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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 277**

**Education (Student Support)  
Regulations (Northern Ireland) 2001**

**Part IV**

**Grants for Living Costs**

**Eligibility for grants for living costs**

**12.**—(1) An eligible student shall not be eligible for grant for living costs under this Part if he is a person mentioned in paragraph 7 of Schedule 1 and not in any other paragraph of that Schedule.

(2) An eligible student shall not be eligible for grant for living costs under this Part in respect of any academic year—

- (a) during which he is eligible to receive any payment under a bursary or award of similar description made to him under Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972 section 63 of the Health Services and Public Health Act 1968 or the amount of which is calculated by reference to his income; or
- (b) of a course leading to a qualification in a healthcare profession, other than as a medical doctor or dentist, during which he is eligible to receive an allowance paid to him under sections 73(f) and 74(1) of the Education (Scotland) Act 1980 the amount of which is calculated by reference to his income; or
- (c) of a course for the initial training of teachers referred to in paragraph 4 of Schedule 2 during which the periods of full-time attendance, including attendance for the purpose of teaching practice, are in aggregate less than 6 weeks.

(3) With the exception of grant under regulation 14 an eligible student shall not be eligible for grant for living costs under this Part in respect of any academic year of a sandwich course during which the periods of full-time study are in aggregate less than 10 weeks and the periods of experience are not—

- (a) unpaid service in a hospital or in a public health service laboratory in the United Kingdom or the Republic of Ireland or with a primary care trust in the United Kingdom;
- (b) unpaid service with a local authority in the United Kingdom or the Republic of Ireland acting in the exercise of their functions relating to health, welfare or the care of children and young persons or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom or the Republic of Ireland;
- (c) unpaid service in the prison or probation and aftercare service in the United Kingdom or the Republic of Ireland;
- (d) unpaid research in an institution in the United Kingdom or in the Republic of Ireland or, in the case of a student attending an overseas institution as a necessary part of his course, in an overseas institution; or
- (e) unpaid service with—

- (i) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(1);
  - (ii) a Health Authority established pursuant to section 8 of the National Health Service Act 1977(2) or a Special Health Authority established pursuant to section 11 of that Act(3);
  - (iii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(4); or
  - (iv) a Health and Social Services Trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(5).
- (4) An eligible student shall be eligible for a grant for living costs in respect of—
- (a) an academic year during which—
    - (i) his course becomes a designated course,
    - (ii) he or his spouse or parent is recognised as a refugee or is granted leave to enter or remain as mentioned in paragraph 3 of Schedule 1, or
  - (b) any academic year which begins after the events referred to in paragraph (a),
- but shall not be eligible for a grant for living costs in respect of any other academic year.

#### **Grants for disabled students' living costs**

13.—(1) An eligible student shall be eligible for grant for living costs equal to additional expenditure which the Department is satisfied he is obliged to incur in respect of his attendance at a course by reason of a disability to which he is subject; but the amount of grant shall not exceed the amounts referred to in paragraph (2).

(2) The amounts referred to in this paragraph are such amounts as the Department considers appropriate:

- (a) not exceeding £10,755 in respect of each academic year for expenditure on a non-medical personal helper;
- (b) not exceeding £4,255 in respect of all the academic years during which the eligible student is eligible for support for expenditure on major items of specialist equipment, but where such payments have been made under the 1986 Order in respect of a transitional award holder the amounts of such payments shall be deducted from this maximum;
- (c) for expenditure incurred—
  - (i) within the United Kingdom or the Republic of Ireland for the purposes of attending the institution;
  - (ii) within or outside the United Kingdom or the Republic of Ireland for the purpose of attending, as a necessary part of his course, any period of study at an overseas institution or for the purpose of attending the British Institute in Paris;
- (d) not exceeding £1,420 in respect of each academic year for any other expenditure including expenditure incurred for the purposes referred to in sub-paragraphs (a) or (b) which exceeds the specified maxima.

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(1) S.I.1972/1265 (N.I. 14)

(2) 1977 c. 49; Section 8 was substituted by the Health Authorities Act 1995 (c. 17), section 1(1)

(3) Section 11 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 31, the National Health Service and Community Care Act 1990 (c. 19), Schedule 10 and the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 2

(4) 1978 c. 29; Section 2 was amended by the Health and Social Security Adjudications Act 1983 (c. 41), Schedule 7, paragraph 1, and by the National Health Service and Community Care Act 1990 (c. 19), section 28 and Schedule 9, paragraph 19(1)

(5) S.I. 1991/194 (N.I.1); Article 10 was amended by the Health and Personal Social Services (Northern Ireland) Order 1994 (S.I. 1994/429 (N.I. 2)) Article 3(8)

### Grants for students who have left care

14.—(1) An eligible student—

- (a) who is under the age of 21 on the first day of the course;
- (b) in respect of whom a parental contribution is not applicable in accordance with Part II of Schedule 3 because he has pursuant to an order of a competent court been in the custody or care of or has been provided with accommodation as described in paragraph 3(1)(g) of that Schedule; and
- (c) in the opinion of the Department is subject to greater financial hardship by reason of having been in custody, care or having been provided with accommodation as mentioned in subparagraph (b) than he would have been if he had not been in custody, care or having been provided with accommodation,

shall be eligible for such amount of grant not exceeding the amount referred to in paragraph (2) as the Department in all the circumstances considers appropriate.

(2) The maximum amount of grant for which an eligible student shall be eligible under this regulation is £100 for each week or part of a week in an academic year which—

- (a) falls within the longest vacation taken; and
- (b) during no part of which week the student attends his course.

### Grants for dependants

15.—(1) Subject to the following paragraphs an eligible student who satisfies the requirements set out in regulation 19(1) shall in respect of each academic year be eligible for grant for living costs for his dependants as follows:

- (a) a grant of £2,175 for only one of the following:
  - (i) a spouse, or
  - (ii) an adult dependant whose net income does not exceed £3,125, or
  - (iii) an only or eldest dependent child whose net income does not exceed £3,125;
- (b) for each of his dependent children in respect of whom a grant is not payable under subparagraph (a) and whose net income does not exceed the amount of grant applicable to his age by more than £950—
  - (i) under the age of 11 immediately before the beginning of the academic year, a grant of £455;
  - (ii) then aged 11 or over, but under 16, a grant of £910;
  - (iii) then aged 16 or over, but under 18, a grant of £1,210;
  - (iv) then aged 18 or over, a grant of £1,740;
- (c) where an eligible student has not elected to be ineligible for grant under regulation 16 in accordance with paragraph (6), a grant of £250 in respect of either:
  - (i) an only or eldest dependent child whose net income does not exceed £3,375, where the grant is determined under paragraph (a), or
  - (ii) a dependent child whose net income does not exceed the amount of grant applicable to his age by more than £1,200, where the grant is determined under paragraph (b).

(2) The aggregate amount of grant under paragraph (1) shall be reduced by the difference between—

- (a) the aggregate of the net income of each of the eligible student's dependants whose net income does not exceed a maximum amount applicable under paragraph (1), if any, and

(b) £950 multiplied by the number of such dependants.

(3) If an eligible student's spouse is also an eligible student or holds a statutory award and if in calculating the amount of support for which the spouse is eligible or payment to which he is entitled under the award, account is taken of his dependants, the aggregate amount of grant calculated under paragraphs (1) and (2) shall be reduced by one half.

(4) Where an eligible student maintains a dependant who is ordinarily resident outside the United Kingdom the grant under this regulation shall be such amount, if any, not exceeding the aggregate amount of grant calculated under paragraphs (1) to (3) as the Department considers reasonable in all the circumstances.

(5) Where an eligible student with dependants maintains a home for himself and a dependant at a place other than that at which he resides while attending the course he shall be eligible for a grant of £510, unless he has elected to be ineligible for grant under regulation 16 in accordance with paragraph (6), in which case he shall be eligible for a grant of £760.

(6) Where an eligible student is a lone parent whose course began before 1st September 2001 or whose end-on course began on or before 1st September 2001, and he has elected to be ineligible for grant under regulation 16, he shall in addition to any grant referred to in the preceding paragraphs be eligible for a grant of £1,075.

(7) For the purposes of paragraph (6) an eligible student may make one election to be ineligible for grant under regulation 16 at any time before or during the academic year and he may revoke such election at any time during the academic year and for the purposes of this regulation and regulation 16, where an eligible student has revoked such election, he shall be treated as a person who has not elected to be ineligible for grant under regulation 16.

(8) Where the eligible student is eligible for grant under paragraph (1) or under regulation 16 in respect of a dependent child and he has not elected to be ineligible for grant under regulation 16 in accordance with paragraph (6), he shall be eligible for a grant of £500 in respect of expenditure on travel, books and equipment for the purpose of attending his course.

(9) Where the number of an eligible student's dependants changes during an academic year the Department shall determine who the student's dependants are for each of the three quarters of the academic year in respect of which support is payable under regulation 26(2) by reference to the student's circumstances during the relevant quarter.

(10) Where the Department has determined who the student's dependants are for a quarter under paragraph (9) the grant for dependants for the quarter shall be one third of the amount of grant for those dependants for an academic year and the amount of grant for the academic year shall be the aggregate of the three amounts so determined.

(11) Where an eligible student is eligible for a grant for living costs in respect of an academic year under regulation 12(4)(a) he shall only be eligible for a grant under this regulation in respect of such of the three quarters of the year in respect of which support is payable under regulation 26(2) as begin after the events referred to in regulation 12(4)(a), and, subject to paragraphs (9) and (10), the grant for each such quarter shall be one third of the amount for an academic year and the amount for the academic year shall be the aggregate of the amounts payable in respect of each such quarter.

(12) In this regulation and in regulation 16—

“adult dependant” means, in relation to an eligible student, an adult person dependent on the student not being his child, his spouse (whether ordinarily living with him or not) or a person living with him as his spouse or his former spouse;

“child” in relation to an eligible student includes a step-child and any child for whom the student has parental responsibility and who is dependent on him and, in the case of a student in respect of whom the first academic year of the course (not being an end-on course) begins on or after 1st September 2000 and who falls within paragraph 3(1)(a) of Part II of Schedule 3, any child of his partner who is dependent on him;

“dependant” means, in relation to an eligible student, his spouse, his dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;

“dependent” means wholly or mainly financially dependent;

“partner” means a woman ordinarily living with a man student as his wife or a man ordinarily living with a woman student as her husband;

“spouse” includes, in the case of an eligible student whose course begins on or after 1st September 2000 and who falls within paragraph 3(1)(a) of Part II of Schedule 3, a person of the opposite sex ordinarily living with him as his spouse. It does not include a spouse of an eligible student where they have ceased ordinarily to live together, in the case of a married student whether or not an order for their separation has been made by any court, or where the spouse is ordinarily living outside the United Kingdom and is not maintained by him.

(13) For the purposes of this regulation a dependant’s net income shall be his income from all sources for the academic year in question reduced by the amount of income tax and social security contributions payable in respect of it, but disregarding—

- (a) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the dependant is subject;
- (b) child benefit;
- (c) any allowance payable to his spouse by an adoption agency in accordance with regulations made under section 59A of the Adoption (Northern Ireland) Order 1987<sup>(6)</sup>;
- (d) any guardian’s allowance to which his spouse is entitled under section 77 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- (e) in the case of a spouse with whom a child in the care of a Health and Social Services Board or a Health and Social Services Trust is boarded out, any payment made to him in pursuance of Article 27(2)(a) of the Children (Northern Ireland) Order 1995<sup>(7)</sup>;
- (f) any payments made to his spouse in pursuance of an order made under Article 15 of and Schedule 1 to the Children (Northern Ireland) Order 1995 in respect of a person who is not his child or any assistance given by a Health and Social Services Board or Health and Social Services Trust pursuant to Articles 35 and 36 of that Order.

(14) Where an eligible student, or his spouse, make any recurrent payments which were previously made by the student in pursuance of an obligation incurred before the first academic year of the student’s course the spouse’s net income shall be reduced by—

- (a) an amount equal to the payments in question for the academic year, if in the opinion of the Department the obligation had been reasonably incurred; or
- (b) such lesser amount if any as the Department considers appropriate, if in its opinion a lesser obligation could reasonably have been incurred.

### **Grants for dependants — childcare costs**

**16.—**(1) Subject to the following paragraphs an eligible student who satisfies the requirements set out in regulation 19(1) and who has not elected to be ineligible for grant under this regulation in accordance with regulation 15(6) shall in respect of each academic year be eligible for a grant in respect of childcare costs for each dependent child where the childcare is provided by an approved or registered childcare provider, if—

- (a) the child is under the age of 15 immediately before the beginning of the academic year; or

<sup>(6)</sup> S.I. 1987/2203 (N.I. 22); Article 59A was inserted by paragraph 164 of Schedule 9 to the Children (Northern Ireland) Order 1995 (S.I. 1995/755) (N.I. 22)); the relevant amending Regulations are 1996/438

<sup>(7)</sup> S.I. 1995/755 (N.I. 2)

- (b) the child has registered special educational needs within the meaning of the Education (Northern Ireland) Order 1996<sup>(8)</sup> and is under the age of 17 immediately before the beginning of the academic year.
- (2) The amount of grant for each week for which a student shall be eligible under paragraph (1) is:
- (a) for the period of 40 weeks beginning on the first day of the first term of the academic year:
- (i) for one dependent child, 85 per cent. of the costs of the childcare, subject to a maximum amount of £114.75 per week; or
- (ii) for two or more dependent children, 85 per cent. of the costs of the childcare, subject to a maximum amount of £170 per week; and
- (b) for any other period of the academic year, except the period between the end of the course and the end of the academic year in which the course ends:
- (i) for one dependent child, 70 per cent. of the costs of the childcare, subject to a maximum amount of £94.50 per week; or
- (ii) for two or more dependent children, 70 per cent. of the costs of the childcare, subject to a maximum amount of £140 per week.
- (3) Where the amount to be deducted from grant in accordance with regulation 15(2) exceeds the amount of grant calculated under regulation 15(1), the amount of grant payable under paragraph (2) shall be reduced by the amount of that excess.
- (4) Where no grant is payable under regulation 15 in respect of a dependent child because his net income exceeds the maximum amount applicable to him under paragraph (1) of that regulation, the amount of grant payable under paragraph (2) shall be reduced by the amount of his net income less £950.
- (5) If an eligible student's spouse is also an eligible student or holds a statutory award and if in calculating the amount of support for which the spouse is eligible or payment to which he is entitled under the award account is taken of his dependants, the amount of grant calculated under paragraph (2) shall be reduced by one half.
- (6) Where an eligible student has in an academic year attended his course for a period of 30 weeks 3 days and he attends for a further period and the period of 40 weeks referred to in paragraph (2) (a) has expired, the relevant amounts referred to in paragraph (2)(a) shall apply for each week or part week of such attendance.
- (7) In this regulation—
- “approved childcare provider” means a childcare provider within the meaning of the Tax Credit (New Category of Childcare Provider) Regulations 1999<sup>(9)</sup>, who has been approved in accordance with those regulations;
- “registered childcare provider” means a person who provides childcare and is registered within the meaning of Articles 118, 119 and 120 of the Children (Northern Ireland) Order 1995<sup>(10)</sup>, (registration of child minders and persons providing day care for young children).

### **Grants for school meals for dependent children**

17.—(1) Subject to paragraph (2), where an eligible student is eligible for and entitled to receive a grant under regulation 15(1) in respect of a dependent child, he shall in respect of each academic year also be eligible for a grant under this regulation; for that dependent child if the child is either aged three or four during the relevant school year or attends a grant-aided school during the relevant school year.

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<sup>(8)</sup> S.I. 1996/274 (N.I. 1)

<sup>(9)</sup> S.I. 1999/3110, made in exercise of the powers conferred by sections 15(1) and 15(4) of the Tax Credits Act 1999 (c. 10)

<sup>(10)</sup> S.I. 1995 No. 755 (N.I. 2)

- (2) The amount of grant for which a student shall be eligible under paragraph (1) is—
- (a) £250 for each dependent child aged three or over on 31st December in the relevant school year, but under the age of 11 immediately before the beginning of the relevant school year;
  - (b) £166 for each dependent child whose third birthday falls after 31st December but on or before 31st March in the relevant school year;
  - (c) £83 for each dependent child whose third birthday falls after 31st March but before the end of the relevant school year;
  - (d) £270 for each dependent child of compulsory school age who is aged 11 or over immediately before the beginning of the relevant school year.

(3) Paragraph (1) shall not apply where a dependent child receives school meals free of charge under arrangements approved by the Department of Education in accordance with Articles 58 and 59 of the 1986 Order.

(4) The Department shall pay a grant for which a student is eligible under this regulation in a single instalment at such time and in such manner as it considers appropriate.

(5) In this regulation—

“grant-aided school” has the meaning assigned to it in the 1986 Order;

“relevant school year” means—

- (a) in the case of a child who attends a grant-aided school, the school year whose beginning is closest to the beginning of the academic year in respect of which the eligibility for grant under this regulation is being assessed; and
- (b) in the case of a child aged three or four who does not attend such a grant-aided school, the period of 12 months beginning on 1st September which falls closest to the beginning of the academic year in respect of which the eligibility for grant under this regulation is being assessed;

“school year” means the period from 1st August to 31st July.

### **Grants for travel**

**18.**—(1) Subject to the following paragraphs an eligible student who satisfies the requirements set out in regulation 19(1) shall in respect of each academic year be eligible for a grant equal to such reasonable expenditure which he is obliged to incur—

- (a) in the case of a student attending a course in medicine or dentistry, a necessary part of which is a period of study by way of clinical training, for the purpose of attending in connection with his course any hospital or other premises in the United Kingdom or the Republic of Ireland (not comprised in the institution) at which facilities for clinical training are provided, but not incurred for the purpose of residential study away from the institution;
- (b) within or outside the United Kingdom for the purpose of attending for a period of at least eight weeks and as a necessary part of his course an overseas institution or for the purpose of attending the British Institute in Paris.

(2) In determining the expenditure incurred by an eligible student there shall be disregarded the first £260 of such expenditure.

(3) For the purposes of this regulation any reference to expenditure incurred for the purpose of attending an institution or period of study—

- (a) includes expenditure both before and after so attending; and
- (b) does not include any expenditure in respect of which grant is payable under regulation 13.

(4) Where an eligible student attends for a period of at least eight weeks and as a necessary part of his course an overseas institution or the British Institute in Paris and he reasonably incurs any

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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 that period he shall be eligible for additional grant under this regulation equal to the amount so incurred.