1973. No. 426 **[C]**

EDUCATION

Maintenance Allowances (Pupils over Compulsory School Age)

REGULATIONS, DATED THE 27TH DAY OF SEPTEMBER 1973, UNDER ARTICLE 39 OF THE EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1972.

The Ministry of Education on behalf of the Secretary of State in exercise of the powers conferred upon it by Article 39 of the Education and Libraries (Northern Ireland) Order 1972(a) and all other powers enabling it in that behalf hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1973.

(2) These Regulations shall have effect from 1st October 1973.

2. In these Regulations—

"education committee" means a committee constituted under section 2(2) of the Education Act (Northern Ireland) 1947(b) by a former local education authority;

"parent" includes a legal guardian or, where the board considers it to be appropriate, any other person who normally maintains the pupil.

3. Subject to the provisions of these Regulations a board shall pay a maintenance allowance in respect of a pupil who—

(*a*) has attained the upper limit of compulsory school age;

(*b*) is following a full-time course at a grant-aided school or institution of further education;

(*c*) has not been awarded under the provisions of Articles 39 or 40 of the Order any other scholarship which includes provision for his maintenance; and

(*d*) is ordinarily resident in its area:

Provided that where the board is satisfied that a pupil's parents are not ordinarily resident in its area and that the pupil is resident in its area solely or mainly for the purpose of receiving education the payment of a maintenance allowance shall be at the discretion of the board.

4. A board may, at its discretion, pay a maintenance allowance in respect of a pupil who satisfies the conditions at (*a*), (*b*) and (*c*) of Regulation 3 but who is not ordinarily resident in its area.

5. A maintenance allowance shall normally be payable for a period of twelve months but, subject to reassessment, shall be renewable for a further period or periods so long as is necessary in the opinion of the board to enable the pupil to complete the course in respect of which the allowance is granted:

(a) S.I. 1972, No. 1263 (N.I. 12). (b) 1947. c. 3.

Provided that the board may at any time cancel the allowance if—

(1) the pupil ceases to satisfy the conditions under which the allowance was granted; or

(2) it is satisfied, after consultation with the principal of the school or institution of further education that the conduct, progress or attendance of the pupil is not satisfactory.

6.—(1) The amount of the maintenance allowance shall be determined in accordance with the Schedule and the allowance shall be paid at such times and in such manner as the board may determine.

(2) An allowance shall be payable at the appropriate age in the table in paragraph 1 of the Schedule as follows:

(*a*) at 16 years from the beginning of the day following that on which the pupil attains the upper limit of compulsory school age;

(*b*) at 17 years—

(i) from the beginning of the day following the first anniversary of the pupil's attainment of the upper limit of compulsory school age; or

(ii) in the case of a pupil who attained the upper limit of compulsory school age before 1st September 1972 from the beginning of the day following the second anniversary of the pupil's attainment of that age;

(*c*) at 18 years and over—

(i) from the beginning of the day following the second anniversary of the pupil's attainment of the upper limit of compulsory school age; or

(ii) in the case of a pupil who attained the upper limit of compulsory school age before 1st September 1972 from the beginning of the day following the third anniversary of the pupil's attainment of that age.

7. A board may require an application to be made annually in such form, contain such information, be accompanied by such documents and be submitted by such date as the board may require. The board shall take such steps as it considers necessary to satisfy itself of the accuracy of information furnished under the provisions of this Regulation.

8. A board may require as a condition of the payment of an allowance under these Regulations that the parent of a pupil in respect of whom a maintenance allowance is claimed shall inform the board of any change in his financial circumstances. If the board has reason to believe that such a change has occurred or if the parent of the holder represents that such a change has occurred the board shall give the parent an opportunity of submitting a revised application and thereafter shall reconsider and if necessary adjust the value of or cancel the allowance.

9. A board may require as a condition of the payment of an allowance under these Regulations that the parent of a pupil in respect of whom an allowance is being paid shall inform the board immediately of any change in his place of residence.

10. A board shall obtain from the principal of a school or institution of further education such reports on the conduct, progress and attendance of each pupil in respect of whom an allowance is being paid as the board considers necessary.

11. Where a maintenance allowance is being paid at 30th September 1973 under the provisions of the Grammar Schools (Admissions, Scholarships and Special Allowances) Regulations (Northern Ireland) 1971(c) or of a Scheme made by an education committee for the payment of maintenance allowances the allowance shall continue to be paid under the provisions of these Regulations. The value of any such continuing allowance shall be determined under the provisions of these Regulations or under the provisions of the former Regulations or Scheme whichever is the more favourable to the pupil.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 27th day of September 1973.

(L.S.)

G. I. Dent,
Deputy Secretary.

(c) S.R. & O. (N.I.) 1971, No. 259 as amended by S.R. & O. (N.I.) 1972, No. 184 and S.R. & O. (N.I.) 1973, No. 253.

SCHEDULE Regulation 6

1. The amount of a maintenance allowance shall be determined in accordance with the following table:

Balance of parental income	*Maintenance allowance payable for full year at*		
	16 *years*	17 *years*	18 *years and over*
Not exceeding £450	135	150	180
Exceeding £450 but not exceeding £480	130	145	175
„ £480 „ „ „ £510	125	140	170
„ £510 „ „ „ £540	120	135	165
„ £540 „ „ „ £570	115	130	160
„ £570 „ „ „ £600	110	125	155
„ £600 „ „ „ £630	105	120	150
„ £630 „ „ „ £660	100	115	145
„ £660 „ „ „ £690	95	110	140
„ £690 „ „ „ £720	90	105	135
„ £720 „ „ „ £750	80	100	130
„ £750 „ „ „ £780	70	90	125
„ £780 „ „ „ £810	60	80	120
„ £810 „ „ „ £840	50	70	110
„ £840 „ „ „ £870	40	60	100
„ £870 „ „ „ £900	30	50	90
„ £900 „ „ „ £930	20	40	80
„ £930 „ „ „ £960	10	30	70
„ £960 „ „ „ £990	—	20	60
„ £990 „ „ „ £1,020	—	10	50
„ £1,020 „ „ „ £1,050	—	—	40
„ £1,050 „ „ „ £1,080	—	—	30
„ £1,080 „ „ „ £1,110	—	—	20
„ £1,110 „ „ „ £1,140	—	—	10

2. To determine the balance of parental income the following deductions shall be made from gross income:

(1) an annual allowance of £90 in respect of each wholly dependent son or daughter up to the age of 18 years other than the pupil for whom an allowance is being determined;

(2) annual allowances as follows in respect of other wholly dependent relatives normally living as members of the household other than the pupil for whom an allowance is being determined provided that the amounts may be reduced by the amount of any income which the relative may receive from other sources:

Aged 18-21 years	—	£140
Over 21 years	—	£170

Provided however that where a relative holds a scholarship from public funds in the assessment of which a reduction is made in respect of a parental contribution the allowance deductable from gross income shall be the amount of the parental contribution up to a maximum of £140 per annum or £170 per annum according to age;

(3) mortgage interests payable in respect of property held by the parent;

(4) exceptional items of expenditure at the discretion of the board.

3. To determine the gross income there shall be taken into account the annual income of both parents under the following heads determined for the purpose of these Regulations on the basis of income (on a weekly or other period basis as the case may be) at the time of determination:

(1) gross earned income;

(2) unearned income;

(3) at the discretion of the board the value of other benefits and privileges which are received.

Provided that—

(*a*) National Insurance, maternity and death grants and gifts from charitable funds shall be disregarded; and

(*b*) where Workman's Compensation, disability and civilian injury pensions, disablement benefits, maternity allowances and supplementary benefit at the special rate for blind or tubercular persons are payable, the first £1 a week of the aggregate income from these sources shall be disregarded.

4. Where the parents do not normally reside together the board may at its discretion take account only of the income of the person who normally maintains the pupil for whom a maintenance allowance is sought.

5. The amount of a maintenance allowance shall normally be reassessed annually.

6. The amount of a maintenance allowance shall, where necessary, be adjusted from that shown in the table in paragraph 1 so that the aggregate of the balance of parental income and the allowance is not less than it would have been if the balance of parental income had been the highest point in the next lower group.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations set out the conditions under which maintenance allowances may be paid by boards in respect of pupils following full-time courses at grant-aided schools or institutions of further education. The Regulations also provide for the assessment of maintenance allowances having regard to the annual income of the parents.