

1983 No. 332

EDUCATION

Students Awards Regulations (Northern Ireland) 1983

Made . . . . . 24th October 1983

Coming into operation . . . . . 24th November 1983

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The Department of Education, in exercise of the powers conferred on it by Articles 39(1)(a) and (2)(a), 40(2)(a) and Article 125(1) of the Education and Libraries (Northern Ireland) Order 1972(b) 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) 1983.

(2) These Regulations shall come into operation on 24th November 1983 and shall have effect on and from 1st September 1983.

##### *Revocations*

2. The Students Awards Regulations (Northern Ireland) 1982 as amended(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;

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

“course comparable to a first degree course” means—

(a) a course of at least 3 academic years’ duration provided by a university for a certificate, diploma or other academic award;

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

(a) As substituted by S.I. 1978/1040 (N.I. 10) Art. 6(1), and as amended by S.I. 1980/1958 (N.I. 16) Art. 7

(b) S.I. 1972/1263 (N.I. 12)

(c) S.R. 1982 No. 235; S.R. 1982 No. 393; and S.R. 1983 No. 210

“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, the Higher Diploma of the Technician Education Council (“TEC”), the Higher National Diploma of the Business Education Council (“BEC”) 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 or part-time course outside Northern Ireland which is comparable to a full-time or, as the case may be, part-time 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;

“first degree course” means—

- (a) a course (other than one for the degree of Bachelor of Education) provided by an institution for a first degree of a university or for the degree of Bachelor of Medicine or an equivalent degree;
- (b) a course provided by an institution for a first degree of the Council for National Academic Awards;
- (c) a course provided by the Cranfield Institute of Technology for a first degree of that Institute;

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

“independent student” means a student who either—

- (a) has attained the age of 25 years before the beginning of the year for which payments in pursuance of his award fall to be made; or
- (b) has supported himself out of his earnings for periods before the first year of his course aggregating not less than three years;

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

“international course” means—

- (a) 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
- (b) a course so provided comparable to a first degree course;

being in either case an educational facility designated by the Department under Article 39(1);

“maintenance grant” means a grant calculated in accordance with Regulation 13;

- “minimum maintenance payment” means the amount of £410;
- “modified proportion” means the proportion which the number of weeks in a sandwich year during which the student has no periods of experience bears to 52;
- “Order” means the Education and Libraries (Northern Ireland) Order 1972(a); 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 the 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; or
    - (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;
  - (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 as extended by the Protocol thereto which entered into force on 4th October 1967 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;

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

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

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

“university” means a university in the United Kingdom and includes a university college and a constituent college, school or hall of a university;

“year”, in respect of a course, means the period of twelve months beginning on 1st January, 1st April or 1st September according as the academic year of the course begins in the spring, the summer or the autumn respectively; and any references to the first year of a course shall be construed accordingly.

(2) A period during which a student has supported himself out of his earnings includes—

(a) any period or periods, not exceeding twelve months in the aggregate, during which—

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

(ii) the student was in receipt of unemployment benefit under Section 14(1)(a) of the Social Security (Northern Ireland) Act 1975(c); or

(a) S.R. & O. (N.I.) 1973 No. 426

(b) S.R. 1978 No. 217

(c) 1975 c. 15

- (iii) before 24th November 1980 (when Schedule 2 to the Social Security (Northern Ireland) Order 1980(a) came into force), the student was registered for employment;
  - (iv) on or after 24th November 1980 but before 18th October 1982, the student was registered and available for employment;
  - (v) on or after 18th October 1982, the student was available for employment and, if under the age of 18 years, registered for employment;
- (b) any period during which the student—
- (i) held a postgraduate studentship or comparable award;
  - (ii) received sickness benefit, invalidity pension or maternity allowance under Section 14(1)(b), 15(1)(b), 22(1) or 36(1) of the Social Security (Northern Ireland) Act 1975;
  - (iii) 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 on him.

(3) In paragraph (2), 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(b).

#### *Calculation of income*

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

#### *Termination of marriage*

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

## PART II

### AWARDS

#### *Specified persons*

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

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

#### *Ordinarily resident*

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

(a) S.I. 1980/870 (N.I. 8)

(b) S.I. 1977/2156 (N.I. 27)

Ireland, 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, other than the Republic of Ireland, or the board's area in consequence of such employment.

(2) For the purposes of paragraph 1(b)(i) of Schedule 2, a person shall not be regarded as ordinarily resident in the British Islands, other than the Republic of Ireland, 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, other than the Republic of Ireland, 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 requirements of paragraph 1(b)(i) 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 Regulations 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;
  - (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 1983.

#### *Specified educational facilities*

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

#### *Terms and conditions*

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

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

### PART III

#### AMOUNT OF AWARDS

#### *Payments by award-making bodies*

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

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

- (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, either the minimum maintenance payment or the maintenance grant, whichever is the greater;
  - (ii) in a case in which Regulation 15 or 17 applies (subject to Regulation 15(3)) an amount determined in accordance with the Regulation in question,
 and so much of the minimum maintenance payment, maintenance 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 1983 then, notwithstanding anything in these Regulations, payments in pursuance of an award to that student in respect of the year beginning on 1st January 1983 or, as the case may be, 1st April 1983 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 1983 under these Regulations had the academic year of that course begun in the autumn of 1983.

#### *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 1 of Schedule 8 and any contribution applicable in his case by virtue of Part 2 or 3 of that Schedule.

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

(3) This Regulation and Schedules 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 1 of Schedule 7;

(ii) paragraphs 6 and 7 of Part 2 of that Schedule; and

(iii) Parts 3 and 4 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, 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, and in relation to a course which is a sandwich course periods of experience shall not be regarded as part of the duration of the course;

(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, but a partial payment made to the

student in respect of any year in which he remains in default shall not (unless Regulation 17 applies to him) be less than the minimum maintenance payment.

(2) In respect of any period—

(a) after the termination of an award;

(b) during which a student is excluded by the academic authority from attendance at the course; or

(c) during which a student is absent without leave from his course, any payment otherwise due in pursuance of the award shall be reduced by the aggregate amount mentioned in paragraph (4).

(3) In respect of any other period being—

(a) a period during which a student is absent from his course (other than a period of not more than 28 days due to illness); or

(b) where an award held in respect of one course is transferred in pursuance of paragraph 1(1) or 1(2) of Schedule 4 so as to be held in respect of another course, a period during which the student is not required to attend either course (other than the period of a single vacation); 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 for Northern Ireland on 24th October 1983.

(L.S.)

*A. M. Dodds*

Assistant Secretary

#### SCHEDULE 1

Regulation 3(1) and  
paragraph 2(c) of  
Schedule 2

#### 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 TEC, the Higher National Diploma or Certificate of BEC, 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 examinations 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.

## SCHEDULE 2

Regulation 6

### PERSONS

#### PART 1

Regulation 6(1)

#### Specified persons

1. A person—

- (a) who attends a specified course during an academic year beginning after 31st August 1983; and
- (b) who has been—
  - (i) ordinarily resident in the British Islands, other than the Republic of Ireland, during the three years immediately preceding the first year of the specified course; and
  - (ii) resident on the relevant day in the area of a board; and
- (c) to whom an award has not been made under these Regulations or previous awards regulations by the board in respect of the specified course; and
- (d) who, if he has previously attended a course of further education, has attended such a course which was 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 2

Regulation 6(1)

#### Excluded persons

2. A person who—

- (a) has, in the opinion of the board, by his conduct shown himself unfitted to receive an award;
- (b) 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 39(1);

- (c) has previously attended one or more than one full-time, or successfully completed one or more than one part-time, course 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 course or courses which he has successfully completed,
- (excluding, 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 3

Regulation 6(2)

**Specified persons**

3. A person who attends—

- (a) a full-time course at an institution in Northern Ireland for the initial training of teachers;
- (b) a full-time course at an institution in Northern Ireland for the post-graduate certificate in education;
- (c) any other course at an institution in any part of the United Kingdom for the training of teachers;
- (d) a course provided by a college listed in Schedule 5 and who has attained the age of 20 years before the first year of that course.

## SCHEDULE 3

Regulation 3

**Specified courses**

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

## SCHEDULE 4

Regulation 11

**Terms and conditions***Transfer of awards*

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

(2) Subject to sub-paragraphs (3) and (4), if a student who holds an award for a specified course commences, with the 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 so as to be held in respect of his attendance at the new course.

- (3) An award shall not be transferred unless either—
- (a) the recommendation or consent is given not later than two months after the end of the first year of the course in respect of which the award was originally made; or
  - (b) the board, after consulting the academic authority or authorities concerned, is satisfied that the period which the student will ordinarily require to complete the new course will expire not later than the period 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 39(1) and an award to be made by the Department under Article 40(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 3(d) of  
Schedule 2

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

Institute of Continuing Education of the New University of Ulster, Magee University College, Londonderry.

Co-operative College, Loughborough.

Fircroft College, Birmingham.

Hillcroft College, Surbiton.

Northern College, Barnsley.

Plater College, Oxford.

Ruskin College, Oxford.

Coleg Harlech, Harlech, Wales.

Newbattle Abbey, Dalkeith, Scotland.

#### SCHEDULE 6

Regulations 12(1)(a),  
16(1)(a) and 18(2)

#### **Fees**

1. Except as otherwise provided in paragraph 2, 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 £480;

Provided the said maximum—

- (i) shall be £1,355 in the case of a course at the University of Buckingham;
- (ii) shall be £1,020 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; and

- (iii) shall not apply in the case of a course at the Guildhall School of Music, the Heythrop College, the London College of Music, the Royal Academy of Music, the Royal Academy Schools, the Royal College of Music or the Trinity College of Music;
- (b) college fees or dues at the universities of Cambridge, Durham, Kent, Lancaster, Oxford and York (excluding any element thereof representing or attributable to any such fee as is mentioned in 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.
2. In the case of a course provided by a college listed in Schedule 5, except a course provided by the Institute of Continuing Education of the New University of Ulster, Magee University College, Londonderry, the fees referred to in Regulation 12(1)(a) are—
- (a) the aggregate of any fees such as are mentioned in paragraph 1(a) subject to a maximum of £540;
- (b) any fees such as are mentioned in paragraph 1(c); and
- (c) any fees (howsoever described) by way of subscription to a students' union or similar body where either—
- (i) membership is obligatory by virtue of any requirement contained in, or having effect under, the instruments regulating the conduct of the college; or
- (ii) the fees are an element of a composition fee.

## SCHEDULE 7

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

## REQUIREMENTS

## PART 1

**Ordinary maintenance**

1.—(1) The requirements of the student referred to in Regulation 13(1)(a) shall include his requirement for ordinary maintenance during—

- (a) any period while he is attending the course; and
- (b) the Christmas and Easter vacations;

and the amount of such requirement ("ordinary maintenance requirement") shall be determined in accordance with this Part.

(2) Where a student's ordinary maintenance requirements are different in respect of different parts of a year, his ordinary maintenance requirement for that year shall be the aggregate of the proportionate parts of those differing requirements.

2.—(1) Subject to paragraph 4, this paragraph shall apply in the case of—

- (a) any student who, on the recommendation of the academic authority, resides in the institution or in a hostel or other accommodation administered by the academic authority;
- (b) any independent or married student who does not reside at his parents' home;
- (c) any other student who does not reside at his parents' home, except where he can in the opinion of the award-making body conveniently attend the course from his parents' home and the award-making body, after consultation with the academic authority, considers that in all the circumstances the ordinary maintenance requirement specified in paragraph 3(2) would be appropriate; and
- (d) any student residing at his parents' home whose parents by reason of age, incapacity or otherwise cannot reasonably be expected to support him and in respect of whom the award-making body is satisfied that in all the circumstances the ordinary maintenance requirements specified herein would be appropriate.

(2) In the case of such a student the ordinary maintenance requirement shall be £1,660 except that—



- (a) where he is attending a course at the University of London or at an institution within the area comprising the City of London and the metropolitan police district, it shall be £1,975;
- (b) where he is attending, for at least one term and as a necessary part of his course, at an establishment in a country outside the British Islands, it shall be £1,975 or, if that country is a high-cost country, £2,240 (notwithstanding anything in sub-paragraph (a)).

3.—(1) Subject to paragraph 4, this paragraph shall apply in the case of any other student, that is to say, in the case of—

- (a) a student residing at his parents' home, except where the conditions specified in paragraph 2(1)(d) are satisfied;
- (b) a student whose case falls within the exception to paragraph 2(1)(c).
- (2) In the case of such a student the ordinary maintenance requirement shall be £1,275.

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 £680.

## PART 2

### 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 by the University of Oxford or Cambridge, for a period of 25 weeks 3 days; or
- (b) in the case of any other course, for a period of 30 weeks 3 days,

in that year attends his course, howsoever provided, for a further period ("the excess period") unless, as respects that period, he is provided with board and lodging as mentioned in paragraph 4.

(2) In respect of each week and any part of a week comprised in the excess period the supplementary requirement shall be—

- (a) in the case of a student residing at his parents' home, £17.65;
- (b) in the case of a student not so residing, £30.45 except that—

- (i) where he is attending a course at the University of London or at an institution within the area comprising the City of London and the metropolitan police district, it shall be £40.85;
- (ii) where he is attending, for at least one term and as a necessary part of his course, at an establishment in a country outside the British Islands, it shall be £40.85 or, if that country is a high-cost country, £46.40 (notwithstanding anything in sub-paragraph (i)).

7.—(1) This paragraph shall apply in the case of a student who attends at his course for a period of not less than 45 weeks in any continuous period of 52 weeks.

(2) In respect of each 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 undertake 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 £3.65;
- (b) in the case of a student not so residing, the maximum amount of £5.50 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 £7.00;
  - (ii) where he is studying (either at an institution or as mentioned in sub-paragraph (1)(b) in a country outside the British Islands, it shall be £7.00 or, if that country is a high-cost country, £8.25.

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 £4.65 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 student's supplementary requirement in respect of such expenditure shall be the amount by which, in the aggregate, it exceeds £50:

Provided that, where a period of study outside the United Kingdom (whether or not at an establishment) is not a necessary part of the student's course, in arriving at the said aggregate the award-making body, save in so far and to the extent that it otherwise considers appropriate, shall take no account of 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 the United Kingdom and a place outside the United Kingdom or is in respect of a benefit to be enjoyed outside the United Kingdom.

(3) The reference in sub-paragraph (1)(a) to the student attending the institution shall be construed—

- (a) in the case of any establishment which is a constituent college, hall or school (including medical school) of a university or is a university with such constituent establishments, as including a reference to his attending, in connection with his course, any constituent establishment of the university; and
- (b) in the case of 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.

(4) 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 in respect of travel between his home and the institution at the beginning and end of term.

(2) The student's supplementary requirement in respect of such expenditure shall be such amount, not exceeding the expenditure the student was obliged to incur, as the award-making body considers appropriate having regard to his supplementary requirement under paragraph 10.

12.—(1) This paragraph shall apply in the case of a student who reasonably incurs any expenditure in insuring against liability for the cost of medical treatment provided outside the United Kingdom for any illness or bodily injury contracted or suffered during a period of study outside the United Kingdom.

(2) The student's supplementary requirement in respect of such expenditure shall be the amount reasonably incurred:

Provided that where the expenditure was incurred in connection with a period of study which was not a necessary part of his course, his requirement in respect thereof shall be such amount as the award-making body considers appropriate, not exceeding the said amount.

13.—(1) This paragraph shall apply in the case of a student who—

- (a) is attending a course in architecture, art and design, home economics, landscape architecture, medicine, music, ophthalmic optics, physical education, town and country planning or veterinary science (or medicine) or a course comprising any of those subjects as a principal subject; and
- (b) for the purposes thereof necessarily incurs expenditure in the purchase of special equipment.

(2) The student's supplementary requirement in respect of such expenditure shall be so much of the expenditure as does not during the course exceed £80.

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 £39.65.

15.—(1) This paragraph shall apply in the case of a disabled student where the award-making body is satisfied that, by reason of his disability, he is obliged to incur additional expenditure in respect of his attendance at the course.

(2) The student's supplementary requirement in respect of such expenditure shall be such amount as the award-making body considers appropriate not exceeding £520.

## PART 3

## 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), (3) and (4);

"child", in relation to a student, includes a person whether under or over compulsory school age, a person adopted in pursuance of adoption proceedings and a step-child but does not include a child born during the student's course unless born of a marriage contracted before the first year of that course or adopted jointly by the student and his spouse by such a marriage, subject however to sub-paragraph (4);

"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) an attendance allowance under Section 35 or a mobility allowance under Section 37A of the Social Security (Northern Ireland) Act 1975(a);

(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(b); and

(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(c);

"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, means in relation to a student his spouse by a marriage contracted before the first year of his course, so however that a person shall be treated as though not the 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, subject however to sub-paragraph (4).

(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.

(a) 1975 c. 15 as amended by S.I. 1975/1503 (N.I. 15) Art. 24 and S.I. 1979/396 (N.I. 5) Art. 4

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

(c) 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 No. 1504 (N.I. 16))

- (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 £375 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 £375 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 £375 or more the sum specified in paragraph 18(4)(a); or
- (ii) the child's income exceeds by £375 or more the sum specified in paragraph 18(4)(b) and applicable to his age,

subject however to sub-paragraph (4).

- (4) In the case of a student—
- (a) who began his course before 1st September 1981;
- (b) whose dependants requirement under paragraph 18 of Part 3 of Schedule 8 to the Students Awards Regulations (Northern Ireland) 1980(a), before the revocation of those Regulations, took account of an adult dependant, spouse or child who falls outside the definitions in sub-paragraph (1); and
- (c) whose dependants requirement under the said paragraph 18 would have continued to take account of that adult dependant, spouse or child if those Regulations had not been revoked and no subsequent regulations had been made under Articles 39 or 40 of the Order,

that adult dependant, spouse or child shall be treated as the student's adult dependant, spouse or child, as the case may be, for the purposes of paragraph 18 of this Part and, in relation to that adult dependant, spouse or child, sub-paragraph (3) shall not apply.

18.—(1) This paragraph shall apply in the case of a student who married before the first year of his course where he is an independent student and has dependants, except that for the purpose of determining a student's dependants requirement for an adult dependant it shall be immaterial whether or not he married as aforesaid.

- (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-paragraphs (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 £375 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, £1,115;
- (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, £215;
- (ii) then aged 11 or over, but under 16, £450;
- (iii) then aged 16 or over but under 18, £595;
- (iv) then aged 18 or over, £850,

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 an independent student who has dependants and 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 £385.

20.—(1) This paragraph shall apply in the case of a student, in whose case paragraph 18 applies, 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.

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

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

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

#### PART 4

##### Older students

22. 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 either—

(a) was in full-time employment for a total of three of the six years immediately preceding that year; or

(b) held an award made under previous awards regulations in respect of his attendance at a previous course and either was in full-time employment as mentioned in sub-paragraph (a) or was a person to whom an older student's allowance was paid under those regulations.

23. 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 £160;

(b) where he was so aged 27 years, the sum of £315;

(c) where he was so aged 28 years, the sum of £485;

(d) where he was so aged 29 or more years, the sum of £640.

#### PART 5

##### Construction of Parts 1 to 4

24. 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.

25. 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.

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

## SCHEDULE 8

Regulation 13(1)(b)

**Resources**

## PART 1

**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 £375 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 £540 of any income by way of—

(i) an award made to the student in respect of the course (in pursuance of a sponsorship scheme or otherwise) not being an award made in pursuance of Article 39 or 40; and

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

so, however, that in the case of a student who holds an Industrial Scholarship this head shall have effect as if for the sum "£540" there were substituted the sum "£795";

(c) in the case of a student, other than one mentioned in paragraph 3(a), 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 3(c); or

(ii) so much of that income or those payments as, when aggregated with any amount disregarded under head (a), does not exceed £740, if he is such a student as is mentioned in paragraph 3(b) or 3(c);

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

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

(f) remuneration for work done in vacations;

(g) in the case of a student in respect of whom a parental contribution is by virtue of Part 2 treated as forming part of his resources, any payment made under covenant by 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);

(k) any attendance allowance under Section 35 or mobility allowance under Section 37A of the Social Security (Northern Ireland) Act 1975;

(l) any allowance granted to him in pursuance of a scheme under Article 59 of the Rent (Northern Ireland) Order 1978(b) or under Section 19 of the Housing Finance Act

(a) S.I. 1977/2156 (N.I. 27)

(b) S.I. 1978/1050 (N.I. 20)

1972(a) or any rent rebates granted to him in pursuance of a scheme under Article 18 or Article 120 of the Housing (Northern Ireland) Order 1981(b);

(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(c);

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

(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) if, in the opinion 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 3 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 2, 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).

(4) For the purposes of sub-paragraph (1)(b), the reference therein to an Industrial Scholarship is a reference to a scholarship awarded by the Industrial Scholarships Trust.

## PART 2

### Parental contribution

#### *Definitions and construction of Part 2*

2.—(1) In this Part—

“child” includes a person whether under or over compulsory school age and a person adopted in pursuance of adoption proceedings 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;

“total income” has the same meaning as in Section 32 of the Finance Act 1971(d).

(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.

(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

(a) 1972 c. 47

(b) S.I. 1981/156 (N.I. 3)

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

(d) 1971 c. 68



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.

#### *Application of Part 2*

3. A parental contribution ascertained in accordance with this Part shall be applicable in the case of every student except—

- (a) an independent student;
- (b) a student who has no parent living or 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.

#### *Parental contribution*

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

- (a) in any case in which the residual income is £7,100 or more but less than £9,000, £20 with the addition of £1 for every complete £7 by which it exceeds £7,100;
- (b) in any case in which the residual income is £9,000 or more but less than £14,300, £291 with the addition of £1 for every complete £8 by which it exceeds £9,000; and
- (c) in any case in which the residual income is £14,300 or more, £953 with the addition of £1 for every complete £13 by which it exceeds £14,300

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 £75 or, if the child holds a statutory award, by £210; and in any case in which the residual income is less than £7,100 the parental contribution shall be nil.

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

- (a) more than one child of the parent;
- (b) the parent; or
- (c) the student's step-parent,

the parental contribution for the student shall be such proportion of any contribution ascertained in accordance with this Part as the award-making body (after consultation with any other award-making body concerned) considers just: Provided that where a contribution is ascertained in respect of more than one child of the parent, the aggregate amount of the contributions in respect of each shall not exceed the amount of the contribution that would be applicable if only one child held an award.

#### *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 year in respect of which the student's resources fall to be assessed and, if the award-making body so determines, any subsequent year, as if the references therein to the preceding financial year were a reference to the current financial year.

(4) Where one of the student's parents has died in either the preceding or the current financial year and the award-making body is satisfied that the income of the surviving parent in the current financial year, when aggregated with that of the deceased parent where he died in that year, is likely to be less than their aggregated income in 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 year in which the student's resources fall to be assessed, as if the reference therein to the preceding financial year were a reference to the current financial year and, if the deceased parent died in that year, the reference to the student's parent included a reference to his deceased parent.

(5) Without prejudice to sub-paragraph (7), 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) Any dividends or interest paid or credited to the parent by a building society which has entered into arrangements with the Commissioners of Inland Revenue under Section 343(1) of the Income and Corporation Taxes Act 1970(b) shall be deemed to have been received by him after deduction of income tax at the reduced rate determined under those arrangements for the year of assessment in which the dividends or interest are paid or credited; and the amount deemed to have been so deducted shall be treated as part of his gross income.

(7) Where any award such as is mentioned in paragraph 1(1)(b)(i) is made by reason of the parents' employment to any member of his family or his household (whether the student or some other such member) who holds a statutory award then, notwithstanding the provisions of Section 61 of the Finance Act 1976(c), that award shall not be treated as part of the gross income of the parent.

(8) There shall be treated as part of the gross income all income arising from an office or employment which by virtue of any enactment is, as such, exempt from tax.

(9) Where the parents do not ordinarily live together throughout the year in respect of which the resources of the student fall to be ascertained ("the relevant 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.

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

- (a) the proportion, which the part of the relevant year for which the parents do not so live together bears to the full year, of the contribution determined in accordance with sub-paragraph (9); and

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(a) 1958 c. 23 (N.I.)

(b) 1970 c. 10; all the provisions of this Act referred to in paragraphs 5 and 6 have been amended extensively by subsequent Finance Acts

(c) 1976 c. 40

- (b) the proportion, which the part of the relevant year for which the parents so live together bears to the full year, of the contribution determined without regard to sub-paragraph (9).

(11) 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;
- (b) in pursuance of any Act passed after the passing of the Finance Act 1982(a) on 30th July 1982, or
- (c) 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 £915 exceeds the income of that person in that year;
- (b) the gross amount of any sums paid as interest (including interest on a mortgage) in respect of which relief is given under the Income Tax Acts, or as interest under the option mortgage scheme, in respect of a loan to the parent;
- (c) the gross amount of any premium or other sum in respect of which relief is given to the parent in the relevant year under sections 19, 20 or 227 of the Income and Corporation Taxes Act 1970 (life insurance and retirement annuity premiums and certain other payments);
- (d) 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 £730;
- (e) 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 £730;
- (f) in respect of additional expenditure incurred by reason of the fact that the parent lives in a place where the cost of living is higher than that cost in the United Kingdom, such sum (if any) as the award-making body considers reasonable in all the circumstances;
- (g) in the case of a parent who holds a statutory award, the amount by which the aggregate of his requirements for his ordinary maintenance (ascertained in accordance with Part 1 of Schedule 7) and £375 exceeds the sum payable in respect of maintenance in pursuance of that award.

## PART 3

### **Spouse's contribution**

#### *Application of Part 3*

7. A spouse's contribution ascertained in accordance with this Part shall be applicable in the case of every man student ordinarily living with his wife and every woman student so living with her husband except—

- (a) a student in whose case a parental contribution is applicable in accordance with Part 2, 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 2 shall, with the exception of paragraphs 3, 4(1), 4(2)(a), 5(4), 5(9), 5(10) and 6(2)(e), 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 2.

(2) The spouse's contribution shall be—

- (a) in any case in which the residual income is £5,500 or more but less than £9,000, £10 with the addition of £1 for every complete £5 by which it exceeds £5,500; and
- (b) in any case in which the residual income is £9,000 or more, £710 with the addition of £1 for every complete £10 by which it exceeds £9,000,

reduced, in either case, by £75 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 £5,500 the spouse's contribution shall be nil.

(3) If the student marries during any year for which the contribution falls to be ascertained, the contribution for that year shall be the fraction of the sum ascertained in accordance with the provisions of sub-paragraphs (1) and (2) of which the denominator is 52 and the numerator is the number of complete weeks between the date of the marriage and whichever is the earlier of the end of that year and the end of the course.

(4) If the student's marriage terminates during any year for which the contribution falls to be ascertained, the contribution for that year shall be the fraction of the sum ascertained in accordance with 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)

**Widows, widowers, divorced and separated persons**

1. This Schedule shall apply in the case of a student whose marriage has terminated (either before or during his course) unless and until—

- (a) he remarries; or
- (b) where the marriage terminated by reason of the parties ceasing to ordinarily live together, they again ordinarily live together.

2.—(1) This paragraph shall apply where the student has dependants within the meaning of Part 3 of Schedule 7 and paragraph 18 thereof applies to him.

(2) In the case of such a student—

- (a) the sum to be disregarded under paragraph 1(1)(a) of Schedule 8 shall be £940 instead of £375; or
- (b) his requirements under paragraph 18 of Schedule 7 shall be treated as increased by the sum of £565; or
- (c) in the case of a student to whom Part 4 of Schedule 7 applies, his requirements shall be treated as including the sum specified in paragraph 23 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 children (including persons adopted in pursuance of adoption proceedings and step-children) who are under the age of nineteen years and dependent on him.

(2) Such a student may elect that the sum specified as his requirements in Part 3 of Schedule 7 shall be disregarded and that instead there shall in calculating his income be disregarded £1,225 in respect of his only or eldest child such as is mentioned in sub-paragraph (1) and £395 in respect of every other such child.

## SCHEDULE 10

Regulations 3(1) and 15(2)

**Sandwich courses**

1.—(1) For the purposes of determining the prescribed proportion or the modified proportion where the number of weeks in question is not a whole number, a day shall be reckoned as a seventh of a week.

(2) In the application of this Schedule to a student whose marriage has terminated references to Schedules 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 by 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 3(a) and 3(b) for “30 weeks 3 days” there were substituted “25 weeks 3 days”.

2. The provisions of Regulation 12(1)(b) shall, as respects any sandwich year where the period of full-time study does not exceed 30 weeks 3 days, have effect as if the minimum maintenance payment therein mentioned were the prescribed proportion of the sum of £410.

3. 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 1;
- (b) where the period of full-time study exceeds 30 weeks 3 days, the student’s requirements for his ordinary and supplementary maintenance shall be the aggregate of the appropriate amount specified in Part 1 and the appropriate amount specified in paragraph 6 of Part 2;
- (c) the student’s requirements in respect of such expenditure as is referred to in paragraph 5(b) of Part 2 shall be determined in accordance with that Part except that his requirements in respect of such expenditure as is mentioned in paragraph 10 shall be the amount by which the expenditure exceeds the prescribed proportion of £50;
- (d) the student’s requirement for the maintenance of a dependant shall be the modified proportion of the sum specified in Part 3 except that where such a requirement falls to be increased under paragraph 19 it shall be increased by the prescribed proportion of the sum there specified; and
- (e) if the student is a person to whom Part 4 applies, his requirements under that Part shall be the prescribed proportion of the amount there specified.

4. 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 1 shall be the prescribed proportion of £375 and the reference in paragraph 1(1)(c) to £740 shall be construed as a reference to the aggregate of £365 and the prescribed proportion of £375;
- (b) in calculating the student’s income there shall be disregarded any payment made to him by his employer in respect of any period of experience;
- (c) the amount of the parental contribution applicable to his case shall be the prescribed proportion of the contribution ascertained in accordance with Part 2; and
- (d) the amount of the spouse’s contribution applicable to his case shall be the prescribed proportion of the contribution ascertained in accordance with Part 3.

## SCHEDULE 11

Regulation 3(2)(a)(i)

**Training programmes**

1. The Training Opportunities Programme of the Manpower Services Commission.
2. The Youth Opportunities Programme of the Manpower Services Commission.

3. The Youth Opportunities Programme of the Department of Economic Development.
4. The Youth Opportunities Programme of the Department of Education.
5. The Youth Training Programme of the Departments of Economic Development and Education.
6. Other training opportunities provided by the Department of Economic Development.

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### EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations, which have effect retrospectively on and from 1st September 1983, replace, with amendments, the Students Awards (Northern Ireland) Regulations 1982 and the Regulations amending those Regulations. Retrospection is authorised by Articles 39(2) and 40(2) of the Education and Libraries (Northern Ireland) Order 1972; S.I. 1972/1263 (N.I. 12).

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

While their text and format do not repeat exactly the provision made in Great Britain, the Regulations maintain parity of awards for Northern Ireland students with their counterparts in Great Britain. They parallel in substance most of the provisions of the Education (Mandatory Awards) Regulations 1983 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 1982, are described below.

Provisions in Regulation 7, and in Part 1 of Schedule 1 and Schedule 4 concerning the payment of awards to refugees are extended to relate to the spouse and child of a refugee.

The obligation of an award-making body under Schedule 4 to transfer an award where a student changes courses is modified in cases where the student would have had to repeat a part of his earlier course in order to complete it.

In Regulation 20, award-making bodies are given a discretion to reduce the payments under an award to a student who is detained under a court order.

The Regulations increase the amounts payable in respect of both fees and maintenance requirements; new figures are specified in Schedules 6-10. Part 3 of Schedule 7 and Part 1 of Schedule 8 are amended to provide that any guardian's allowance shall be disregarded in calculating the income of a student or his spouse in order to determine the amount of a maintenance grant. The requirements in Schedule 8 to ascertain parental and spouses' contributions to a student's resources are modified in cases where there is more than one award-holder in the student's family. The provisions in Part 2 of Schedule 8 for life insurance premiums and certain similar payments to be disregarded in calculating the income of a student's parent are amended so as to reflect more closely the treatment given to such premiums for tax purposes.