1988 No. 445

EDUCATION

Students Awards Regulations (Northern Ireland) 1988

Made . . . . . *19th December 1988*
Coming into operation . . *4th February 1989*

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

1. Citation and commencement.
2. Revocations.
3. Interpretation.
4. Calculation of income.
5. Termination of marriage.

PART II

AWARDS

6. Specified persons.
7. Ordinarily resident.
8. Transitional provision.
9. Previous attendance at a course.
10. Specified educational facilities.
11. Terms and conditions.

PART III

AMOUNT OF AWARDS

12. Payments by award-making bodies.
13. Calculation of maintenance grant.
14. Assessment of requirements and resources.
15. Sandwich courses.
16. Assisted students.
17. Students provided with free board and lodging.
18. Method of payment.
19. Discretionary payments.
20. Withholding and reduction of payments.

SCHEDULES

Schedule 1. Courses of advanced further education.
Schedule 2. Persons.
Schedule 3. Specified courses.
Schedule 4. Terms and conditions.
Schedule 5. Colleges providing long-term residential courses of full-time education for adults.
Schedule 6. Fees.
Schedule 7. Requirements.
Schedule 8. Resources.
Schedule 9. Single students with dependants.
Schedule 10. Sandwich courses.
Schedule 11. Training programmes.

The Department of Education, in exercise of the powers conferred on it by Articles 50(1) and (2), 51(2) and 134(1) of the Education and Libraries (Northern Ireland) Order 1986(**a**) 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) 1988.

(2) These Regulations shall come into operation on 4th February 1989 and shall have effect on and from 1st September 1988.

Revocations

2. The Students Awards Regulations (Northern Ireland) 1987(**b**) and the Students Awards (Amendment) Regulations (Northern Ireland) 1988(**c**) are hereby revoked.

Interpretation

3.—(1) In these Regulations—

"academic authority" in relation to an institution means the governing body or other body having the functions of a governing body and includes a person acting with the authority of that governing body or other body;

"area" means the area of a board;

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

(**a**) S.I. 1986/594 (N.I. 3)
(**b**) S.R. 1987 No. 420
(**c**) S.R. 1988 No. 201

"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;

"British Islands" means the United Kingdom, the Channel Islands and the Isle of Man;

"the Council Regulation" means Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community(a);

"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, diploma or other academic award;

(*b*) an educational facility designated by the Department under Article 50(1);

"course for the Diploma of Higher Education" means a course provided by an institution for—

(*a*) the Diploma of Higher Education;

(*b*) the Diploma of Higher Education or a first degree 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 or the Higher National Diploma of the Business and Technician Education Council ("BTEC");

"course of advanced further education" means a course of a type listed in Schedule 1 and, for the purposes of paragraph 2(*c*) of Schedule 2, includes a full-time, part-time or correspondence course outside Northern Ireland which is comparable to a full-time or, as the case may be, part-time or correspondence course of advanced further education in Northern Ireland;

"dependent" means wholly or mainly financially dependent;

"employment" means full-time employment or part-time employment which, in a normal week, involves a significant number of hours of work and "employed" shall be construed accordingly, and for the purposes hereof the references to employment include references to the holding for gain of any office and to 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;

"European Community" means the area comprised by the member states of the European Economic Community (including the United Kingdom) as constituted from time to time;

"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;

(a) OJ No. L257, 19.10.68, p. 2 (OJ/SE 1968 (II) p. 475)

(*c*) a course provided either by the Cranfield Institute of Technology or by the Information Technology Institute for a first degree of the former;

"highest-cost country" means Finland, Japan, Norway and the United States of America;

"higher-cost country" means Austria, Canada, Denmark, the Republic of Ireland, France, the Federal Republic of Germany, the Netherlands, Sweden and Switzerland;

"high-cost country" means Belgium, Hong Kong, Indonesia, Italy, Luxembourg and the USSR;

"independent student" means a student who—

(*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; or

(*c*) has been married for at least three years before the beginning of the year for which payments in pursuance of his award fall to be made whether or not the marriage is still subsisting; or

(*d*) has no parent living;

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

"international course" means a course provided by an institution in the United Kingdom in conjunction with a university, college or other establishment in another country for a first degree of a university or of the Council for National Academic Awards;

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

"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 1986; and a reference by number to an Article is a reference to the Article bearing that number in the Order;

"periods of experience" means—

(*a*) 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—

(i) unpaid service in a hospital or in a public health service laboratory;

(ii) 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;

(iii) unpaid service in the probation and aftercare service;

(iv) teaching practice;

(v) unpaid research in an institution;

(vi) such experience falling wholly within the terms at the institution in any year which do not comprise paid service or employment and which do not aggregate more than either 6 weeks during the year or 12 weeks during that and some other year taken together where a period in that other year has not already been taken into account for the purposes hereof;

(vii) unpaid service with a health authority (within the meaning of section 128(1) of the National Health Service Act 1977(**a**));

(viii) unpaid service with a health board constituted under section 2 of the National Health Service (Scotland) Act 1978(**b**); or

(ix) unpaid service with a health and social services board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**c**);

(*b*) in the case of a student studying modern languages, whose course includes periods of residence in a country whose language is a main language of that course, any such period of residence for which he is in gainful 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;

"refugee" means a person recognised by Her Majesty's government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951(**d**) as extended by the Protocol thereto which entered into force on 4th October 1967(**e**) or a person who, though not so recognised, enjoys asylum in the United Kingdom in pursuance of a decision of Her Majesty's government and any reference to the child of a refugee includes a reference to a person adopted in pursuance of adoption proceedings, a step-child and an illegitimate child of whom the refugee is the mother or in whose case the refugee has admitted paternity or been adjudged the putative father;

"relevant day" means—

(*a*) except in the case mentioned in sub-paragraph (*b*), 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;

(**a**) 1977 c. 49, amended by paragraph 11 of Schedule 3 to the Health and Social Security Act 1984 (c. 48)
(**b**) 1978 c. 29
(**c**) S.I. 1972/1265 (N.I. 14)
(**d**) Cmd. 9171
(**e**) Cmnd. 3906 (Out of print; photocopies are available, free of charge, from Scholarships Branch, Department of Education, Rathgael House, Balloo Road, Bangor, Co. Down BT19 2PR)

(*b*) in the case of a refugee who has entered the United Kingdom on or after a relevant day as defined in sub-paragraph (*a*), where—

(i) he has entered the United Kingdom before the day one month earlier than that of the beginning of the term in which he commences his course, the said day or the day on which he applies for an award, whichever of those two days is the earlier;

(ii) he has not so entered the United Kingdom, the day of the beginning of the term in which he commences his course or the day on which he applies for an award, whichever of those two days is the earlier;

"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 50 (except a maintenance allowance payable under the Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1973(**a**) or an allowance under the Grammar School Pupils (Admissions, Grants and Allowances) Regulations (Northern Ireland) 1978(**b**)) or Article 51 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;

"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;

(**a**) S.R. & O. (N.I.) 1973 No. 426
(**b**) S.R. 1978 No. 217, to which there are amendments not relevant to these Regulations

"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.

(2) In paragraph (1) "parent" shall have the same meaning as in Part II of Schedule 8.

(3) A period during which a student has supported himself out of his earnings includes any period or periods during which—

(*a*) the student was in receipt of training in pursuance of a programme of the type described in Schedule 11;

(*b*) the student was in receipt of unemployment benefit under section 14(1)(*a*) of the Social Security (Northern Ireland) Act 1975(**a**);

(*c*) before 24th November 1980 (when Schedule 2 to the Social Security (Northern Ireland) Order 1980(**b**) came into force), the student was registered for unemployment;

(*d*) on or after 24th November 1980 but before 18th October 1982, the student was registered and available for employment;

(*e*) on or after 18th October 1982, the student was available for employment and, if under the age of 18 years, registered for employment;

(*f*) the student held a postgraduate studentship or comparable award;

(*g*) the student received sickness benefit, invalidity pension, severe disablement allowance or maternity allowance under section 14(1)(*b*), 15(1)(*b*), 22(1) or 36(1) of the Social Security (Northern Ireland) Act 1975 as originally enacted or amended(**c**) or statutory sick pay under Part II of the Social Security (Northern Ireland) Order 1982(**d**) or statutory maternity pay under Part VI of the Social Security (Northern Ireland) Order 1986(**e**);

(*h*) the student could not reasonably have been expected to support himself out of his earnings because he had the care of a person under the age of 18 years who was dependent upon him.

(4) In paragraph (3), a reference to a person registered or available for employment is a reference to his being so registered or available for the purposes of Article 7 of the Supplementary Benefits (Northern Ireland) Order 1977(**f**).

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

(**a**) 1975 c. 15
(**b**) S.I. 1980/870 (N.I. 8)
(**c**) Section 22(1) was substituted by paragraph 13 of Schedule 4 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and section 36 was substituted by Article 5 of the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8))
(**d**) S.I. 1982/1084 (N.I. 16)
(**e**) S.I. 1986/1888 (N.I. 18)
(**f**) S.I. 1977/2156 (N.I. 27) as substituted by S.I. 1982/1084 (N.I. 16) Art. 31(1)

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 I of Schedule 2, with the exception of persons described in Part II of that Schedule, are, subject to paragraph (3), specified by the Department for the purposes of Article 50(1).

(2) Persons described in Part III of Schedule 2 are specified by the Department for the purposes of Article 51(2).

(3) The board which shall be under a duty to make an award to a person entitled to the payment of an award by virtue of Article 7(2) or (3) or Article 12 of the Council Regulation shall be—

(*a*) the board in the area of which the person was last resident during the period of two years preceding the relevant day;

(*b*) if sub-paragraph (*a*) does not apply, the board in the area of which the establishment providing the person's course is situate.

Ordinarily resident

7.—(1) If a board is satisfied that a person was not ordinarily resident in the British Islands or in the territory comprising the European Community and the Kingdom of Spain and the Portugese Republic, throughout 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, guardian or any other person having actual custody of him during his minority, was, at the relevant time, employed temporarily outside the British Islands or the said territory, 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 British Islands or the said territory or the board's area in consequence of such employment and paragraph (2) shall not apply in the case of such a person.

(2) For the purposes of paragraph 1(*b*) of Schedule 2, a person shall not be regarded as ordinarily resident in the British Islands or in the territory comprising the European Community and the Kingdom of Spain and the Portugese Republic 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.

(3) In the case of a refugee, or the spouse or child of a refugee, who has not been ordinarily resident outside the British Islands since the refugee was recognised as a refugee or was accorded asylum, for the purposes of Regulation 6(1) it shall not be necessary for that refugee or his spouse or child to comply with the ordinary residence requirements of paragraph 1(*b*) of Schedule 2.

Transitional provision

8. Without prejudice to section 29(3)(*a*) of the Interpretation Act (Northern Ireland) 1954(**a**) and to the definition of "award", an award made in pursuance of the Regulations revoked by Regulation 2 before the coming into operation of these Regulations, in so far as it could have been made in pursuance of these Regulations, shall for the purposes thereof, be treated as having been so made.

Previous attendance at a course

9. For the purposes of Regulation 19(2) and 19(5) and paragraphs 1(*d*), 1(*e*), 2(*b*), 2(*c*) and 2(*d*) of Schedule 2—

(*a*) a person shall not be regarded as having previously attended a course—

(i) unless he has previously attended either more than one course or one course for a period of more than one term and seven weeks of a second term;

(ii) by reason only of his having attended from its beginning the course to which his application for an award relates;

(*b*) 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 1988.

Specified educational facilities

10. The courses listed in Schedule 3 are specified as educational facilities for the purposes of Article 50(1).

Terms and conditions

11.—(1) Awards to be made by boards under Article 50(1) shall be in respect of both fees and maintenance and 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 51(1) in accordance with Regulation 6(2) shall, in the case of a person specified in paragraph 3(*a*) or (*b*) of Part III of Schedule 2, be in respect of both fees and maintenance and shall be subject to the terms and conditions set out in paragraphs 2 to 4 of Schedule 4.

(3) Awards to be made by the Department under Article 51(1) in accordance with Regulation 6(2) may, in the case of a person specified in paragraph 3(*c*) of Part III of Schedule 2, be in respect of fees or maintenance or both and shall be subject to the terms and conditions set out in paragraphs 2 to 4 of Schedule 4.

(a) 1954 c. 33 (N.I.)

PART III

AMOUNT OF AWARDS

Payments by award-making bodies

12.—(1) Subject to Regulations 11, 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 described in Schedule 6;

(*b*) in respect of maintenance—

(i) except in a case in which Regulation 15 or 17 applies, a grant calculated in accordance with Regulation 13;

(ii) in a case in which Regulation 15 or 17 applies (subject to Regulation 15(3)) an amount determined in accordance with the Regulation in question,

and so much of the grant or amount referred to in this sub-paragraph as the award-making body considers appropriate shall be treated as being in respect of the Christmas and Easter vacations.

(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.

(3) Where the academic year of a student's course began in the spring or the summer of 1988 then, notwithstanding anything in these Regulations, payments in pursuance of an award to that student in respect of the year beginning on 1st January 1988 or, as the case may be, 1st April 1988 shall be the aggregate of—

(*a*) two-thirds or, as the case may be, one-third of the payments in pursuance of that award which would have fallen to be made in respect of that year under the Regulations referred to in Regulation 2 had they not been revoked; and

(*b*) one-third or, as the case may be, two-thirds of the payments which would have fallen to be made in respect of the year beginning on 1st September 1988 under these Regulations had the academic year of that course begun in the autumn of 1988.

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 7 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 I of Schedule 8 and any contribution applicable in his case by virtue of Part II or III 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 7 and 8 shall have effect—

(*a*) in the case of such a student as is mentioned in Schedule 9, subject to the provisions thereof;

(*b*) where Regulation 15 applies, 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) For the purpose of calculating payments in respect of maintenance under Regulation 12(1)(*b*) in respect of a sandwich year, that Regulation and Schedules 7 and 8 shall have effect subject to the provisions of Schedule 10.

(3) 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 6; and

(*b*) his requirements for maintenance ascertained in accordance with—

(i) Part I of Schedule 7;

(ii) paragraphs 6 and 7 of Part II of that Schedule; and

(iii) Parts III and IV of that Schedule.

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

(*a*) 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); and

(*b*) if he is in gainful employment, by way of remuneration (reduced by income tax and social security contributions) paid in respect of any period for which he has leave of absence from that employment or is relieved of his normal duties in the course of that employment for the purpose of attending the course.

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.—(1) 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.

(2) Any payment in respect of either such fees as are described in Regulation 12(1)(*a*) or such charges as are referred to in Regulation 12(2) may be made by the award-making body to the academic authority but subject to this provision all payments in pursuance of the award shall be made to the student.

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 being—

(i) in the case of a specified course or a course of initial training for teachers, a course of up to two academic years' duration; or

(ii) in the case of a course other than a specified course or a course of initial training for teachers, a course of two academic years' duration,

(excluding any periods of unpaid service or research or of practice, undertaken as part of the course of the kinds mentioned in head (*a*) in

the definition of periods of experience in Regulation 3(1) and, in the case of a sandwich course, periods of experience); or

(*b*) has previously successfully completed a part-time course corresponding to a course referred to in (*a*)(i) or (*a*)(ii),

and holds an award made in respect of a course listed in paragraph 1, 4 or 5 of Schedule 3 or a course of initial training for teachers, being a course ordinarily of a duration of more than one year.

(3) An award-making body shall only be required to make payments under Regulation 12(1)(*a*) or 12(1)(*b*) in pursuance of an award in respect of a course listed in paragraph 1, 4 or 5 of Schedule 3 or a course of initial training for teachers to a student who is referred to in paragraph (2), where—

(*a*) that course is ordinarily of a duration of two years or less, in respect of the final year of that course;

(*b*) that course is ordinarily of a duration of more than two years, in respect of the years (other than the first two years) of that course.

(4) In respect of the period of a course listed in paragraph 1, 4 or 5 of Schedule 3 or a course of initial training for teachers in relation to which the award-making body is not, under paragraph (3), required to make payments, the award-making body may make such payments as it considers appropriate, not exceeding those payments which would, apart from paragraph (3), have been payable under Regulation 12(1)(*a*) or 12(1)(*b*).

(5) In this Regulation a reference to—

(*a*) the ordinary duration of a course means the period ordinarily required for the completion thereof by a student who is not excused from attending part thereof by reason of his attendance at a previous course (excluding any periods of unpaid service or research or of practice undertaken as part of the course of the kinds mentioned in head (*a*) in the definition of periods of experience in Regulation 3(1) and, in the case of a sandwich course, periods of experience);

(*b*) the first two years of a course means, in the case of a student who is excused from attending part of that course by reason of his attendance at a previous course, the two years of that course following upon the period in respect of which the student is excused from attending that course.

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.

(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); or

(*c*) a period during which the student is detained in pursuance of an order made by any court,

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 on 19th December 1988.

(L.S.) *A. M. Dodds*
Assistant Secretary

SCHEDULE 1 Regulation 3(1)

Courses of advanced further education

1. A course of advanced further education is—

(*a*) a post-graduate course or a course comparable to such a course;

(*b*) a first degree course or a course comparable to such a course;

(*c*) a course for the Diploma of Higher Education;

(*d*) a course for the Higher National Diploma or Certificate (including certificate of supplementary study), the Higher Diploma or Certificate of the Technician Education Council, the Higher National Diploma or Certificate of the Business Education Council, the Higher National Diploma or Certificate of BTEC or the Diploma in Management Studies;

(*e*) a course in preparation for a professional examination of a standard above that of the examinations for the Ordinary National Certificate or the examinations at advanced level for the General Certificate of Education;

(*f*) any other course in preparation for an examination of a standard above that of the examinations for the Ordinary National Certificate or the examinations at advanced level for the General Certificate of Education, being a course which, disregarding exceptions made in individual cases or classes of case, may be taken only by students who have attained the age of 18 years and (subject to paragraph 2) hold—

(i) an Ordinary National Certificate; or

(ii) a General Certificate of Education recording that the student attained grade 'C' or above in at least 5 subjects in the examinations at ordinary level; or

(iii) a General Certificate of Education recording that the student passed in at least two subjects in the examinations at advanced level or so passed in one subject and attained grade 'C' in at least one other subject in the examinations at ordinary level; or

(iv) a certificate or other qualification which is comparable to or of a higher level of attainment than any of the qualifications mentioned in heads (i), (ii) and (iii).

2. For the purposes of paragraph 1, any reference to a General Certificate of Education recording that a student attained grade 'C' or above in a subject in the examination at ordinary level shall be construed as including a reference—

(*a*) to such a certificate recording that he attained at least grade 'C' at ordinary level in the examinations in that subject at advanced level; and

(*b*) to a Certificate of Secondary Education recording that he attained grade 1 in the examinations in that subject for that certificate.

PERSONS

PART I Regulations 6(1), 7 and 9

Specified persons

1. A person—

(*a*) who attends a specified course during an academic year beginning after 31st August 1988; and

(*b*) who has been—

(i) resident on the relevant day in the area of a board; and ordinarily resident in the British Islands throughout the three years immediately preceding the first year of the specified course, or

(ii) in the case of a person entitled to the payment of an award by virtue of Article 7(2) or (3) or Article 12 of the Council Regulation ordinarily resident throughout the three years immediately preceding the first year of the specified course in the territory comprising the European Community and (as regards any period prior to their accession to the Community) the Kingdom of Spain and the Portugese Republic; 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 provided by a college listed in Schedule 5; and

(*e*) who, if he is a refugee or the spouse or child of a refugee and has previously attended a course such as is mentioned in paragraph 2(*c*)—

(i) has attended a course which was a full-time course provided by an establishment outside the British Islands; and

(ii) satisfies the board that he ceased to attend the course, without completing it, during the four years immediately preceding his entry to the United Kingdom.

PART II Regulations 6(1) and 9

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*) has previously attended a specified course of two academic years' duration such as is mentioned in paragraph 4 of Schedule 3 being an educational facility designated by the Department under Article 50(1);

(*c*) has previously attended one or more than one full-time, or successfully completed one or more than one part-time or correspondence courses of advanced further education and the aggregate duration of—

(i) such full-time course or courses which he has attended; and

(ii) the full-time course or courses equivalent to such part-time or correspondence courses which he has successfully completed,

(excluding any periods of unpaid service or research or of practice undertaken as part of the student's course of the kinds mentioned in head (*a*) in the definition of periods of experience in Regulation 3(1) and, in the case of a

sandwich course, periods of experience, exceeds two academic years, unless the course which he previously attended or successfully completed was such as is mentioned in paragraph 1(*d*) or 1(*e*);

(*d*) 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 III Regulations 6(2) and 11

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;

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

SCHEDULE 3 Regulations 3(1), 10, 19(2), 19(3) and 19(4)

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 course.
5. An international course.

SCHEDULE 4 Regulations 11, 12(1), 12(2), 20(1) and 20(3)(*b*)

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 at the request of the student 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 written consent given on educational grounds of the academic authorities of both institutions concerned, to attend a specified course at another institution, such award shall be transferred by the board at the request of the student 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 four 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 which he would now so require for the completion of the course in respect of which the award is held, ignoring—

(i) in each case, periods of experience which are part of a sandwich course; and

(ii) in the case of the course in respect of which the award is held, any period during which the student would now be required by the academic authority concerned to repeat part of the course, if the board would not make any payment for maintenance in respect of that period under Regulation 19(1).

(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 50(1) and an award to be made by the Department under Article 51(1) shall be subject to the conditions 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 provisional or other payments made in pursuance of the award in respect of a year exceed (for whatever reason) the grant payable in respect of that year, he will, if called upon so to do, repay the excess amount;

(*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*) in the case of a refugee, or the spouse or child of a refugee, the application reaches the award-making body before the end of the term (of his course) first beginning after the date on which the refugee was recognised as a refugee or was accorded asylum;

(*d*) 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 eighteen years, 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

Paragraph 1(*d*) of Schedule 2

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

Institute of Continuing Education of the 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 6 Regulations 12(1)(*a*), 16(1)(*a*) and 18(2)

Fees

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 sub-paragraph (*c*) or to maintenance) subject to a maximum of £578;

Provided the said maximum—

(i) shall be £1,630 in the case of a course at the University of Buckingham;

(ii) shall be £1,227 in the case of a full-time course at the Union Theological College, Belfast, the Edgehill College, Belfast, or the Irish Baptist College, Belfast, for the degree of Bachelor of Divinity or the Diploma in Theology of Queen's University, Belfast;

(iii) shall not apply in the case of a course at the Guildhall School of Music, the Heythrop College, the Royal Academy of Music, the Royal College of Music, the Trinity College or the London 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 sub-paragraph (*c*) 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.

SCHEDULE 7 Regulations 13(1)(*a*), 13(3), 15(2) and 16(1)(*b*)

REQUIREMENTS

PART I

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 requirements specified herein would be appropriate.

(2) In the case of such a student the ordinary maintenance requirement shall be £2,050 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 £2,425;

(*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 United Kingdom, it shall (notwithstanding anything in sub-paragraph (*a*)) be—

£3,170 if that country is a highest-cost country;

£2,795 if that country is a higher-cost country;

£2,425 if that country is a high-cost country; and

£2,050 in any other case.

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 £1,630.

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 £895.

PART II

Supplementary maintenance, etc.

5. The requirements referred to in Regulation 13(1)(*a*) shall include the student's 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 at 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 a course so provided, for a further period (''the excess period'').

(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 provided with board and lodging as mentioned in paragraph 4 as respects that period, £7·00;

(*b*) in the case of a student residing at his parents' home, £30·05;

(*c*) in the case of any other student, £42·90 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 £55·05;

(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 United Kingdom, it shall (notwithstanding anything in sub-paragraph (i)) be—

£79·40 if that country is a highest-cost country;

£67·25 if that country is a higher-cost country;

£55·05 if that country is a high-cost country; and

£42·90 in any other case.

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 aggregate period of a complete week for which he does not attend his course in the period of 52 weeks, 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 £5·65;

(*b*) in the case of a student not so residing, the maximum amount of £7·50 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 £9·20;

(ii) where he is studying (either at an institution or as mentioned in sub-paragraph (1)(*b*)) in a country outside the United Kingdom, it shall be—

£12·65 if that country is a highest-cost country;

£10·90 if that country is a higher-cost country;

£ 9·20 if that country is a high-cost country; and

£ 7·50 in any other case.

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 £5·65 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 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 a student attending a course in medicine, dentistry or nursing, a necessary part of which is a period of study by way of clinical training, 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.

(3) For the purposes of sub-paragraph (5)—

(*a*) a student's total travel expenditure is the aggregate amount of expenditure he is obliged to incur for any purpose specified in sub-paragraph (1);

(*b*) a student's special expenditure is the aggregate amount of expenditure he is obliged to incur for the purposes specified in sub-paragraphs (1)(*b*) and (1)(*c*)(ii), for the purpose of such attendance as is referred to in sub-paragraph (2)(*b*), and, in the case of a disabled student, for any other purpose specified in sub-paragraph (1) if it is expenditure which the award-making body is satisfied the student would not have incurred but for his disability:

Provided that, where a period of study outside the United Kingdom (whether or not at an institution) is not a necessary part of the student's course, so much of his expenditure for the purpose of attending that period of study as—

(*a*) was incurred outside the United Kingdom, or

(*b*) was incurred within the United Kingdom but is in respect of a journey between a port or airport within and a place outside the United Kingdom, or is in respect of a benefit to be enjoyed outside the United Kingdom,

shall not be treated as part of the student's total travel expenditure or special expenditure, save in so far as and to the extent that the award-making body considers appropriate.

(4) For the same purposes as aforesaid, the proportion of a student's maintenance requirements attributable to travel shall be deemed to be—

(i) £114 of any requirement under paragraph 2 or 4;

(ii) £184 of any requirement under paragraph 3;

(iii) £3·80 of any requirement under paragraph 6(2)(*a*) or (*c*);

(iv) £6·15 of any requirement under paragraph 6(2)(*b*);

(v) £0·90 of any requirement under paragraph 8(2)(*a*); and

(vi) £0·50 of any requirement under paragraph 8(2)(*b*):

Provided that where a student's requirements under paragraph 2 or 4, or paragraph 3, relate to only part of the year, the said proportion shall be deemed to be an equivalent part of £114 or £184 as the case may be.

(5) The student's supplementary requirement in respect of such expenditure as is referred to in sub-paragraph (1) shall comprise either—

(*a*) his special expenditure; or

(*b*) the amount by which his total travel expenditure exceeds the proportion of his maintenance requirements attributable to travel,

whichever is the less, and, where the course in respect of which the student's award was granted began before 1st September 1984, the amount (if any) by which his total expenditure excluding his special expenditure exceeds the sum of the proportion of his maintenance requirements attributable to travel and £150.

(6) For the purposes of this paragraph a reference to expenditure incurred for the purpose of attending an institution, establishment or period of study includes expenditure incurred both before and after so attending.

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) In determining the supplementary requirement of such a student under paragraph 10, the award-making body shall treat such amount of the said expenditure as it considers appropriate (having regard to the extent of that requirement apart from this paragraph), not exceeding the amount the student was obliged to incur, as if it were part of the student's total travel expenditure.

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 which began before 1st September 1986 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 such 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 £90.

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 £48·50.

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, other than expenditure for a purpose specified in paragraph 10(1).

(2) The student's supplementary requirement in respect of such expenditure shall be such amount as the award-making body considers appropriate not exceeding £730.

PART III

Maintenance of dependants

16.—(1) The requirements referred to in Regulation 13(1)(*a*) shall include the student's 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—

''adult dependant'' means, in relation to a student, an adult person dependent on the student not being his child, his spouse or a person living with him as his spouse or his former spouse, subject however to sub-paragraphs (2) and (3);

''child'', in relation to a student, includes a person whether under or over compulsory school age, an illegitimate child, a person adopted in pursuance of adoption proceedings and a step-child;

''dependant'' means, in relation to a student, his dependent child, his spouse or an adult dependant, subject however to sub-paragraphs (2) and (3);

''income'' means income for the year from all sources less—

(*a*) income tax, social security contributions and child benefit;

(*b*) any attendance allowance under section 35 or mobility allowance under section 37A of the Social Security (Northern Ireland) Act 1975(**a**), or any mobility supplement provided for in an order made under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(**b**);

(*c*) in the case of the student's spouse, where she or the student makes any payment which was previously made by him in pursuance of an obligation incurred before the first year of his course—

(i) if, in the opinion of the award-making body, the obligation had been reasonably so incurred, an amount equal to the payment in question;

(ii) if, in its opinion, only a lesser obligation could have been reasonably so incurred, such correspondingly lesser amount (if any) as appears to it appropriate; and

(*d*) in the case of the student's spouse, where a child in the care of the Department of Health and Social Services or a Health and Social Services Board is boarded out with her, any payment made to her in pursuance of section 114(1) of the Children and Young Persons Act (Northern Ireland) 1968(**c**); and

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(a) 1975 c. 15 as amended by S.I. 1975/1503 (N.I. 15) Art. 24, S.I. 1979/396 (N.I. 5) Art. 4 and S.I. 1986/1888 (N.I. 18) Art. 72 and Schedule 10

(b) 1977 c. 5. The relevant order currently in force is the Naval, Military and Air Forces, Etc. (Disablement and Death) Service Pensions Order 1983 (S.I. 1983/883 amended by S.I. 1983/1116, 1983/1521, 1986/592 and 1987/165)

(c) 1968 c. 34 (N.I.)

(*e*) in the case of the student's spouse, any guardian's allowance to which she is entitled under section 38 of the Social Security (Northern Ireland) Act 1975(**a**);

"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;

"spouse", except in the definition of adult dependant, shall not include a student's spouse if they have ceased ordinarily to live together whether or not an order for their separation has been made by any court.

(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—

(*a*) holds a relevant award; or

(*b*) (save for the purposes of paragraph 20) is ordinarily living outside the United Kingdom.

(3) A person shall not be treated as a student's adult dependant or as his dependent child—

(*a*) in the case of a person other than a child of the student, if his income exceeds by £525 or more the sum specified in paragraph 18(4)(*a*);

(*b*) in the case of a child of a student who either has a spouse who is, or but for sub-paragraph (2) would be, his dependant or has an adult dependant, if the child's income exceeds by £525 or more the sum specified in paragraph 18(4)(*b*) and applicable to his age;

(*c*) in the case of a child of a student not falling within head (*b*), if either—

(i) the child is the only or eldest child dependent on the student whose income exceeds by £525 or more the sum specified in paragraph 18(4)(*a*); or

(ii) the child's income exceeds by £525 or more the sum specified in paragraph 18(4)(*b*) and applicable to his age.

18.—(1) This paragraph shall apply in the case of all students with dependants.

(2) The dependants requirement of the student shall, subject to paragraphs 19 and 20, 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-paragraph (3) and (4);

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

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

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

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

(*c*) Z is so much of the sum ascertained by multiplying £525 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, £1,380;

(**a**) 1975 c. 15 as amended by paragraph 12 of Schedule 4 and by Schedule 5 to the Child Benefit (N.I.) Order 1975 (S.I. 1975/1504 (N.I. 16)) and by S.I. 1986/1888 (N.I. 18) Art. 46

(*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, £275;

(ii) then aged 11 or over, but under 16, £560;

(iii) then aged 16 or over but under 18, £735;

(iv) then aged 18 or over, £1,090,

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, or but for paragraph 17(2) would be, a dependant.

19.—(1) This paragraph shall apply in the case of a student with dependants who 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*)) shall be increased by £490.

20.—(1) This paragraph shall apply in the case of a student who maintains a dependant outside the United Kingdom.

(2) Notwithstanding anything in the foregoing paragraphs of this Part, the student's dependants requirement shall be 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.

PART IV

Older students

21. This Part shall apply in the case of a student who attained the age of 26 years before the first year of the course in respect of which his award was originally made and—

(*a*) has, where his course started before 1st September 1986, been in full-time employment for a total of three of the six years immediately preceding that year;

(*b*) has, where his course started after 31st August 1986, in the three years immediately preceding that year earned or received by way of such unemployment benefit, supplementary benefit or income support as is chargeable to income tax under respectively section 219 of the Income and Corporation Taxes Act 1970(**a**), section 27 of the Finance Act 1981(**b**) or section 29 of the Finance Act 1987(**c**) sums totalling at least £12,000; or

(*c*) held an award in respect of his attendance at a previous course and—

(i) where the previous course started before 1st September 1986 was in full-time employment as aforesaid immediately preceding the first year of that previous course;

(ii) where the previous course started on or after 1st September 1986 had earned or received such sums as are mentioned at sub-paragraph (*b*) in the three years immediately preceding the first year of that previous course; or

(iii) was a person to whom an older student's allowance was paid under previous awards regulations.

(**a**) 1970 c. 10
(**b**) 1981 c. 35
(**c**) 1987 c. 16

22. The requirements referred to in Regulation 13(1)(*a*) shall, in the case of such a student, include—

(*a*) where at the beginning of the first year of his course he was aged 26 years, the sum of £230;

(*b*) where he was so aged 27 years, the sum of £415;

(*c*) where he was so aged 28 years, the sum of £615;

(*d*) where he was so aged 29 or more years, the sum of £800.

PART V

Construction of Parts I to IV

23. In this Schedule, a 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.

24. In this Schedule, a 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.

25. 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.

RESOURCES

PART I

Student's income

Calculation of student's income

1.—(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 £525 of the aggregate of—

(i) any income other than income of a kind mentioned in the following provisions of this sub-paragraph and other than any sum treated as income under sub-paragraph (3), and

(ii) so much of any income mentioned in head (*b*) as is not disregarded under that head;

(*b*) the first £2,150 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 50 or 51; and

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

(*c*) in the case of a student, other than one who is independent by virtue of head (*a*) or (*b*) of the definition of independent student in Regulation 3(1) or, unless he has no parent living, head (*c*) of that definition notwithstanding in the case of head (*a*) or (*b*) as aforesaid that he may also be independent by virtue of head (*d*) of that definition, for whose benefit any income is applied, or payments are required to be applied, as mentioned in paragraph 5(5)—

(i) the whole of that income or those payments, unless he is such a student as is mentioned in paragraph 3(*b*) or (*c*) or is a student who has no parent living; or

(ii) so much of that income or those payments as, when aggregated with any amount disregarded under sub-paragraph 1(*a*) does not exceed £1,200, if he is such a student as is so mentioned or is a student who has no parent living;

(*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 during any year of the student's course;

(*g*) in the case of a student in whose case a parental contribution is by virtue of Part II applicable (at whatever amount including nil that contribution is ascertained to be) any payment which is made under covenant by a parent by reference to whose income that contribution falls to be ascertained;

(*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 6 and 7);

(*i*) child benefit;

(*j*) any benefit under the Supplementary Benefits (Northern Ireland) Order 1977(**a**), any income support under the Social Security (Northern Ireland) Order 1986(**b**) or any transitional addition, personal expenses addition or special transitional addition payable under Part III of the Income Support (Transitional) Regulations (Northern Ireland) 1987(**c**);

(*k*) any attendance allowance under section 35 or mobility allowance under section 37A of the Social Security (Northern Ireland) Act 1975(**d**), or any mobility supplement provided for in an order made under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(**e**);

(*l*) any rate or rent rebate or rent allowance granted to him in pursuance of a scheme under Article 3(1) or 3(2) of the Housing Benefits (Northern Ireland) Order 1983(**f**) or in pursuance of a statutory or local scheme under Part II of the Social Security and Housing Benefits Act 1982(**g**) or any housing benefit granted to him in pursuance of a scheme under Article 21 of the Social Security (Northern Ireland) Order 1986(**h**) or a scheme under Part II of the Social Security Act 1986(**i**);

(*m*) in the case of a student with whom a child in the care of the Department of Health and Social Services or a Health and Social Services Board is boarded out, any payment made in pursuance of section 114(1) of the Children and Young Persons Act (Northern Ireland) 1968(**j**);

(*n*) any guardian's allowance to which he is entitled under section 38 of the Social Security (Northern Ireland) Act 1975;

(*o*) any payments made to the student under the action programme of the European Community in Education and Training for Technology known as COMETT(**k**);

(*p*) any payments made to the student under the action scheme of the European Community for the Mobility of University Students known as ERASMUS(**l**);

(*q*) the first £2,000 of any pension other than one of the kind mentioned at sub-paragraph (*d*), however described, and including any such pension paid to the student as a widow, child or dependant.

(2) In the case of a student who is referred to in paragraph 3(*a*) who makes any payment in pursuance of an obligation incurred before the first year of his course, in calculating his income for the purposes of Regulation 13(1)(*b*) there shall be deducted therefrom—

(**a**) S.I. 1977/2156 (N.I. 27)
(**b**) S.I. 1986/1888 (N.I. 18)
(**c**) S.R. 1987 No. 460
(**d**) 1975 c. 15; section 37A was inserted by Article 24 of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) and amended by Article 72 of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))
(**e**) 1977 c. 5. The relevant order currently in force is the Naval, Military and Air Forces, Etc. (Disablement and Death) Service Pensions Order 1983 (S.I. 1983/883 amended by S.I. 1983/1116, 1983/1521, 1986/592 and 1987/165)
(**f**) S.I. 1983/1121 (N.I. 14); the schemes under Article 3(1) and (2) were constituted by the provisions of the Housing Benefits Regulations (N.I.) 1985 (S.R. 1985 No. 282, to which there were amendments, the only ones relevant being contained in S.R. 1986 No. 235)
(**g**) 1982 c. 24; the statutory schemes under Part II were constituted by the provisions of the Housing Benefits Regulations 1985 (S.I. 1985/677, to which there were amendments, the only ones relevant being contained in S.I. 1986/1009)
(**h**) S.I. 1986/1888 (N.I. 18); the scheme under Article 21 is currently constituted by the provisions of the Housing Benefit (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 461 as amended by S.R., 1988 No. 117, 1988 No. 186 and 1988 No. 314)
(**i**) 1986 c. 50; the scheme under Part II is currently constituted by the provisions of the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) as amended by S.I. 1988/661
(**j**) 1968 c. 34 (N.I.)
(**k**) OJ No. L222, 8.8.86, p. 17
(**l**) OJ No. L166, 25.6.87, p. 20

(*a*) if, in the opiniom of the award-making body, the obligation had been reasonably so incurred, an amount equal to the payment in question;

(*b*) if, in its opinion, only a lesser obligation could have been reasonably so incurred, such correspondingly lesser amount (if any) as appears to it appropriate;

except that no deduction shall be made from the student's income under this sub-paragraph if he is married, his spouse is a dependant for the purposes of Part III of Schedule 7 and, in pursuance of paragraph 17(1) thereof, the payment is taken into account in determining her income.

(3) In a case where the student is the parent or step-parent of an award holder in respect of whom a contribution is ascertained under Part II so much of the amount (if any) by which the contribution is reduced under paragraph 4(2) thereof as the award-making body considers just shall be treated as part of the student's income for the purposes of Regulation 13(1)(*b*).

PART II

Parental contribution

Definitions and construction of Part II

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 and a step-child but, except in paragraph 4, does not include a child who holds a statutory award and, except as otherwise provided by paragraph 5, "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 as otherwise provided by paragraph 5 or 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;

"the Tax Acts" has the same meaning as in Schedule 1 to the Interpretation Act 1978(**a**);

"total income" has the same meaning as in section 32 of the Finance Act 1971(**b**); and references to any provision of any of the Tax Acts passed before the Income and Corporation Taxes Act 1988(**c**) shall, in respect of a financial year ending after 5th April 1988, be construed as a reference to the corresponding provision of that Act, in so far as that Act is applicable.

(2) Where, in a case not falling within paragraph 5(3) or 5(4), 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 85% 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.

(**a**) 1978 c. 30
(**b**) 1971 c. 68
(**c**) 1988 c. 1

(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 if the award-making body and the parent so agree any reference in this Part to 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.

(4) Where a parent is in receipt of any income which does not form part of his total income by reason only that—

(*a*) he is not resident, ordinarily resident or domiciled in the United Kingdom,

(*b*) the income does not arise in the United Kingdom, or

(*c*) the income arises from an office, service or employment, income from which is exempt from tax in pursuance of any enactment,

his income for the purposes of this Part shall be computed as though the income first mentioned in this sub-paragraph were part of his total income.

Application of Part II

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 in respect of whom the award-making body is satisfied either—

(i) that his parents cannot be found; or

(ii) that it is not reasonably practicable to get in touch with them;

(*c*) a student who has been in the care of the Department of Health and Social Services or a Health and Social Services Board or in a voluntary home as defined in section 126 of the Children and Young Persons Act (Northern Ireland) 1968(a) throughout the three years immediately preceding—

(i) the first year of his course; or

(ii) without prejudice to head (i), his attaining the age of 18 years where he had attained that age before the first year of his course,

and has not, at any time, during the said period of three years been allowed by that Department or that Board to be under the charge and control of his parents or, in the case of a student who has been in a voluntary home, has not, at any time during such period, been under such charge and control;

(*d*) a student whose parents are residing overseas where the award-making body is satisfied either—

(i) that the assessment of a parental contribution would place those parents in jeopardy; or

(ii) that it would not be reasonably practicable for those parents to send any such contribution to the United Kingdom;

(*e*) where sub-paragraph (7) of paragraph 5 applies and in the year preceding the first year of his course the student has had his home with the parent whom the award-making body considered the more appropriate for the purposes of that sub-paragraph and that parent has died.

Parental contribution

4.—(1) In the case of a student who attained the age of 18 before the 15th March 1988 and who—

(a) Section 126 was amended by Part II of Schedule 5 to the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4))

(*a*) began his course before the 1st April 1988; or

(*b*) began his course on or after that date having ceased to attend a specified course or a course for the initial training of teachers within a period of less than two years

the parental contribution shall, subject to sub-paragraphs (3), (4) and (5) be—

(*a*) in any case in which the residual income is £9,900 or more but less than £12,600, £50 with the addition of £1 for every complete £7 by which it exceeds £9,900;

(*b*) in any case in which the residual income is £12,600 or more but less than £18,400, £435 with the addition of £1 for every complete £5 by which it exceeds £12,600; and

(*c*) in any case in which the residual income is £18,400 or more, £1,595 with the addition of £1 for every complete £4 by which it exceeds £18,400,

reduced in each case, in respect of each child of the parent (other than the student) who is dependent on him on the first day of the year for which the contribution falls to be ascertained, by £100 or, if the child holds a statutory award, by £260, and in any case in which the residual income is less than £9,900 the parental contribution shall be nil.

(2) In any other case, the parental contribution shall, subject to sub-paragraphs (3), (4) and (5) be 75 per cent. of the amount that would be applicable if sub-paragraph (1) applied in his case, rounded to the nearest pound or rounded up to the nearest pound where the calculation produces a remainder of 50p exactly.

(3) The amount or (where a contribution is ascertained in respect of more than one child of the parent) the aggregate amount of the parental contribution shall in no case exceed £4,900.

(4) 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:

Provided that where a contribution is ascertained in respect of more than one child of the parent—

(*a*) where the contributions are either all ascertained under sub-paragraph (1) or all ascertained under sub-paragraph (2), the aggregate amount of the contributions in respect of each shall not exceed the amount of the contribution that would be ascertained if only one child held an award; or

(*b*) where the contributions are ascertained under both sub-paragraph (1) and sub-paragraph (2), the aggregate amount of the contributions shall not exceed the average of both or all (as the case may be) the contributions thus ascertained.

(5) Where in any year a student attends only part of his course the parental contribution for that year shall be reduced pro rata.

Gross income

5.—(1) For the purpose of this paragraph, "preceding financial year" means the financial year immediately preceding the year in respect of which the resources of the student fall to be assessed ("assessment year") and "current financial year" means the financial year which includes the first day of that assessment year:

Provided that where references to a financial year fall to be construed in accordance with paragraph 2(3) as references to a year ending with a date less than five months before the assessment year, "preceding financial year" shall mean the year ending with a date five or more months before the beginning of that assessment year and "current financial year" shall mean the year ending with a date within those five months.

(2) Subject to the provisions of this paragraph, "gross income" means the income of the student's parent in the preceding financial year or for the purpose of calculating residual income under paragraph 2(2), in a financial year there mentioned.

(3) Where the award-making body is satisfied that the income of the parent in the current financial year is likely to be not more than 85% of his income for the preceding financial year, it may for the purpose of calculating the parental contribution ascertain the gross income by reference to the current financial year; and, in such case, sub-paragraph (2) shall have effect, in relation to the assessment year and, if the award-making body so determines, any subsquent year, as if the references therein to the preceding financial year were a reference to the current financial year.

(4) Where—

(*a*) one of the student's parents dies either before or during the assessment year; and

(*b*) that parent's income has been or would be taken into account for the purpose of determining the parental contribution,

the parental contribution shall—

(*a*) where the parent dies before the assessment year, be determined by reference to the income of the surviving parent; or

(*b*) where the parent dies during the assessment year, be the aggregate of—

(i) the appropriate proportion of the contribution determined by reference to the income of both parents that is to say such proportion thereof as the part of the assessment year during which both parents were alive bears to the full year; and

(ii) the appropriate proportion of the contribution determined by reference to the income of the surviving parent, that is to say such proportion thereof as the part of the assessment year remaining after the parent dies bears to the full year.

(5) Without prejudice to sub-paragraph (6), 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(**a**) or any other enactment, any income is applied by any person for or towards the maintenance, education or other benefit of the student or of any person dependent on the student's parent, or payments made to his parent are required to be so applied, that income, or those payments, shall be treated as part of the gross income of the parent.

(6) Where any award such as is mentioned in paragraph 1(1)(*b*)(i) is made by reason of the parent's 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(**b**), that award shall not be treated as part of the gross income of the parent.

(7) Where the parents do not ordinarily live together throughout the assessment year, 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.

(**a**) 1958 c. 23 (N.I.)
(**b**) 1976 c. 40

(8) Where the parents do not ordinarily live together for part only of the assessment year, the parental contribution shall be the aggregate of—

(*a*) the proportion, which the part of the assessment year for which the parents do not so live together bears to the full year, of the contribution determined in accordance with sub-paragraph (7); and

(*b*) the proportion, which the part of the assessment year for which the parents so live together bears to the full year, of the contribution determined without regard to sub-paragraph (7).

(9) Where the student has a parent and a step-parent, the parental contribution shall be ascertained by reference to the income of the parent.

Deductions

6.—(1) For the purposes of determining the income of a student's parent (and, accordingly, the parent's gross income), in so far as in computing his total income for income tax purposes any deductions fall to be made—

(*a*) by way of personal reliefs provided for in Chapter II of Part I of the Income and Corporation Taxes Act 1970(**a**) or section 26 of the Finance Act 1987(**b**);

(*b*) in respect of any payment made by the parent under covenant;

(*c*) in pursuance of any Act passed after the passing of the Finance Act 1987 on 15th May 1987; or

(*d*) without prejudice as aforesaid, of a kind mentioned in sub-paragraph (2),

the parent's income shall be determined as though those deductions did not fall to be made.

(2) For the purpose of determining a parent's residual income there shall be deducted from his 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 £1,285 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 in respect of a loan to the parent;

(*c*) half of the gross amount of any premium payable under a policy of life insurance in respect of which relief is given under sections 19 or 227 of the Income and Corporation Taxes Act 1970 (life policy and certain other premiums) in the relevant year;

(*d*) the gross amount of any other premium or sum in respect of which relief is given under sections 19, 20 (dependants pension schemes) or 227 of that Act or section 31 of the Finance (No. 2) Act 1987(**c**) in the relevant year;

(*e*) 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 £1,015;

(*f*) 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 £1,015;

(*g*) 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

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(**a**) 1970 c. 10
(**b**) 1987 c. 16
(**c**) 1987 c. 51

United Kingdom, such sum (if any) as the award-making body considers reasonable in all the circumstances;

(*h*) 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 I of Schedule 7) and £525 exceeds the sum payable in respect of maintenance in pursuance of that award.

(3) In any case where income is computed as though it were total income by virtue of paragraph 2(4), there shall be deducted from the parent's gross income sums equivalent to the deductions mentioned in (*b*), (*c*) or (*d*) of sub-paragraph (2), provided that any sums so deducted shall not exceed the deductions that would be made if the whole of the parent's income were in fact total income.

PART III

Spouse's contribution

Application of Part III

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 except—

(*a*) a student in whose case a parental contribution is applicable in accordance with Part II; and

(*b*) a student whose child holds an award in respect of which a parental contribution is applicable.

Spouse's contribution

8.—(1) Subject to sub-paragraphs (3) and (4), Part II shall, with the exception of paragraphs 3, 4(1), 4(2), 4(3), 4(4)(*a*), 4(4)(*c*), 5(4), 5(7), 5(8), 5(9) and 6(2)(*f*), 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 this Part shall be construed as one with the said Part II.

(2) The spouse's contribution shall be—

(*a*) in any case in which the residual income is £7,800 or more but less than £12,600, £10 with the addition of £1 for every complete £7 by which it exceeds £7,800; and

(*b*) in any case in which the residual income is £12,600 or more but less than £18,400, £695 with the addition of £1 for every complete £5 by which it exceeds £12,600; and

(*c*) in any case in which the residual income is £18,400 or more, £1,855, with the addition of £1 for every complete £4 by which it exceeds £18,400,

reduced, in any such case, by £100 in respect of each child of the student who is dependent on him or his spouse on the first day of the year for which the contribution falls to be ascertained; and in any case in which the residual income is less than £7,800 the spouse's contribution shall be nil:

Provided that the amount of the spouse's contribution shall in no case exceed £4,900.

(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 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 9 Regulation 13(3)(*a*)

Single students with dependants

1. This Schedule shall apply in the case of a student who does not ordinarily live with a spouse or with another person as a spouse.

2.—(1) This paragraph shall apply where the student has dependants within the meaning of Part III of Schedule 7.

(2) In the case of such a student—

(*a*) the sum to be disregarded under paragraph 1(1)(*a*) of Schedule 8 shall be £1,210 instead of £525; or

(*b*) the requirements under paragraph 18 of Schedule 7 shall be treated as increased by the sum of £685; or

(*c*) in the case of a student to whom Part IV of Schedule 7 applies, his requirements shall be treated as including the sum specified in paragraph 22 thereof,

whichever is the most favourable to him (disregarding head (*b*) where, in pursuance of paragraph 3, he elects as mentioned therein).

3.—(1) This paragraph shall apply in the case of a student with one or more child dependants under the age of 19 years and for the purpose of this paragraph "child" shall have the same meaning as in Part III of Schedule 7.

(2) Such a student may elect that the sum specified as his requirements in Part III of Schedule 7 shall be disregarded and that instead there shall in calculating his income be disregarded £1,430 in respect of his only or eldest child such as is mentioned in sub-paragraph (1) and £445 in respect of every other such child.

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 to whom Schedule 9 applies, references to Schedules 7 and 8 are to be construed as references to those Schedules as modified in accordance with Schedule 9.

(3) In the application of this Schedule to a student who is attending a course provided at the University of Oxford or the University of Cambridge, this Schedule shall have effect as if—

(*a*) in the definition of ''prescribed proportion'' in regulation 3(1) for the number ''30'' there were substituted the number ''25''; and

(*b*) in paragraphs 2(*a*) and 3(*b*) for ''30 weeks 3 days'' there were substituted ''25 weeks 3 days''.

2. The provisions of Schedule 7 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 I;

(*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 I and the appropriate amount specified in paragraph 6 of Part II;

(*c*) the student's requirement for the maintenance of a dependant shall be the modified proportion of the sum specified in Part III except that where such a requirement falls to be increased under paragraph 19 it shall be increased by the prescribed proportion of the sum there specified; and

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

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

(*a*) the sum to be disregarded under paragraph 1(1)(*a*) of Part I shall be the prescribed proportion of £525 and the reference in paragraph 1(1)(*c*) to £1,200 shall be construed as a reference to the aggregate of £675 and the prescribed proportion of £525;

(*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 II; 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 III.

SCHEDULE 11 Regulation 3(3)(*a*)

Training programmes

1. The Training Opportunities Programme, the Youth Opportunities Programme, or the Youth Training Scheme of the Manpower Services Commission or the Training Commission as the case may be.

2. The Youth Opportunities Programme of the Department of Economic Development.

3. The Youth Opportunities Programme of the Department of Education.

4. The Youth Training Programme of the Departments of Economic Development and Education.

5. Other training opportunities provided by the Department of Economic Development.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which have effect retrospectively on and from 1st September 1988 replace, with amendments, the Students Awards Regulations (Northern Ireland) 1987 as amended. Retrospection is authorised by Articles 50(2) and 51(2) of the Education and Libraries (Northern Ireland) Order 1986, S.I. 1986/594 (N.I. 3) (''the Order of 1986'').

The Regulations govern the making of awards (''mandatory awards'') which it is the duty of education and library boards to make to specified persons, and the making of awards by the Department of Education to specified persons for teacher training courses. They do not relate to awards (''discretionary awards'') which, in pursuance of Article 50(3) of the Order of 1986, boards may make under arrangements approved by the Department of Education.

While their text and format do not repeat exactly the provision made in England and Wales, the Regulations maintain parity of awards for Northern Ireland students with their English and Welsh counterparts. They parallel in substance most of the provisions of the Education (Mandatory Awards) Regulations 1988, S.I. 1988/1360, made by the Secretary of State for Education and Science relating to awards for students from England and Wales.

The principal changes, as compared with the Regulations of 1987, are described below.

The Regulations do not apply to awards made by the Department of Education to persons undertaking long-term residential courses of full-time education for adults.

Provision has been made for awards made by the Department of Education to persons undertaking a course at an institution in Great Britain for the training of teachers to be in respect of fees or maintenance or both fees and maintenance (Regulations 11 and 12).

Unpaid service with a health and social services board or in Great Britain with a health authority or board is now excluded from ''periods of experience'' as defined for the purpose of the definition of a sandwich course (Regulation 3(1)).

Provision has been made for European Community migrant workers and their children who are entitled to an award by virtue of Article 7(2) or (3) or Article 12 of Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community (OJ No. L257, 19.10.68, p. 2 (OJ/SE 1968 (II) p. 475) (Regulations 6, 7 and Schedule 2). Before the coming into operation of these Regulations such persons were catered for under the provisions of Article 50(3) or 51(1) of the Order of 1986.

Certain placements no longer count towards the length of the course where ascertaining whether the length of the previous course would disentitle a student to an award (Schedule 2, paragraph 2(*c*)(ii)).

The Regulations increase by around 4% the amounts payable in respect of both fees and maintenance requirements (Schedules 6 and 7).

The application of a higher maximum amount of fees in respect of which an award can be paid in relation to the Royal Academy Schools has been omitted since those Schools have ceased to provide any specified or designated courses (Schedule 6).

The means test applicable to the maintenance element of awards has been relaxed. The parental contribution is based upon the parents' residual income, the income of both parents being taken into account in its calculation. (Residual income is defined as the parents' gross (taxable) income in the preceding financial year less certain deductions including those for other dependants, interest payments (including mortgage interest), superannuation, life insurance and pension scheme contributions). After residual income has been calculated, and parental contribution assessed, a further deduction is made in respect of any other dependent children of the family: £260 if the child is an award holder, or £100 otherwise.

A nil parental contribution is assessed where parents' residual income is less than £9,900. At £9,900 a contribution of £50 is assessed; contributions are then assessed at the rate of £1 for each £7 of additional income to a residual income of £12,600, then £1 for every £5 to a residual income of £18,400, and £1 for every £4 thereafter subject to a maximum net contribution of £4,900 (Schedule 8, paragraph 4(1)).

In the case of certain students who started their course on or after the 1st April 1988 or who had not attained the age of 18 before 15th March 1988 the parental contribution is 75% of what it would otherwise be. This is to take account of the ending of tax advantages in relation to payments made under covenant by the parent (Schedule 8, paragraph 4).

Remuneration for work done during any year of the student's course is now disregarded in calculating the student's income instead of as previously remuneration for work done at any time. Payments under covenant from a parent of a student in whose case a parental contribution is applicable (even if the contribution is assessed at nil) are now to be disregarded in calculating the student's income. Previously, such payments were disregarded only where the parental contribution was treated as forming part of the student's resources. There is a new disregard of pension income limited to £2,000 (other than a disability pension not subject to income tax) (Schedule 8, paragraphs 1(1)(*f*), (*g*) and (*q*) respectively).