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STATUTORY INSTRUMENTS

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**2008 No. 529**

**The Education (Student Support) Regulations 2008**

**PART 5**

**GRANTS FOR LIVING AND OTHER COSTS**

**CHAPTER 1**

**TYPES OF GRANTS AVAILABLE**

**Current system students**

**35.** The following grants are available to a current system student in connection with a designated course if he meets the relevant qualifying conditions in this Part—

- (a) disabled students' allowance;
- (b) grant for dependants;
- (c) grant for travel;
- (d) maintenance grant or special support grant.

**Old system students**

**36.** The following grants are available to an old system student in connection with a designated course if he meets the relevant qualifying conditions in this Part—

- (a) disabled students' allowance;
- (b) grant for dependants;
- (c) grant for travel;
- (d) higher education grant.

**CHAPTER 2**

**GENERAL PROVISIONS**

**General qualifying conditions for grants for living and other costs**

**37.—(1)** An eligible student qualifies for a grant under this Part provided that—

- (a) he is not excluded from qualification by any of the following paragraphs; and
- (b) he satisfies the qualifying conditions for the particular grant for which he is applying.

(2) An eligible student does not qualify for a grant under this Part if the only paragraph in Part 2 of Schedule 1 into which he falls is paragraph 9.

(3) An eligible student does not qualify for a grant under this Part in respect of—

- (a) an academic year which is a bursary year;

- (b) an academic year of a course for the initial training of teachers during which the periods of full-time attendance, including attendance for the purpose of teaching practice, are in aggregate less than 6 weeks; or
  - (c) a flexible postgraduate course for the initial training of teachers which is of less than one academic year's duration.
- (4) Paragraph (3)(b) does not apply for the purposes of the disabled students' allowance.
- (5) An eligible student does not qualify for a grant under this Part in respect of any academic year of a sandwich course where the periods of full-time study are in aggregate less than 10 weeks unless the periods of work experience constitute unpaid service.
- (6) For the purposes of paragraph (5), "unpaid service" means—
- (a) unpaid service in a hospital or in a public health service laboratory or with a primary care trust in the United Kingdom;
  - (b) unpaid service with a local authority in the United Kingdom acting in the exercise of its functions relating to the care of children and young persons, health or welfare or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom;
  - (c) unpaid service in the prison or probation and aftercare service in the United Kingdom;
  - (d) unpaid research in an institution in the United Kingdom or, in the case of a student attending an overseas institution as part of his course, in an overseas institution; or
  - (e) unpaid service with—
    - (i) a Strategic Health Authority established pursuant to section 13 of the National Health Service Act 2006 or a Special Health Authority established pursuant to section 28 of that Act;**(1)**;
    - (ii) a Local Health Board established pursuant to section 11 of the National Health Service (Wales) Act 2006 or a Special Health Authority established pursuant to section 22 of that Act**(2)**;
    - (iii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978**(3)**; or
    - (iv) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972**(4)**.
- (7) Where one of the events listed in paragraph (8) occurs in the course of an academic year, a student may qualify for a particular grant in accordance with this Part in respect of all or part of that academic year but he does not qualify for such a grant in respect of any academic year beginning before the academic year in which the relevant event occurred.
- (8) The events are—
- (a) the student's course becomes a designated course;
  - (b) the student, his spouse, his civil partner or his parent is recognised as a refugee or becomes a person with leave to enter or remain;
  - (c) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;

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(1) 2006 c.41.

(2) 2006 c.42.

(3) 1978 c. 29.

(4) S.I. 1972/1265 (N.I. 14), to which there have been amendments not relevant to these regulations.

- (d) the student acquires the right of permanent residence;
- (e) the student becomes the child of a Turkish worker;
- (f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- (g) the student becomes the child of a Swiss national.

(9) Subject to paragraph (10), an eligible student does not qualify for a grant under this Part in respect of an academic year during any part of which he is a prisoner.

(10) Paragraph (9) does not apply in respect of disabled students' allowance.

### **Students who are treated as in attendance**

**38.**—(1) A student to whom this regulation applies is treated as if he were in attendance on the designated course for the purpose of qualifying for the following grants—

- (a) grant for dependants;
- (b) disabled students' allowance;
- (c) maintenance grant or special support grant;
- (d) higher education grant.

(2) This regulation applies to—

- (a) a compressed degree student;
- (b) a disabled student who—
  - (i) is not a compressed degree student; and
  - (ii) is undertaking a designated course in the United Kingdom but is not in attendance because he is unable to attend for a reason which relates to his disability.

## **CHAPTER 3**

### **DISABLED STUDENTS' ALLOWANCES**

#### **Qualifying conditions for the disabled students' allowance**

**39.** An eligible student qualifies for a grant to assist with the additional expenditure which the Secretary of State is satisfied that the student is obliged to incur in connection with his attendance on a designated course by reason of a disability to which he is subject.

#### **Amount of the disabled students' allowance**

**40.**—(1) Subject to the following paragraphs, the amount of the disabled students' allowance is the amount that the Secretary of State considers appropriate in accordance with the student's circumstances.

(2) Except where paragraph (4) applies, the amount of the disabled students' allowance must not exceed—

- (a) £20,000 in respect of an academic year for expenditure on a non-medical personal helper;
- (b) £5,030 in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;
- (c) the additional expenditure incurred—
  - (i) within the United Kingdom for the purpose of attending the institution;
  - (ii) within or outside the United Kingdom for the purpose of attending, as a part of his course, any period of study at an overseas institution or for the purpose of attending the Institute;

- (d) £1,680 in respect of an academic year for any other expenditure including expenditure incurred for the purposes referred to in sub-paragraph (a) or (b) which exceeds the maxima specified in those sub-paragraphs.

(3) Where the eligible student has received payments to assist with expenditure on major items of specialist equipment in connection with the course by virtue of holding a transitional award, the maximum amount of grant under paragraph (2)(b) is reduced by the amount of those payments.

(4) The maximum amount under paragraphs (2)(a) and (d) is £15,000 and £1,260, respectively where—

- (a) an eligible student attends a course for the initial training of teachers; and  
 (b) in any academic year of that course, the periods of full-time study and full-time teaching practice are in aggregate less than 6 weeks.

## CHAPTER 4

### GRANTS FOR DEPENDANTS

#### General

**41.**—(1) The grant for dependants consists of the following elements—

- (a) adult dependants' grant;  
 (b) childcare grant;  
 (c) parents' learning allowance.

(2) The qualifying conditions for each element and the amounts payable are set out in regulations 42 to 45.

#### Adult dependants' grant

**42.**—(1) An eligible student qualifies for an adult dependants' grant in connection with his attendance on a designated course in accordance with this regulation.

(2) The adult dependants' grant is available in respect of one dependant of an eligible student who is either—

- (a) the eligible student's partner; or  
 (b) an adult dependant whose net income does not exceed £3,700.

(3) The amount of adult dependants' grant payable in respect of an academic year is calculated in accordance with regulation 45, the basic amount being—

- (a) £2,575; or  
 (b) where the person in respect of whom the eligible student is applying for adult dependants' grant is ordinarily resident outside the United Kingdom, such amount not exceeding £2,575 as the Secretary of State considers reasonable in the circumstances.

#### Childcare grant

**43.**—(1) An eligible student qualifies for a childcare grant in connection with his attendance on a designated course in accordance with this regulation.

(2) Subject to paragraphs (3) and (4), the childcare grant is available in respect of an academic year in which the eligible student incurs prescribed childcare charges for—

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

- (b) a dependent child who has special educational needs within the meaning of section 312 of the Education Act 1996<sup>(5)</sup> and is under the age of 17 immediately before the beginning of the academic year.
- (3) An eligible student does not qualify for a childcare grant if he or his partner has elected to receive the childcare element of the working tax credit under Part I of the Tax Credits Act 2002<sup>(6)</sup>.
- (4) An eligible student does not qualify for a childcare grant if the prescribed childcare charges that he incurs for his child are paid or to be paid by him to his partner.
- (5) Subject to paragraph (6), the basic amount of childcare grant for each week is—
  - (a) for one dependent child, 85 per cent. of the prescribed childcare charges, subject to a maximum amount of £148.75 per week; or
  - (b) for two or more dependent children, 85 per cent. of the prescribed childcare charges, subject to a maximum amount of £255 per week

except that the student does not qualify for any such grant 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.

- (6) For the purposes of calculating the basic amount of childcare grant—
  - (a) a week runs from Monday to Sunday; and
  - (b) where a week in respect of which prescribed childcare charges are incurred falls partly within and partly outside the academic year in respect of which childcare grant is payable under this regulation, the maximum weekly amount of grant is calculated by multiplying the relevant maximum weekly amount in paragraph (5) by the number of days of that week falling within the academic year and dividing the product by seven.
- (7) In this regulation “prescribed childcare charges” means childcare charges of a description prescribed for the purposes of section 12 of the Tax Credits Act 2002<sup>(7)</sup>.

### Parents’ learning allowance

- 44.—(1) An eligible student qualifies in connection with his attendance on a designated course for the parents’ learning allowance if he has one or more dependants who are dependent children.
- (2) The amount of parents’ learning allowance payable in respect of an academic year is calculated in accordance with regulation 45, the basic amount being £1,470.

### Calculations

- 45.—(1) Subject to the following paragraphs, the amount payable in respect of a particular element of the grant for dependants for which the eligible student qualifies under regulations 42 to 44 is the amount of that element remaining after applying, until it is extinguished, an amount equal to

$$(X - £295) + Y$$

as follows and in the following order—

- (a) to reduce the basic amount of the adult dependants’ grant where the eligible student qualifies for that element under regulation 42;

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(5) 1996 c. 56; section 312 was amended by the Education Act 1997 (c. 44), Schedule 7, paragraph 23, the Schools Standards and Framework Act 1998 (c. 31), section 140, Schedule 30, paragraph 71 and Schedule 31, the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraph 56 and the Education and Inspections Act 2006 (c. 40), Schedule 1, paragraph 3.

(6) 2002 c. 21 to which there are amendments not relevant to these Regulations.

(7) Regulation 14 of the Working Tax Credit (Entitlement and Maximum Amount) Regulations 2002 (S.I. 2002/2005; as amended by S.I. 2003/701, S.I. 2003/2815, S.I. 2004/762, S.I. 2004/1276, S.I. 2004/2663, S.I. 2005/769, S.I. 2005/2919, S.I. 2006/766, S.I. 2007/824, S.I. 2007/2479) sets out the charges that are prescribed for the purposes of section 12 of the Tax Credits Act 2002.

- (b) to reduce the basic amount of the childcare grant for the academic year where the eligible student qualifies for that element under regulation 43; and
- (c) to reduce the basic amount of the parents' learning allowance where the eligible student qualifies for that element under regulation 44.

(2) Subject to paragraphs (4), (5) and (13), where  $B$  is greater than or equal to  $A$ , the basic amount of each element of the grant for dependants for which the eligible student qualifies is payable.

(3) Where

$$M - \left(\frac{A}{2}\right)$$

is equal to or exceeds the aggregate of the basic amounts of the elements of the grant for dependants for which the eligible student qualifies, the amount payable in respect of each element is nil.

(4) The amount of adult dependants' grant calculated under paragraph (1) in respect of an adult dependant is reduced by one half where—

- (a) the eligible student's partner—
  - (i) is an eligible student; or
  - (ii) holds a statutory award; and
- (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which he is entitled under the statutory award.

(5) The amount of childcare grant calculated under paragraph (1) is reduced by one half where—

- (a) the eligible student's partner—
  - (i) is an eligible student; or
  - (ii) holds a statutory award; and
- (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which he is entitled under the statutory award.

(6) Where the amount of the parents' learning allowance calculated under paragraph (1) is £0.01 or more but less than £50, the amount of parents' learning allowance payable is £50.

(7) In this regulation—

$A$  is the aggregate of the net income of each of the eligible student's dependants; and

$B$  is—

- (a) £1,130 where the eligible student has no dependent child;
- (b) £3,385 where the eligible student is not a lone parent and has one dependent child;
- (c) £4,510 where the eligible student—
  - (i) is not a lone parent and has more than one dependent child; or
  - (ii) is a lone parent and has one dependent child;
- (d) £5,645 where the eligible student is a lone parent and has more than one dependent child.

(8) Paragraphs (9) to (12) apply where, in the course of the academic year, any of the following occurs—

- (a) there is a change in the number of the eligible student's dependants;
- (b) a person becomes or ceases to be a dependant of the eligible student;
- (c) the eligible student becomes or ceases to be a lone parent;
- (d) a student becomes eligible for support as a result of an event referred to in regulation 37(8).

(9) For the purposes of determining the respective values of  $A$  and  $B$  and whether adult dependants' grant or parents' learning allowance is payable, the Secretary of State must determine

the following in relation to each relevant quarter by reference to the student's circumstances in the relevant quarter—

- (a) how many dependants the eligible student is to be treated as having;
- (b) who those dependants are;
- (c) whether the student is to be treated as a lone parent.

(10) The amount of grant for dependants for the academic year is the aggregate of the amounts of adult dependants' grant and parents' learning allowance calculated in respect of each relevant quarter under paragraph (11) and the amount of any childcare grant for the academic year.

(11) The amount of adult dependants' grant and parents' learning allowance in respect of a relevant quarter is one third of what that grant or allowance would be for the academic year if the student's circumstances in the relevant quarter as determined under paragraph (9) applied for the duration of the academic year.

(12) In this regulation, a "relevant quarter" means—

- (a) in the case of a person referred to in paragraph (8)(d), a quarter which begins after the relevant event occurs other than a quarter during which, in the opinion of the Secretary of State, the longest of any vacation occurs;
- (b) otherwise, a quarter other than the one quarter during which, in the opinion of the Secretary of State, the longest of any vacation occurs.

(13) A deduction may be made in accordance with Part 9 from the amount payable in respect of a particular element of the grant for dependants calculated under this Part.

#### **Interpretation of Chapter 4**

**46.**—(1) In regulations 42 to 45—

- (a) subject to sub-paragraph (n), "adult dependant" means, in relation to an eligible student, an adult person dependent on the student other than his child, his partner (including a spouse or civil partner from whom the Secretary of State considers the student is separated) or his former partner;
- (b) "child" in relation to an eligible student includes any child of his partner who is dependent on him and any child for whom he has parental responsibility who is dependent on him;
- (c) "dependant" means, in relation to an eligible student, his partner, his dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;
- (d) "dependent" means wholly or mainly financially dependent;
- (e) "dependent child" means, in relation to an eligible student, a child dependent on the student;
- (f) "lone parent" means an eligible student who does not have a partner and who has a dependent child or dependent children;
- (g) "net income" has the meaning given in paragraph (2);
- (h) subject to sub-paragraphs (i), (j), (k), (l) and (m), "partner" means any of the following—
  - (i) the spouse of an eligible student;
  - (ii) the civil partner of an eligible student;
  - (iii) a person ordinarily living with an eligible student as if he were his spouse where an eligible student falls within paragraph 2(1)(a) of Schedule 4 and began the specified designated course on or after 1st September 2000;

- (iv) a person ordinarily living with an eligible student as if he were his civil partner where an eligible student falls within paragraph 2(1)(a) of Schedule 4 and began the specified designated course on or after 1st September 2005;
- (i) unless otherwise indicated, a person who would otherwise be a partner under sub-paragraph (h) is not to be treated as a partner if—
  - (i) in the opinion of the Secretary of State, that person and the eligible student are separated; or
  - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible student;
- (j) for the purposes of the definition of “adult dependant”, a person is to be treated as a partner if he would be a partner under sub-paragraph (h) but for the fact that the eligible student with whom he is ordinarily living does not fall within paragraph 2(1)(a) of Schedule 4;
- (k) for the purposes of the definitions of “child” and “lone parent”, a person is to be treated as a partner if he would be a partner under sub-paragraph (h) but for the date on which the eligible student began the specified designated course or the fact that the eligible student with whom he is ordinarily living does not fall within paragraph 2(1)(a) of Schedule 4;
- (l) for the purposes of regulation 43—
  - (i) sub-paragraph (i) does not apply; and
  - (ii) a person is to be treated as a partner if he would be a partner under sub-paragraph (h) but for the fact that the eligible student with whom he is ordinarily living does not fall within paragraph (2)(1)(a) of Schedule 4;
- (m) for the purposes of determining whether a person is the former partner of an eligible student’s partner, “partner” in relation to an eligible student’s partner means—
  - (i) the spouse of an eligible student’s partner;
  - (ii) the civil partner of an eligible student’s partner;
  - (iii) where the eligible student began the specified designated course on or after 1st September 2000, a person ordinarily living with an eligible student’s partner as if he were his spouse;
  - (iv) where the eligible student began the specified designated course on or after 1st September 2005, a person ordinarily living with an eligible student’s partner as if he were his civil partner;
- (n) subject to sub-paragraph (o), for the purposes of the definitions of “adult dependant” and “dependent child”, the Secretary of State may treat an adult person or child as dependent on an eligible student if he is satisfied that the adult person or child—
  - (i) is not dependent on—
    - (aa) the eligible student; or
    - (bb) his partner; but
  - (ii) is dependent on the eligible student and his partner together;
- (o) the Secretary of State must not treat an adult person (“A”) as dependent on an eligible student in accordance with sub-paragraph (n), if A is—
  - (i) the spouse or civil partner of the eligible student’s partner (including a spouse or civil partner from whom the Secretary of State considers the eligible student’s partner is separated); or
  - (ii) the former partner of the eligible student’s partner.

(2) Subject to paragraph (3), a dependant's net income is 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 payable under Part IX of the Social Security Contributions and Benefits Act 1992(8);
- (c) any financial support payable to the dependant by a local authority in accordance with regulations made under sections 2, 3 and 4 of the Adoption and Children Act 2002(9);
- (d) any guardian's allowance to which the dependant is entitled under section 77 of the Social Security Contributions and Benefits Act 1992;
- (e) in the case of a dependant with whom a child being looked after by a local authority is boarded out, any payment made to that dependant in pursuance of section 23 of the Children Act 1989(10);
- (f) any payments made to the dependant under section 15 of and Schedule 1 to the Children Act 1989 in respect of a person who is not the dependant's child or any assistance given by a local authority pursuant to section 24 of that Act(11); and
- (g) any child tax credit to which the dependant is entitled under Part I of the Tax Credits Act 2002(12).

(3) Where an eligible student or his partner makes 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 partner's net income is the net income calculated in accordance with paragraph (2) reduced by—

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

(4) For the purposes of paragraph (2), where the dependant is a dependent child and payments are made to the eligible student towards the child's maintenance, those payments are to be treated as the child's income.

## CHAPTER 5

### GRANTS FOR TRAVEL

#### General

47. A grant for travel is available—

- (a) to eligible students attending courses in medicine or dentistry in accordance with regulation 48;
- (b) to eligible students attending an overseas institution or the Institute in accordance with regulation 50.

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(8) 1992 c. 4 to which there are amendments not relevant to these Regulations.

(9) 2002 c. 38.

(10) 1989 c. 41. Section 23 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 6, paragraph 12, the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 14 and the Children Act 2004 (c. 31), section 49(3)

(11) 1989 c. 41. There are amendments to sections 15 and 24 and Schedule 1 which are not relevant to these Regulations.

(12) 2002 c. 21 to which there are amendments not relevant to these Regulations.

### **Qualifying conditions for the grant for travel – courses in medicine and dentistry**

48. A grant is available to an eligible student attending a course in medicine or dentistry (a necessary part of which is a period of study by way of clinical training) in respect of the reasonable expenditure which he is obliged to incur in an academic year 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 other than expenditure incurred for the purpose of residential study away from the institution.

### **Amount of the grant for travel – courses in medicine and dentistry**

49. The amount of grant payable under regulation 48 in respect of an academic year is equal to the reasonable expenditure that the Secretary of State determines the eligible student is obliged to incur for the purposes set out in that regulation less £295.

### **Qualifying conditions for the grant for travel – overseas study**

50. A grant is available to an eligible student in respect of the reasonable expenditure which he is obliged to incur in each qualifying quarter within or outside the United Kingdom for the purpose of attending as part of his course the overseas institution or the Institute.

### **Amount of the grant for travel – overseas study**

51. The amount of grant payable under regulation 50 in respect of an academic year is calculated as follows—

$M - A$  where &mdash;

where—

$X$  is the aggregate of the reasonable travel costs that the eligible student is obliged to incur in each qualifying quarter for the purposes set out in regulation 50.

$Y$  is the aggregate of the expenditure incurred in each qualifying quarter specified in regulation 52.

52. The expenditure specified in this regulation is—

- (a) expenditure that the eligible student reasonably incurs 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 the period he is attending the overseas institution or the Institute;
- (b) the cost of a visa or visas that the eligible student is obliged to obtain in order to attend the overseas institution or the Institute; and
- (c) medical costs that the eligible student reasonably incurs in order to fulfil a mandatory condition of entry into the territory, country or state in which the overseas institution or the Institute is situated.

### **Deductions from the grant for travel**

53. A deduction may be made from any grant under this Chapter in accordance with Part 9.

### **Interpretation**

54. For the purposes of this Chapter—

- (a) any reference to expenditure incurred for the purpose of attending an institution or period of study—

- (i) includes expenditure both before and after so attending; and
  - (ii) does not include any expenditure in respect of which a grant is payable under Chapter 3 of this Part;
- (b) “qualifying quarter” means a quarter during which the eligible student attends as part of his course an overseas institution or the Institute for at least half the period covered by that quarter.

## CHAPTER 6

### MAINTENANCE GRANTS FOR CURRENT SYSTEM STUDENTS

#### **Qualifying conditions for the maintenance grant**

**55.**—(1) A current system student qualifies in accordance with this regulation for a maintenance grant in connection with his attendance on a designated course.

(2) A current system student does not qualify for a maintenance grant if he qualifies for a special support grant.

(3) If a current system student does not qualify for a fee loan in respect of an academic year of the designated course, he cannot qualify for a maintenance grant for that year unless the reason that he does not qualify for a fee loan is that—

- (a) the year is an Erasmus year; or
- (b) the designated course is an old flexible postgraduate course for the initial training of teachers.

#### **Amount of the maintenance grant – 2008 cohort students**

**56.**—(1) The maximum amount of maintenance grant available to a 2008 cohort student in respect of an academic year is —

- (a) in the case of a type 1 teacher training student, £1,417;
- (b) in the case of a type 2 teacher training student, £2,835; and
- (c) in the case of a 2008 cohort student other than a type 1 or type 2 teacher training student, £2,835.

(2) A type 1 teacher training student who is a 2008 cohort student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, he receives £1,417;
- (b) where the household income exceeds £25,000 but does not exceed £34,450, he receives an amount equal to

$$M - (A + B)$$

where—

$M$  is £1,417

$A$  is £1 for every complete £6 by which the household income exceeds £25,000; and

- (c) where the household income exceeds £34,450 or he opts when applying for the grant not to provide the information needed to calculate the household income, he receives £630.

(3) A type 2 teacher training student who is a 2008 cohort student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year —

- (a) where the household income is £25,000 or less, he receives £2,835;

- (b) where the household income exceeds £25,000 but does not exceed £34,450, he receives an amount equal to

$$M - (A2)$$

where—

$M$  is £2,835

$A$  is £1 for every complete £6 by which the household income exceeds £25,000; and

- (c) where the household income exceeds £34,450 or he opts when applying for the grant not to provide the information needed to calculate the household income, he receives £1,260.

(4) A 2008 cohort student other than a type 1 or type 2 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, he receives £2,835;  
 (b) subject to sub-paragraph (c); where the household income exceeds £25,000 but does not exceed £60,005, he receives an amount equal to

$$M - A$$

where—

$M$  is £2,835

$A$  is £1 for every complete £6 by which the household income exceeds £25,000 but does not exceed £34,450

$B$  is £1 for every complete £21.12 by which the household income exceeds £34,450 but does not exceed £60,005; and

- (c) where the household income exceeds £60,005, no maintenance grant is payable.

#### **Amount of the maintenance grant – current system students who are not 2008 cohort students**

57.—(1) The maximum amount of maintenance grant available to a current system student who is not a 2008 cohort student in respect of an academic year is—

- (a) in the case of a type 1 teacher training student, £1,417;  
 (b) in the case of a type 2 teacher training student, £2,835; and  
 (c) in the case of a current system student other than a type 1 or type 2 teacher training student, £2,835.

(2) A type 1 teacher training student who is not a 2008 cohort student and who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,360 or less, he receives £1,417;  
 (b) where the household income exceeds £18,360 but does not exceed £27,810, he receives an amount equal to

$$M - A$$

where

$M$  is £1,417

$A$  is £1 for every complete £6 by which the household income exceeds £18,360; and

(c) where the household income exceeds £27,810 or he opts when applying for the grant not to provide the information needed to calculate the household income, he receives £630.

(3) A type 2 teacher training student who is not a 2008 cohort student and who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year —

- (a) where the household income is £18,360 or less, he receives £2,835;
- (b) where the household income exceeds £18,360 but does not exceed £27,810, he receives an amount equal to

$RM - A$

where—

$M$  is £2,835

$A$  is £1 for every complete £6 by which the household income exceeds £18,360; and

- (c) where the household income exceeds £27,810 or he opts when applying for the grant not to provide the information needed to calculate the household income, he receives £1,260.

(4) A current system student other than a 2008 cohort student or a type 1 or type 2 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,360 or less, he receives £2,835;
- (b) where the household income exceeds £18,360 but does not exceed £27,810, he receives an amount equal to

$M - \left(\frac{A}{2}\right)$

where—

$M$  is £2,835

$A$  is £1 for every complete £6 by which the household income exceeds £18,360;

- (c) where the household income exceeds £27,810 but does not exceed £39,305, he receives an amount equal to

$M - (A + B)$

where—

$RM$  is £1,260

$A$  is £1 for every complete £9.50 by which the household income exceeds £27,810;

- (d) where the household income exceeds £39,305, no maintenance grant is payable.

## CHAPTER 7

### SPECIAL SUPPORT GRANTS FOR CURRENT SYSTEM STUDENTS

#### Qualifying conditions for the special support grant

**58.**—(1) A current system student qualifies in accordance with this regulation for a special support grant in connection with his attendance on a designated course to defray the costs of books, equipment, travel or childcare incurred for the purpose of attending that course.

(2) A current system student qualifies for a special support grant if he—

- (a) falls within a prescribed category of person for the purposes of section 124(1)(e) of the Social Security Contributions and Benefits Act 1992(13); or
  - (b) is treated as being liable to make payments in respect of a dwelling prescribed by regulations made under section 130(2) of that Act(14).
- (3) If a current system student does not qualify for a fee loan in respect of an academic year of the designated course, he cannot qualify for a special support grant for that year unless the reason that he does not qualify for a fee loan is that—
- (a) the year is an Erasmus year; or
  - (b) the designated course is an old flexible postgraduate course for the initial training of teachers.

### **Amount of the special support grant – 2008 cohort students**

**59.**—(1) The maximum amount of special support grant available to a 2008 cohort student in respect of an academic year is —

- (a) in the case of a type 1 teacher training student, £1,417;
- (b) in the case of a type 2 teacher training student, £2,835; and
- (c) in the case of a 2008 cohort student other than a type 1 or type 2 teacher training student, £2,835.

(2) A type 1 teacher training student who is a 2008 cohort student who qualifies for a special support grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, he receives £1,417;
- (b) where the household income exceeds £25,000 but does not exceed £34,450, he receives an amount equal to

$$M - \left( \frac{A}{2} \right)$$

where—

*M* is £1,417

*A* is £1 for every complete £6 by which the household income exceeds £25,000; and

- (c) where the household income exceeds £34,450 or he opts when applying for the grant not to provide the information needed to calculate the household income, he receives £630.

(3) A type 2 teacher training student who is a 2008 cohort student who qualifies for a special support grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, he receives £2,835;
- (b) where the household income exceeds £25,000 but does not exceed £34,450, he receives an amount equal to

$$M - A$$

where—

*M* is £2,835

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(13) 1992 c. 4 to which there are amendments not relevant to these Regulations. The relevant regulation is regulation 4ZA of the Income Support (General) Regulations 1987 (S.I. 1987/1967). Regulation 4ZA was inserted by S.I. 1996/206, amended by S.I. 2000/1981 and S.I. 2006/2144; there are other amending instruments but none is relevant.

(14) There are amendments to section 130 which are not relevant to these Regulations. The relevant regulation is regulation 56 of the Housing Benefit Regulations 2006 (S.I. 2006/213, as amended by S.I. 2006/718).

- $A$  is £1 for every complete £6 by which the household income exceeds £25,000; and
- (c) where the household income exceeds £34,450 or he opts when applying for the grant not to provide the information needed to calculate the household income, he receives £1,260.
- (4) A 2008 cohort student other than a type 1 or type 2 teacher training student who qualifies for a special support grant in respect of an academic year receives an amount as follows in respect of that year—
- (a) where the household income is £25,000 or less, he receives £2,835;
- (b) subject to sub-paragraph (c), where the household income exceeds £25,000 but does not exceed £60,005, he receives an amount equal to

$$M - A$$

where—

$M$  is £2,835,

$A$  is £1 for every complete £6 by which the household income exceeds £25,000 but does not exceed £34,450,

$B$  is £1 for every complete £21.12 by which the household income exceeds £34,450 but does not exceed £60,005 and;

- (c) where the household income exceeds £60,005, no special support grant is payable.

#### **Amount of the special support grant – current system students who are not 2008 cohort students**

**60.**—(1) The maximum amount of special support grant available to a current system student who is not a 2008 cohort student in respect of an academic year is—

- (a) in the case of a type 1 teacher training student, £1,417;
- (b) in the case of a type 2 teacher training student, £2,835;
- (c) in the case of a current system student other than a type 1 or type 2 teacher training student, £2,835.

(2) A type 1 teacher training student who is not a 2008 cohort student and who qualifies for a special support grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,360 or less, he receives £1,417;
- (b) where the household income exceeds £18,360 but does not exceed £27,810, he receives an amount equal to

$$RM - A$$

where—

$M$  is £1,417

$A$  is £1 for every complete £6 by which the household income exceeds £18,360; and

- (c) where the household income exceeds £27,810 or he opts when applying for the grant not to provide the information needed to calculate the household income, he receives £630.

(3) A type 2 teacher training student who is not a 2008 cohort student and who qualifies for a special support grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,360 or less, he receives £2,835;

- (b) where the household income exceeds £18,360 but does not exceed £27,810, he receives an amount equal to

$$M - A$$

where—

$M$  is £2,835

$A$  is £1 for every complete £6 by which the household income exceeds £18,360; and

- (c) where the household income exceeds £27,810 or he opts when applying for the grant not to provide the information needed to calculate the household income, he receives £1,260.

(4) A current system student other than a 2008 cohort student or a type 1 or type 2 teacher training student who qualifies for a special support grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,360 or less, he receives £2,835;
- (b) where the household income exceeds £18,360 but does not exceed £27,810, he receives an amount equal to

$$X - (Y + Z)$$

where—

$M$  is £2,835

$A$  is £1 for every complete £6 by which the household income exceeds £18,360;

- (c) where the household income exceeds £27,810 but does not exceed £39,305, he receives an amount equal to

$$X - (Y + Z)$$

where—

$RM$  is £1,260

$A$  is £1 for every complete £9.50 by which the household income exceeds £27,810; and

- (d) where the household income exceeds £39,305, no special support grant is payable.

## CHAPTER 8

### HIGHER EDUCATION GRANTS FOR OLD SYSTEM STUDENTS

#### Qualifying conditions for the higher education grant

**61.**—(1) An old system student qualifies in accordance with this regulation for a higher education grant in connection with his attendance on a designated course to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course.

(2) An old system student does not qualify for a higher education grant unless he began the specified designated course on or after 1st September 2004.

(3) If an old system student does not qualify for a grant for fees in respect of an academic year of the designated course, he cannot qualify for a higher education grant for that year unless the reason that he does not qualify for a grant for fees is that—

- (a) the year is an Erasmus year; or
- (b) the designated course is an old flexible postgraduate course for the initial training of teachers.

### **Amount of the higher education grant**

**62.**—(1) The maximum amount of higher education grant available in respect of an academic year is £1,000.

(2) An old system student who qualifies for a higher education grant receives an amount as follows—

- (a) where the household income is £16,750 or less, he receives £1,000;
- (b) where the household income exceeds £16,750 and does not exceed £22,735, he receives an amount equal to

$$X - Y$$

where—

$M$  is £1,000

$A$  is £1 for every complete £6.30 by which the household income exceeds £16,750; and

- (c) where the household income exceeds £22,735, no higher education grant is payable.