he remains in default shall not (unless Regulation 24 applies to him) be less than the minimum maintenance payment.

(2) In respect of any period—

(*a*) after the termination of an award,

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

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

any payment otherwise due in pursuance of the award shall be reduced by the aggregate sum mentioned in paragraph (4).

(3) In respect of any other period being—

(*a*) a period during which a student is absent from his course (other than a period of not more than 28 days due to illness), or

(*b*) where an award held in respect of one course is transferred in pursuance of Regulation 14 so as to be held in respect of another course,

a period during which the student is not required to attend either course (other than the period of a single vacation),

the authority may reduce any payment otherwise due in pursuance of the award by such amount, not exceeding the aggregate sum mentioned in paragraph (4), as having regard to all relevant circumstances they consider appropriate.

(4) The sum referred to in paragraphs (2) and (3) is the aggregate of—

(*a*) fees otherwise due that are not payable by reason of the student's non-attendance, and

(*b*) the appropriate proportion of the balance of any payments in respect of maintenance payable in pursuance of Regulation 17(*b*).

Regulations 17, 23(1) and 25(2)

SCHEDULE 1

FEES

The fees referred to in Regulation 17(*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 £545:

Provided that the said maximum shall not apply in the case of a course at the Guildhall School of Music, the London College 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 fees (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 fees are an element of a composition fee.

Regulations 18, 20(2), 21(5), 22(3) and 23 (1)

SCHEDULE 2

REQUIREMENTS

PART 1

ORDINARY MAINTENANCE

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

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

(*b*) the Christmas and Easter vacations;

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

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

2.—(1) 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) 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 £1,100 except that—

(*a*) where he is attending a course at the University of London or at an establishment within the area comprising the City of London and the metropolitan police district, it shall be £1,315;

(*b*) where he is attending, for at least one term and as a necessary part of his course, at an institution in a country outside the United Kingdom, it shall be £1,315 or, if that country is a high-cost country, £1,710 (notwithstanding anything in sub-paragraph (*a*)).

3.—(1) Subject to paragraph 4, 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 £870.

4.—(1) This paragraph shall apply, to the exclusion of paragraph 2 or 3, in the case of a student who is provided with board and lodging by the academic authority in accordance with arrangements under which charges for board and lodging are made only in the case of those students whose resources exceed their requirements (ascertained as provided in Regulation 18).

(2) In the case of such a student the ordinary maintenance requirement shall be £455.

PART 2

SUPPLEMENTARY MAINTENANCE ETC.

5. The requirements of the student referred to in regulation 18(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, and

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

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 having, in any academic year, attended his course—

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

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

in that year attends his course, howsoever provided, for a further period ("the excess period") unless, as respects that period, he is provided with board and lodging as mentioned in paragraph 4.

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

(*a*) in the case of a student residing at his parents' home, £12.75;

(*b*) in the case of a student not so residing, £20.40 except that—

(i) where he is attending a course at the University of London or at an establishment within the area comprising the City of London and the metropolitan police district, it shall be £27.55,

(ii) where he is attending, for at least one term and as a necessary part of his course, at an institution in a country outside the United Kingdom, it shall be £27.55 or, if that country is a high-cost country, £35.85 (notwithstanding anything in sub-paragraph (i)).

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).

8.—(1) This paragraph shall apply, unless paragraph 7 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, 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 maximum amount hereinafter specified, that is to say—

(*a*) in the case of a student residing at his parents' home, the maximum amount of £2.55;

(*b*) in the case of a student not so residing, the maximum amount of £3.65 except that—

(i) where he is studying at an establishment within the area comprising the City of London and the metropolitan police district, it shall be £4.65,

(ii) where he is studying (either at an institution or as mentioned in sub-paragraph (1)(*b*)) in a country outside the United Kingdom, it shall be £4.65 or, if that country is a high-cost country, £6.00.

(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), 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) 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:

Provided that where the expenditure was incurred for the purposes of a period of study which was not a necessary part of his course, his requirement in respect thereof shall be such amount as the authority consider appropriate, not exceeding the amount determined as aforesaid.

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)—

(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) The student's supplementary requirement in respect of such expenditure shall be the amount by which, in the aggregate, it exceeds £34:

Provided that where any such expenditure was incurred outside the United Kingdom and the relevant period of study was not a necessary part of his course, in arriving at the said aggregate the authority shall only take account of that expenditure to the extent that they consider appropriate.

(3) The reference in sub-paragraph (1)(*a*) to the student attending the establishment shall be construed—

(*a*) in the case of any establishment which is a constituent college, hall or school (including medical school) of a university or is a university with such constituent establishments, as including a reference to his attending, in connection with his course, any constituent establishment of the university, and

(*b*) in the case of any establishment which is a medical school of a university, as including a reference to his attending, in connection with his course but otherwise than for the purposes of residential study away from the establishment, any hospital not comprised therein at which facilities for clinical training are provided.

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

Provided that where the expenditure was incurred in connection with a period of study which was not a necessary part of his course, his requirement in respect thereof shall be such amount as the authority consider appropriate, not exceeding the said amount.

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

(*a*) is attending a course in architecture, art and design, home economics, 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 £49.

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 £23.20.

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 £180.

PART 3

MAINTENANCE OF DEPENDANTS

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

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

17.—(1) 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.

(2) 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 (3) and (4) below, the student's spouse or a person dependent on the student, not being a person living with him as his spouse;

"income" means income for the year from all sources less income tax, social security contributions and child benefit and, in the case of the student's spouse, less—

(*a*) where she holds an award in respect of a course of teacher training prescribed under Regulation 10(1)(*d*)(iii), being a part-time course or a course which is partly full-time and partly part-time, the payments in respect of maintenance made to her in pursuance of Regulation 17(*b*) or so much of those payments as relates to the part-time part of the course, and

(*b*) the amount of any payment made by either her or the student which was previously made by him in pursuance of an obligation reasonably incurred, in the opinion of the authority, before the first year of his course;

(**a**) S.I. 1971/1297.
(**b**) S.I. 1972/1124, 1973/1233, 1298, 1644, 1974/1231, 1540.

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

(*a*) a full-time course of advanced further education or a comparable course outside England and Wales,

(*b*) a course prescribed under sub-paragraph (*d*)(ii) of Regulation 10(1), or

(*c*) the full-time part of a course prescribed under sub-paragraph (*d*)(iii) of Regulation 10(1) which is partly full-time and partly part-time.

(3) A person, including the student's spouse, shall not be treated as a dependant of the student during any period for which that person holds a relevant award or (save for the purposes of paragraph 21) is ordinarily living outside the United Kingdom.

(4) 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 £235 or more—

(*a*) in the case of an adult dependant or, if the student has neither such a dependant nor a spouse who is either a dependant or the holder of a relevant award, in the case of the only or eldest dependent child, the sum specified in paragraph 18(4)(*a*),

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

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, 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, the whole of the amount so determined.

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

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

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

(*c*) Z is so much of the sum ascertained by multiplying £235 by the number of his dependants as does not exceed Y.

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

(*a*) except where the student has a spouse who is the holder of a relevant award, £645, and

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

(i) under the age of 11 immediately before the beginning of the academic year, or born during that year, £85,

(ii) then aged 11 or over, but under 17, £230,

(iii) then aged 17 or over, £400;

except that the only or eldest dependent child shall be disregarded for the purposes hereof if the student has neither an adult dependant nor a spouse who is either a dependant or the holder of a relevant award.

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*).

(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*), 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 £230.

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, if any, 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 18(1)(*a*) shall include the sum of £107 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, except where the context otherwise requires, any reference to a requirement, expenditure or attendance in respect of which no period of time is specified shall be construed as a reference to a requirement, expenditure or attendance for the year.

26. For the purposes of this Schedule, attendance at an institution, or a period of study, is a necessary part of a student's course only where the authority are satisfied that if the student did not attend the institution, or undertake the period of study, he would not be eligible to complete his course; and, for the purpose of being so satisfied, the authority may require the matter to be evidenced by a certificate given by the academic authority.

Regulation 18

SCHEDULE 3

RESOURCES

PART 1

STUDENT'S INCOME

Calculation of student's income

1. In calculating the student's income for the purposes of Regulation 18(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 £235 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*) 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, other than one mentioned in paragraph 3(*a*) or (*b*), for whose benefit any income is applied, or payments are required to be applied, as mentioned in paragraph 5(2)—

(i) the whole of that income or those payments, unless he is such a student as is mentioned in paragraph 3(*c*), or

(ii) so much of that income or those payments as, when aggregated with any amount disregarded under sub-paragraph (*a*), does not exceed £470, if he is such a student as is so mentioned;

(*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 Schedule 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**);

and, in the case of any such student as is described in paragraph 3 (*a*) or (*b*), there shall be deducted the amount of any payment made in pursuance of an obligation reasonably incurred by him, in the opinion of the authority, 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(2) thereof, the payment is taken into account in determining her income.

PART 2

PARENTAL CONTRIBUTION

Definitions and construction of Part 2

2.—(1) In this Part of this Schedule—

"child" includes a person adopted in pursuance of adoption proceedings but, except in paragraph 4, does not include a child who holds a statutory award nor, except in paragraph 6, a step-child; and "parent" shall be construed accordingly;

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

"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(**b**) or which is otherwise of a kind for which provision is made by paragraph 6;

(**a**) 1972 c. 47. (**b**) 1970 c. 10.

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

(2) Where, in a case not falling within the proviso to paragraph 5(1), 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.

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

Application of Part 2

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

(*a*) an independent student;

(*b*) a student who held an award bestowed, or was in receipt of a grant under arrangements made under section 2(3) of the Education Act 1962(**a**), 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 who has no parent living or in respect of whom the authority are satisfied that his parents cannot be found.

Parental contribution

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

(*a*) in any case in which the residual income is more than £3,799 but less than £5,200, £35 with the addition of £1 for every complete £5 by which it exceeds £3,800; and

(*b*) in any case in which the residual income is more than £5,199 but less than £7,300, £315 with the addition of £1 for every complete £10 by which it exceeds £5,200; and

(*c*) in any case in which the residual income is not less than £7,300, £525 with the addition of £1 for every complete £12 by which it exceeds £7,300;

reduced in each case by £95 in respect of each other child of the parent who holds a statutory award; and in any case in which the residual income is less than £3,800 the parental contribution shall be nil.

(**a**) 1962 c. 12.

(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, in pursuance of any trust deed or other instrument or by virtue of section 31(1) of the Trustee Act 1925(a) or any other enactment, any income is applied by any person for or towards the maintenance, education or other benefit of the student or of any person dependent on the student's parent, or payments made to his parent are required to be so applied, that income, or those payments, shall be treated as part of the gross income of the parent.

(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.

(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: —

(a) 1925 c. 19.

Age of child immediately before end of academic year	Sum
Under 12	£455
12 or over but under 18	£465
18 or over	£580

(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 £580 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 contributions 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 contributions or premiums 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 ordinarily live together and are gainfully employed, the cost in wages of domestic assistance not exceeding whichever is the less of £465 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 £465;

(*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 £465;

(*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 £235 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 ordinarily living with his wife and every woman student so living with her husband if (in either case) no parental contribution is applicable by virtue of paragraph 3(*a*), (*b*) or (*c*).

Spouse's contribution

8.—(1) Subject to sub-paragraphs (3) and (4), 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 £3,199 but less than £5,200, £10 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 not less than £5,200, £410 with the addition of £1 for every complete £10 by which it exceeds £5,200;

and in any case in which the residual income is less than £3,200 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) of which the denominator is 52 and the numerator is the number of complete weeks between the date of the marriage and whichever is the earlier of the end of that year and the end of the course.

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

SCHEDULE 4 Regulation 18(2)

WIDOWS, WIDOWERS, DIVORCED PERSONS, ETC.

1. In its application to a student whose marriage terminates during the course, Regulation 18 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 £610 instead of £235, or

(*b*) his requirements under paragraph 18 of Part 3 of Schedule 2 shall be treated as increased by the sum of £375, 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 £735 in respect of his only or eldest dependent child and £330 in respect of every other dependent child.

Regulations 12(4) and 13 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. A certificate or other evidence of the successful completion of a preliminary or foundation course in art, drama or music, being a full-time course of not less than two academic years' duration or a part-time course of equivalent duration.

4. An Ordinary National Certificate or Diploma.

5. A Certificate or Diploma of TEC.

6. A National Certificate or National Diploma of BEC.

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

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

9. 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.

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

11. 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.

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

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

SCHEDULE 6 Regulations 2, 4(3) and 20

SANDWICH COURSES

1.—(1) In this Schedule—

"sandwich course" means a course consisting of alternate periods of full-time study in an 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.

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

(3) 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) S.I. 1972/1582.

(*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 £34;

(*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 £235 and the reference in paragraph 1(*c*) to £470 shall be construed as a reference to the aggregate of £235 and the prescribed proportion of £235;

(*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 26th July 1978.

(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 Authority Awards Regulations 1977; they come into operation on 1st September 1978. The principal changes are described below.

Regulation 6 of the Regulations of 1977, contained provision whereunder a person who was not ordinarily resident in a particular local education authority area was treated as being so resident (under the Education Act 1962 his ordinary residence determines the authority with the duty to make an award). The corresponding provision of the present Regulations is restricted, as from 1st January 1979, to persons who though not ordinarily resident in any particular area are so resident in England and Wales (*Regulation 9*).

Regulation 8(1)(*a*) of the Regulations of 1977 provided that any student who had commenced his course before the coming into operation of those Regulations on 1st September 1977 could make late application for an award up to the end of the first term beginning on or after that date. The corresponding provision of the present Regulations permits of late applications up to the end of the first term beginning on or after 1st September 1978 in the case of a student who had commenced his course before that date but, during the preceding year, had not been required to attend for full-time study, for example, his course is a sandwich course and the year was one of experience (*Regulation 11(1)(a)*).

Regulation 11 of the Regulations of 1977 set out the conditions under which an award held in respect of one course could be transferred so as to be held in respect of another. The present Regulations relax these conditions (*Regulation 14*).

The present Regulations increase awards and relax the means tests applicable to the maintenance element thereof (*Regulation 17*).

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