1979 No. 291

EDUCATION

Students Awards Regulations (Northern Ireland) 1979

Made	*22nd August* 1979
Coming into operation . .	*1st September* 1979

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The Department(**a**) of Education, in exercise of the powers conferred on it by Articles 39(1) and (2) and 40(2)(**b**) and Article 125(1) of the Education and Libraries (Northern Ireland) Order 1972(**c**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

PART I

GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Students Awards Regulations (Northern Ireland) 1979.

(2) These Regulations shall come into operation on 1st September 1979.

Revocation

2. The Students Awards Regulations (Northern Ireland) 1978(**d**) are hereby revoked.

Interpretation

3. In these Regulations—

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

"area" means the area of a board;

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

"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;

"course comparable to a first degree course" means—

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

(*b*) an educational facility designated by the Department under Article 39(1);

(**a**) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(**b**) As substituted by S.I. 1978/1040 (N.I. 10) Art. 6(1)
(**c**) S.I. 1972/1263 (N.I. 12)
(**d**) S.R. 1978 No. 357 (II, p. 1303)

"course for the Diploma of Higher Education" means—

(*a*) a course provided by an institution for the Diploma of Higher Education ("Dip HE course");

(*b*) a Dip HE course or a first degree course as the student may elect after the commencement of the course;

"course for the Higher Diploma" means a course provided by an institution 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");

"course of advanced further education" means a course of a type listed in Schedule 1;

"employment" includes the holding for gain of any office and the following for gain of any occupation;

"establishment of further education" excludes a university but includes a college of education and an institution of further education;

"first degree course" means—

(*a*) a course (other than one for the degree of Bachelor of Education) provided by an institution for a first degree of a university or for the degree of Bachelor of Medicine or an equivalent degree;

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

(*c*) a course provided by the Cranfield Institute of Technology for a first degree of that Institute;

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

"independent student" means a student who either—

(*a*) 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;

"institution" means a university or an establishment of further education in the United Kingdom maintained or assisted by recurrent grants out of public funds;

"maintenance grant" means a grant calculated in accordance with Regulation 13;

"minimum maintenance payment" means the amount of £335;

"modified proportion" means the proportion which the number of weeks in a sandwich year during which the student has no periods of experience bears to 52;

"Order" means the Education and Libraries (Northern Ireland) Order 1972(e); and a reference by number to an Article is a reference to the Article bearing that number in the Order;

"periods of experience" means periods of industrial, professional or commercial experience associated with full-time study at an institution but at a place outside the institution, other than periods of—

(*a*) unpaid service in a hospital;

(e) As amended by S.I. 1978/1040 (N.I. 10)

(*b*) unpaid service with a public body acting in the exercise of its 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;

(*c*) teaching practice;

(*d*) unpaid research in an institution; or

(*e*) periods of such experience which fall wholly within the terms at the institution, aggregate not more than six weeks in each year and do not comprise paid service or employment;

"prescribed proportion" means the proportion which the number of weeks in a sandwich year during which the student attends the institution for full-time study bears to 30, except that, where that proportion is greater than the whole, it means the whole;

"previous awards regulations" means the Regulations revoked by Regulation 2 and any regulations superseded by those Regulations;

"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;

"sandwich course" means a course consisting of alternate periods of full-time study at an institution and periods of experience 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 of the course; 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;

"sandwich year" means, as respects any student, a year of a sandwich course which includes both attendance at full-time study at an institution and periods of experience;

"specified course" means a course of a type listed in Schedule 3; and in relation to any person any reference (otherwise unqualified) to a specified course shall, as the context requires, be construed as a reference to a specified course which the person attends or has applied to attend and any reference to a specified course shall be construed as a reference to either a course of full-time study or a sandwich course;

"statutory award" means any award or grant paid by virtue of Article 39 (except a maintenance allowance payable under the Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland 1973(**f**) or an award under the Grammar School Pupils (Admissions, Grants and Allowances) Regulations (Northern Ireland) 1978(**g**)) or Article 40 and includes any comparable award or grant which is paid out of moneys provided by Parliament;

"student" means a person to whom an award has been made under these Regulations or previous awards regulations;

"supported himself out of his earnings", in respect of a student, includes—

(*a*) any period or periods, not exceeding six months in the aggregate, during which the student was registered for employment as mentioned in Article 7 of the Supplementary Benefits (Northern Ireland) Order 1977(**h**) or in receipt of unemployment benefit under Section 14(1)(*a*) of the Social Security (Northern Ireland) Act 1975(**i**);

(**f**) S.R. & O. (N.I.) 1973 No. 426 (II, p. 2581)
(**g**) S.R. 1978 No. 217 (I, p. 705)
(**h**) S.I. 1977/2156 (N.I. 27)
(**i**) 1975 c. 15

(*b*) any period during which the student held a postgraduate studentship or comparable award;

(*c*) 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 (Northern Ireland) Act 1975; or

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

"term", in respect of a course, means any of the periods appointed by an institution for instruction and study at that institution;

"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 respect of 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 begins in the spring, the summer or the autumn respectively; and any references to the first year of a course shall be construed accordingly.

Calculation of income

4. In calculating a person's income for any year, any reduction for income tax is to be made by calculating the tax payable on the income received in that year as if the year were a year of assessment within the meaning of the Income Tax Acts (the necessary apportionment being made in any case where the relevant provisions of those Acts change during the year).

Termination of marriage

5. 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.

PART II

AWARDS

Specified persons

6.—(1) Persons described in Part 1 of Schedule 2, with the exception of persons described in Part 2 of that Schedule, are specified by the Department for the purposes of Article 39(1).

(2) Persons described in Part 3 of Schedule 2 are specified by the Department for the purposes of Article 40(1).

Ordinarily resident

7.—(1) If a board is satisfied that a person was not ordinarily resident in the United Kingdom during the three years immediately preceding the first year of the specified course or was not resident in a board's area on the relevant day only because that person, his spouse or parent was, at the relevant time,

employed temporarily outside the United Kingdom then, for the purposes of paragraph 1(*b*) of Schedule 2, that person shall not be regarded as having ceased to be so resident only because of his absence from the United Kingdom or the board's area in consequence of such employment.

(2) For the purposes of paragraph 1(*b*)(i) of Schedule 2, a person shall not be regarded as ordinarily resident in the United Kingdom if that person was so resident and had taken up that residence wholly or mainly for the purpose of attending a full-time course of education.

Attendance at a non-specified course

8. A person who attends a course which began before 1st September 1979 and which was not then a specified course shall, if he is otherwise within Part 1 of Schedule 2, not be excluded therefrom in pursuance of paragraph 2(*c*), 2(*d*), 2(*e*) or 2(*f*) of that Schedule by reason only of his having attended the course from its beginning.

Previous attendance at a course

9. For the purposes of paragraphs 1(*d*), 2(*c*), 2(*d*), 2(*e*) and 2(*f*) of Schedule 2, a person shall not be regarded as having previously attended a course unless he has previously attended either more than one course or one course for a period of more than one term; and 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 1st September 1979.

Specified educational facilities

10. The courses listed in Schedule 3 are specified as educational facilities for the purposes of Article 39(1).

Terms and conditions

11.—(1) Awards to be made by boards under Article 39(1) shall be subject to the terms and conditions set out in paragraphs 1 to 4 of Schedule 4.

(2) Awards to be made by the Department under Article 40(1) in accordance with Regulation 6(2) shall be subject to the terms and conditions set out in paragraphs 2 to 4 of Schedule 4.

PART III

AMOUNT OF AWARDS

Payments by award-making bodies

12.—(1) Subject to Regulations 16, 19 and 20 and paragraph 4 of Schedule 4 the award-making body shall in respect of each year pay in pursuance of an award—

(*a*) in respect of fees, an amount equal to the aggregate of any fees payable in respect of the student as are listed in Schedule 7;

(*b*) in respect of maintenance—

(i) except in a case in which Regulation 15 or 17 applies, either the minimum maintenance payment or the maintenance grant, whichever is the greater;

(ii) in a case in which Regulation 15 or 17 applies (subject to Regulation 15(4)) an amount determined in accordance with the Regulation in question.

(2) Subject to Regulations 16, 19 and 20 and paragraph 4 of Schedule 4 an award-making body may, in respect of a student who resides in an institution other than a university, pay the amount charged by the institution for his board and lodging.

Calculation of maintenance grant

13.—(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—

(i) such of the amounts set out in Schedule 8 as are applicable in his case; and

(ii) subject to paragraph (2), the amount payable in accordance with Regulation 12(2);

(*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 9 and any contribution applicable in his case by virtue of Part 2 or 3 of that Schedule.

(2) In the case of a student who resides in an institution in England and Wales or in a hostel or other accommodation administered by the academic authority of that institution, the amount to be taken into account for the purposes of paragraph 1(*a*)(ii) shall be so much of the charge, if any, payable under Regulation 12(2) as does not exceed the amount chargeable for board and lodging by that institution to or in respect of a person who is ordinarily resident in England and Wales and resident in the institution for the purpose of attending a full-time course of further or higher education.

(3) This Regulation and Schedules 8 and 9 shall have effect—

(*a*) in such a case as is mentioned in Schedule 10, subject to the provisions thereof;

(*b*) in such a case as is mentioned in Regulation 15(3), subject as therein provided.

Assessment of requirements and resources

14. The requirements and resources of a student shall be assessed by the award-making body, and for the purpose of the exercise of its functions under this Regulation the award-making body shall require the student to provide from time to time such information as it considers necessary as to the resources of any person whose means are relevant to the assessment of his requirements and resources.

Sandwich courses

15.—(1) This Regulation shall apply where the course is a sandwich course.

(2) The payment in respect of maintenance under Regulation 12(1)(*b*) shall be the minimum maintenance payment or a maintenance grant, whichever is the greater.

(3) For the purpose of calculating the maintenance grant in respect of a sandwich year, Schedules 8 and 9 shall have effect subject to the provisions of Schedule 11.

(4) No payment in respect of maintenance under Regulation 12(1)(*b*) shall be made in respect of a year in which there are no periods of full-time study.

Assisted students

16.—(1) Notwithstanding anything in the preceding provisions of these Regulations, no payment under Regulation 12(1)(*a*) or 12(1)(*b*) shall be made to a student in respect of any year in respect of which 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 7, and

(*b*) his requirements for ordinary maintenance ascertained in accordance with Part 1 of Schedule 8.

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

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

(*b*) in pursuance of any award made to him in respect of the course (other than an award made under these Regulations or previous awards regulations).

Students provided with free board and lodging

17.—(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 13.

(2) The payment in respect of maintenance under Regulation 12(1)(*b*) shall be a maintenance grant calculated in accordance with Regulation 13(1).

Method of payment

18. The award-making body shall 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 Regulation the award-making body may make provisional payments pending the final calculation of the grant.

Discretionary payments

19.—(1) In respect of any period during which the student repeats any part of his course, the award-making body shall not be required to make any payments under Regulation 12(1)(*a*) or 12(1)(*b*) but may pay in pursuance of the award such amounts (if any) as it considers appropriate, being amounts 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 (excluding, 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 made in respect of a course of not less than two academic years' duration specified under paragraph 1 or 4 of Schedule 3 ("the current course").

(3) If the academic authority does 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 award-making body shall not be required to make any payments under Regulation 12(1)(*a*) or 12(1)(*b*), but

(*b*) the award-making body may pay in pursuance of the award such amounts (if any) as it considers appropriate, being amounts not exceeding the amount of any payment that would, apart from this Regulation, be payable to that student in respect of that period.

Withholding and reduction of payments

20.—(1) Without prejudice to paragraph 4(2) of Schedule 4 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 14, the award-making body may withhold, in part, any payment due to him in respect of maintenance and calculated in accordance with Regulation 13 or 15, or, in whole or in part, any such payment determined in accordance with Regulation 17, but a partial payment made to the student in respect of any year in which he remains in default shall not (unless Regulation 17 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 by the academic authority from attendance at the course; or

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

any payment otherwise due in pursuance of the award shall be reduced by the aggregate amount 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 paragraph 1(1) or 1(2) of Schedule 4 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 award-making body may reduce any payment otherwise due in pursuance of the award by such amount, not exceeding the aggregate amount mentioned in paragraph (4), as having regard to all relevant circumstances it considers appropriate.

(4) The amount 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 12(1)(*b*).

Sealed with the Official Seal of the Department of Education for Northern Ireland on 22nd August 1979.

(L.S.)

R. T. Holmes
Assistant Secretary

SCHEDULE 1 Regulation 3 and paragraphs 1(*d*)(i) and 2(*d*)(i) of Schedule 2

Courses of advanced further education

1. A course of post-graduate or post-diploma instruction.

2. A course of study in preparation for a degree, a Diploma of Higher Education, a Higher National Diploma, a Higher National Certificate, a Diploma in Management Studies, or a final professional examination of a standard above that of the examination for the Ordinary National Certificate or General Certificate of Education (advanced level).

3. A course of study of at least two years' duration if part-time other than block release or of equivalent length if full-time or block release, following an initial course of not less than one year's duration or equivalent length respectively, 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.

4. Any other course in preparation for an examination of a standard above that of the examination for the Ordinary National Certificate or General Certificate of Education (advanced level) for which the normal age of entry is not less than 18 years and the normal minimum qualification for entry is, or is of a standard not below, one of the following—

(*a*) an Ordinary National Certificate;

(*b*) five passes in examinations for Certificate of Education being passes at the ordinary level in the examination for the General Certificate of Education or at the grade 1 level in the examination for the Certificate of Secondary Education;

(*c*) two passes in the examination for the General Certificate of Education, one of which is at advanced level.

SCHEDULE 2 Regulation 6

PERSONS

PART 1 Regulation 6(1)

Specified persons

1. A person—

(*a*) who attends a specified course during an academic year beginning after 31st August 1979; and

(*b*) who has been—

(i) ordinarily resident in the United Kingdom for the period of three years immediately preceding the first year of the specified course; and

(ii) resident on the relevant day in the area of a board; and

(*c*) to whom an award has not been made under these Regulations or previous awards regulations by the board in respect of the specified course; and

(*d*) who, if he has previously attended a course of further education, has attended such a course which was—

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

(ii) for an educational qualification listed in Schedule 5; or

(iii) provided by a college listed in Schedule 6.

PART 2 Regulation 6(1)

Excluded persons

2. A person who—

(*a*) has, in the opinion of the board, by his conduct shown himself unfitted to receive an award;

(*b*) if he attends a course comparable to a first degree course, does not possess an educational qualification set out in Schedule 5;

(*c*) if he has not attained the age of 25 years before the first year of his course, has previously—

(i) in Northern Ireland attended a full-time course of further education of not less than two academic years' duration (excluding, in the case of a sandwich course, periods of experience) or successfully completed a part-time course of such education of equivalent duration; or

(ii) outside Northern Ireland attended a full-time, or successfully completed a part-time, course comparable to such full-time course or part-time course,

unless the course which he previously attended or successfully completed was such as is mentioned in paragraph 1(*d*)(i), 1(*d*)(ii) or 1(*d*)(iii);

(*d*) if he has attained the age of 25 years before the first year of his course, has previously—

(i) in Northern Ireland attended a full-time course of advanced further education of more than two academic years' duration (excluding, in the case of a sandwich course, periods of experience) or successfully completed a part-time course of advanced further education of equivalent duration; or

(ii) outside Northern Ireland attended a full-time, or successfully completed a part-time, course comparable to such full-time course or part-time course,

unless the course which he previously attended or successfully completed was such as is mentioned in paragraph 1(*d*)(i), 1(*d*)(ii) or 1(*d*)(iii);

(*e*) if he attends a specified course mentioned in paragraph 1 or 4 of Schedule 3, has previously—

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

(ii) attended a first degree course in a case where, after he commenced to attend a Dip HE course, he elected to study for the first degree course;

(*f*) if he attends a specified course mentioned in paragraph 2 or 3 of Schedule 3, has previously—

(i) successfully completed a part-time course of initial training as a teacher or attended any other course such as is mentioned in paragraph 3(*a*), 3(*b*) or 3(*c*); or

(ii) attended a specified course.

PART 3 Regulation 6(2)

Specified persons

3. A person who attends—

(*a*) a full-time course at an institution in Northern Ireland for the initial training of teachers;

(*b*) a full-time course at an institution in Northern Ireland for the post-graduate certificate in education or for the Art Teachers certificate or diploma;

(*c*) any other course at an institution in any part of the United Kingdom for the training of teachers;

(*d*) a course provided by a college listed in Schedule 6 and who has attained the age of 20 years before the first year of that course.

SCHEDULE 3 Regulation 3

Specified courses

1. A first degree course.
2. A course for the Diploma of Higher Education.
3. A course for the Higher Diploma.
4. A course comparable to a first degree.

SCHEDULE 4 Regulation 11

Terms and conditions

Transfer of awards

1.—(1) Subject to sub-paragraphs (3) and (4), if a student who holds an award for a specified course commences, on the recommendation of the academic authority, to attend at the institution a specified course other than the one in respect of which the award is held, such award shall be transferred by the board so as to be held in respect of his attendance at the new course.

(2) Subject to sub-paragraphs (3) and (4), if a student who holds an award for a specified course commences, with the consent, given on educational grounds, of both institutions concerned, to attend a specified course at another institution, such award shall be transferred by the board so as to be held in respect of his attendance at the new course.

(3) An award shall not be transferred unless either—

(*a*) the recommendation or consent is given not later than two months after the end of the first year of the course in respect of which the award was originally made; or

(*b*) the board, after consulting the academic authority or authorities concerned, is satisfied that the period which the student will ordinarily require to complete the new course will expire not later than the period he would ordinarily require to complete the course for which the award was originally made.

(4) A board may refuse to transfer an award if, after consulting the academic authority concerned, it is satisfied that when the student applied for such transfer he did not intend to complete the course to which such application related.

Conditions relating to applications

2.—(1) Subject to sub-paragraphs (2) and (3), an award to be made by a board under Article 39(1) and an award to be made by the Department under Article 40(1) shall be subject to the condition that—

(*a*) an application in respect thereof shall be made in writing and shall reach the award-making body not later than the end of the term in which the applicant commences his course;

(*b*) the applicant furnishes the award-making body with 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 so to do repay to the award-making body the amount by which the aggregate of such sums paid during the year exceeds (for whatever reason) the grant payable in respect of that year;

(*c*) the applicant if so required by the award-making body will provide it from time to time with such information as it may consider necessary for the exercise of its functions under Part II of these Regulations.

(2) An application shall be treated as having reached the award-making body as required by sub-paragraph (1)(*a*) where—

(*a*) to the knowledge of the award-making body the application has so reached another award-making body; or

(*b*) before the end of the term in which the applicant commences his course, that course had not become a specified course and the application reaches the award-making body before the end of the first term after that course becomes a specified course; or

(*c*) having regard to the circumstances of the particular case, the award-making body considers it should be so treated.

(3) If the applicant has not attained the age of legal majority, sub-paragraph (1)(*b*) shall be read as if the references to the applicant were references to the applicant or his parent.

Termination and extension of awards

3.—(1) Subject to sub-paragraphs (2) to (4), an award shall terminate on the expiry of the period ordinarily required to complete the course in respect of which it is made or to which it is transferred in pursuance of paragraph 1(1) or 1(2).

(2) If the academic authority refuses to allow the student to complete his course, the award-making body shall terminate the award forthwith.

(3) If the student does not complete his course within the period ordinarily required, the award-making body—

(*a*) may extend the award until he has completed the course; and

(*b*) shall extend the award for a period equivalent to any period in respect of which it has made any payment under Regulation 19(1).

(4) The award-making body may extend an award to enable a student to follow an associated course of study during or at the end of the course in respect of which he holds an award.

(5) The award-making body may, after consultation with the academic authority, terminate an award if it is satisfied that the student has either—

(*a*) abandoned the course in respect of which he holds the award and the award does not fall to be transferred in pursuance of paragraph 1(1) or 1(2); or

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

Supplementary provisions

4.—(1) If, after consultation with the academic authority concerned, an award-making body is of the opinion that the attendance, conduct or progress of a student in relation to a course is not satisfactory, it may suspend or terminate an award held by him in respect of that course, or withhold or reduce any payment normally due in respect of that award.

(2) If, in the case of a student who is required to provide information in accordance with paragraph 2(1)(*c*), the award-making body is 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, the award-making body may terminate the award or withhold any payments due under the award as it sees fit.

SCHEDULE 5 Paragraphs 1(*d*)(ii) and 2(*b*) of Schedule 2

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 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(j) applied at the time when it was awarded.

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

13. A pass at advanced level in a subject other than music in the examinations for the General Certificate of Education or for the Northern Ireland General Certificate of Education together with a pass in both Grade VIII (Theory) and Grade VIII (Practical) examinations of the Associated Board of the Royal Schools of Music, Trinity College of Music or the Guildhall School of Music and Drama.

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

SCHEDULE 6 Paragraph 3(*d*) of Schedule 2

Colleges providing long-term residential courses of full-time education for adults

Institute of Continuing Education of the New University of Ulster, Magee University College, Londonderry.
Co-operative College, Loughborough.
Fircroft College, Birmingham.
Hillcroft College, Surbiton.
Northern College, Barnsley.
Plater College, Oxford.
Ruskin College, Oxford.
Coleg Harlech, Harlech, Wales.
Newbattle Abbey, Dalkeith, Scotland.

SCHEDULE 7 Regulations 12(1)(*a*) and 16(1)(*a*)

Fees

1. The fees referred to in Regulation 12(1)(*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 maintenance) subject to a maximum of £595:

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 institution, or

(ii) the fees are an element of a composition fee.

SCHEDULE 8 Regulations 13(1)(*a*), 15(2) and 16(1)(*b*)

REQUIREMENTS

PART 1

Ordinary maintenance

1.—(1) The requirements of the student referred to in Regulation 13(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.

(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, this paragraph shall apply in the case of—

(*a*) any student who, on the recommendation of the academic authority, resides in the institution 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 award-making body conveniently attend the course from his parents' home and the award-making body, after consultation with the academic authority, considers 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 award-making body is 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 £1,245 except that—

(*a*) where he is attending a course at the University of London or at an institution within the area comprising the City of London and the metropolitan police district, it shall be £1,485;

(*b*) where he is attending, for at least one term and as a necessary part of his course, at an establishment in a country outside the British Islands, it shall be £1,485 or, if that country is a high-cost country, £1,930 (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 £985.

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 13).

(2) In the case of such a student the ordinary maintenance requirement shall be £515.

PART 2

Supplementary maintenance, etc.

5. The requirements of the student referred to in Regulation 13(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.

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, £14·80;

(*b*) in the case of a student not so residing, £23·45 except that—

(i) where he is attending a course at the University of London or at an institution within the area comprising the City of London and the metropolitan police district, it shall be £31·50;

(ii) where he is attending, for at least one term and as a necessary part of his course, at an establishment in a country outside the British Islands, it shall be £31·50 or, if that country is a high-cost country, £41·15 (notwithstanding anything in head (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 continuous period of 52 weeks.

(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, 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 award-making body considers 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 £2·90;

(*b*) in the case of a student not so residing, the maximum amount of £4·15 except that—

(i) where he is studying at an institution within the area comprising the City of London and the metropolitan police district, it shall be £5·30;

(ii) where he is studying (either at an establishment or as mentioned in sub-paragraph (1)(*b*)) in a country outside the British Islands it shall be £5·30 or, if that country is a high-cost country, £6·70.

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 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 establishment in a country outside the United Kingdom and the study is away from that establishment.

(2) In respect of each day for which the student incurs such additional expenditure his supplementary requirement shall be £3·50 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 award-making body considers 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 institution;

(*b*) within or outside the United Kingdom, for the purpose of attending as part of his course, any period of study at an establishment 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—

(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, 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 £39:

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 award-making body shall only take account of that expenditure to the extent that it considers appropriate.

(3) The reference in sub-paragraph (1)(*a*) to the student attending the institution 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 institution 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 award-making body considers 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 award-making body considers 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 £55.

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 award-making body, 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 award-making body considers appropriate having regard to his means, not exceeding £26·95.

15.—(1) This paragraph shall apply in the case of a disabled student where the award-making body is 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 award-making body considers appropriate not exceeding £205.

PART 3

Maintenance of dependants

16.—(1) The requirements of the student referred to in Regulation 13(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.

(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—

"child" includes a person whether under or over compulsory school age, a person adopted in pursuance of adoption proceedings and a step-child;

"dependant" means, subject to sub-paragraphs (2) and (3), 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 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 award-making body, before the first year of his course;

"relevant award" means a statutory award in respect of a person's attendance at a full-time course of advanced further education or a comparable course outside Northern Ireland.

(2) 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.

(3) 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 £265 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 made in respect of attendance at a course beginning before 1st September 1975 and is a person to whom Regulation 17 of the University and Further Education Awards Regulations (Northern Ireland) 1974(k) applied by virtue of paragraph (1)(*c*) of that Regulation or to whom Regulation 15 of the Training of Teachers (Scholarships) Regulations (Northern Ireland) 1974(l) applied by virtue of paragraph (1)(*c*) of that Regulation:

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);

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

(k) S.R. 1974 No. 235 (II, p. 1038)
(l) S.R. 1974 No. 236 (II, p. 1055)

(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 £265 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, £760, 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, £90,

(ii) then aged 11 or over, but under 17, £265,

(iii) then aged 17 or over, £465;

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 to whom an award was made 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 either of the Regulations mentioned in paragraph 18(1)(*b*) 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*) or 18(1)(*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 student's dependants requirement (determined in accordance with paragraph 18(2)(*a*) or 18(2)(*b*) and, where applicable, paragraph 19) shall be increased by £260.

21.—(1) This paragraph shall apply in the case of a student, in whose case paragraph 18 applies, who maintains any dependant outside the United Kingdom.

(2) Notwithstanding anything in the foregoing paragraphs of this Part, the student's dependants requirement shall be of such amount, if any, as the award-making body considers reasonable in all the circumstances, not exceeding the amount determined in accordance with those paragraphs.

22.—(1) This paragraph shall apply in the case of a student with dependants who does not satisfy the requirements of paragraph 18.

(2)(*a*) If, in the opinion of the award-making body, hardship would otherwise occur, such amount as does not exceed an amount determined in accordance with the foregoing paragraphs of this Part may be included as the student's dependants requirement.

(*b*) If payable by a board, such amount shall be calculated in accordance with arrangements approved by the Department.

PART 4

Older students

23. This Part 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 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 Regulation 19 of the University and Further Education Awards Regulations (Northern Ireland) 1974 or of the Training of Teachers (Scholarships) Regulations (Northern Ireland) 1974 applied in respect of that course.

24. The requirements of the student referred to in Regulation 13(1)(*a*) shall include the sum of £120 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

25. 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 institution, as including a reference to the home of the parents of the student's spouse.

26. In this Schedule, any reference to a requirement, expenditure or attendance in respect of which no period of time is specified shall be construed as a reference to a requirement, expenditure or attendance for the year.

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

SCHEDULE 9 Regulation 13(1)(*b*)

Resources

PART 1

Student's income

Calculation of student's income

1. In calculating the student's income for the purposes of Regulation 13(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 £265 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) an award made to the student in respect of the course (in pursuance of a sponsorship scheme or otherwise) not being an award made in pursuance of Article 39 or 40, and

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

so, however that in relation to a National Engineering Scholarship awarded by the Action Committee for Industrial Scholarships this shall have effect as if for the sum "£500" there were substituted the sum "£735";

(*c*) in the case of a student, other than one mentioned in paragraph 3(*a*) or 3(*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 £530 if he is such a student as is so mentioned;

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

(*e*) any income received as a reservist with the armed forces or in the Ulster Defence Regiment or in the Royal Ulster Constabulary Reserve;

(*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 treated as forming part of his resources, any payment made under covenant by his parent;

(*h*) any payment made for a specific educational purpose otherwise than to meet such fees and such requirements for maintenance as are specified in Schedules 7 and 8;

(*i*) child benefit;

(*j*) any benefit under the Supplementary Benefits (Northern Ireland) Order 1977;

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

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

(**m**) 1972 c. 47

and, in the case of any such student as is described in paragraph 3(*a*) or 3(*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 award-making body, before the first year of his course unless his spouse is a dependant for the purposes of Part 3 of Schedule 8 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—

"child" includes a person whether under or over compulsory school age and 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(**n**) or which is otherwise of a kind for which provision is made by paragraph 6;

"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 award-making body is 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, it may, for the purpose of enabling the student to attend the course without hardship, ascertain the parental contribution for the year of his course 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 year falls.

(3) Where the student's parent satisfies the award-making body that his income is wholly or mainly derived from the profits of a business or profession carried on by him, then any reference in this Part to a financial year shall be construed as a reference to a year ending with such date as appears to the award-making body 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 made 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;

(*c*) a student who has no parent living or in respect of whom the award-making body is satisfied that his parents cannot be found.

(**n**) 1970 c. 10

Parental contribution

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

(*a*) in any case in which the residual income is £4,700 or more but less than £9,700, £25 with the addition of £1 for every complete £8 by which it exceeds £4,700; and

(*b*) in any case in which the residual income is £9,700 or more, £650 with the addition of £1 for every complete £13 by which it exceeds £9,700;

reduced in each case by £150 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 £4,700 the parental contribution shall be nil.

(2) For any year in which a statutory award is held by—

(*a*) more than one child of the parent;

(*b*) the parent; or

(*c*) the student's step-parent—

the parental contribution for the student shall be such proportion of any contribution ascertained in accordance with this Part as the award-making body (after consultation with any other award-making body concerned) considers 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 award-making body is 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, it 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 award-making body so determines, the year following that year and any subsequent year.

(2) Where, in pursuance of any trust deed or other instrument or by virtue of sub-sections (1) and (2) of section 32 of the Trustee Act (Northern Ireland) 1958(**o**) 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) Where any award such as is mentioned in paragraph 1(*b*)(i) is made by reason of the parents' employment to any member of his family or his household (whether the student or some other such member) who holds a statutory award then, notwithstanding the provisions of section 61 of the Finance Act 1976(**p**), that award shall not be treated as part of the gross income of the parent.

(5) 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.

(**o**) 1958 c. 23 (N.I.)
(**p**) 1976 c. 40

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

Deductions

6.—(1) For the purpose of determining a parent's residual income there shall be deducted from his gross income, in respect of any child dependent on him during the year for which the contribution falls to be ascertained, the amount by which the relevant sum specified below exceeds the child's income in that year:—

Age of child immediately before end of academic year	Sum
Under 12	£515
12 or over but under 18	£525
18 or over	£655

(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, child or holder of a statutory award, dependent on the parent during the year for which the contribution falls to be ascertained, the amount by which £655 exceeds the income of that person in that year;

(*b*) the gross 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 gross 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 gross 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 £525 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 £525;

(*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 £525;

(*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 award-making body considers 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 8) and £265 exceeds the sum payable in pursuance of that award.

(3) Where the student holds an award made in respect of his attendance at a course beginning before 1st 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 payments under covenant as does not exceed the amount deducted in respect of 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*), 3(*b*) or 3(*c*).

Spouse's contribution

8.—(1) Subject to sub-paragraphs (3) and (4), Part 2 shall, with the exception of paragraphs 3, 4(1), 4(2)(*a*), 5(*b*) and 6(2)(*g*), 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 as references to the student's spouse and the references to the parent and step-parent in paragraph 4(2)(*b*) and 4(2)(*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 £3,700 or more but less than £6,000, £10 with the addition of £1 for every complete £5 by which it exceeds £3,700; and

(*b*) in any case in which the residual income is £6,000 or more, £470 with the addition of £1 for every complete £10 by which it exceeds £6,000;

and in any case in which the residual income is less than £3,700 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 10 Regulation 13(3)(*a*)

Widows, widowers, divorced persons, etc.

1. In its application to a student whose marriage terminates during the course, Regulation 13 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 8 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 9 shall be £690 instead of £265; or

(*b*) his requirements under paragraph 18 of Schedule 8 shall be treated as increased by the sum of £425; or

(*c*) in the case of a student to whom Part 4 of Schedule 8 applies, his requirements shall be treated as including the sum specified in paragraph 24 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 8 shall be disregarded and that instead there shall in calculating his income be disregarded £890 in respect of his only or eldest dependent child and £370 in respect of every other dependent child.

SCHEDULE 11 Regulations 3 and 15(3)

Sandwich courses

1.—(1) 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.

(2) In the application of this Schedule to a student whose marriage has terminated references to Schedules 8 and 9 are to be construed as references to those Schedules as modified in accordance with Schedule 10.

2. The provisions of Schedule 8 shall, as respects any sandwich year, have effect subject to the following modifications—

(*a*) where the period of full-time study does not exceed 30 weeks 3 days, the student's requirements for his ordinary maintenance shall be the prescribed proportion of the appropriate amount specified in Part 1;

(*b*) where the period of full-time study exceeds 30 weeks 3 days, the student's requirements for his ordinary and supplementary maintenance shall be the aggregate of the appropriate amount specified in Part 1 and the appropriate amount specified in paragraph 6 of Part 2;

(*c*) the student's requirements in respect of such expenditure as is referred to in paragraph 5(*b*) of Part 2 shall be determined in accordance with that Part except that his requirements in respect of such expenditure as is mentioned in paragraph 10 shall be the amount by which the expenditure exceeds the prescribed proportion of £39;

(*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 9 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 £265 and the reference in paragraph 1(*c*) to £530 shall be construed as a reference to the aggregate of £265 and the prescribed proportion of £265;

(*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.

EXPLANATORY NOTE

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

These Regulations replace, with amendments, the Students Awards Regulations (Northern Ireland) 1978. They have effect on and after 1st September 1979.

The Regulations govern the making of awards ("mandatory awards") which it is the duty of boards to make to specified persons. They do not relate to awards ("discretionary awards") which, in pursuance of Article 39(3), boards may make under arrangements approved by the Department. They also enable the Department to make awards to specified persons for teacher training courses and for long-term residential courses of full-time education for adults at certain specified colleges.

While their text and format do not repeat exactly the provision made in Great Britain, the Regulations maintain parity of awards for Northern Ireland students with their counterparts in Great Britain. They parallel in substance most of the provisions of the Local Education Authority Awards Regulations 1979 made by the Secretary of State for Education and Science relating to awards for students from England and Wales.

As compared with the Regulations of 1978, the present Regulations increase awards and relax the means test applicable to the maintenance element thereof. Amounts which are altered are set out in Regulation 3 and in Schedules 7 to 10.