1975 No. 314

EDUCATION

Students Awards Regulations (Northern Ireland) 1975

Made . . . . . *7th November* 1975

Coming into operation . . *7th November* 1975

The Department(a) of Education (hereinafter referred to as "the Department") in exercise of the powers vested in it by Articles 39, 40 and 125 of the Education and Libraries (Northern Ireland) Order 1972(b) and by section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962(c) and of all other powers enabling it in that behalf and with the approval of the Department(a) of Finance so far as required by Article 40 hereby makes the following regulations:

Citation and commencement

1.—(1) These regulations may be cited as the Students Awards Regulations (Northern Ireland) 1975.

(2) These regulations shall come into operation on 7th November 1975 and shall be deemed to have effect from 1st September 1975.

Regulations revoked

2. The following regulations are hereby revoked:

the University and Further Education Awards Regulations (Northern Ireland) 1974(d);

the Training of Teachers (Scholarships) Regulations (Northern Ireland) 1974(e).

Definitions

3.—(1) In these regulations—

"academic authority" means governing body, or other body representing the governing body;

"award-making body" means the Department where an award is made by the Department or a board where an award is made by a board;

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

"institution" means a university, college of education, institution of further education or other approved educational establishment;

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

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) S.I. 1972 No. 1263 (N.I. 12)
(c) 1962 c. 7 (N.I.)
(d) S.R. 1974 No. 235
(e) S.R. 1974 No. 236

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

"student" means a person to whom an award has been made under these regulations or the 1974 regulations;

"the 1974 regulations" means the University and Further Education Awards Regulations (Northern Ireland) 1974 and the Training of Teachers (Scholarships) Regulations (Northern Ireland) 1974;

"year" as regards any course means the period of 12 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.

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

Duty of boards to make awards

4. Subject to the provisions of these regulations a board shall make an award to each person ordinarily resident in its area admitted to—

(*a*) a full-time or sandwich first degree course provided by a university in the United Kingdom;

(*b*) a full-time or sandwich course provided by an institution for a first degree of the Council for National Academic Awards;

(*c*) (i) a course provided by an institution in the United Kingdom for the Diploma of Higher Education ("a Dip HE course"); or

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

(*d*) a full-time or sandwich course provided by an institution in the United Kingdom for the Higher National Diploma ("an HND course"); or

(*e*) a full-time or sandwich course provided by an institution in the United Kingdom which is regarded by the Department as comparable to a first degree course: provided that the person, before the commencement of the course, has obtained passes at Advanced Level in two subjects in a General Certificate of Education examination or a standard of attainment which is regarded by the Department as equivalent.

Exceptions relating to attendance at previous courses

5.—(1) A board may refuse to make an award to a person if—

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

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

(i) a course of postgraduate or postdiploma instruction; or

(ii) a course in preparation for a degree, a Diploma of Higher Education, a Higher National Diploma, a Higher National Certificate, a Diploma in Management Studies, a Diploma in Art and Design or a final professional examination or an examination of a standard above that of the examination for the Ordinary National Certificate or the General Certificate of Education (Advanced Level); or

(iii) a course following an initial course of not less than one year's duration or equivalent length in preparation for an Advanced or Final Certificate or a Full Technological Certificate of the City and Guilds of London Institute or any other course for which the possession of such an Advanced or Final Certificate is a minimum qualification for entry.

(2) Paragraph (1) shall not apply where the course which the person previously attended, or, as the case may be, completed either—

(*a*) was a course for the Diploma of Higher Education, the Higher National Diploma, a pass at Advanced Level in two subjects in the examination for the General Certificate of Education or was any other qualification which is regarded by the Department as equivalent for the purposes of this provision; or

(*b*) was an approved long-term residential course of full-time education for adults.

(3) A board may refuse to make an award to a person in respect of his attendance at a course specified in paragraph (*a*), (*b*) or (*e*) of regulation 4 if he has previously attended such a course or a course specified in sub-paragraph (*c*)(ii) of regulation 4 in a case where after the commencement of the course he elected to attend a course for a first degree.

(4) A board may refuse to make an award to a person in respect of his attendance at a course specified in paragraph (*c*) or (*d*) of regulation 4 if he has previously—

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

(*b*) attended any other course specified in regulations 4 and 8 of these regulations;

or has before the commencement of these regulations attended a course for the Diploma of Higher Education or the Higher National Diploma:

provided that nothing in this paragraph shall affect the duty of a board to make an award to a person in respect of his attendance at a course for the Diploma of Higher Education or the Higher National Diploma beginning before 1st September 1975 which he was attending immediately before that date.

(5) For the purposes of this regulation a person shall be deemed to have attended a course if he has attended any part of that course.

Other exceptions

6.—(1) A board may refuse to make an award to a person who—

(*a*) (i) has not been ordinarily resident in the United Kingdom for at least three years immediately preceding the date on which the course in respect of which the award is sought is due to begin; and

(ii) has not been resident in its area on the last day of the month of June, October or February preceding the beginning of the course according as the course begins in the autumn, spring or summer respectively,

but the board shall not refuse to make an award in any case where it is satisfied that a person would have been so resident had he, his spouse or his parent not been employed for the time being outside the United Kingdom;

(*b*) has in the opinion of the board shown himself by his conduct to be unfitted to receive an award.

(2) A person shall not, for the purposes of this regulation, be regarded as ordinarily resident in the United Kingdom if he was so resident wholly or mainly for the purpose of attending a full-time course of education.

Awards made at the discretion of boards

7.—(1) Subject to the provisions of paragraph (2) a board may make an award to a person admitted to—

(*a*) a course at a university outside the United Kingdom provided that in the case of a full-time first degree course the person before the commencement of the course has obtained passes at Advanced Level in two subjects in a General Certificate of Education examination or a standard of attainment which is regarded by the Department as equivalent;

(*b*) a course specified in regulation 4 although the person is not eligible for an award under the provisions of that regulation;

(*c*) an approved full-time, part-time or sandwich course.

(2) A board shall not make awards for courses in respect of which the Department is responsible for making awards under these regulations or under the Postgraduate Awards Regulations (Northern Ireland) 1969(f).

Awards made by the Department

8. Subject to the provisions of these regulations the Department may make an award to each person admitted to—

(*a*) an approved course of initial teacher training in Northern Ireland;

(*b*) an approved full-time course in Northern Ireland for the postgraduate Certificate in Education (or a comparable qualification) or for the Art Teacher's Certificate or Diploma (or a comparable qualification);

(*c*) any one-year full-time course of approved initial teacher training not within sub-paragraph (*b*) above unless he has for more than three years held an award in respect of his attendance at a full-time course of advanced further education; or

(f) S.R. & O. (N.I.) 1969 No. 108 (p. 438)

(*d*) any other approved course of teacher training at an institution in the United Kingdom.

Conditions

9. An award-making body may require an applicant to give a written undertaking that he will attend regularly at the institution and complete the course for which the award is tenable and 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 requested by the award-making body repay the amount by which the sums paid during the year exceed (for whatever reason) the grant payable in respect of that year.

Commencement of awards

10. A student shall commence the course in the year in which the award is made unless the award-making body otherwise approves.

Tenure and transfer of awards

11.—(1) Each award shall, subject to satisfactory attendance, conduct and progress be tenable to the end of the period normally required for the completion of the course in respect of which the award was made.

(2) Where a student holding an award specified in regulation 4 is recommended before the expiry of two months after the end of the first year of the course by the academic authority to transfer to another course specified in regulation 4 at the same institution or with the consent of the academic authorities of both bodies concerned, given on educational grounds before the expiry of two months after the end of the first year, commences to attend a course specified in regulation 4 at another institution, then the award shall be continued by the award-making body or if two award-making bodies are concerned by arrangement between them for the period normally required to complete the new course. Where such transfer occurs in the case of an award made at the discretion of the award-making body the award may be continued in like manner by the award-making body concerned.

(3) An award shall be transferred by an award-making body so as to be held in respect of attendance at a course other than that in respect of which it was made in any case where, on completion of a Diploma of Higher Education course, the student is admitted to a course prescribed in paragraph (*a*), (*b*) or (*e*) of regulation 4 whether or not the second course is provided by the same establishment as the first.

(4) An award-making body may, after consultation with the academic authority, refuse to transfer an award under paragraph (2) if it is satisfied that when the student applied for the award he did not intend to complete the course to which the application related.

Extension of awards

12. An award-making body may extend the normal period of an award—

(*a*) to enable a student to follow an associated course of study during or at the end of the principal course; or

(*b*) to enable a student on account of illness or for other reason acceptable to the award-making body to repeat any part of a course.

Suspension or termination of awards

13.—(1) An award-making body may suspend or terminate an award or withhold or reduce any payment normally due in respect of the award if, after consultation with the academic authority, it is of the opinion that the attendance, conduct or progress of the student is not satisfactory.

(2) Should a student fail to observe any of the conditions under which an award has been made the award-making body may suspend or terminate it.

Determination and payment of awards

14.—(1) The value of an award shall be determined annually in accordance with the provisions of these regulations.

(2) An award-making body may make any payment due under these regulations in such instalments (if any) and at such times as it considers appropriate; and in the exercise of its functions under this paragraph an award-making body may in particular make provisional payments pending the final calculation of the grant.

(3) In respect of any period during which a student repeats any part of the course, an award-making body shall pay in pursuance of the award such sums (if any) as it considers appropriate, being sums not exceeding the amount of any payment which would, apart from this regulation, be payable to that student in respect of that period.

(4) In any case where an award is made, or transferred under paragraph 3 of regulation 11, to a student who has previously attended a course for the DipHE or HND ("the first course") in respect of his attendance at a course prescribed in paragraph (*a*), (*b*) or (*e*) of regulation 4, or sub-paragraph (*a*) of regulation 8 then, if the academic authority do not treat his attendance at the first course as excusing him from attending the whole of the first two years of the prescribed course paragraph (3) shall apply in respect of so much of those first two years as he is not excused from attending.

Applications for awards

15.—(1) Each application for an award shall be in such form and contain such information as an award-making body may require.

(2) For the purpose of the annual determination of the value of an award or of any reassessment deemed necessary by an award-making body the student shall furnish or cause to be furnished such information as the award-making body may at any time require.

(3) If an award-making body is satisfied that a student has failed to comply with the requirements of paragraphs (1) or (2) it may withhold any payment to or in respect of that student:

Provided that in the case of a student (other than a student attending a part-time or sandwich course) to whom, apart from the foregoing provisions of this paragraph, a grant would be payable, an award-making body shall in respect of any year in which the requirements are not met pay a grant of not less than £50 subject to the provisions of regulation 20.

Provision of information by students

16.—(1) A student who obtains any scholarship, exhibition, bursary or award under any other scheme, endowment or foundation or acquires any source of income or engages in any form of employment, apart from vacation employment, shall immediately inform the award-making body.

(2) A student shall immediately give or cause to be given to the award-making body information of any change in circumstances affecting the value or tenure of the award.

(3) A student shall inform the award-making body if he is absent from a course through illness for a continuous period exceeding 28 days or if he is absent for any other reason for any period.

(4) If a student is absent from a course through illness for a continuous period of 28 days, or otherwise than through illness for any period, the award-making body, having regard to any saving of expense to the student arising out of his absence, may reduce the amount of the prescribed payments.

Value of awards made by boards

17.—(1) The value of an award for a full-time course shall be for each academic year the allowable amount calculated under regulation 19:

Provided that in the case of awards made under regulation 7, a board where it is satisfied that the expenses of a student are substantially less than the amount calculated under regulation 19, may determine, in accordance with arrangements approved by the Department, the value of the award having regard to such expenses.

(2) Subject to the provisions of regulations 25, 26 and 29, a board may, in the case of a student who is required by the academic authority to reside in an institution other than a university, pay the approved fee for his board and lodging.

(3) In the case of a sandwich course—

(*a*) the value of an award shall be—

(i) in respect of a sandwich year, the amount calculated under regulation 19 as modified by virtue of the schedule; and

(ii) in respect of a year in which there are no periods of experience within the meaning of paragraph 1 of the schedule, the minimum payment of £50 calculated under regulation 20 or the amount calculated under regulation 19, whichever is the greater; and

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

(4) The value of an award for a part-time course for each academic year shall be of such amount as a board with the approval of the Department may determine.

Value of awards made by the Department

18.—(1) The value of an award made by the Department for a full-time course of teacher training shall be for each academic year the amount calculated under regulation 19.

(2) Subject to the provisions of regulations 25, 26 and 29 the Department may, in the case of a student who is required by the academic authority to reside in an institution other than a university for the purpose of a course of teacher training, pay the approved fee for his board and lodging.

Full-time courses

19.—(1) The amount for an award for a full-time course for each academic year shall be the aggregate of—

(*a*) the approved fees charged by the institution;

(*b*) the appropriate standard grant towards ordinary maintenance, in accordance with regulation 21;

(*c*) additional grants where appropriate in accordance with regulation 22;

(*d*) dependants' grants where appropriate in accordance with regulation 23;

(*e*) an older student's allowance where appropriate in accordance with regulation 24.

(2) The amount as calculated under paragraph (1) shall be reduced where appropriate by—

(*a*) a contribution assessed on the student's income in accordance with regulation 25; and

(*b*) a contribution assessed on the income of the student's parents in accordance with regulation 26; or

(*c*) a contribution assessed on the income of the spouse in the case of married students in accordance with regulation 29.

Minimum payments

20. Where the value of an award for a full-time course made under these regulations calculated in accordance with regulation 19 is less than £50 a minimum payment of £50 shall be paid except in the case of a student—

(*a*) who holds any award from a government department or other public body or is in receipt of any other payment in respect of his attendance at the course; and

(*b*) to, or in respect of, whom there is paid in pursuance of that award or payment an amount which is not less than the aggregate of the approved fees and the standard grant payable in accordance with paragraph (1) of regulation 21.

Standard grant

21.—(1) Subject to the provisions of this regulation the standard grant shall be calculated at the following annual rates:

(*a*) where a student resides in an institution other than a university and is not required to meet, in whole or in part, the cost of his board and lodging £315

(*b*) where a student resides in his parent's home £570

(*c*) where sub-paragraphs (*a*) and (*b*) do not apply:

(i) if in attendance at a course at the University of London or any other institution within the City of London or the Metropolitan Police District £810

(ii) if in attendance at a course at an institution elsewhere . £740

(*d*) where a student is required as part of a course to attend:

(i) an institution outside the British Islands £810

(ii) an institution in a high cost country £930

(2) Where a student who is not married does not reside in his parent's home but could in the opinion of the award-making body conveniently attend from that home he shall be entitled to receive the appropriate standard grant at (*c*) of paragraph (1) only if the academic authority has recommended that he should live in college, hall or lodings.

(3) A student residing in the home of a parent who by reason of age or incapacity or otherwise cannot in the opinion of the award-making body reasonably be expected to provide the support normally available to a student living at home may receive the appropriate standard grant at (*c*) of paragraph (1).

(4) In these regulations references to the parent's home include, in the case of a student whose spouse is a full-time student, the home of the parent of the student's spouse.

Additional grants

22.—(1) Where a student attends the institution for any period in a year over 25 weeks 3 days if he is at Oxford University or Cambridge University, or in excess of 30 weeks 3 days if he is at any other institution or an institution outside the United Kingdom, a payment shall be made in respect of the excess period as follows for each additional week or incomplete part of a week:

(*a*) where he resides in his parent's home £8.40

(*b*) where he does not reside in his parent's home or where, if he resides in an institution other than a university, he is required by the academic authority to meet, in whole or in part, the cost of his board and lodging:

(i) if in attendance at a course at the University of London or any other institution within the City of London or the Metropolitan Police District or at an institution outside the British Islands £16.10

or (ii) if in attendance at a course at an institution elsewhere . £14.00

or (iii) if in attendance at a course at an institution in a high cost country £18.90

(2) Where a student attends the course for not less than 45 weeks, for each week or incomplete part of a week during the vacation in respect of which paragraph (1) does not apply the rate prescribed as appropriate to his case by paragraph (1) shall be paid.

(3) If on the recommendation of the academic authority a student undertakes as part of his course a period of residential study away from his institution during term-time and thereby incurs additional expenditure a grant not exceeding £2.30 per day shall be paid where the academic authority certifies to the award-making body that if he did not attend he would not be eligible to complete the course.

(4) If a student undertakes a course of vacation study under the guidance of the academic authority of the institution at which he is in attendance and it certifies that if he did not follow the course of study he would not be eligible to complete the course a payment shall be made in respect of each day as follows:

(*a*) where he resides in his parent's home £1.20

(*b*) where he does not reside in his parent's home or where, if he resides in an institution other than a university, he is required by the academic authority to meet, in whole or in part, the cost of his board and lodging:

(i) in the case of study within the City of London or the Metropolitan Police District or at an institution outside the British Islands £2.30

(ii) in any other case £2.00

(iii) if the study is in a high cost country £2.70

(5) If a student is reading modern languages and is required as an essential part of his course by the academic authority to undertake a course of vacation study in a country (being a country outside the British Islands) whose language is a main language he is studying and if he lives with a family approved by the academic authority a payment of £2.30 per day shall be made or if the country in which he is required to take the course is a high cost country a payment of £2.70 per day shall be made.

(6) The provisions of paragraphs (3), (4) and (5) shall not apply to students whose expenses in connection with the residential or vacation study referred to in those paragraphs are paid by the institution concerned nor shall additional grant under paragraph (7) in respect of expenditure on term-time travel on day trips within the United Kingdom be paid to such students.

(7) Where a student necessarily incurs expenditure in excess of £22 per year within the United Kingdom for the purpose of attending his institution or in connection with his course during term-time or within or outside the United Kingdom (not on an exchange basis) for the purpose of attending a course qualifying for payment under regulation 21(1)(*d*) or under paragraph (4) of this regulation grant shall be paid to cover the excess expenditure.

(8) Additional grant may be paid by the Department or by a board under arrangements approved by the Department towards expenditure necessarily incurred by a student on travel outside the United Kingdom for the purpose of his course.

(9) In the case of a student whose home is for the time being outside the British Islands, additional grant may be paid as the award-making body considers appropriate in respect of expenditure necessarily incurred at the beginning and end of term on travel between his home and the institution.

(10) Where expenditure is necessarily incurred on the purchase of special equipment for the course by a student attending a course in medicine, veterinary science or medicine, ophthalmic optics, architecture, landscape architecture, town and country planning, art and design, physical education, domestic science or music or a course in which any of these is a principal subject additional grant not exceeding £30 may be paid during the course. In the case of dentistry where the special equipment is not provided by the institution there may be paid additional grant of such amount as may be approved from time to time.

(11) In the case of any student who in the opinion of an award-making body would otherwise suffer undue hardship additional grant not exceeding £10 as the award-making body may consider appropriate may be paid in respect of any week during the vacation in respect of which no additional grant is prescribed under any other provision of this regulation.

(12) In the case of any disabled student in respect of whom an award-making body is satisfied that he is obliged by reason of his disability to incur additional expenditure in respect of his attendance at the course additional grant not exceeding £120 as the award-making body may consider appropriate may be paid in respect of any year of the course.

Dependants' grants

23.—(1) For the purposes of this regulation—

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

"dependant" means spouse or qualified dependant;

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

"qualified dependant" means a person dependent on the student whose income does not exceed the appropriate rate prescribed in paragraph (5) by £160 or more.

(2) The amount of grant payable to a student to whom this regulation applies in respect of persons in the United Kingdom who are dependent on him shall be—

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

(*b*) in any other case, subject to paragraph (6), the whole of any such sum.

(3) This regulation shall apply to a student who married before the first year of the course and who—

(*a*) has supported himself out of his earnings for any three years preceding the first year (any period not exceeding six months during which he was registered under section 11 of the Supplementary Benefits &c. Act (Northern Ireland) 1966(**g**) or in receipt of benefit under section 14(1)(*a*) of the Social Security (Northern Ireland) Act 1975(**h**) or any period during which he held a Postgraduate Studentship awarded by the Department or a comparable postgraduate award, being treated as a period during which he so supported himself); or

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

(*c*) held an award under the 1974 regulations in respect of attendance at a course beginning before 1st September 1975 and is a student to whom the dependants' grants provisions of those regulations applied:

Provided that in their application to sub-paragraph (*a*)(ii) of paragraph (5) and paragraph (7) this paragraph is to be read without the words "who married before the first year of the course and".

(4) The formula referred to in paragraph 2 is

$$X - (Y - Z)$$

where X is the aggregate of the appropriate rates of dependants' grants prescribed by paragraph 5; Y is the aggregate of the income of the student's dependants; and Z is so much of the sum ascertained by multiplying the number of those dependants by £160 as does not exceed Y.

(5) The appropriate annual rates of dependants' grants referred to in paragraph (4) are—

(*a*) (i) spouse; or
(ii) one other adult dependant; or
(iii) the first dependent child £380

(**g**) 1966 c. 28 (N.I.)
(**h**) 1975 c. 15

(*b*) except where sub-paragraph (*a*)(iii) applies the first dependent child £165

(*c*) for any other dependent child £85

(6) Except in the case which falls within sub-paragraph 2(*a*) the amount of dependants' grant payable to a student who held an award under the 1974 regulations in respect of attendance at a course beginning before September 1975 shall, while he holds that award, be whichever is the greater of the sum ascertained in accordance with this regulation and the sum ascertained in accordance with the appropriate provisions of those regulations.

(7) A two-homes grant of £135 shall be paid to a student to whom this regulation applies and who maintains an established home for his dependants at a place in the United Kingdom other than that at which he resides during the course.

(8) Where in the opinion of an award-making body hardship would otherwise occur grants at rates not exceeding those payable under the foregoing provisions of this regulation may be paid to a student to whom paragraph (3) does not apply.

Older student's allowance

24. An older student's allowance of £57 for each complete year not exceeding five by which his age before the year in which the course begins exceeds 25 shall be paid to a student who attained the age of 26 years before the year in which the course begins and either—

(*a*) was in full-time employment for a total of three of the six years immediately preceding that year and whose gross earnings in any period of twelve consecutive months in those six years immediately preceding the year in which the course begins amounted to a sum which exceeded by not less than one-quarter the aggregate of £740 and the relevant grants specified in respect of his dependants by paragraph (5) of regulation 23; or

(*b*) held an award under the 1974 regulations in respect of his attendance at a course beginning before 1st September 1975 and is a student to whom the older student's allowance provisions of those regulations applied.

Student's contribution

25.—(1) The maximum allowable amount calculated in accordance with regulation 19 shall be reduced, subject to the provisions of paragraphs (2) and (3) by the amount of any personal income of a student accruing during the year in respect of which the award is being assessed.

(2) For the purposes of paragraph (1) personal income of a student shall be his income from all sources reduced by income tax and national insurance contributions and the following shall be disregarded—

(*a*) the first £160 of income;

(*b*) vacation earnings;

(*c*) disability pensions not liable to income tax;

(*d*) any income received in respect of service as a Reservist with the Armed Forces or in the Ulster Defence Regiment or in the Royal Ulster Constabulary Reserve;

(*e*) covenanted payments made to the student by a parent in respect of whom a contribution is assessed;

(*f*) grants for specific educational purposes for which provision is not made in an award under these regulations;

(*g*) competitive prizes paid as a single payment and which do not stipulate further study;

(*h*) family allowances;

(*i*) any benefit under the Supplementary Benefits &c. Act (Northern Ireland) 1966;

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

(*k*) any allowance granted in pursuance of a scheme under section 19 of the Housing Finance Act 1972(i) or any other scheme regarded by the Department as having the same effect;

(*l*) in the case of a student who has no parent living and who is not such a person as is described in sub-paragraph 1(*a*), (*b*) or (*c*) of regulation 26 £320 of any trust income as described in paragraph (2) of regulation 27: provided that the amount disregarded under this sub-paragraph together with the amount disregarded under sub-paragraph (*a*) shall not exceed £320.

(3) In the case of a student who satisfies the condition at (*a*), (*b*) or (*c*) of regulation 26 any payment made by him in pursuance of obligations reasonably incurred by him before the first year of the course shall be deducted from his personal income for the purpose of determining his contribution, unless a deduction in respect of the payment has been made under regulation 23.

Parental contribution

26.—(1) The maximum amount calculated in accordance with regulation 19 shall be reduced by a contribution determined in accordance with paragraphs (2), (3), (4), (5) or (6) except in the case of a student—

(*a*) who for any 3 years preceding the first year has supported himself out of his earnings (any period not exceeding 6 months during which he was registered under section 11 of the Supplementary Benefits &c. Act (Northern Ireland) 1966, or in receipt of benefit under section 14(1)(*a*) of the Social Security (Northern Ireland) Act 1975, or any period during which he held a Postgraduate Studentship awarded by the Department or a comparable postgraduate award, being treated as a period during which he so supported himself); or

(*b*) who in respect of any academic year of the course attained the age of 25 years before the year for which the grant falls to be ascertained; or

(*c*) who held an award under the 1974 regulations in respect of attendance at a course commencing before 1st September 1975 and in whose case no contribution was applicable by virtue of those regulations; or

(*d*) in respect of whom an award-making body is satisfied that his parents cannot be found.

(2) Subject to paragraphs (3), (4), (5) or (6) the parental contribution shall be—

(*a*) in any case in which the balance of income calculated in accordance with regulation 28 is more than £2,199 but less than £3,400, £30 with the addition of £1 for every complete £5 by which it exceeds £2,200; and

(i) 1972 c. 47

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

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

(3) Where two or more children of the parent hold awards under these regulations or awards which the Department considers to be equivalent the parental contribution for each student shall be such proportion of the parental contribution, ascertained in accordance with these regulations as the award-making body considers just. If more than one award-making body is concerned, the parental contribution shall be apportioned after consultation between them.

(4) For any year in which the parent holds an award and a contribution is applicable under regulation 29, the parental contribution shall be such sum, not exceeding the amount ascertained in accordance with the foregoing provisions of this regulation, as the award-making body considers just. If more than one award-making body is concerned the parental contribution shall be apportioned after consultation between them.

(5) Where a parent is employed abroad the contribution shall be such as the Department or a board, with the approval of the Department, may determine.

(6) Where the parents do not ordinarily live together the parental contribution shall be determined by reference to the income of whichever parent the award-making body considers the more appropriate in the circumstances.

Assessment of gross income

27.—(1) Subject to the provisions of paragraph (6) of regulation 26 and of paragraph (4) of this regulation gross income for the purpose of regulation 26 shall be the income of both parents from all sources, computed as for income tax purposes where United Kingdom income tax is payable except that in computing gross income no deduction shall be made which is of a kind for which separate provision is made in regulation 28.

(2) Where trustees of property held in trust for a student pay, by virtue of sub-sections (1) and (2) of section 32 of the Trustee Act (Northern Ireland) 1958(j), any income from that property to his parent or otherwise apply it for or towards his maintenance, education or benefit, the amount of income so paid or applied shall be deemed to be included in the gross income of the parent for the purpose of regulation 26.

(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(k) 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) All income arising from an office or employment which by virtue of any enactment is as such exempt from tax shall be treated as part of the gross income for the purpose of this regulation.

(j) 1958 c. 23 (N.I.)
(k) 1970 c. 10

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

(6) Subject to the provisions of paragraphs (7), (8) and (9) gross income for the purpose of this regulation shall be that of the fiscal year ending on 5th April immediately preceding the start of the year in respect of which the award is being assessed, hereinafter referred to as the "preceding fiscal year".

(7) Where an award-making body is satisfied that the income of the parents in the next succeeding fiscal year, that is to say the fiscal year commencing on 6th April immediately preceding the start of the year in respect of which the award is being assessed, is likely to be not more than four-fifths of the income of the preceding fiscal year, the income for the next succeeding fiscal year may be taken for the purpose of paragraph (1).

(8) In any case where the income for the next succeeding fiscal year has been taken for the purpose of paragraph (1) the income shall continue to be determined, if an award-making body so decides, by taking for each succeeding year in respect of which the award is being assessed the income for the fiscal year commencing on 6th April immediately preceding the start of that year.

(9) Where in its opinion a student would otherwise suffer severe hardship the Department, or if a board is the award-making body, the board with the approval of the Department may take into account the gross income of the parents for any year as it considers appropriate for the avoidance of such hardship. In any case where an award-making body has taken into account under the provisions of this paragraph the gross income of the parents for a particular period the income shall continue to be determined as the Department or, if a board is the award-making body, the board with the approval of the Department considers appropriate.

Balance of income

28.—(1) To determine the balance of income in accordance with regulation 26 the following deductions shall be made from gross income:

(*a*) in respect of each child dependent on the parents other than the student and any other member of the family holding an equivalent award, an allowance less the amount of any gross income available to the child in his own right of—

(i) £310 where the child has not reached the age of 11;

(ii) £320 where the child is aged 11 or over but has not reached the age of 17;

(iii) £400 where the child has reached the age of 17:

and for the purposes of this sub-paragraph the child's age shall be his age on 31st December, 31st March or 31st August according as the academic year of the student's course begins in the spring, the summer or the autumn;

(*b*) in respect of each adult dependent on the parents, an allowance equal to the value of the assistance given by the parent but not exceeding £400 less the amount of any other income of the dependant;

(*c*) mortgage interest and all other interest payments which are allowed for income tax purposes or any interest on a mortgage under the option mortgage scheme;

(*d*) contributions to pension or superannuation funds (excluding national insurance and graduated pensions contributions) and life assurance premiums in respect of which relief is given under the Income Tax Acts, up to a maximum of 15 per cent of gross income;

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

(*f*) where the parents are living together and are gainfully employed, the cost in wages of domestic assistance not exceeding the emoluments of the parent who earns the less, or £320, whichever is the less;

(*g*) where the parents are living together and one of them is incapacitated, the cost in wages of domestic assistance not exceeding £320;

(*h*) where a parent whose marriage has terminated is either gainfully employed, or is incapacitated, the cost in wages of domestic assistance not exceeding £320;

(*i*) where the parents live abroad in a place where the cost of living is higher than that cost in the United Kingdom, such sum (if any) as the Department or, if a board is the award-making body, the board with the approval of the Department considers reasonable;

(*j*) in the case of a parent who holds an award in respect of a course of full-time study, the amount by which the aggregate of the standard grant included in his award and £160 exceeds the sum payable in respect of that award;

(*k*) in the case of a student who holds an award under the 1974 regulations in respect of his attendance at a course commencing before September 1975, so much of any expenditure in respect of a child or covenant as—

(i) would have been deductible under those regulations; and

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

(2) The deductions allowable from gross income under sub-paragraphs (*a*) and (*b*) of paragraph (1) shall relate to the academic year in respect of which the award is being assessed.

(3) The deductions allowable from gross income under sub-paragraphs (*c*) to (*j*) of paragraph (1) shall relate to the preceding fiscal year unless income for the next suceeding fiscal year or any year is being taken into account in determining gross income, in which case they shall relate to the next succeeding fiscal year or any year as appropriate.

Spouse's contribution

29.—(1) The maximum allowable amount calculated in accordance with regulation 19 shall be reduced by a spouse's contribution ascertained in accordance with paragraph 2 in the case of every man student living with his wife and every woman student living with her husband if (in either case) no parental contribution is applicable by virtue of sub-paragraphs 1(*a*), (*b*) or (*c*) of regulation 26.

(2) Subject to paragraphs (3) and (4) the spouse's contribution shall be ascertained for any year in accordance with regulation 26, 27 and 28 except paragraphs (3) and (6) of regulation 26 and sub-paragraphs (*h*) and (*i*) of paragraph (1) of regulation 28 as they apply for the determination of the parental contribution with the necessary modifications and references to the parent being construed except where the context otherwise requires as references to the student's spouse.

(3) If a 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 paragraph (1) 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 a 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 paragraph (1) 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.

Termination of marriage

30.—(1) Where the marriage of a student is terminated during the course the value of the award shall not thereafter be less than it was before the marriage.

(2) In the case of a student to whom any payment is due under regulation 23 and whose marriage has terminated, whether before or during the course, then—

(*a*) the amount of personal income to be disregarded under sub-paragraph (*a*) of paragraph (2) of regulation 25 shall be £400; or

(*b*) an additional payment of £240 shall be made to him under paragraph (5) of regulation 23; or

(*c*) in the case of a student to whom regulation 24 applies an additional payment shall be made to him under that regulation—

whichever is the most favourable.

(3) A student whose marriage has terminated may elect that the award-making body shall disregard dependants' grants calculated under regulation 23 and instead shall in calculating his income disregard £550 in respect of the first dependent child and £240 in respect of every other dependent child.

Appeals

31. In any case where a board acting as an award-making body under these regulations has refused to make an award or has suspended or terminated an award or has withheld or reduced any payment normally due in respect of an award an appeal may be made to the Department, and the Department, after consultation with the board and where appropriate the academic authority, may give such direction to the board as it thinks proper.

Sealed with the Official Seal of the Department of Education for Northern Ireland on 7th day of November 1975.

(L.S.)

W. Slinger
Deputy Secretary

The Department of Finance for Northern Ireland hereby approves the foregoing regulations so far as is required by Article 40 of the Education and Libraries (Northern Ireland) Order 1972.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 7th day of November 1975.

(L.S.)

G. I. Dent
Deputy Secretary

SCHEDULE Regulation 17(3)

Sandwich courses

1. In this schedule—

(*a*) "sandwich course" means a course consisting of alternate periods of full-time study in an institution and associated industrial, professional or commercial experience (in this schedule called "periods of experience") at a place outside the institution so organised that, taking the course as a whole, the student attends the period 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 public body 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 institution;

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

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

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

(*b*) in the application of this schedule to a student whose marriage has terminated references to regulations 19 to 29 inclusive are to be construed as references to those regulations as modified by regulation 30.

2. The provisions of regulations 19 to 24 inclusive shall, as respects any sandwich year, have effect subject to the following modifications:

(*a*) Where the period of full-time study does not exceed 30 weeks 3 days the student's standard grant towards ordinary maintenance shall be the prescribed fraction of the appropriate amount specified by regulation 21;

(*b*) where the period of full-time study exceeds 30 weeks 3 days the student's standard grant towards ordinary maintenance and additional grants shall be the aggregate of the appropriate amount specified by regulation 21 and the appropriate amount specified by regulation 22(1);

(*c*) additional grant payable to a student for travelling expenses under regulation 22(7) shall be the amount by which the expenditure incurred exceeds the prescribed fraction of £22;

(*d*) dependant's grant payable to a student for the maintenance of a dependant shall be the modified fraction of the sum specified by regulation 23; and

(*e*) if regulation 24 applies to a student the allowance payable to him under that regulation shall be the prescribed fraction of the amount specified by it.

3. The provisions of regulation 25 to 29 inclusive shall, as respects any sandwich year, have effect subject to the following modifications:

(*a*) The sum to be disregarded under sub-paragraph 2(*a*) of regulation 25 shall be the prescribed fraction of £160 and the reference in the proviso of sub-paragraph 2(*l*) of that regulation to £320 shall be construed as a reference to the aggregate of £160 and that prescribed fraction;

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

(*c*) the amount of the parental contribution applicable to his case shall be the prescribed fraction of the contribution ascertained in accordance with regulations 26, 27 and 28; and

(*d*) the amount of the spouse's contribution applicable to his case shall be the prescribed fraction of the contribution ascertained in accordance with regulation 29.

EXPLANATORY NOTE

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

These regulations amalgamate with amendments the existing provisions for awards to students attending first degree and comparable courses, further education courses and courses for the training of teachers.

The principal amendments relate to the extension of the duties of boards to require them to make awards to students attending courses for the Diploma of Higher Education and Higher National Diploma, the removal of all provisions which discriminate between students on grounds of sex, increased rates of maintenance and modification of previous provisions relating to the parental, student's and spouse's contribution.

The authority for making these regulations retrospective is section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962.