
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 277

Education (Student Support)
Regulations (Northern Ireland) 2001

Part IV

Grants for Living Costs

Grants for dependants

15.—(1) Subject to the following paragraphs an eligible student who satisfies the requirements set out in regulation 19(1) shall in respect of each academic year be eligible for grant for living costs for his dependants as follows:

- (a) a grant of £2,175 for only one of the following:
 - (i) a spouse, or
 - (ii) an adult dependant whose net income does not exceed £3,125, or
 - (iii) an only or eldest dependent child whose net income does not exceed £3,125;
- (b) for each of his dependent children in respect of whom a grant is not payable under subparagraph (a) and whose net income does not exceed the amount of grant applicable to his age by more than £950—
 - (i) under the age of 11 immediately before the beginning of the academic year, a grant of £455;
 - (ii) then aged 11 or over, but under 16, a grant of £910;
 - (iii) then aged 16 or over, but under 18, a grant of £1,210;
 - (iv) then aged 18 or over, a grant of £1,740;
- (c) where an eligible student has not elected to be ineligible for grant under regulation 16 in accordance with paragraph (6), a grant of £250 in respect of either:
 - (i) an only or eldest dependent child whose net income does not exceed £3,375, where the grant is determined under paragraph (a), or
 - (ii) a dependent child whose net income does not exceed the amount of grant applicable to his age by more than £1,200, where the grant is determined under paragraph (b).

(2) The aggregate amount of grant under paragraph (1) shall be reduced by the difference between—

- (a) the aggregate of the net income of each of the eligible student's dependants whose net income does not exceed a maximum amount applicable under paragraph (1), if any, and
- (b) £950 multiplied by the number of such dependants.

(3) If an eligible student's spouse is also an eligible student or holds a statutory award and if in calculating the amount of support for which the spouse is eligible or payment to which he is entitled

under the award, account is taken of his dependants, the aggregate amount of grant calculated under paragraphs (1) and (2) shall be reduced by one half.

(4) Where an eligible student maintains a dependant who is ordinarily resident outside the United Kingdom the grant under this regulation shall be such amount, if any, not exceeding the aggregate amount of grant calculated under paragraphs (1) to (3) as the Department considers reasonable in all the circumstances.

(5) Where an eligible student with dependants maintains a home for himself and a dependant at a place other than that at which he resides while attending the course he shall be eligible for a grant of £510, unless he has elected to be ineligible for grant under regulation 16 in accordance with paragraph (6), in which case he shall be eligible for a grant of £760.

(6) Where an eligible student is a lone parent whose course began before 1st September 2001 or whose end-on course began on or before 1st September 2001, and he has elected to be ineligible for grant under regulation 16, he shall in addition to any grant referred to in the preceding paragraphs be eligible for a grant of £1,075.

(7) For the purposes of paragraph (6) an eligible student may make one election to be ineligible for grant under regulation 16 at any time before or during the academic year and he may revoke such election at any time during the academic year and for the purposes of this regulation and regulation 16, where an eligible student has revoked such election, he shall be treated as a person who has not elected to be ineligible for grant under regulation 16.

(8) Where the eligible student is eligible for grant under paragraph (1) or under regulation 16 in respect of a dependent child and he has not elected to be ineligible for grant under regulation 16 in accordance with paragraph (6), he shall be eligible for a grant of £500 in respect of expenditure on travel, books and equipment for the purpose of attending his course.

(9) Where the number of an eligible student's dependants changes during an academic year the Department shall determine who the student's dependants are for each of the three quarters of the academic year in respect of which support is payable under regulation 26(2) by reference to the student's circumstances during the relevant quarter.

(10) Where the Department has determined who the student's dependants are for a quarter under paragraph (9) the grant for dependants for the quarter shall be one third of the amount of grant for those dependants for an academic year and the amount of grant for the academic year shall be the aggregate of the three amounts so determined.

(11) Where an eligible student is eligible for a grant for living costs in respect of an academic year under regulation 12(4)(a) he shall only be eligible for a grant under this regulation in respect of such of the three quarters of the year in respect of which support is payable under regulation 26(2) as begin after the events referred to in regulation 12(4)(a), and, subject to paragraphs (9) and (10), the grant for each such quarter shall be one third of the amount for an academic year and the amount for the academic year shall be the aggregate of the amounts payable in respect of each such quarter.

(12) In this regulation and in regulation 16—

“adult dependant” means, in relation to an eligible student, an adult person dependent on the student not being his child, his spouse (whether ordinarily living with him or not) or a person living with him as his spouse or his former spouse;

“child” in relation to an eligible student includes a step-child and any child for whom the student has parental responsibility and who is dependent on him and, in the case of a student in respect of whom the first academic year of the course (not being an end-on course) begins on or after 1st September 2000 and who falls within paragraph 3(1)(a) of Part II of Schedule 3, any child of his partner who is dependent on him;

“dependant” means, in relation to an eligible student, his spouse, his dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;

“dependent” means wholly or mainly financially dependent;

“partner” means a woman ordinarily living with a man student as his wife or a man ordinarily living with a woman student as her husband;

“spouse” includes, in the case of an eligible student whose course begins on or after 1st September 2000 and who falls within paragraph 3(1)(a) of Part II of Schedule 3, a person of the opposite sex ordinarily living with him as his spouse. It does not include a spouse of an eligible student where they have ceased ordinarily to live together, in the case of a married student whether or not an order for their separation has been made by any court, or where the spouse is ordinarily living outside the United Kingdom and is not maintained by him.

(13) For the purposes of this regulation a dependant’s net income shall be his income from all sources for the academic year in question reduced by the amount of income tax and social security contributions payable in respect of it, but disregarding—

- (a) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the dependant is subject;
- (b) child benefit;
- (c) any allowance payable to his spouse by an adoption agency in accordance with regulations made under section 59A of the Adoption (Northern Ireland) Order 1987(1);
- (d) any guardian’s allowance to which his spouse is entitled under section 77 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- (e) in the case of a spouse with whom a child in the care of a Health and Social Services Board or a Health and Social Services Trust is boarded out, any payment made to him in pursuance of Article 27(2)(a) of the Children (Northern Ireland) Order 1995(2);
- (f) any payments made to his spouse in pursuance of an order made under Article 15 of and Schedule 1 to the Children (Northern Ireland) Order 1995 in respect of a person who is not his child or any assistance given by a Health and Social Services Board or Health and Social Services Trust pursuant to Articles 35 and 36 of that Order.

(14) Where an eligible student, or his spouse, make any recurrent payments which were previously made by the student in pursuance of an obligation incurred before the first academic year of the student’s course the spouse’s net income shall be reduced by—

- (a) an amount equal to the payments in question for the academic year, if in the opinion of the Department the obligation had been reasonably incurred; or
- (b) such lesser amount if any as the Department considers appropriate, if in its opinion a lesser obligation could reasonably have been incurred.

(1) S.I.1987/2203 (N.I. 22); Article 59A was inserted by paragraph 164 of Schedule 9 to the Children (Northern Ireland) Order 1995 (S.I. 1995/755) (N.I. 22)); the relevant amending Regulations are 1996/438

(2) S.I. 1995/755 (N.I. 2)