
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 578

EDUCATION

Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1996

Made - - - - 11th December 1996

Coming into operation 11th January 1997

The Department of Education in exercise of the powers conferred on it by Articles 50(1) and (2) and 134(1)(1) of the Education and Libraries (Northern Ireland) Order 1986(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1996 and shall come into operation in accordance with paragraphs (2) and (3).

(2) These Regulations shall come into operation on 11th January 1997 and subject to paragraph (3), shall have effect from 1st September 1995.

(3) Schedule 2 shall have effect from 1st September 1996.

Revocation

2. The Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1994(3) are hereby revoked.

Interpretation

3. In these Regulations, “the Order” means the Education and Libraries (Northern Ireland) Order 1986.

Eligibility criteria

4. Subject to the provisions of these Regulations a board shall pay a maintenance allowance in respect of a pupil who—

(1) As amended by S.I. 1993/2810 (N.I. 12) Article 50(1) and Schedule 4 Part II
(2) S.I. 1986/594 (N.I. 3)
(3) S.R. 1994 No. 298

- (a) has attained the upper limit of compulsory school age;
- (b) is following a full-time course at a grant-aided school or institution of further education;
- (c) has not been awarded under the provisions of Article 50 or 51 of the Order any other award which includes provision for his maintenance; and
- (d) is ordinarily resident in its area.

Amount of allowance

5. The amount of the maintenance allowance shall be determined in accordance with Schedule 1 or Schedule 2 and the allowance shall be paid at such times and in such manner as the board may determine.

Terms and conditions

6.—(1) Subject to the provisions of these Regulations, where a pupil is deemed to have attained the upper limit of compulsory school age on:

- (a) 30th June 1995, the amount of the maintenance allowance shall be determined in accordance with Schedule 1 and shall be payable from 1st September 1995; or
- (b) 30th June 1996, the amount of the maintenance allowance shall be determined in accordance with that Schedule as in operation on 1st September 1996 and shall be payable from 1st September 1996,

and such maintenance allowance shall normally be payable for a period of twelve months but, subject to reassessment, shall be renewable for a further period or periods so long as is necessary in the opinion of the board to enable the pupil to complete the course in respect of which the maintenance allowance is granted.

(2) The board may at any time terminate a maintenance allowance if it is satisfied, after consultation with the principal of the school or institution of further education that the conduct, progress or attendance of the pupil is not satisfactory.

7. An application for a maintenance allowance shall be made annually in such form, contain such information, be accompanied by such documents and be submitted by such date as the board shall require.

8. It is a condition of the payment of a maintenance allowance under these Regulations that the parent of a pupil in respect of whom it is claimed shall inform the board of any change in his financial circumstances; and if the board has reason to believe that such a change has occurred or if the parent represents that such a change has occurred the board shall give the parent an opportunity of submitting a revised application and thereafter shall reconsider and if necessary adjust the amount of or cancel the maintenance allowance.

9. It is a condition of the payment of a maintenance allowance under these Regulations that the parent of a pupil in respect of whom it is being paid shall inform the board immediately of any change in his place of residence.

Sealed with the Official Seal of the Department of Education on 11th December 1996.

L.S.

Robson Davison
Assistant Secretary

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SCHEDULE 1

Regulations 5 and 6(1)

1. The amount of a maintenance allowance shall be determined in accordance with the following table:

Balance of parental income	Maintenance allowance payable for full year £
Not exceeding £3,778	631
Exceeding £3,778 but not exceeding £4,588	485
Exceeding £4,588 but not exceeding £5,397	364
Exceeding £5,397 but not exceeding £6,206	243
Exceeding £6,206 but not exceeding £7,016	122

2.—(1) To determine the balance of parental income there shall be deducted from gross income:

- (a) an annual allowance of £596 in respect of each wholly dependent child up to the age of 18 years other than the pupil for whom an allowance is being determined;
- (b) an annual allowance of £974 in respect of each wholly dependent relative normally living as a member of the household other than the pupil for whom an allowance is being determined and dependent children falling within head (a) provided that the amount shall be reduced by the amount of any income which the relative may receive from other sources;
- (c) a charge made under regulation 6 of the Grammar Schools (Charges) Regulations (Northern Ireland) 1992⁽⁴⁾ in the period of twelve months beginning on the day before the first day of the period in respect of which the maintenance allowance being determined would be payable; and
- (d) the following annual outgoing on the basis of outgoings (on a weekly or other period basis as the case may be) at the time of determination:
 - (i) the gross amount of any sums payable as interest (including interest on a mortgage) in respect of which relief is given under the Income Tax Acts in respect of a loan to the parent;
 - (ii) half of the gross amount of any premium payable under a policy of life insurance in respect of which relief is given under section 266 of the Income and Corporation Taxes Act 1988⁽⁵⁾ (life policy and certain other premiums).

(2) In sub-paragraph (1) “the Income Tax Acts” has the same meaning as in Schedule 1 to the Interpretation Act 1978⁽⁶⁾.

3. To determine gross income there shall, subject to paragraph 4, be taken into account the annual income from all sources of both parents determined for the purpose of these Regulations on the basis of income (on a weekly or other period basis as the case may be) at the time of determination;

Provided that:

- (a) all payments made under sections 134(1) and (2) and 136(5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽⁷⁾ and sections 62, 64(9) and (10),

⁽⁴⁾ S.R. 1992 No. 171, regulation 6 was substituted by S.R. 1995 No. 277 regulation 2

⁽⁵⁾ 1988 c. 1

⁽⁶⁾ 1978 c. 30

⁽⁷⁾ 1992 c. 7

- 74(4), 146 and 147 of the Social Security Administration (Northern Ireland) Act 1992⁽⁸⁾ and gifts from charitable funds shall be disregarded; and
- (b) where any attendance allowance under sections 64 to 67 of, any care component of a disability living allowance under section 72 of, any constant attendance allowance under section 104 of, any disablement pension under section 103 of, and paragraph 9 of Schedule 7 to, any unemployability supplement under paragraph 2 of Schedule 7 to, and any exceptionally severe disablement allowance under section 105 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 are payable, the first £10.00 a week of the aggregate income from those sources shall be disregarded.
4. Where the parents do not normally reside together the board shall take account of the income of the person who normally maintains the pupil for whom a maintenance allowance is being sought.
5. The amount of a maintenance allowance shall be reassessed annually.

SCHEDULE 2

Regulations 1(3) and 5

Amendments to Schedule 1 having effect from 1st September 1996

1. In Schedule 1—

- (a) for the table in paragraph 1 there shall be substituted the following table:

Balance of parental income	Maintenance allowance payable for full year £
Not exceeding £3,910	647
Exceeding £3,910 but not exceeding £4,749	497
Exceeding £4,749 but not exceeding £5,586	373
Exceeding £5,586 but not exceeding £6,423	249
Exceeding £6,423 but not exceeding £7,262	125

- (b) in paragraph 2(1)(a) for the figure “£596” there shall be substituted “£611”;
- (c) in paragraph 2(1)(b) for the figure “£974” there shall be substituted “£999”.

⁽⁸⁾ 1992 c. 8

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and replace the Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1994.

These Regulations come into operation on 11th January 1997 and (except for Schedule 2) have effect retrospectively from 1st September 1995. Schedule 2 has effect retrospectively from 1st September 1996.

Retrospection is authorised by Article 50(2) of the Education and Libraries (Northern Ireland) Order 1986, (S.I.1986/594 (N.I. 3)).

Under the Regulations the conditions of eligibility for a maintenance allowance are prescribed (regulation 4).

Allowances payable have been increased in Schedule 1 by 2.5% and in Schedule 2 by a further 2.55% and are determined by reference to income bands (which have been adjusted to reflect an increase of 4.5% in Schedule 1 and a further increase of 3.5% in Schedule 2). The timing of payment of the allowances is determined by the board (regulation 5).

The allowance is payable, subject to other provisions in the Regulations, from 1st September following that on which the pupil attains the upper limit of compulsory school age, is subject to reassessment or termination (regulation 6) and shall be applied for annually (regulation 7).

There is an obligation on parents claiming the allowance to advise the board of any change in financial circumstances, with provision for revision or cancellation of the allowance (regulation 8). Parents are also obliged to inform the board of any change in the pupil's place of residence (regulation 9).

Schedule 1 specifies the rates of allowances, income bands and certain items to be deducted in determining the balance of parental income. The criteria for assessing gross income are also specified.