

SCHEDULE 7

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

REQUIREMENTS

PART I

Ordinary maintenance

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

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

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

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

2.—(1) 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 board conveniently attend the course from his parents' home and the board, 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 board is satisfied that in all the circumstances the ordinary maintenance requirements specified herein would be appropriate.

(2) In the case of such a student the ordinary maintenance requirement shall be £2,265 except that—

- (a) where he is attending a course at the University of London or at an institution within the area comprising the City of London and the metropolitan police district, it shall be £2,845;
- (b) where he is attending, for at least one term and as a necessary part of his course, at an establishment in a country outside the United Kingdom, it shall (notwithstanding anything in sub-paragraph (a)) be—
 - £3,570 if that country is a highest-cost country;
 - £3,130 if that country is a higher-cost country;
 - £2,695 if that country is a high-cost country; and
 - £2,265 in any other case.

3.—(1) 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;

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- (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 £1,795.

PART II

Supplementary maintenance, etc.

- 4. 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 5 and 6; and
 - (b) in respect of such expenditure as is mentioned in paragraphs 7 to 11,and the amount of any such requirement ("supplementary requirement") shall be determined in accordance with this Part.
- 5.—(1) This paragraph shall apply in the case of a student who having, in any academic year, attended his course—
 - (a) in the case of a course provided at the University of Oxford or Cambridge, for a period of 25 weeks 3 days; or
 - (b) in the case of any other course, for a period of 30 weeks 3 days,in that year attends a course so provided, for a further period ("the excess period").
 - (2) In respect of each week and any part of a week comprised in the excess period the supplementary requirement shall be—
 - (a) in the case of a student residing at his parents' home, £34.80;
 - (b) in the case of any other student, £49.65 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 £66.30;
 - (ii) where he is attending, for at least one term and as a necessary part of his course, at an establishment in a country outside the United Kingdom, it shall (notwithstanding anything in sub-paragraph (i)) be—
 - £92.75 if that country is a highest-cost country;
 - £78.60 if that country is a higher-cost country;
 - £64.35 if that country is a high-cost country; and
 - £50.15 in any other case.
- 6.—(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 5(2).
- 7.—(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.

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

- (a) in the case of any establishment which is a constituent college, hall or school (including medical school) of a university or is a university with such constituent establishments, as including a reference to his attending, in connection with his course, any constituent establishment of the university; and
- (b) in the case of a student attending a course in medicine, dentistry or nursing, a necessary part of which is a period of study by way of clinical training, as including a reference to his attending, in connection with his course but otherwise than for the purposes of residential study away from the establishment, any hospital not comprised therein at which facilities for clinical training are provided.

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

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

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

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

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

(4) For the same purposes as aforesaid, the following amounts shall be disregarded—

- (i) £133 of any requirement under paragraph 2;
- (ii) £207 of any requirement under paragraph 3;
- (iii) £6.90 of any requirement under paragraph 5(2)(b);
- (iv) £4.40 of any requirement under paragraph 5(2)(b):

provided that where a student's requirements under paragraph 2 or 3 relate to only part of the year, the said proportion shall be deemed to be an equivalent part of £133 or £207 as the case may be.

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

- (a) his special expenditure; or
- (b) the amount by which his total travel expenditure exceeds the amounts specified in sub-paragraph (4),

whichever is the less, and, where the course in respect of which the student's award was granted began before 1st September 1984, the amount (if any) by which his total travel expenditure excluding his special expenditure exceeds the sum of the amounts specified in sub-paragraph (4) and £150.

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

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8.—(1) This paragraph shall apply in the case of a student whose home is for the time being outside the United Kingdom and who incurs expenditure travelling between his home and the institution at the beginning and end of term.

(2) In determining the supplementary requirement of such a student under paragraph 7, the board shall treat such amount of the said expenditure as it considers appropriate (having regard to the extent of that requirement apart from this paragraph), not exceeding the amount the student was obliged to incur, as if it were part of the student's total travel expenditure.

9.—(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 board considers appropriate, not exceeding the said amount.

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

- (a) is attending a course which began before 1st September 1986 in architecture, art and design, home economics, landscape architecture, medicine, music, ophthalmic optics, physical education, town and country planning or veterinary science (or medicine) or such a course comprising any of those subjects as a principal subject; and
- (b) for the purposes thereof necessarily incurs expenditure in the purchase of special equipment.

(2) The student's supplementary requirement in respect of such expenditure shall be so much of the expenditure as does not during the course exceed £90.

11.—(1) This paragraph shall apply in the case of a disabled student where the board is satisfied that, by reason of his disability, he is obliged to incur additional expenditure in respect of his attendance at the course, other than expenditure for a purpose specified in paragraph 7(1).

(2) The student's supplementary requirement in respect of a non-medical personal helper shall be such amount as the board considers appropriate not exceeding £4,240.

(3) The student's supplementary requirement in respect of major items of specialised equipment shall be such amount as the board considers appropriate not exceeding £3,180 in total for the duration of his course.

(4) The student's supplementary requirement in respect of further additional expenditure shall be such amount as the board considers appropriate not exceeding £1,060.

PART III

Maintenance of dependants

12.—(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.

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(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.

13.—(1) In this Part—

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

“child”, in relation to a student, includes a person whether under or over compulsory school age, an illegitimate child, a person adopted in pursuance of adoption proceedings, a step-child and any child whose guardian or custodian the student is and who is dependent on him;

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

“income” means income for the year from all sources less—

- (a) income tax, social security contributions and child benefit;
- (b) any attendance allowance under section 35 or mobility allowance under section 37A of the Social Security (Northern Ireland) Act 1975⁽¹⁾, or any mobility supplement provided for in an order made under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977⁽²⁾;
- (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 board, 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⁽³⁾; 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⁽⁴⁾;

“relevant award” means a statutory award in respect of a person's attendance at a full-time course of higher education or a comparable course outside Northern Ireland;

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

(1) Section 35 was amended by Article 3 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)), paragraph 8 of Part II of Schedule 1 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), Article 3(1) of the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)) and paragraph 5 of Schedule 8 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)) and Article 3(1) and (2) of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)). Section 37A was inserted by Article 24(1) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) and amended by Article 4 of the Social Security (Northern Ireland) Order 1979 and Article 72(1) to (3) of, and Schedule 10 to, the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and Article 10 of the Social Security (Northern Ireland) Order 1989

(2) 1977 c. 5. The relevant order currently in force is the Naval, Military and Air Forces. Etc. (Disablement and Death) Service Pensions Order 1983 (S.I. 1983/883 amended by S.I. 1983/1116, 1983/1521, 1986/592, 1990/250 and 1990/1308)

(3) 1968 c. 34 (N.I.)

(4) Section 38 was amended by paragraph 13 of Schedule 4 and by Schedule 5 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)) and by Article 46 of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

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(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 17) is ordinarily living outside the United Kingdom.

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

- (a) in the case of a person other than a child of the student, if his income exceeds by £675 or more the sum specified in paragraph 14(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 £675 or more the sum specified in paragraph 14(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 £675 or more the sum specified in paragraph 14(4)(a); or
 - (ii) the child's income exceeds by £675 or more the sum specified in paragraph 14(4)(b) and applicable to his age.

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

(2) The dependants requirement of the student shall, subject to paragraphs 15 and 16 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 £675 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, £1,615;
- (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, £340;
 - (ii) then aged 11 or over, but under 16, £680;
 - (iii) then aged 16 or over but under 18, £895;
 - (iv) then aged 18 or over, £1,290,

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 13(2) would be, a dependant.

15.—(1) This paragraph shall apply in the case of a student with dependants who maintains a home for himself and a dependant at a place other than that at which he resides while attending the course.

(2) The student's dependants requirement (determined in accordance with paragraph 14(2)(a) or 14(2)(b)) shall be increased by £570.

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

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

PART IV

Older students

17.—(1) In this Part, references to any provision of any of the Tax Acts passed before the Income and Corporation Taxes Act 1988⁽⁵⁾ shall, in respect of a financial year ending after 5th April 1988, be construed as a reference to the corresponding provision of that Act in so far as that Act is applicable.

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

- (a) has, where his course started before 1st September 1986, been in full-time employment for a total of three of the six years immediately preceding that year;
- (b) has, where his course started after 31st August 1986, in the three years immediately preceding that year earned or received by way of such unemployment benefit, supplementary benefit or income support as is chargeable to income tax under respectively section 219 of the Income and Corporation Taxes Act 1970⁽⁶⁾, section 27 of the Finance Act 1981⁽⁷⁾ or section 29 of the Finance Act 1987⁽⁸⁾ sums totalling at least £12,000; or
- (c) held an award in respect of his attendance at a previous course and—
 - (i) where the previous course started before 1st September 1986 was in full-time employment as aforesaid immediately preceding the first year of that previous course;
 - (ii) where the previous course started on or after 1st September 1986 had earned or received such sums as are mentioned at sub-paragraph (b) in the three years immediately preceding the first year of that previous course; or
 - (iii) was a person to whom an older student's allowance was paid under previous awards regulations.

18. 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 £265;
- (b) where he was so aged 27 years, the sum of £480;
- (c) where he was so aged 28 years, the sum of £715;
- (d) where he was so aged 29 or more years, the sum of £935.

⁽⁵⁾ 1988 c. 1

⁽⁶⁾ 1970 c. 10

⁽⁷⁾ 1981 c. 35

⁽⁸⁾ 1987 c. 16

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PART V

Construction of Parts I to IV

19. 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.

20. 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.

21. 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 board 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 board may require the matter to be evidenced by a certificate given by the academic authority.