

## SCHEDULE 2

Regulations 18, 20(2), 21(5) and 23(1)

### REQUIREMENTS

#### PART I

##### ordinary maintenance

1.—(1) The requirements of the student referred to in regulation 18(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 of this Schedule.

(2) Where a student’s ordinary maintenance requirements are different in respect of different parts of a year, his ordinary maintenance requirements 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, on the recommendation of the academic authority, resides in the establishment or in a hostel or other accommodation administered by the academic authority;
- (b) any independent or married student who does not reside at his parents' home;
- (c) any other student who does not reside at his parents' home, except where he can in the opinion of the authority conveniently attend the course from his parents' home and the authority, after consultation with the academic authority, consider that in all the circumstances the ordinary maintenance requirement specified in paragraph 3(2) would be appropriate; and
- (d) 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 authority are satisfied that in all the circumstances the ordinary maintenance requirement specified herein would be appropriate.

(2) In the case of such a student the ordinary maintenance requirement shall be £2,265 except that—

- (a) where he is attending a course at the University of London or at an establishment within the area comprising the City of London and the metropolitan police district, it shall be £2,845; and
- (b) where he is attending, for at least one term and as a necessary part of his course, an institution in a country outside the United Kingdom, it shall (notwithstanding anything in sub-paragraph (a)) be—
  - £3,570 if that country is a highest-cost country;
  - £3,130 if that country is a higher-cost country;
  - £2,695 if that country is a high-cost country; and
  - £2,265 in any other case.

3.—(1) This paragraph shall apply in the case of any other student, that is to say, in the case of—

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- (a) a student residing at his parents' home, except where the conditions specified in paragraph 2(1)(d) are satisfied;
  - (b) a student whose case falls within the exception to paragraph 2(1)(c).
- (2) In the case of such a student the ordinary maintenance requirement shall be £1,795.

## PART II

### supplementary maintenance etc.

4. The requirements referred to in regulation 18(1)(a) shall include the student's requirements—
- (a) for supplementary maintenance in the cases and for the periods mentioned in paragraphs 5 and 6; and
  - (b) in respect of such expenditure as is mentioned in paragraphs 7 to 11;

and the amount of any such requirement (“supplementary requirement”) shall be determined in accordance with this Part of this Schedule.

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 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, **£34.80** ;
- (b) in the case of any other student, **£49.65** except that—
  - (i) where he is attending a course at the University of London or at an establishment within the area comprising the City of London and the metropolitan police district, it shall be **£66.30**;
  - (ii) where he is attending, for at least one term and as a necessary part of his course, an institution in a country outside the United Kingdom, it shall (notwithstanding anything in sub-paragraph (i)) be—
    - £92.75** if that country is a highest-cost country;
    - £78.60** if that country is a higher-cost country;
    - £64.35** if that country is a high-cost country; and
    - £50.15** in any other case.

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 expenditure—
- (a) within the United Kingdom for the purpose of attending the establishment;

- (b) within or outside the United Kingdom for the purpose of attending, as part of his course, any period of study at an institution in a country outside the United Kingdom.
- (2) The reference in sub-paragraph (1)(a) to the student's attending the establishment shall be construed—
  - (a) in the case of any establishment which is a constituent college, hall or school (including medical school) of a university or is a university with such constituent establishments, as including a reference to his attending, in connection with his course, any constituent establishment of the university; and
  - (b) 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, as including a reference to his attending, in connection with his course but otherwise than for the purposes of residential study away from the establishment, any hospital not comprised therein at which facilities for clinical training are provided.
- (3) For the purposes of sub-paragraph (5)—
  - (a) a student's total travel expenditure is the aggregate amount of expenditure he is obliged to incur for any purpose specified in sub-paragraph (1);
  - (b) a student's special expenditure is the aggregate amount of expenditure he is obliged to incur for the purposes specified in sub-paragraph (1)(b), for the purpose of such attendance as is referred to in sub-paragraph (2)(b), and, in the case of a disabled student, for any other purpose specified in sub-paragraph (1) if it is expenditure which the authority are satisfied the student would not have incurred but for his disability:

Provided that, where a period of study outside the United Kingdom (whether or not at an institution) is not a necessary part of the student's course, so much of his expenditure for the purpose of attending that period of study as—

- (a) was incurred outside the United Kingdom, or
- (b) was incurred within the United Kingdom but is in respect of a journey between a port or airport within and a place outside the United Kingdom, or is in respect of a benefit to be enjoyed outside the United Kingdom,

shall not be treated as part of the student's total travel expenditure or special expenditure, save in so far as and to the extent that the authority consider appropriate.

**(4) For the same purposes as aforesaid, the following amounts shall be disregarded in respect of travel costs—**

- (i) the first £133 of any requirement under paragraph 2;**
- (ii) the first £207 of any requirement under paragraph 3;**
- (iii) the first £6.90 of any requirement under paragraph 5(2)(a);**
- (iv) the first £4.40 of any requirement under paragraph 5(2)(b):**

**Provided that—**

- (a) where regulation 22(3) applies, the amount to be disregarded shall be £95 and**
- (b) where a student's requirement under paragraph 2 or 3 relates to only part of the year, the amount to be disregarded shall be an equivalent part of £133 or £207, as the case may be.**

**(5) The student's supplementary requirement in respect of such expenditure as is referred to in sub-paragraph (1) shall comprise either—**

- (a) his special expenditure; or**

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**(b) the amount by which his total travel expenditure exceeds the amounts specified in subparagraph (4),**

**whichever is the less, and, where the course in respect of which the student's award was granted began before 1st September 1984, the amount (if any) by which his total travel expenditure excluding his special expenditure exceeds the sum of the amounts specified in subparagraph (4) and £150.**

(6) For the purposes of this paragraph any reference to expenditure incurred for the purpose of attending an establishment or period of study includes expenditure both before and after so attending.

**8.—(1)** This paragraph shall apply in the case of a student whose home is for the time being outside the United Kingdom and who incurs expenditure travelling between his home and the establishment at the beginning and end of term.

(2) In determining the supplementary requirement of such a student under paragraph 7, the authority shall treat such amount of the said expenditure as they consider appropriate (having regard to the extent of that requirement apart from this paragraph), not exceeding the amount the student was obliged to incur, as if it were part of the student's total travel expenditure.

**9.—(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.

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

Provided that where the expenditure was incurred in connection with a period of study which was not a necessary part of his course, his requirement in respect thereof shall be such amount as the authority consider appropriate, not exceeding the said amount.

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

(a) is attending a course which began before 1st September 1986 in architecture, art and design, home economics, landscape architecture, medicine, music, ophthalmic optics, physical education, town and country planning or veterinary science (or medicine) or such a course comprising any of those subjects as a principal subject; and

(b) for the purposes thereof necessarily incurs expenditure in the purchase of special equipment.

(2) The student's supplementary requirement in respect of such expenditure shall be so much of the expenditure as does not during the course exceed £90.

**11.—(1)** This paragraph shall apply in the case of a disabled student where the authority are satisfied that by reason of his disability, he is obliged to incur additional expenditure in respect of his attendance at the course, other than the expenditure for a purpose specified in paragraph 7(1).

(2) The student's supplementary requirement in respect of a non-medical personal helper shall be such amount as the authority consider appropriate not exceeding **£4,240**.

(3) The student's supplementary requirement in respect of major items of specialist equipment shall be such amount as the authority consider appropriate not exceeding **£3,180** in total for the duration of his course.

(4) The student's supplementary requirement in respect of **further** additional expenditure shall be such amount as the authority consider appropriate not exceeding **£1,060**.

## PART III

### maintenance of dependants

**12.—(1)** The requirements referred to in regulation 18(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 of this Schedule.

(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.

**13.—(1)** In this Part of this Schedule—

"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 whose guardian or custodian the student is and who is dependent on him;

"dependant" means, in relation to a student, his dependent child, his spouse or an adult dependant, subject however to sub-paragraphs (2) and (3);

"income" means income for the year from all sources less income tax, social security contributions and child benefit and, in the case of the student's spouse, less—

- (a) where the spouse holds an award in respect of a course of teacher training designated under regulation 10(1)(d)(iii), 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 17(b) or so much of those payments as relates to the part-time part of the course;
- (b) where the spouse or the student make any payment which was previously made by the student in pursuance of an obligation incurred before the first year of the student's course—
  - (i) if, in the opinion of the authority, the obligation had been reasonably so incurred, an amount equal to the payment in question;
  - (ii) if, in their opinion, only a lesser obligation could have been reasonably so incurred, such correspondingly lesser amount (if any) as appears to them appropriate;
- (c) any allowance payable to the spouse by an adoption agency in pursuance of a scheme approved by the Secretary of State under section 57(4) of the Adoption Act 1976(1) ;
- (d) any guardian's allowance to which the spouse is entitled under section 38 of the Social Security Act 1975(2) ;
- (e) where a child in the care of a local authority is boarded out with the spouse any payment made to the spouse in pursuance of section 21(1) of the Child Care Act 1980(3) or section 23 of the Children Act 1989(4) ; and

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(1) 1976 c. 36.

(2) 1975 c. 14; section 38 was amended by paragraph 12 of Schedule 4 to the Child Benefit Act 1975 (c. 61) and by section 45 of the Social Security Act 1986 (c. 50).

(3) 1980 c. 5.

(4) 1989 c. 41; section 23, and the repeal of section 21(1) of the 1980 Act, are brought into force on 14th October 1991 by S.I.1991/828.

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- (f) any payments made to the spouse pursuant to an order made under section 34 of the Children Act 1975(5) or (following the repeal of that section) assistance given by a local authority pursuant to section 24 of the Children Act 1989;

except that “income” does not include any attendance allowance, mobility allowance or disability living allowance under section 35, 37A or 37ZA of the Social Security Act 1975(6) or any mobility supplement or constant attendance allowance provided for in an order made under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(7) ;

“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 England and Wales;
- (b) a course designated under sub-paragraph (d)(ii) of regulation 10(1); or
- (c) the full-time part of a course designated under sub-paragraph (d)(iii) of regulation 10(1) which is partly full-time and partly part-time;

“spouse”, except in the definition above 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 16) is ordinarily living outside the United Kingdom.

(3) A person shall not be treated as a student’s adult dependant or as his dependent child–

- (a) in the case of a person other than a child of the student, if his income exceeds by **£675** or more the sum specified in paragraph 14(4)(a);
- (b) in the case of a child of a student who either has a spouse who is, or but for sub-paragraph (2) would be, his dependant or has an adult dependant, if the child’s income so exceeds the sum specified in paragraph 14(4)(b) as applicable to his age;
- (c) in the case of a child of a student not falling within sub-paragraph (b), unless either–
  - (i) the child is the only or eldest child dependent on the student whose income does not so exceed the sum specified in paragraph 14(4)(a); or
  - (ii) the child’s income does not so exceed the sum specified in paragraph 14(4)(b) as applicable to his age.

**14.**—(1) This paragraph shall apply in the case of a student with dependants.

(2) The dependants requirement of the student shall, subject to paragraphs 15 and 16, 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 (3) and (4);
- (b) in any other case, the whole of the amount so determined.

(5) [1975 c. 72](#); a new section 34 was substituted by section 64 of the Domestic Proceedings and Magistrates' Courts Act [1978 \(c. 22\)](#).

(6) [1975 c. 14](#); section 35 has been amended by paragraph 63 of Schedule 15 to the National Health Service Act [1977 \(c. 49\)](#), section 2 of the Social Security Act [1979 \(c. 18\)](#), paragraph 8 of Schedule 1 to the Social Security Act [1980 \(c. 30\)](#), section 1 of the Social Security Act [1988 \(c. 7\)](#) and paragraph 5 of Schedule 8 to the Social Security Act [1989 \(c. 24\)](#); section 37A was inserted by section 22 of the Social Security Pensions Act [1975 \(c. 60\)](#); section 37ZA is to be inserted by section 1(2) of the Disability Living Allowance and Disability Working Allowance Act [1991 \(c. 21\)](#) but at the time of making these Regulations no commencement order has been made.

(7) [1977 c. 5](#); the relevant Order currently in force is the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (S.I. [1983/883](#), amended by S.I. [1983/1116](#), [1521](#), [1986/592](#), [1987/165](#) and [1990/1308](#)).

(3) The amount referred to in sub-paragraph (2) shall be the amount which is

$$X - (Y - Z)$$

where—

- a X is the aggregate of the relevant sums specified in sub-paragraph (4);
- b Y is the aggregate of the income of the student's dependants;
- c Z is so much of the sum ascertained by multiplying **£675** by the number of his dependants as does not exceed Y.

(4) The relevant sums referred to in sub-paragraph (3) are—

- (a) except where the student has a spouse who is the holder of a relevant award, **£1,615**; and
- (b) in respect of each dependent child—

- (i) under the age of 11 immediately before the beginning of the academic year, or born during that year, **£340**;
- (ii) then aged 11 or over, but under 16, **£680**;
- (iii) then aged 16 or over, but under 18, **£895**;
- (iv) then aged 18 or over, **£1,290**;

except that the only or eldest dependent child shall be disregarded for the purposes hereof if the student has neither an adult dependant nor a spouse who is, or but for paragraph 13(2) would be, a dependant.

**15.**—(1) This paragraph shall apply in the case of a student with dependants who maintains a home for himself and a dependant at a place other than that at which he resides while attending the course.

(2) The dependants requirement of the student (determined in accordance with paragraph 14(2) (a) or (b)), shall be increased by **£570**.

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

(2) Notwithstanding anything in the foregoing paragraphs of this Part of this Schedule, the dependants requirement of the student shall be of such amount, if any, as the authority consider reasonable in all the circumstances, not exceeding the amount determined in accordance with those paragraphs.

## PART IV

### older students

**17.**—(1) In this Part of this Schedule, references to any provision of any of the Tax Acts passed before the Income and Corporation Taxes Act 1988<sup>(8)</sup> shall, in respect of a financial year ending after 5th April 1988, be construed as a reference to the corresponding provision of that Act in so far as that Act is applicable.

(2) This Part of this Schedule shall apply in the case of a student who attained the age of 26 before the first year of the course in respect of which his award was originally bestowed and—

- (a) has, where his course started before 1st September 1986, been in full-time employment for a total of three of the six years immediately preceding that year;

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(8) 1988 c. 1.

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- (b) has, where his course started after 31st August 1986, in the three years immediately preceding that year earned or received by way of such unemployment benefit, supplementary benefit or income support as is chargeable to income tax under respectively section 219 of the Income and Corporation Taxes Act 1970(9) , section 27 of the Finance Act 1981(10) or section 29 of the Finance Act 1987(11) sums totalling at least £12,000; or
- (c) held an award (or was in receipt of a grant under arrangements made under section 2 of the Education Act 1962(12)) in respect of his attendance at a previous course and—
  - (i) where the previous course started before 1st September 1986 was in full-time employment as aforesaid immediately preceding the first year of that previous course;
  - (ii) where the previous course started on or after 1st September 1986 had earned or received such sums as are mentioned at sub-paragraph (b) in the three years immediately preceding the first year of that previous course; or
  - (iii) was a person to whom paragraph 14 of Schedule 1 to the Awards (First Degree, etc. Courses) Regulations 1971(13) , as from time to time amended(14) , applied (or any provision to the like effect contained in such arrangements).

18. The requirements referred to in regulation 18(1)(a) shall, in the case of such a student, include—

- (a) where at the beginning of the first year of his course he was aged 26 years, the sum of **£265**;
- (b) where he was so aged 27 years, the sum of **£480**;
- (c) where he was so aged 28 years, the sum of **£715**;
- (d) where he was so aged 29 or more years, the sum of **£935**.

## PART V

### construction of parts 1 to 4

19. In this Schedule, any 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 establishment, as including a reference to the home of the parents of the student's spouse.

20. In this Schedule, except where the context otherwise requires, any 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.

21. For the purposes of this Schedule, attendance at an institution, or a period of study, is a necessary part of a student's course only where the authority are satisfied that if the student did not attend the institution, or undertake the period of study, he would not be eligible to complete his course; and, for the purpose of being so satisfied, the authority may require the matter to be evidenced by a certificate given by the academic authority.

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(9) 1970 c. 10.

(10) 1981 c. 35.

(11) 1987 c. 16.

(12) 1962 c. 12.

(13) S.I. 1971/1297.

(14) S.I. 1972/1124, 1973/1233, 1298, 1644, 1974/1231, 1540.