SCHEDULE 6 Regulations 2(1), 11, 13(2) and Schedule 7

REQUIREMENTS

PART I

ORDINARY MAINTENANCE

1.—(1) The requirements of the student referred to in regulation 11(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 does not reside at his parents' home; and

(b) 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 £2,045 except that –

(a) if he attends one of the following:

(i) a course at the University of London, or

(ii) a course at an institution which requires attendance for at least half the time in aggregate of any term of the academic year excluding vacations at a site within the area comprising the City of London and the Metropolitan Police District, or

(iii) a sandwich course at an institution which requires him to undertake work experience or a combination of work experience and study for at least half the time in aggregate of any term of the academic year excluding vacations at a site or sites within the area comprising the City of London and the Metropolitan Police District,

it shall be £2,510

(b) if he attends, for a period of at least eight weeks and as part of his course, an overseas institution, it shall be £2,920. –

3. In the case of any other student the ordinary maintenance requirement shall be £1,665.

PART II

SUPPLEMENTARY MAINTENANCE, ETC

4. The requirements referred to in regulation 11 shall include the student's requirements –

(a) for supplementary maintenance in the cases and for the periods mentioned in paragraphs 5, 6 and 10; and

(b) in respect of such expenditure as is mentioned in paragraphs 7 to 9;

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, £48;

(b) in the case of any other student, £71 except that –

(i) if he attends one of the following:

(aa) a course at the University of London, or

(bb) a course at an institution which requires attendance for a least half the time in aggregate of any term of the academic year excluding vacations at a site within the area comprising the City of London and the Metropolitan Police District, or

(cc) a sandwich course at an institution which requires him to undertake work experience or a combination of work experience and study for at least half the time in aggregate of any term of the academic year excluding vacations at a site or sites within the area comprising the City of London and the Metropolitan Police District,

it shall be £92:

(ii) if he attends for a period of at least eight weeks and as part of his course an overseas institution, it shall be £99.

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 at his course in the period of 52 weeks in question, 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 reasonable expenditure –

(a) 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, for the purpose of attending in connection with his course any hospital or other premises in the United Kingdom (not comprised in the institution) at which facilities for clinical training are provided, but not incurred for the purpose of residential study away from the institution;

(b) within or outside the United Kingdom for the purpose of attending for a period of at least eight weeks and as part of his course, an overseas institution.

(2) The student's supplementary requirement in respect of such expenditure shall be the amount of such expenditure less £270.

(3) For the purposes of this paragraph any reference to expenditure incurred for the purpose of attending an institution or period of study –

(a) includes expenditure both before and after so attending; and

(b) does not include any expenditure specified in paragraph 9.

8.—(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 which is part of the student's course.

(2) The student's supplementary requirement in respect of such expenditure shall be the amount reasonably incurred.

9.—(1) This paragraph shall apply in the case of a disabled student where 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.

(2) The student's supplementary requirements shall be such amounts as the board considers appropriate –

(a) in respect of a non-medical personal helper not exceeding £11,280;

(b) in respect of major items of specialist equipment not exceeding £4,460 in total for the duration of his course;

(c) in respect of expenditure incurred –

(i) within the United Kingdom or the Republic of Ireland, for the purposes of attending the institution;

(ii) within or outside the United Kingdom for the purpose of attending, as part of his course, an overseas institution;

(d) in respect of any other expenditure including expenditure incurred for the purposes specified in paragraphs (a) and (b) which exceed the maxima specified therein not exceeding £1,490.

10.—(1) This paragraph shall apply in the case of a student –

(a) who is under the age of 21 on the first day of the course;

(b) in respect of whom a parental contribution is not applicable in accordance with Part II of Schedule 7 because he has pursuant to an order of a competent court been in such custody or care or has been provided with accommodation as described in paragraph 3(c) of that Schedule; and

(c) who in the opinion of the board is subject to greater financial hardship by reason of having been in custody, care or having been provided with accommodation as mentioned in paragraph (b) than he would have been if he had not been in custody, care or having been provided with accommodation.

(2) The student's supplementary requirement shall be such amount as the board in all the circumstances considers appropriate not exceeding £100 for each week or part of a week which –

(a) falls within the longest vacation taken; and

(b) during no part of which week the student attends his course.

PART III

MAINTENANCE OF DEPENDANTS

11.—(1) The requirements referred to in regulation 11(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", in relation to a student, includes a person adopted in pursuance of adoption proceedings, a step-child and any child for whom the student has parental responsibility and who is dependent on him;

"dependant" means, in relation to a student, his spouse, his dependent child, for whom he or his spouse is in receipt of child tax credit under Part I of the Tax Credits Act 2002(**1**) or an adult dependant, subject however to sub-paragraphs (2) and (3);

"income" means income for the year from all sources (reduced by income tax and social security contributions) but disregarding –

(a) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the person is subject which is not subject to income tax under the Income Tax Acts or, where the income is subject to the tax legislation of another member State, which would not be subject to tax under that legislation if it made provision equivalent to those Acts;

(b) child benefit payable under Part IX of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**);

(c) any allowance payable to his spouse by an adoption agency in accordance with regulations made in pursuance of Article 59A of the Adoption (Northern Ireland) Order 1987(**3**)

(d) any guardian's allowance to which his spouse is entitled under section 77 of the 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(**4**) is boarded out, any payment made to him in pursuance of Article 27 (2)(a) of the Children (Northern Ireland) Order 1995(**5**);

(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, or any assistance given by

(**1**) 2002 c. 21
(**2**) 1992 c. 7
(**3**) 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. 1995/775 (N.I. 22)); the relevant Regulations are S.R. 1996/438
(**4**) Health and Social Services Trust (HSST) 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 (S.I. 1994/429) (N.I. 2))
(**5**) S.I. 1995/755 (N.I. 2)

a Health and Social Services Board or a Health and Social Services Trust pursuant to Articles 35 and 36 of that Order, in respect of a person who is not the spouse's child;

(g) any child tax credit to which he is entitled under part I of the Tax Credits Act 2002;

(h) 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 2(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 10(1)(b) or so much of those payments as relates to the part-time part of the course;

(i) where the spouse or the student makes any recurrent payments which were 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;

"relevant award" means a statutory award in respect of a person's attendance at –

(a) a full-time course of higher education or a comparable course outside Northern Ireland;

(b) a course of teacher training specified in paragraph (b) in the definition of "course of initial teacher training" in regulation 2(1);

(c) the full-time part of a course of teacher training specified in paragraph (c) in the definition of "course of initial teacher training" in regulation 2(1), which is partly full-time and partly part-time;

"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 if the person's net income exceeds £3,280.

13.—(1) Subject to the following sub-paragraphs the dependants requirement of a student shall in respect of each academic year be £2,280 in total for only one of the following –

(a) a spouse, or

(b) an adult dependant whose net income does not exceed £3,280.

(2) The amount of dependants requirement under sub-paragraph (1) shall be reduced or extinguished by the difference between –

(a) the aggregate of the net income of each of the student's dependants; and

(b) where the student –

(i) has no dependent child, £1,000;

(ii) is not a lone parent and has one dependent child, £3,000;

(iii) is not a lone parent and has more than one dependent child, £4,000;

(iv) is a lone parent and has one dependent child, £4,000; or

(v) is a lone parent and has more than one dependent child, £5,000

provided the aggregate amount calculated under paragraph (a) of this sub-paragraph is greater than the amount applicable under paragraph (b) of this sub-paragraph.

(3) 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 (1) and (2);

(b) in any other case, the whole of the amount so determined.

(4) Where the student –

(a) is entitled to dependants requirement under sub-paragraph (1) and has not made an election under paragraph (3) of Schedule 4 and he has one or more dependent children, in addition to any dependants requirement referred to in the preceding paragraphs he shall be entitled to receive the sum of £1,300;

(b) is entitled to receive dependants requirement under sub-paragraph (1) and has not made an election under paragraph (3) of Schedule 4 and has one or more dependent children, he shall be entitled to receive the sum of £1,300 less the amount up to a maximum of £1,250 by which the aggregate of the net income of each of the student's dependants exceeds the amount applicable in paragraph 13(2)(b) provided such excess amount is less than £1,300.

14.—(1) Subject to the following sub-paragraphs, where the student has not made an election under paragraph 3 of Schedule 8 and he or his spouse has elected not to receive the child care element of the working tax credit under Part I of the Tax Credits Act 2002(**6**), his dependants requirement shall, in respect of each academic year, be increased in respect of childcare costs for each dependent child where the childcare is provided by an approved or registered childcare provider, if –

(a) the child is under the age of 15 immediately before the beginning of the academic year; or

(b) the child has registered special educational needs within the meaning of the Education (Northern Ireland) Order 1996(**7**) under the age of 17 immediately before the beginning of the academic year.

(2) The dependants requirement for each week for which a student shall be eligible under sub-paragraph (i) is:

(a) for one dependent child, 85 per cent. of the costs of the childcare, subject to a maximum amount of £114·75, or

(b) for two or more dependent children, 85 per cent. of the costs of the childcare, subject to a maximum amount of £170

except that the student shall not be eligible for any such amount in respect of each week falling within the period between the end of the course and the end of the academic year in which the course ends.

(3) Where the amount to be deducted from a student's dependants requirement in accordance with paragraph 13(2) exceeds the amount calculated under paragraph 13(1) and dependants requirement is payable under paragraph 13(2) the amount of such dependants requirement shall be reduced or extinguished by the amount of the excess and if the excess is greater than is required to extinguish any dependants requirement payable under paragraph 13(2) any dependants requirement payable under paragraph 13(4) shall be reduced or extinguished by the amount of the remaining excess.

(4) Where the amount to be deducted from a students dependants requirement in accordance with paragraph 13(2) exceeds the amount of dependants requirement calculated under paragraph 13(1) and no dependants requirement is payable under sub-paragraph (2), any dependants requirement payable under paragraph 13(4) shall be reduced or extinguished by the amount of the excess.

(**6**) 2002 c. 21
(**7**) S.I. 1996/274 (N.I. 1)

(5) Where no amount is to be deducted from a dependants requirement in accordance with paragraph 13(2) because paragraph 13(1) does not apply and dependants requirement is payable under sub-paragraph (2) the amount so payable shall be reduced or extinguished by the difference between –

(a) the aggregate of the net income of each of the student's dependants; and

(b) where the student –

(i) has no dependent child, £1,000;

(ii) is not a lone parent and has one dependent child, £3,000;

(iii) is not a lone parent and has more than one dependent child, £4,000;

(iv) is a lone parent and has one dependent child, £4,000; or

(v) is a lone parent and has more than one dependent child, £5,000

provided the aggregate amount calculated under paragraph (a) of this sub-paragraph is greater than the amount applicable under paragraph (b) of this sub-paragraph.

(6) If the difference calculated under sub-paragraph (5) exceeds the amount required to extinguish any dependants requirement payable under sub-paragraph (2) any dependants requirement payable under paragraph 13(4) shall be reduced or extinguished by the amount of the excess.

(7) Where no amount is to be deducted from a dependants requirement in accordance with paragraph 13(2) because paragraph 13(1) does not apply and no dependants requirement is payable under sub-paragraph (2) the amount of dependants requirement payable under 13(4) shall be reduced or extinguished by the difference between –

(a) the aggregate of the net income of each of the student's dependants; and

(b) where the student –

(i) has no dependent child, £1,000;

(ii) is not a lone parent and has one dependent child, £3,000;

(iii) is not a lone parent and has more than one dependent child, £4,000;

(iv) is a lone parent and has one dependent child, £4,000; or

(v) is a lone parent and has more than one dependent child, £5,000

provided the aggregate amount calculated under paragraph (a) of this sub-paragraph is greater than the amount applicable under paragraph (b) of this sub-paragraph.

(8) If the student's spouse holds a statutory award and in calculating payments under it account is taken of the spouse's dependants requirement, the amount calculated under sub-paragraph (2) shall be reduced by one half.

(9) In this paragraph "approved childcare provider" means a childcare provider within the meaning of the Tax Credit (New Category of Childcare Provider) Regulations 1999(**8**), who has been approved in accordance with those regulations;

"registered childcare provider" means a person who acts as a child minder or provides day-care and is registered within the meaning of Articles 118, 119 and 120 of the Children (Northern Ireland) Order 1995(**9**) (registration of child minders and persons providing day care for young children).

15.—(1) This paragraph shall apply in the case of a student who maintains a dependant outside the United Kingdom.

(**8**) S.I. 1999/3110, made in exercise of the powers conferred by sections 15(1) and 15(4) of the Tax Credits Act 1999 (c. 10)
(**9**) S.I. 1995 No. 755 (N.I. 2)

(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

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

(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.