

1973 No. 1234

EDUCATION, ENGLAND AND WALES

The Students' Dependants' Allowances Regulations 1973

Made - - - 12th July 1973

Laid before Parliament 24th July 1973

Coming into Operation 1st September 1973

The Secretary of State for Education and Science, in exercise of the powers conferred by sections 1 and 3(a) of the Education Act 1962(a) and section 3 of the Education Act 1973(b) and vested in her(c), hereby makes the following regulations:—

Citation, commencement, construction and interpretation

1.—(1) These regulations may be cited as the Students' Dependants Allowances Regulations 1973 and shall come into operation on 1st September 1973.

(2) These regulations (except regulation 7) shall be construed together with the Awards (First Degree, etc. Courses) Regulations 1971(d) ("the principal regulations") as amended(e).

(3) The Interpretation Act 1889(f) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Power to pay allowances

2.—(1) Subject to regulation 3 below, the Secretary of State may pay an allowance in respect of any eligible dependant to a student to whom paragraph 10 of Schedule 1 to the principal regulations does not apply.

(2) References in these regulations to the eligible dependant of a student mean—

(a) a wife with whom the student is living if—

(i) they have a dependent child; and

(ii) she does not hold a statutory award;

(b) a wife or husband with whom the student is living and in respect of whom there is for the time being in force a certificate by a registered medical practitioner that she or he is incapable of being gainfully employed for a period of at least eight weeks;

(c) a dependent child, unless the parents do not live together and the child resides with the other parent.

(a) 1962 c. 12.

(b) 1973 c. 16.

(c) S.I. 1964/490 (1964 I, p. 800).

(d) S.I. 1971/1297 (1971 II, p. 3722).

(e) S.I. 1972/1124, 1973/1233 (1972 II, p.3326; 1973 II, p.3683).

(f) 1889 c. 63.

Exceptions

3. No allowance shall be payable to a student if by virtue of regulation 20 (students whose parents have not been found) of the principal regulations the minimum payment is paid to or in respect of him or if by virtue of regulation 21 (assisted students) of those regulations no payment is made to or in respect of him under those regulations.

Amount of allowance

4.—(1) Subject to paragraph (4) below, an allowance shall be payable at the weekly rate specified in paragraph (2) below for any week or (where the period in question is not a whole number of weeks) part of a week in which—

- (a) the student attends the course at the establishment, or is pursuing any course of study of a kind mentioned in paragraph 5 of Schedule 1 to the principal regulations; and
- (b) there is an eligible dependant of the student.

(2) The weekly rate of an allowance shall, subject to paragraph (3) below, be the amount by which the aggregate of—

- (a) one fifty-second of the amount for the time being prescribed by any appropriate provision of the principal regulations as the requirements of a student for the maintenance of a wife, husband or child; and
- (b) (if the student maintains a home for himself and an eligible dependant in the United Kingdom at a place other than that at which he resides during the course) one thirtieth of the amount for the time being prescribed by the principal regulations as the requirements of a student who maintains such a home for himself and a dependant to whom those regulations apply—

exceeds one fifty second of the annual income of the student's family (within the meaning of regulation 5 below).

(3) In the case of any student to or in respect of whom the minimum payment is paid by virtue of regulation 14, 17 or 18(a)(ii) of the principal regulations, the rate of the allowance shall be reduced—

- (a) if his requirements as assessed in accordance with the principal regulations exceed his resources as so assessed, by one fifty-second of the amount by which the excess falls short of £50;
- (b) if those requirements do not exceed those resources, by 96p.

(4) No allowance shall be paid for any week in which the capital resources of the student's household (assessed in accordance with Part III of Schedule 2 to the Ministry of Social Security Act 1966(a)) amount to £800 or more.

(5) For the purposes of this regulation a student shall be treated as having attended at an establishment, or as having pursued a course of study, for a part of a week if he attends at an establishment, or pursues such a course, on four consecutive days; and, in determining whether he has attended the establishment or pursued the course, any period during which he is absent on account of illness shall be ignored.

Income of student's family

5. For the purpose of these regulations the income of the student's family in any year shall be taken to be the aggregate of—

- (a) any sums which are disregarded in calculating the student's income for the purposes of the principal regulations, except—
 - (i) the first £100 of any scholarship, bursary or similar endowment awarded in respect of his attendance at the establishment;
 - (ii) remuneration for work done in vacations;
 - (iii) any benefit under the Ministry of Social Security Act 1966;
 - (iv) family allowances; and
 - (v) (in the case of a sandwich student) any payment made to him by his employer in respect of any period of experience;
- (b) the income (reduced by income tax, family allowances and national insurance contributions) of a wife, husband or child, or of a person cohabiting with the student as wife or husband, who is a member of the same household; and
- (c) (in the case of any student to or in respect of whom the minimum payment is paid) the amount (if any) by which his resources as assessed in accordance with the principal regulations exceed his requirements as so assessed.

Supplementary

6.—(1) An allowance may be paid in instalments.

(2) An allowance, and an instalment of an allowance, may be paid before the end of the year by reference to which, in accordance with regulation 4 above, it falls to be assessed; and any overpayment in any year may, and any underpayment in any year shall, be corrected by way of deduction from or addition to any allowance payable in the next following year or, if no such allowance is payable, by repayment to or payment by the Secretary of State.

Application to students training as teachers

7. These regulations shall apply to a person to or in respect of whom a grant is for the time being paid in pursuance of—

- (a) regulation 34(1) of the Training of Teachers Regulations 1967^(a) (grants to recognised students); or
- (b) arrangements approved under section 2(3) (grants for training of teachers) of the Education Act 1962;

and in its application to such a person any reference in the preceding regulations to a provision of the principal regulations shall be construed as a reference to—

- (i) that provision as applied by regulation 34(2) of the Training of Teachers Regulations 1967; or
- (ii) any provision to the like effect contained in arrangements approved under section 2(3) of the Education Act 1962—

respectively.

(a) S.I. 1967/792 (1967 II, p. 2319).

Amendment of principal regulations

8. In paragraph 13 (discretionary payments for maintenance of dependants) of Schedule 1 to the principal regulations subparagraph (b) shall be omitted.

Given under the Official Seal of the Secretary of State for Education and Science on 12th July 1973.

(L.S.)

Margaret H. Thatcher,
Secretary of State for Education and Science.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations enable the Secretary of State to pay allowances to students attending first degree university etc. courses and courses for the training of teachers. The allowances are payable in respect of the wife or husband, or child, of a student who is not entitled to any payment in respect of his or her dependants under the statutory provisions regulating the payment of grants to students attending such courses.

SI 1973/1234
ISBN 0-11-031234-1

