

## SCHEDULE 2

Regulations 18, 20(2), 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 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 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 **upon whom an old award has been bestowed** the ordinary maintenance requirement shall be **£1,810** except that—

- (a) where he is attending a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, it shall be **£2,225**; and
- (b) where he is attending, for at least eight weeks and as a necessary part of his course, an overseas institution, it shall (notwithstanding anything in paragraph (a)) be—
  - £3,410** if the country concerned is a highest-cost country;
  - £2,865** if the country concerned is a higher-cost country;
  - £2,325** if the country concerned is a high-cost country; and
  - £1,810** in any other case.

(3) **In the case of such a student upon whom a transitional award has been bestowed the ordinary maintenance requirement shall be £810 except that—**

- (a) **where he is attending a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, it shall be £1,225; and**
- (b) **where he is attending, for at least eight weeks and as a necessary part of his course, an overseas institution, it shall (notwithstanding anything in paragraph (a)) be—**
  - £2,410** if the country concerned is a highest-cost country;
  - £1,865** if the country concerned is a higher-cost country;
  - £1,325** if the country concerned is a high-cost country;

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**£810 in any other case.**

**3.** In the case of any other student **upon whom an old award has been bestowed** the ordinary maintenance requirement shall be **£1,480, and in the case of any other student upon whom a transitional award has been bestowed the ordinary maintenance requirement shall be £480.**

## 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 9;

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, **£43.15**;
- (b) in the case of any other student, **£61.60** except that—
  - (i) where he is attending a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, it shall be **£82.20**;
  - (ii) where he is attending, for at least eight weeks and as a necessary part of his course, an overseas institution, it shall (notwithstanding anything in sub-paragraph (i)) be—

**£115.05** if the country concerned is a highest-cost country;

**£97.50** if the country concerned is a higher-cost country;

**£79.85** if the country concerned is a high-cost country; and

**£62.15** 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 institution;

- (b) within or outside the United Kingdom for the purpose of attending, as part of his course, any period of study at an overseas institution.
- (2) The reference in sub-paragraph (1)(a) to the student's attending the institution shall be construed—
  - (a) in the case of any institution which is a constituent college, hall or school (including medical school) of a university or is a university with such constituent institutions, as including a reference to his attending, in connection with his course, any constituent institution 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 institution, any hospital or other premises 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) and for the purpose of such attendance as is referred to in sub-paragraph (2)(b), ...

**in each case not including any expenditure in respect of which an amount is payable under regulation 17(3)(c);**

Provided that, where a period of study outside the United Kingdom (whether or not at an overseas 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—

- (c) was incurred outside the United Kingdom, or
- (d) 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.

- (4) For the same purposes as aforesaid, the following amounts shall be disregarded in respect of travel costs—
  - (a) the first **£166** of any requirement under paragraph 2;
  - (b) the first **£256** of any requirement under paragraph 3;
  - (c) the first **£8.55** of any requirement under paragraph 5(2)(a);
  - (d) the first **£5.45** of any requirement under paragraph 5(2)(b):

Provided that—

- (e) where regulation 22(2) applies, the amount to be disregarded shall be **£118** and
- (f) 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 **£166** or **£256**, 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
- (b) the amount by which his total travel expenditure exceeds the amounts specified in sub-paragraph (4),

whichever is the less.

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(6) For the purposes of this paragraph any reference to expenditure incurred for the purpose of attending an institution 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 institution at the beginning and end of each period of attendance.

(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.

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### PART III

#### MAINTENANCE OF DEPENDANTS

10.—(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.

11.—(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 for whom the student has parental responsibility 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 (reduced by income tax and social security contributions) but disregarding any pension, **allowance or other benefit paid by reason of a disability to which the person is subject, paid by any state authority or agency, national, regional or local, by an employer or any former employer, or by any other person, 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, and disregarding any benefit or allowance paid to a person for the benefit of a child of his or**

**of whom he has custody or care or for whom he provides accommodation, by any state authority or agency, national, regional or local, and in the case of the student's spouse—**

- (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(1)(b) or (2)(c)** 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 payments made to the spouse in pursuance of an order **of a competent court for the benefit of a child who is not his child of whom he has custody or care or for whom he provides accommodation**;

“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 14) 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 **£885** or more the sum specified in paragraph 12(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 12(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 12(4)(a); or
  - (ii) the child's income does not so exceed the sum specified in paragraph 12(4)(b) as applicable to his age.

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

(2) The dependants requirement of the student shall, subject to paragraphs 13 and 14, 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);

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

(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 **£885** 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, **£2,025**; 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, **£425**;
- (ii) then aged 11 or over, but under 16, **£850**;
- (iii) then aged 16 or over, but under 18, **£1,120**;
- (iv) then aged 18 or over, **£1,620**;

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 11(2) would be, a dependant.

**13.**—(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 12(2) (a) or (b)), shall be increased by **£700**.

**14.**—(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

**15.** 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 who—

- (a) started the course before 1st September 1995 and in the three years immediately preceding the first year of the course earned or received by way of such unemployment benefit or income support as is chargeable to income tax under section 617 or 151 respectively of the Income and Corporation Taxes Act 1988<sup>(1)</sup> sums totalling at least £12,000; or

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(1) 1988 c. 1.

- (b) started the course before 1st September 1995, held an award (or was in receipt of a grant under arrangements made under section 2 of the Education Act 1962(2)) in respect of his attendance at a previous course and had earned or received such sums as are mentioned at sub-paragraph (a) in the three years immediately preceding the first year of that previous course; or
- (c) started the course on or after 1st September 1995, immediately before starting that course (disregarding any intervening vacation) attended a full-time course of further or higher education which he had started before 1st September 1995 and had earned or received such sums as are mentioned at sub-paragraph (a) in the three years immediately preceding the first year of that previous course.

16. 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 **£340**;
- (b) where he was so aged 27 years, the sum of **£595**;
- (c) where he was so aged 28 years, the sum of **£885**;
- (d) where he was so aged 29 or more years, the sum of **£1,165**.

## PART V

### FEEES

17. The requirements referred to in regulation 18(1)(a)(ii) and (iii) shall include the aggregate amount payable in respect of any such fees as are described in paragraph (a)(i), (iv), (vi), (vii) and (ix) of Schedule 1, other than such fees as are payable in respect of a course for the initial training of teachers designated under regulation 10(1)(d).

## PART VI

### CONSTRUCTION OF PARTS I TO V

18. 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 institution, as including a reference to the home of the parents of the student's spouse.

19. 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.

20.—(1) 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.

(2) For the purposes of this paragraph, "institution" includes an "overseas institution".

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(2) 1962 c. 12; the relevant provisions, as amended, are set out in Schedule 5 to the Education Act 1980 (c. 20).