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STATUTORY INSTRUMENTS

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**2011 No. 1986**

**The Education (Student Support) Regulations 2011**

**PART 5**

**GRANTS FOR LIVING AND OTHER COSTS**

**CHAPTER 1**

**TYPES OF GRANTS AVAILABLE**

**Current system students**

**36.** The following grants are available to a current system student in connection with a designated course if the student 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**

**37.** The following grants are available to an old system student in connection with a designated course if the student 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**

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

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

(2) An eligible student does not qualify for a grant under this Part, other than for a disabled students' allowance, in respect of a distance learning course.

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

(4) 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 which—
    - (i) began before 1st September 2010; or
    - (ii) begins on or after 1st September 2010 where the student transfers to the current course pursuant to regulation 7 from a course for the initial training of teachers beginning before 1st September 2010, 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.
- (5) Paragraph (4)(b) does not apply for the purposes of the disabled students' allowance.
- (6) 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.
- (7) For the purposes of paragraph (6), "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 the student's 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<sup>(1)</sup> or a Special Health Authority established pursuant to section 28 of that Act;
    - (ii) a Local Health Board established pursuant to section 11 of the National Health Service (Wales) Act 2006<sup>(2)</sup> or a Special Health Authority established pursuant to section 22 of that Act;
    - (iii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978<sup>(3)</sup>; or
    - (iv) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(4)</sup>.
- (8) Subject to paragraph (9), where one of the events listed in regulation 17(a), (b), (c), (e), (f), (g) or (h) 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 a student does not qualify for such a grant in respect of any academic year beginning before the academic year in which the relevant event occurred.

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(1) 2006 c.41.

(2) 2006 c.42.

(3) 1978 c.29 to which there have been amendments not relevant to these regulations.

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

(9) Where the state of which the student is a national accedes to the EU the student may qualify for a grant under this Part only if 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.

(10) Subject to paragraph (11), an eligible student does not qualify for a grant under this Part if the student is a prisoner.

(11) Paragraph (10) does not apply in respect of disabled students' allowance for a course beginning before 1st September 2012.

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

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

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

(2) This regulation applies to—

- (a) a compressed degree student;
- (b) a student on a period of study or period of work placement in an Erasmus year;
- (c) 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 the student is unable to attend for a reason which relates to the student's disability.

## **CHAPTER 3**

### **DISABLED STUDENTS' ALLOWANCES**

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

**40.** An eligible student ("A") qualifies for a grant to assist with the additional expenditure which the Secretary of State is satisfied that A is obliged to incur in connection with A's attendance on or undertaking of a designated course by reason of a disability to which A is subject.

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

**41.**—(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) £20,520 in respect of an academic year for expenditure on a non-medical personal helper;
- (b) £5,161 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 the student's course, any period of study at an overseas institution or for the purpose of attending the Institute;
  - (d) £1,724 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 £15,390 and £1,293, 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.
- (5) An eligible student does not qualify for a grant under this regulation in respect of a distance learning course starting on or after 1st September 2012 unless the Secretary of State considers that the student is undertaking the designated course in England.

## CHAPTER 4

### GRANTS FOR DEPENDANTS

#### Interpretation of Chapter 4

**42.**—(1) In regulations 44 to 47—

- (a) subject to sub-paragraph (n), “adult dependant” means, in relation to an eligible student, an adult person dependent on the student other than the student's child, the student's partner (including a spouse or civil partner from whom the Secretary of State considers the student is separated) or the student's former partner;
- (b) “child” in relation to an eligible student includes any child of the student's partner who is dependent on the student and any child for whom the student has parental responsibility who is dependent on the student;
- (c) “dependant” means, in relation to an eligible student, the student's partner, the student's 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 that person were the student's 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 that person were the student's 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 that person would be a partner under sub-paragraph (h) but for the fact that the eligible student with whom that person 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 that person 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 that person is ordinarily living does not fall within paragraph 2(1)(a) of Schedule 4;
- (l) for the purposes of regulation 45—
  - (i) sub-paragraph (i) does not apply; and
  - (ii) a person is to be treated as a partner if that person would be a partner under sub-paragraph (h) but for the fact that the eligible student with whom that person 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 (“A”) ordinarily living with an eligible student's partner (“B”) as if A were B's spouse;
  - (iv) where the eligible student began the specified designated course on or after 1st September 2005, a person “A” ordinarily living with an eligible student's partner “B” as if A were B's 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 the Secretary of State is satisfied that the adult person or child—
  - (i) is not dependent on—
    - (aa) the eligible student; or
    - (bb) the student's partner; but
  - (ii) is dependent on the eligible student and the student's 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 the dependant's 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<sup>(5)</sup>;
- (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<sup>(6)</sup>;
- (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 22C of the Children Act 1989<sup>(7)</sup>;
- (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<sup>(8)</sup>;
- (g) any child tax credit to which the dependant is entitled under Part I of the Tax Credits Act 2002<sup>(9)</sup>; and.
- (h) a higher education bursary paid to the dependent.

(3) Where an eligible student or the student's 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 the opinion of the Secretary of State, 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.

## General

**43.**—(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 44 to 47.

<sup>(5)</sup> 1992 c.4 to which there are amendments not relevant to these Regulations.

<sup>(6)</sup> 2002 c.38.

<sup>(7)</sup> 1989 c.41; sections 22A to 22F substituted section 23 and were inserted by the Children and Young Persons Act 2008 (c.23).

<sup>(8)</sup> 1989 c.41. There are amendments to sections 15 and 24 and Schedule 1 which are not relevant to these Regulations.

<sup>(9)</sup> 2002 c.21; section 3 was amended by the Civil Partnership Act 2004 (c.33), Schedule 24 and there are amendments not relevant to these Regulations.

### **Adult dependants' grant**

**44.**—(1) An eligible student qualifies for an adult dependants' grant in connection with the student's 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 £3,796.

(3) The amount of adult dependants' grant payable in respect of an academic year is calculated in accordance with regulation 47, the basic amount being—

- (a) £2,642; 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 £2,642 as the Secretary of State considers reasonable in the circumstances.

### **Childcare grant**

**45.**—(1) An eligible student ("A") qualifies for a childcare grant in connection with A's 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 A 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>(10)</sup> and is under the age of 17 immediately before the beginning of the academic year.

(3) A does not qualify for a childcare grant if A or A's partner has elected to receive the childcare element of the working tax credit under Part I of the Tax Credits Act 2002<sup>(11)</sup>.

(4) A does not qualify for a childcare grant if the prescribed childcare charges that A incurs for A's child are paid or to be paid by A to A's 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 A 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

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<sup>(10)</sup> 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, the Education and Inspections Act 2006 (c.40), Schedule 1, paragraph 3 and the Apprentices, Skills, Children and Learning Act 2009 (c.22), section 59 and Schedule 2.

<sup>(11)</sup> 2002 c.21 to which there are amendments not relevant to these Regulations.

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(12).

### Parents’ learning allowance

46.—(1) An eligible student (“A”) qualifies in connection with A’s attendance on a designated course for the parents’ learning allowance if A 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 47, the basic amount being £1,508.

### Calculations

47.—(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 44 to 46 is the amount of that element remaining after applying, until it is extinguished, an amount equal to  $A - B$  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 44;
- (b) to reduce the basic amount of the childcare grant for the academic year where the eligible student qualifies for that element under regulation 45; and
- (c) to reduce the basic amount of the parents’ learning allowance where the eligible student qualifies for that element under regulation 46.

(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  $A - B$  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 that partner 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

(12) 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.2005/681, S.I. 2005/769, S.I. 2005/2919, S.I.2006/217, S.I. 2006/766, S.I. 2006/963, S.I. 2007/824, S.I.2007/968, S.I. 2007/2479, S.I. 2008/604, S.I.2008/1879, S.I.2008/2169, S.I.2009/679 and S.I.2009/800) S.I. 2009/2887, S.I. 2010/751, S.I. 2011/721 sets out the charges that are prescribed for the purposes of section 12 of the Tax Credits Act 2002.



(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 that partner 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) £1,159 where the eligible student has no dependent child;
- (b) £3,473 where the eligible student is not a lone parent and has one dependent child;
- (c) £4,627 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) £5,792 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 17.

(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 8 from the amount payable in respect of a particular element of the grant for dependants calculated under this Part.

## CHAPTER 5

### GRANTS FOR TRAVEL

#### Interpretation

**48.** For the purposes of this Chapter—

- (a) any reference to expenditure incurred for the purpose of attending an institution or period of study or period of overseas work placement in an Erasmus year.
  - (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 the student’s course an overseas institution or the Institute or overseas workplace in an Erasmus year for at least half the period covered by that quarter.

#### General

**49.** A grant for travel is available—

- (a) to eligible students attending courses in medicine or dentistry in accordance with regulation 50;
- (b) to eligible students attending an overseas institution or the Institute or overseas workplace in an Erasmus year in accordance with regulation 52.

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

**50.** 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 the student is obliged to incur in an academic year for the purpose of attending in connection with the student’s 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

**51.** The amount of grant payable under regulation 50 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 £303.

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

**52.** A grant is available to an eligible student in respect of the reasonable expenditure which the student is obliged to incur in each qualifying quarter within or outside the United Kingdom for the purpose of attending as part of the student’s course the overseas institution or the Institute or overseas workplace in an Erasmus year.

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

**53.** The amount of grant payable under regulation 52 in respect of an academic year is calculated as follows—

$$(X - £303) + Y \text{ where—}$$

*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 52.

*Y* is the aggregate of the expenditure incurred in each qualifying quarter specified in regulation 54.

**54.** 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 the student 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**

**55.** A deduction may be made from any grant under this Chapter in accordance with Part 8.

### CHAPTER 6

#### MAINTENANCE GRANTS FOR CURRENT SYSTEM STUDENTS

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

**56.**—(1) A current system student qualifies in accordance with this regulation for a maintenance grant in connection with the student's attendance on a designated course (other than a distance learning course).

(2) A current system student does not qualify for a maintenance grant if the student 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, the student cannot qualify for a maintenance grant for that year unless the reason that the student 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.

(4) A current system student does not qualify for a maintenance grant if the current course is the graduate entry accelerated programme.

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

**57.**—(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 or type 3 teacher training student, £1,492;
- (b) in the case of a type 2 teacher training student, £2,984; and
- (c) in the case of a 2008 cohort student other than a type 1, type 2 or type 3 teacher training student, £2,984.

(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, the student receives £1,492;
- (b) where the household income exceeds £25,000 but does not exceed £34,699, the student receives an amount equal to  $M - A$  where—  
 $M$  is £1,492  
 $A$  is £1 for every complete £11.72 by which the household income exceeds £25,000; and
- (c) where the household income exceeds £34,699 or the student opts when applying for the grant not to provide the information needed to calculate the household income, the student receives £665.
- (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, the student receives £2,984;
- (b) where the household income exceeds £25,000 but does not exceed £34,699, the student receives an amount equal to  $M - A$  where—  
 $M$  is £2,984  
 $A$  is £1 for every complete £5.86 by which the household income exceeds £25,000; and
- (c) where the household income exceeds £34,699 or the student opts when applying for the grant not to provide the information needed to calculate the household income, the student receives £1,329.
- (4) A type 3 teacher training student who is a 2008 cohort student who qualifies for a maintenance grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—
- (a) where the household income is £25,000 or less, the student receives £1,492;
- (b) where the household income exceeds £25,000 but does not exceed £61,034, the student receives an amount equal to  $M - (A + B)$  where—  
 $M$  is £1,492  
 $A$  is £1 for every complete £11.72 by which the household income exceeds £25,000 but does not exceed £34,699  
 $B$  is £1 for every complete £41.14 by which the household income exceeds £34,699 but does not exceed £61,034; and
- (c) where the household income exceeds £61,034, no maintenance grant is payable.
- (5) A 2008 cohort student other than a type 1, type 2 or type 3 teacher training student who qualifies for a maintenance grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—
- (a) where the household income is £25,000 or less, the student receives £2,984;
- (b) where the household income exceeds £25,000 but does not exceed £61,034, the student receives an amount equal to  $M - (A + B)$  where—  
 $M$  is £2,984  
 $A$  is £1 for every complete £5.86 by which the household income exceeds £25,000 but does not exceed £34,699  
 $B$  is £1 for every complete £20.59 by which the household income exceeds £34,699 but does not exceed £61,034; and
- (c) where the household income exceeds £61,034, no maintenance grant is payable.

**Amount of the maintenance grant – 2009 cohort students**

**58.**—(1) The maximum amount of maintenance grant available to a 2009 cohort student in respect of an academic year is —

- (a) in the case of a type 1 or type 3 teacher training student, £1,492;
- (b) in the case of a type 2 teacher training student, £2,984; and
- (c) in the case of a 2009 cohort student other than a type 1, type 2 or type 3 teacher training student, £2,984.

(2) A type 1 teacher training student who is a 2009 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, the student receives £1,492;
- (b) where the household income exceeds £25,000 but does not exceed £34,250, the student receives an amount equal to  $M - A$  where—  
 $M$  is £1,492  
 $A$  is £1 for every complete £10.00 by which the household income exceeds £25,000; and
- (c) where the household income exceeds £34,250 or the student opts when applying for the grant not to provide the information needed to calculate the household income, the student receives £567.

(3) A type 2 teacher training student who is a 2009 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, the student receives £2,984;
- (b) where the household income exceeds £25,000 but does not exceed £34,250, the student receives an amount equal to  $M - A$  where—  
 $M$  is £2,984  
 $A$  is £1 for every complete £5.00 by which the household income exceeds £25,000; and
- (c) where the household income exceeds £34,250 or the student opts when applying for the grant not to provide the information needed to calculate the household income, the student receives £1,134.

(4) A type 3 teacher training student who is a 2009 cohort student who qualifies for a maintenance grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives £1,492;
- (b) where the household income exceeds £25,000 but does not exceed £50,695, the student receives an amount equal to  $M - (A + B)$  where—  
 $M$  is £1,492  
 $A$  is £1 for every complete £10.00 by which the household income exceeds £25,000 but does not exceed £34,250  
 $B$  is £1 for every complete £30.34 by which the household income exceeds £34,250 but does not exceed £50,695; and

- (c) where the household income exceeds £50,695, no maintenance grant is payable.

(5) A 2009 cohort student other than a type 1, type 2 or type 3 teacher training student who qualifies for a maintenance grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives £2,984;
- (b) where the household income exceeds £25,000 but does not exceed £50,695, the student receives an amount equal to  $M - (A + B)$  where—
- $M$  is £2,984
- $A$  is £1 for every complete £5.00 by which the household income exceeds £25,000 but does not exceed £34,250
- $B$  is £1 for every complete £15.17 by which the household income exceeds £34,250 but does not exceed £50,695; and
- (c) where the household income exceeds £50,695, no maintenance grant is payable.

#### **Amount of the maintenance grant – 2012 cohort students**

**59.**—(1) The maximum amount of maintenance grant available to a 2012 cohort student in respect of an academic year is £3,250.

(2) A 2012 cohort student who qualifies for a maintenance grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives £3,250;
- (b) where the household income exceeds £25,000 but does not exceed £42,600 the student receives an amount equal to  $M - A$  where—
- $M$  is £3,250
- $A$  is £1 for every complete £5.50 by which the household income exceeds £25,000; and
- (c) where the household income exceeds £42,600, no maintenance grant is payable.

#### **Amount of the maintenance grant – current system students who are not 2008, 2009 or 2012 cohort students**

**60.**—(1) The maximum amount of maintenance grant available to a current system student who is not a 2008, 2009 or 2012 cohort student in respect of an academic year is—

- (a) in the case of a type 1 or type 3 teacher training student, £1,492;
- (b) in the case of a type 2 teacher training student, £2,984; and
- (c) in the case of a current system student other than a type 1, type 2 or type 3 teacher training student, £2,984.

(2) A type 1 teacher training student who is not a 2008 or 2009 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, the student receives £1,492;
- (b) where the household income exceeds £18,360 but does not exceed £28,059 the student receives an amount equal to  $M - A$  where
- $M$  is £1,492
- $A$  is £1 for every complete £11.72 by which the household income exceeds £18,360; and

- (c) where the household income exceeds £28,059 or the student opts when applying for the grant not to provide the information needed to calculate the household income, the student receives £665.
- (3) A type 2 teacher training student who is not a 2008 or 2009 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, the student receives £2,984;
- (b) where the household income exceeds £18,360 but does not exceed £28,059, the student receives an amount equal to  $M - A$  where—  
 $M$  is £2,984  
 $A$  is £1 for every complete £5.86 by which the household income exceeds £18,360; and
- (c) where the household income exceeds £28,059 or the student opts when applying for the grant not to provide the information needed to calculate the household income, the student receives £1,329.
- (4) A type 3 teacher training student who is not a 2008 or 2009 cohort student who qualifies for a maintenance grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—
- (a) where the household income is £18,360 or less, the student receives £1,492;
- (b) where the household income exceeds £18,360 but does not exceed £39,570, the student receives an amount equal to  $M - (A + B)$  where—  
 $M$  is £1,492  
 $A$  is £1 for every complete £11.72 by which the household income exceeds £18,360 but does not exceed £28,059  
 $B$  is £1 for every complete £17.98 by which the household income exceeds £28,059 but does not exceed £39,570; and
- (c) where the household income exceeds £39,570, no maintenance grant is payable.
- (5) A current system student other than a 2008, 009 or 2012 cohort student or a type 1, type 2 or type 3 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, the student receives £2,984;
- (b) where the household income exceeds £18,360 but does not exceed £39,570, the student receives an amount equal to  $M - (A + B)$  where—  
 $M$  is £2,984  
 $A$  is £1 for every complete £5.86 by which the household income exceeds £18,360 but does not exceed £28,059;  
 $B$  is £1 for every complete £9.00 by which the household income exceeds £28,059 but does not exceed £39,570;
- (c) where the household income exceeds £39,570, no maintenance grant is payable.

## CHAPTER 7

## SPECIAL SUPPORT GRANTS FOR CURRENT SYSTEM STUDENTS

**Qualifying conditions for the special support grant**

**61.**—(1) A current system student qualifies in accordance with this regulation for a special support grant in connection with the student's attendance on a designated course (other than a distance learning 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 the student—

- (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, the student cannot qualify for a special support grant for that year unless the reason that the student 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.

(4) A current system student does not qualify for a special support grant if the current course is the graduate entry accelerated programme.

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

**62.**—(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 or type 3 teacher training student, £1,492;
- (b) in the case of a type 2 teacher training student, £2,984; and
- (c) in the case of a 2008 cohort student other than a type 1, type 2 or type 3 teacher training student, £2,984.

(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, the student receives £1,492;
- (b) where the household income exceeds £25,000 but does not exceed £34,699 the student receives an amount equal to  $M - A$  where—  
 $M$  is £1,492  
 $A$  is £1 for every complete £11.72 by which the household income exceeds £25,000; and
- (c) where the household income exceeds £34,699 or the student opts when applying for the grant not to provide the information needed to calculate the household income, the student receives £665.

(13) 1992 c.4 inserted by the Jobseekers Act 1995 (c.18), Schedule 2 paragraph 30 (5). 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, S.I. 2006/2144, S.I.2008/1826 and S.I.2009/583; 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, S.I.2008/1042, S.I.2008/1082 and 2009/583).



(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, the student receives £2,984;
- (b) where the household income exceeds £25,000 but does not exceed £34,699, the student

receives an amount equal to  $M - A$  where—

$M$  is £2,984

$A$  is £1 for every complete £5.86 by which the household income exceeds £25,000; and

- (c) where the household income exceeds £34,699 or the student opts when applying for the grant not to provide the information needed to calculate the household income, the student receives £1,329.

(4) A type 3 teacher training student who is a 2008 cohort student who qualifies for a special support grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives £1,492;
- (b) where the household income exceeds £25,000 but does not exceed £61,034, the student

receives an amount equal to  $M - (A + B)$  where—

$M$  is £1,492

$A$  is £1 for every complete £11.72 by which the household income exceeds £25,000 but does not exceed £34,699

$B$  is £1 for every complete £41.14 by which the household income exceeds £34,699 but does not exceed £61,034; and

- (c) where the household income exceeds £61,034, no special support grant is payable.

(5) A 2008 cohort student other than a type 1, type 2 or type 3 teacher training student who qualifies for a special support grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives £2,984;
- (b) where the household income exceeds £25,000 but does not exceed £61,034, the student

receives an amount equal to  $M - (A + B)$  where—

$M$  is £2,984,

$A$  is £1 for every complete £5.86 by which the household income exceeds £25,000 but does not exceed £34,699,

$B$  is £1 for every complete £20.59 by which the household income exceeds £34,669 but does not exceed £61,034; and

- (c) where the household income exceeds £61,034, no special support grant is payable.

### **Amount of the special support grant – 2009 cohort students**

**63.**—(1) The maximum amount of special support grant available to a 2009 cohort student in respect of an academic year is —

- (a) in the case of a type 1 or type 3 teacher training student, £1,492;
- (b) in the case of a type 2 teacher training student, £2,984; and
- (c) in the case of a 2009 cohort student other than a type 1, type 2 or type 3 teacher training student, £2,984

(2) A type 1 teacher training student who is a 2009 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, the student receives £1,492
- (b) where the household income exceeds £25,000 but does not exceed £34,250 the student receives an amount equal to  $M - A$  where—  
 $M$  is £1,492  
 $A$  is £1 for every complete £10.00 by which the household income exceeds £25,000; and
- (c) where the household income exceeds £34,250 or the student opts when applying for the grant not to provide the information needed to calculate the household income, the student receives £567.

(3) A type 2 teacher training student who is a 2009 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, the student receives £2,984;
- (b) where the household income exceeds £25,000 but does not exceed £34,250, the student receives an amount equal to  $M - A$  where—  
 $M$  is £2,984  
 $A$  is £1 for every complete £5.00 by which the household income exceeds £25,000; and
- (c) where the household income exceeds £34,250 or the student opts when applying for the grant not to provide the information needed to calculate the household income, the student receives £1,134.

(4) A type 3 teacher training student who is a 2009 cohort student who qualifies for a special support grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives £1,492;
- (b) where the household income exceeds £25,000 but does not exceed £50,695, the student receives an amount equal to  $M - (A + B)$  where—  
 $M$  is £1,492  
 $A$  is £1 for every complete £10.00 by which the household income exceeds £25,000 but does not exceed £34,250  
 $B$  is £1 for every complete £30.34 by which the household income exceeds £34,250 but does not exceed £50,695; and
- (c) where the household income exceeds £50,695, no special support grant is payable.

(5) A 2009 cohort student other than a type 1, type 2 or type 3 teacher training student who qualifies for a special support grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives £2,984;
- (b) where the household income exceeds £25,000 but does not exceed £50,695, the student receives an amount equal to  $M - (A + B)$  where—  
 $M$  is £2,984  
 $A$  is £1 for every complete £5.00 by which the household income exceeds £25,000 but does not exceed £34,250

$B$  is £1 for every complete £15.17 by which the household income exceeds £34,250 but does not exceed £50,695; and

- (c) where the household income exceeds £50,695, no special support grant is payable.

#### **Amount of the special support grant – 2012 cohort students**

**64.**—(1) The maximum amount of maintenance grant available to a 2012 cohort student in respect of an academic year is £3,250.

(2) A 2012 cohort student who qualifies for a maintenance grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives £3,250;  
(b) where the household income exceeds £25,000 but does not exceed £42,600 the student receives an amount equal to  $M - A$

where—

$M$  is £3,250

$A$  is £1 for every complete £5.50 by which the household income exceeds £25,000; and

- (c) where the household income exceeds £42,600, no maintenance grant is payable.

#### **Amount of the special support grant – current system students who are not 2008, 2009 or 2012 cohort students**

**65.**—(1) The maximum amount of special support grant available to a current system student who is not a 2008, 2009 or 2012 cohort student in respect of an academic year is—

- (a) in the case of a type 1 or type 3 teacher training student, £1,492;  
(b) in the case of a type 2 teacher training student, £2,984; and  
(c) in the case of a current system student other than a type 1, type 2 or type 3 teacher training student, £2,984.

(2) A type 1 teacher training student who is not a 2008 or 2009 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, the student receives £1,492;  
(b) where the household income exceeds £18,360 but does not exceed £28,059, the student receives an amount equal to  $M - A$  where—

$M$  is £1,492

$A$  is £1 for every complete £11.72 by which the household income exceeds £18,360; and

- (c) where the household income exceeds £28,059 or the student opts when applying for the grant not to provide the information needed to calculate the household income, the student receives £665.

(3) A type 2 teacher training student who is not a 2008 or 2009 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, the student receives £2,984;  
(b) where the household income exceeds £18,360 but does not exceed £28,059, the student receives an amount equal to  $M - A$  where—

$M$  is £2,984

$A$  is £1 for every complete £5.86 by which the household income exceeds £18,360; and

- (c) where the household income exceeds £28,059 or the student opts when applying for the grant not to provide the information needed to calculate the household income, the student receives £1,329.

(4) A type 3 teacher training student who is not a 2008 or 2009 cohort student who qualifies for a special support grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £18,360 or less, the student receives £1,492;  
 (b) where the household income exceeds £18,360 but does not exceed £39,570, the student

receives an amount equal to  $M - (A + B)$  where—

$M$  is £1,492

$A$  is £1 for every complete £11.72 by which the household income exceeds £18,360 but does not exceed £28,059

$B$  is £1 for every complete £17.98 by which the household income exceeds £28,059 but does not exceed £39,570; and

- (c) where the household income exceeds £39,570, no special support grant is payable.

(5) A current system student other than a 2008, 2009 or 2012 cohort student or a type 1, type 2 or type 3 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, the student receives £2,984;  
 (b) where the household income exceeds £18,360 but does not exceed £39,570, the student

receives an amount equal to  $M - (A + B)$  where—

$M$  is £2,984

$A$  is £1 for every complete £5.86 by which the household income exceeds £18,360 but does not exceed £28,059;

$B$  is £1 for every complete £9.00 by which the household income exceeds £28,059 but does not exceed £39,570;

- (c) where the household income exceeds £39,570, no special support grant is payable.

## CHAPTER 8

### HIGHER EDUCATION GRANTS FOR OLD SYSTEM STUDENTS

#### Qualifying conditions for the higher education grant

66.—(1) An old system student qualifies in accordance with this regulation for a higher education grant in connection with the student's 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 the student 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, the student cannot qualify for a higher education grant for that year unless the reason that the student 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**

**67.**—(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, the student receives £1,000;
- (b) where the household income exceeds £16,750 and does not exceed £22,735, the student receives an amount equal to  $M - A$  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.