

SCHEDULE 7

Regulations 13(1)(a), 13(3),15(2) and
17(1)(b)

MAINTENANCE 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 student 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 £1,885 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 £2,340;
- (b) where he is attending, for at least eight weeks and as a necessary part of his course, an overseas institution, it shall (notwithstanding anything in paragraph (a)) be—
 - £3,365 if that country is a highest-cost country;
 - £2,860 if that country is a higher-cost country;
 - £2,365 if that country is a high-cost country; and
 - £1,885 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;
- (b) a student whose case falls within the exception to paragraph 2(1)(c).

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- (2) In the case of such a student the ordinary maintenance requirement shall be £1,530.

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 10,

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 the University of 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 £39·85;
- (b) in the case of any other student, £56·85 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 £75·90;
 - (ii) where he is attending, for at least eight weeks and as a necessary part of his course, an overseas institution, it shall (notwithstanding anything in sub-paragraph (i)) be—
 - £106·20 if that country is a highest-cost country;
 - £90·00 if that country is a higher-cost country;
 - £73·70 if that country is a high-cost country; and
 - £57·40 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 overseas institution.

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

- (a) in the case of any institution which is a constituent college, hall or school (including medical school) of a university or is a university with such constituent institutions, as including a reference to his attending, in connection with his course, any constituent institution 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 institution, 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 overseas 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.

- (4) For the same purposes as aforesaid, the following amounts shall be disregarded—
- (i) £153 of any requirement under paragraph 2;
 - (ii) £237 of any requirement under paragraph 3;
 - (iii) £7·90 of any requirement under paragraph 5(2)(a);
 - (iv) £5·00 of any requirement under paragraph 5(2)(b):

Provided that—

- (a) where regulation 16(3) applies, the amount to be disregarded shall be £109; and
- (b) where a student's requirements under paragraph 2 or 3 relates to only part of the year, the said proportion shall be deemed to be an equivalent part of £153 or £237 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.

(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 each period of study so appointed by that institution for instruction and study thereat.

(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.

10.—(1) This paragraph shall apply in the case of a disabled student were 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 £4,850.

(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 £3,650 in total for the duration of his course.

(4) The student's supplementary requirement in respect of any other additional expenditure including expenditure incurred for the purposes specified in sub-paragraphs (2) and (3) which exceeds the maxima specified therein shall be such amount as the board considers appropriate not exceeding £1,215.

Part III

Maintenance of dependants

11.—(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.

12.—(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" means, 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);

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“income” means, income for the year from all sources (reduced by income tax and social security contributions) but disregarding child benefit, any attendance allowance under sections 64 to 67, severe disablement allowance under section 68(1) or disability living allowance under sections 71 to 76 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, or any mobility supplement or constant attendance allowance provided for in an order made under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(2) and in the case of a student’s spouse, less—

- (a) where the spouse holds an award in respect of a course of teacher training specified in paragraph (c) in the definition of “course of initial teacher training” in regulation 3(1), being a part-time course or a course which is partly full-time and partly part-time, the payments in respect of maintenance made to the spouse in pursuance of regulation 12(1) (b) or so much of those payments as relates to the part-time part of the course;
- (b) where the spouse or the student makes any payment which was previously made by the student 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
- (c) any allowance payable to the spouse by an adoption agency in accordance with the Adoption (Northern Ireland) Order 1987(3);
- (d) where a child in the care of the Department of Health and Social Services, a Health and Social Services Board or a Health and Social Services Trust(4) is boarded out with the spouse, any payment made to the spouse in pursuance of section 114(1) of the Children and Young Persons Act (Northern Ireland) 1968(5); and
- (e) any guardian’s allowance to which the spouse is entitled under section 77 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“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.

(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 15) is ordinarily living outside the United Kingdom.

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

- (a) in the case of a person other than a child of the student, if his income exceeds by £820 or more the sum specified in paragraph 13(4)(a);

(1) Section 68 was amended by Article 11 of, and paragraph 18 of Schedule 1, to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and S.R. 1994 No. 370

(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 and 1521, 1984/1154 and 1687, 1985/1201, 1986/592, 1987/165, 1988/248 and 2248, 1989/156, 1990/250 and 1308, 1991/766, 1992/710 and 3208, 1993/598, 1994/772 and 1906 and 1995/766)

(3) S.I. 1987/2203 (N.I. 22)

(4) Health and Social Services Trust (HSS) means an HSS trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)) by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994 (S.I. 1994/429 (N.I. 2))

(5) 1968 c. 34 (N.I.)

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- (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 £820 or more the sum specified in paragraph 13(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 £820 or more the sum specified in paragraph 13(4)(a); or
 - (ii) the child's income exceeds by £820 or more the sum specified in paragraph 13(4)(b) and applicable to his age.

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

- (2) Subject to paragraphs 14 and 15, the dependants requirement of the student shall 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 £820 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, £1,865;
 - (b) in respect of each dependent child—
 - (i) under the age of 11 years immediately before the beginning of the academic year, or born during that year, £395;
 - (ii) then aged 11 years or over, but under 16, £785;
 - (iii) then aged 16 years or over but under 18, £1,035;
 - (iv) then aged 18 years or over, £1,495,
- 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 12(2) would be, a dependant.

14.—(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 13(2)(a) or (b)) shall be increased by £650.

15.—(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

16.—(1) In this Part, any reference to any provision of any of the Tax Acts passed before the Income and Corporation Taxes Act 1988⁽⁶⁾ 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⁽⁷⁾, section 27 of the Finance Act 1981⁽⁸⁾ or section 29 of the Finance Act 1987⁽⁹⁾ 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 has 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.

17. In relation to a student to whom this Part applies, the requirements referred to in regulation 13(1)(a) shall, in addition to the ordinary maintenance requirement, include where at the beginning of the first year of his course—

- (a) he was aged 26 years, the sum of £310;
- (b) he was so aged 27 years, the sum of £550;
- (c) he was so aged 28 years, the sum of £820;
- (d) he was so aged 29 or more years, the sum of £1,070.

Part V

Interpretation of Parts I to IV

18. In this Schedule—

- (a) 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; and

⁽⁶⁾ 1988 c. 1
⁽⁷⁾ 1970 c. 10
⁽⁸⁾ 1981 c. 35
⁽⁹⁾ 1987 c. 16

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- (b) 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.

19.—(1) For the purposes of this Schedule, attendance at an institution or the undertaking of 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 institution 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.

- (2) For the purposes of this paragraph, "institution" includes an "overseas institution".