

SCHEDULE 8

RESOURCES

Part I

Student's income

Calculation of student's income

1.—(1) In calculating the student's income for the purposes of regulation 13(1)(b) there shall be taken into account his income (reduced by income tax and social security contributions) from all sources, but there shall be disregarded the following resources—

- (a) the first £800 of 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);
- (b) the first £3,865 of any income by way of—
 - (i) an award made to the student in respect of the course (in pursuance of a sponsorship scheme or otherwise) not being an award made in pursuance of Article 50 or 51; and
 - (ii) in the case of a student released by his employer to attend the course, any payments made by that employer;
- (c) in the case of a student for whose benefit any income is applied or any payments are required to be applied as described in paragraph 5(5)—
 - (i) the whole of that income or those payments if a parental contribution ascertained in accordance with Part II or a spouse's contribution ascertained in accordance with Part III is applicable (at whatever amount including nil that contribution is ascertained to be), or
 - (ii) the first £1,810 of that income or those payments if such a contribution would be applicable but for the fact that the student has no parent living or is such a student as is described in paragraph 3(b), (c), (d) or (e);
- (d) any disability pension not subject to income tax;
- (e) any income received as a reservist with the armed forces or in the Royal Irish Regiment or in the Royal Ulster Constabulary Reserve;
- (f) remuneration for work done during any year of the student's course;
- (g) in the case of a student in whose case a parental contribution is by virtue of Part II applicable (at whatever amount including nil that contribution is ascertained to be) any payment which is made under covenant by a parent by reference to whose income that contribution falls to be ascertained;
- (h) any payment made for a specific educational purpose otherwise than to meet such fees and such requirements for maintenance as are specified in Schedules 6 and 7;
- (i) child benefit;
- (j) any income support under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 or any transitional addition, personal expenses addition or special transitional addition payable under Part III of the Income Support (Transitional) Regulations (Northern Ireland) 1987(1);

(1) S.R. 1987 No. 460; Part III was amended by S.R. 1988 Nos. 132 and 153, S.R. 1989 Nos. 371 and 485, S.R. 1991 No. 341, S.R. 1992 No. 284 and S.R. 1995 No. 71

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- (k) any attendance allowance under sections 64 to 67(2), severe disablement allowance under section 68(3) 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(4);
 - (l) any housing benefit granted to him in pursuance of a scheme under section 122(1)(d) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(5) or a scheme under Part VII of the Social Security Contributions and Benefits Act 1992(6);
 - (m) in the case of a student with whom a child has been placed by the Department of Health and Social Services, a Health and Social Services Board or a Health and Social Services Trust, any payment made in pursuance of section 114(1) of the Children and Young Persons Act (Northern Ireland) 1968(7);
 - (n) any guardian's allowance to which he is entitled under section 77 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
 - (o) any payments made to the student under the programmes of the European Community known as COMETT(8) and Leonardo Da Vinci(9);
 - (p) any payments made to the student under the action scheme of the European Community for the Mobility of University Students known as ERASMUS(10) or the European Community programme for foreign language competence known as LINGUA(11);
 - (q) the first £3,030 of any pension other than one of the kind mentioned at sub-paragraph (d), however described, and including any such pension paid to the student as a widow, child or dependant;
 - (r) any payment made to the student in pursuance of the Education (Student Loans) (Northern Ireland) Order 1990(12);
 - (s) any payment made to the student out of access funds held by the institution at which he attends his course;
- (2) In the case of a student 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—

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- (2) Section 64 was modified by paragraph 19 of Schedule 3 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 c. 9
 - (3) Section 68 was amended by Article 11 of, and paragraph 18 of Schedule 1, and Schedule 2 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994, S.I. 1994/1898 (N.I. 12) and by S.R. 1994 No. 370
 - (4) 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)
 - (5) 1992 c. 7; the scheme under section 122(1)(d) is currently constituted by the provisions of the Housing Benefit (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 461 as amended by S.R. 1988 Nos. 117, 186, 314 and 424, S.R. 1989 Nos. 125, 260, 366 and 408, S.R. 1990 Nos. 33, 136, 137, 297, 305, 345, 398 and 442, S.R. 1991 Nos. 47, 176, 204, 337 and 520, S.R. 1992 Nos. 6, 35, 85, 141, 201, 284, 298, 404, 435, 444 and 549, S.R. 1993 Nos. 145, 149, 195, 218, 233, 373, 381 and 414, S.R. 1994 Nos. 65, 80, 88, 137, 266, 274 and 335, S.R. 1995 Nos. 64, 71, 101, 129, 223, 280, 367, 410, and 481, S.R. 1996 Nos. 11, 73, 84, 92, 93, 111, 115, 181 and 221)
 - (6) 1992 c. 4; the scheme under Part VII is currently constituted by the provisions of the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) as amended by S.I. 1988/661, 909, 1444 and 1971, S.I. 1989/416, 566 and 1017, S.I. 1990/127, 546, 671, 1549, 1657, 1775 and 2564, S.I. 1991/235, 1175, 1599, 2695 and 2742, S.I. 1992/50, 201, 432, 1101, 1326, 1585, 2148 and 3147, S.I. 1993/317, 349, 518, 963, 1150, 1249, 1540 and 2118, S.I. 1994/470, 542, 578, 781, 1003, 1608, 1807, 1924, 2137, 2139 and 3061, S.I. 1995/511, 560, 625, 626, 1339 and 1742, S.I. 1995/1644, 2303, 2792, 2868 and 3282, S.I. 1996/30, 194, 462, 965 and 1510)
 - (7) 1968 c. 34 (N.I.)
 - (8) O.J. No. L222, 8.8.86, p. 17
 - (9) O.J. No. L340, 29.12.94, p. 8
 - (10) O.J. No. L166, 25.6.87, p. 20
 - (11) O.J. No. L239, 16.8.89, p. 24
 - (12) S.I. 1990/1506 (N.I. 11)

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- (a) if, in the opinion of the board, 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 income of a married student where the student's spouse is a dependant for the purposes of Part III of Schedule 7 and, in pursuance of paragraph 13 thereof, the payment is taken into account in determining the spouse's income.

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