

SCHEDULE 3

Financial Assessment

Part I

Student's Income

Calculation of student's income

1.—(1) In calculating an eligible student's income for the purposes of regulation 23 there shall be taken into account his income (reduced by income tax and social security contributions) from all sources, and any payment referred to in head (b) and (c), whether or not it is income, but there shall be disregarded the following—

- (a) in a case not covered by paragraph (w), the first £860 of income of any description, or where the eligible student is a lone parent, the first £1,870 of income of any description, in each case other than any sum treated as income under sub-paragraph (6);
- (b) the first £4,000 of any payment by way of scholarship, studentship, exhibition, bursary, award, grant, allowance or benefit however described payable in connection with the student's attendance on the course, otherwise than under the Order and regulations made under it;
- (c) in the case of a student in gainful employment, the first £1,050 of any payment by way of remuneration (reduced by income tax and social security contributions) paid in respect of any period for which he has leave of absence or is relieved of his normal duties for the purpose of attending the course; except that, if the person's course is a course for the initial training of teachers referred to in paragraph 4 of Schedule 2 during which the periods of full-time attendance, including attendance for the purpose of teaching practice, are in aggregate less than 6 weeks, any payments by way of remuneration shall be disregarded;
- (d) any payment under a bursary or award of similar description made to him under Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972 or section 63 of the Health Services and Public Health Act 1968;
- (e) any allowance paid to him under sections 73(f) and 74(1) of the Education (Scotland) Act 1980 in respect of a course leading to a qualification in a healthcare profession, other than as a medical doctor or dentist;
- (f) any grant to facilitate teacher training paid to the eligible student under regulations made under section 50(1) of the Education (No. 2) Act 1986 or any payment made in respect of the student's training as a teacher by an institution to which grants, loans or other payments for that purpose are provided under section 5 of the Education Act 1994⁽¹⁾ or under section 65(3) of the Further and Higher Education Act 1992;
- (g) in the case of an eligible student for whose benefit any income is applied or any payments are required to be applied as described in paragraph 5(5), 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);
- (h) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the eligible student is subject and any war widow's or war widower's pension;

(1) 1994 c. 30

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) any bounty received as a reservist with the armed forces or in the Royal Irish Regiment or in the Royal Ulster Constabulary Reserve;
- (j) remuneration for work done during the academic year of the eligible student's course;
- (k) in the case of an eligible student in whose case a parental contribution is by virtue of Part II of this Schedule 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;
- (l) any payments made for a specific educational purpose otherwise than to meet such fees as are mentioned in Part III and living costs as are mentioned in Parts IV and V;
- (m) child benefit;
- (n) any allowance payable to the eligible student by an adoption agency in accordance with regulations made under Article 59A of the Adoption (Northern Ireland) Order 1987;
- (o) any guardian's allowance to which he is entitled under section 77 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- (p) in the case of an eligible student with whom a child in the care of a local authority is boarded out, any payment made to him in pursuance of Article 27(2)(a) of the Children's (Northern Ireland) Order 1995;
- (q) any payments made to the eligible student 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;
- (r) income support or Working Families' Tax Credit 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(2);
- (s) any housing benefit granted to the eligible student in pursuance of a statutory scheme under section 122(1)(d) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(3) or a scheme under Part VII of the Social Security Contributions and Benefits Act 1992(4);
- (t) in a case not covered by paragraph (w), the first £3,260 of any pension, allowance or other benefit payable by reason of the eligible student's old age, his retirement, the death of his spouse or parent or another person on whom he was wholly or mainly financially dependent, or by reason of his military or other public service;

-
- (2) 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
 - (3) 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, 221, 291, 334, 375, 405, 448, 476 and 662 and S.R. 1997 Nos. 3, 4, 22, 113, 123, 126, 127, 130, 152 and 170, S.R. 1997 Nos. 330, 331, 354, 376, 377, 412, 452, 253, 454, 483, 514, 515 and 541, S.R. 1998 Nos. 2, 59, 73, 81, 112, 114, 176, 182, 198, 204, 232, 252, 324, 325, 327, 348, 421 and 445, S.R. 1999 Nos. 50, 158, 249, 275, 298, 317, 342, 372, 381, 382, 385, 391, 416, 472 and 474, S.R. 2000 Nos. 1, 2, 38, 65, 71, 74, 109, 125, 221, 241, 242, 245, 249, 260, 265, 268, 365, 366, 367 and 369, S.R. 2001 Nos. 4, 25, 41, 79, 99, 120, 134, 150, 157, 175, 176 and 179).
 - (4) 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, 1995/511, 560, 625, 626, 1339 and 1742, S.I. 1995/1644, 2303, 2792, 2868 and 3282, S.I. 1996/30, 194, 462, 965, 1510, 1759, 1803, 1944, 2006, 2432, 2518, 2545 and 3195 and S.I. 1997/65, 454, 543, 584 and 582

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (u) any payments made to the eligible student under the action scheme of the European Community for the mobility of university students known as ERASMUS⁽⁵⁾, the European Community programme for foreign language competence known as LINGUA⁽⁶⁾ or the European Community programme known as LEONARDO DA VINCI⁽⁷⁾;
- (v) any payments made to the eligible student out of access funds held by the institution at which he attends his course;
- (w) any payments made to the eligible student for the maintenance of his child by virtue of any agreement, instrument or enactment;
- (x) where a parental contribution does not apply because the eligible student falls within paragraph 3(1) of this Schedule and a spouse's contribution does not apply under Part III of this Schedule, the first £7,500 of income of any description, other than any sum treated as income under sub-paragraph (6).

(2) Where income may be disregarded under more than one of the sub-paragraphs of paragraph (1) it shall be disregarded under the sub-paragraph or sub-paragraphs which will result in the largest amount of the eligible student's income from all sources being disregarded under paragraph (1).

(3) Where an eligible student is a person mentioned in paragraph 7 of Schedule 1 and not in any other paragraph and his income arises from sources or under legislation different from sources or legislation normally relevant to a person mentioned in paragraph 1 of Schedule 1 his income shall not be disregarded in accordance with paragraph (1) but shall be disregarded to the extent necessary to ensure that he is treated no less favourably than a person in similar circumstances in receipt of similar income who is mentioned in Schedule 1 would be treated.

(4) Where an eligible student makes any payment for the maintenance of his child or former spouse or person who lived with him as his spouse by virtue of any agreement, instrument or enactment, the amount of such payment shall be deducted in calculating his income for the purposes aforesaid.

(5) In the case of an eligible 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 aforesaid there shall be deducted therefrom—

- (a) if, in the opinion of the Department, 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 student who has a spouse who is a dependant for the purpose of regulation 15 and, under regulation 15(14) the payment is taken into account in determining the spouse's income.

(6) In a case where the eligible student is the parent or step-parent of an eligible student in respect of whom a contribution is ascertained under Part II of this Schedule or of a child who holds an award in respect of which a parental contribution is applicable, so much of the amount (if any) by which the contribution is reduced under paragraph 4(3) as the Department considers just shall be treated as part of the eligible student's income for the purposes of this regulation.

(7) Where the eligible student is a lone parent having one or more dependent children under the age of 19 and he has elected to be ineligible for grant under regulation 16 in accordance with regulation 15(6), he may also elect to be ineligible for grant under regulation 15 and to have disregarded in calculating his income under this regulation £2,500 in respect of his only or eldest such child and £790 in respect of every other such child.

(5) O.J. No. L166, 25.6.87, p. 20

(6) O.J. No. L239, 16.8.89, p. 24

(7) O.J. No. L340, 29.12.94, p. 8

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (8) Where the eligible student receives income in a currency other than sterling the value of the income shall be—
- (a) if the student purchases sterling with the income the amount of sterling the student receives for it; and
 - (b) otherwise the value of the sterling which the income would purchase using the rate for the month in which it is received published by the Office for National Statistics in “Financial Statistics”.