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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 8**

**Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004**

**PART V**  
**STUDENTS**

**Interpretation**

**42.** In this Part, unless the context otherwise requires –

“academic year” means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

“access funds” means –

- (a) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993(1), or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997(2) in each case being grants, or grants, loans or other payments as the case may be, made for the purpose of assisting students in financial difficulties;
- (b) grants made under section 7 of the Further and Higher Education Act 1992(3) and described as “learner support funds” or grants made under section 68 of that Act for the purpose of providing funds on a discretionary basis to be paid to students;
- (c) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980(4);
- (d) discretionary payments, known as “learner support funds”, which are made available to students in further education by institutions out of funds provided by the Learning and Skills Council for England under sections 5, 6 and 9 of the Learning and Skills Act 2000(5);

“contribution” means any contribution (including one which is not paid) in respect of the income of a student or of any other person which the Secretary of State, the Scottish Ministers, or an education authority takes into account in ascertaining the amount of the student’s grant or student loan; or any sums, which in determining the amount of a student’s allowance or bursary

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(1) [S.I. 1993/2810 \(N.I. 12\)](#); Article 30 was amended by Schedule 4 to [S.I. 1997/1772 \(N.I. 15\)](#)

(2) [S.I. 1997/1772 \(N.I. 15\)](#)

(3) [1992 c. 13](#)

(4) [1980 c. 44](#); the functions of the Secretary of State were transferred to Scottish Ministers by virtue of section 53 of the Scotland Act 1998 ([c. 46](#))

(5) [2000 c. 21](#); section 5 was amended by section 178 of the Education Act 2002 ([c. 32](#)) and section 6 was amended by section 34 of, and Schedule 9 to, the Special Educational Needs and Disability Act 2001 ([c. 10](#))

in Scotland under the Further and Higher Education (Scotland) Act 1992<sup>(6)</sup>, the Scottish Ministers or the education authority takes into account being sums which the Scottish Ministers or the education authority consider that the holder of the allowance or bursary, the holder's parents and the holder's spouse can reasonably be expected to contribute towards the holder's expenses;

“course of study” means any course of study whether or not it is a sandwich course and whether or not a grant is made for undertaking or attending it;

“education authority” means a government department, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986<sup>(7)</sup>, a local education authority as defined in section 114(1) of the Education Act 1944<sup>(8)</sup> (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973<sup>(9)</sup>, any body which is a research council for the purposes of the Science and Technology Act 1965<sup>(10)</sup> or any analogous government department, authority, board or body of the Channel Islands, Isle of Man, or any other country outside Great Britain;

“full-time course of study” means a course normally involving not less than 15 hours attendance a week in term time for the organised day-time study of a single subject or related subjects;

“full-time student” means a person undertaking a full-time course of study and includes a student on a sandwich course;

“grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds;

“grant income” means –

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

“last day of the course” means the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

“qualifying course” means a qualifying course as defined in regulation 17A(7) of the Jobseekers Allowance Regulations<sup>(11)</sup>;

“sandwich course” has the meaning prescribed in regulation 5(2) of the Education (Student Support) Regulations (Northern Ireland) 2003<sup>(12)</sup>, regulation 5(2) of the Education (Student Support) (No. 2) Regulations 2002<sup>(13)</sup> or regulation 5(2) of the Education (Student Loans) (Scotland) Regulations 2000<sup>(14)</sup> as the case may be;

“student” means a person, other than a person in receipt of a training allowance, who is attending or undertaking –

- (a) a course of study at an educational establishment; or
- (b) a qualifying course;

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<sup>(6)</sup> 1992 c. 37; to which there are amendments not relevant to these Regulations

<sup>(7)</sup> S.I. 1986/594 (N.I. 3); Article 3 was amended by Article 166 of, and Schedule 9 to, the Education Reform (Northern Ireland) Order 1989 (S.I. 1989/2406 (N.I. 20))

<sup>(8)</sup> 1944 c. 31, as amended by S.I. 1974/595 Article 3(22) Schedule 1 Part I and by S.I. 1977/293, Article 4(1)

<sup>(9)</sup> 1973 c. 65

<sup>(10)</sup> 1965 c. 4

<sup>(11)</sup> Regulation 17A was inserted by regulation 4 of S.R. 1998 No. 198

<sup>(12)</sup> S.R. 2003 No. 298

<sup>(13)</sup> S.I. 2002/3200

<sup>(14)</sup> S.S.I. 2000/200, as amended by regulation 3(a) of the Education (Student Loans) (Scotland) Regulations 2000 Amendment (No. 2) Regulations 2001 (S.S.I. 2001/311)

“student loan” means a loan towards a student’s maintenance pursuant to any regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998<sup>(15)</sup>, section 22 of the Teaching and Higher Education Act 1998<sup>(16)</sup> or section 73 of the Education (Scotland) Act 1980<sup>(17)</sup> and shall include, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Students' Allowances (Scotland) Regulations 1999<sup>(18)</sup>.

### **Treatment of students**

**43.** These Regulations shall have effect in relation to students subject to the following provisions of this Part.

### **Determination of grant income**

**44.**—(1) The amount of a student’s grant income to be taken into account shall, subject to paragraphs (2) and (3), be the whole of his grant income.

(2) There shall be excluded from a student’s grant income any payment –

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student’s disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student’s educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
- (f) intended to meet the cost of books and equipment;
- (g) intended to meet travel expenses incurred as a result of his attendance on the course.

(3) Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student’s grant income –

- (a) the sum of £270 in respect of travel costs; and
- (b) the sum of £340 towards the cost of books and equipment,

whether or not such costs are incurred.

(4) There shall also be excluded from a student’s grant income –

- (a) any grant for child care costs payable under regulation 17 of the Education (Student Support) Regulations (Northern Ireland) 2003;
- (b) any grant paid under regulation 15(7) of the Education (Student Support) (No. 2) Regulations 2002<sup>(19)</sup>;
- (c) any grant in respect of a lone parent’s child care costs which is payable under regulation 4(1)(c) of the Students' Allowances (Scotland) Regulations 1999 and which is specified as such on the student’s award notice; and

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<sup>(15)</sup> S.I. 1998/1760 (N.I. 14); see the Education (Student Support) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 298) for loans to students commencing courses after 1st September 1998

<sup>(16)</sup> 1998 c. 30; see the Education (Student Support) Regulations 1999 (S.I. 1999/496) and the Education (Student Loans) Regulations 1998 (S.I. 1998/211)

<sup>(17)</sup> 1980 c. 44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c. 30), section 29(1); see the Education (Student Loans) (Scotland) Regulations 1999 (S.I. 1999.1001 (S.71)) and the Education (Student Loans) Regulations 1998

<sup>(18)</sup> S.I. 1999/1131 (S.91)

<sup>(19)</sup> S.I. 2002/3200

- (d) any grant paid under the Schedule to the Education (Assembly Learning Grant Scheme) (Wales) Regulations 2002(20).
- (5) Subject to paragraphs (6) and (7), a student's grant income shall be apportioned –
- (a) subject to paragraph (8) in a case where it is attributable to the period of study, equally between the weeks in that period,
- (b) in any other case, equally between the weeks in the period in respect of which it is payable.
- (6) Any amount paid in respect of dependants under Article 44(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(21) (defrayment of, or contribution towards, the cost of maintenance of employees etc. undergoing training) and any amount intended for the maintenance of dependants under Part III of Schedule 6 to the Students Awards Regulations (Northern Ireland) 2002(22) shall be apportioned equally over the period of 52 weeks of the year as defined for the purposes of those regulations or, if there are 53 benefit weeks (including part-weeks) in the year, 53.
- (7) Any amount intended for the maintenance of dependants to which neither paragraph (6) nor regulation 46(2) (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or would have been apportioned had he had one.
- (8) In the case of a student on a sandwich course, any periods of experience with the period of study within that period shall be excluded and the student's grant income shall be apportioned equally between the remaining weeks in that period.

### **Relationship with amounts to be disregarded under Schedule 3**

45. No part of a student's grant income shall be disregarded under paragraph 12 of Schedule 3 (sums to be disregarded in the determination of income other than earnings).

### **Other amounts to be disregarded**

46.—(1) For the purposes of ascertaining income other than grant income and loans treated as income in accordance with regulation 47 (treatment of student loans), any amounts intended for any expenditure specified in regulation 44(2) (determination of grant income), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the payments on like expenditure excluded under regulation 44(2) or (3) or 47(6).

(2) Where a grant for school meals for dependent children or a grant for meals for dependent children aged 3 or 4 is paid pursuant to any regulations made under Articles 3 or 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(23), that payment shall be disregarded as income.

### **Treatment of student loans**

47.—(1) A student loan shall be treated as income unless it is a hardship loan, in which case it shall be disregarded.

(2) For the purposes of paragraph (1) "hardship loan" means a loan made under regulation 22 of the Education (Student Support) Regulations (Northern Ireland) 2003, regulation 21 of the Education (Student Support) (No. 2) Regulations 2002(24) or regulation 12 of the Education (Student Loans) (Scotland) Regulations 2000(e).

(3) In calculating the weekly amount of the loan to be taken into account as income –

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(20) [S.I. 2002/1857 \(W. 181\)](#) as amended by the Education (Assembly Learning Grant Scheme) (Wales) (Amendment) Regulations 2002 ([S.I. 2002/2814 \(W. 271\)](#))

(21) [S.I. 1972/1265 \(N.I. 14\)](#)

(22) [S.R. 2003 No. 459](#)

(23) [S.I. 1998/1760 \(N.I. 14\)](#)

(24) [S.I. 2002/3200](#)

- (a) a loan which is payable in respect of a course that is of a single academic year's duration or less shall be apportioned equally between the weeks in the period beginning with –
  - (i) the start of the single academic year; or
  - (ii) where the course is of less than an academic year's duration, the first day of the course,  
and ending with the last day of the course;
- (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the benefit week immediately following that which includes the first day of that academic year and ending with the benefit week which includes the last day of that academic year but excluding any benefit weeks falling entirely within the quarter during which the longest of any vacation is taken and for the purposes of this sub-paragraph, "quarter" shall have the same meaning as that given by the definition in regulation 2 of the Education (Student Support) Regulations (Northern Ireland) 2003;
- (c) a loan which is payable in respect of the final academic year of a course (not being a course of a single year's duration) shall be apportioned equally between the weeks in the period beginning with the earlier of –
  - (i) the first day of the first benefit week in September; or
  - (ii) the first day of the first benefit week following the beginning of the autumn term,  
and ending with the last day of the last benefit week before the last day of the course;
- (d) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of –
  - (i) the first day of the first benefit week in September; or
  - (ii) the first day of the first benefit week following the beginning of the autumn term,  
and ending with the last day of the last benefit week in June,  
and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.
- (4) A student shall be treated as possessing a student loan in respect of an academic year where –
  - (a) a student loan has been made to him in respect of that year; or
  - (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.
- (5) Where a student is treated as possessing a student loan under paragraph (4), the amount of the student loan to be taken into account as income shall be, subject to paragraph (6) –
  - (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to –
    - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
    - (ii) any contribution whether or not it has been paid;
  - (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if –
    - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
    - (ii) no deduction in that loan was made by virtue of a means test.
- (6) There shall be deducted from the amount of a student's loan income –

- (a) the sum of £260 in respect of travel costs; and
  - (b) the sum of £319 towards the cost of books and equipment,
- whether or not any such costs are incurred.

### **Disregard of contribution**

**48.** Where the relevant person or his partner is a student and the income of one is taken into account for the purposes of assessing the amount of the student's grant or the student's loan, an amount equal to the contribution (whether or not the contribution is paid) shall be disregarded in determining the income of the other.

### **Treatment of payments from access funds**

**49.**—(1) This regulation applies to payments from access funds that are not payments to which regulation 50(2) and (3) apply.

(2) A payment from access funds, other than a payment to which paragraph (3) of this regulation applies, shall be disregarded as income.

(3) Subject to paragraph (4) of this regulation and paragraph 35 of Schedule 3, any payments from access funds which are intended and used for food, ordinary clothing or footwear, household fuel, eligible rates or rent ("ordinary clothing or footwear" and "eligible rates or rent" have the same meaning as in paragraph 12(2) of Schedule 3), of a single relevant person or any other member of his family, shall be disregarded as income to the extent of £20 per week.

(4) Where a payment from access funds is made –

- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of the academic year beginning on 1st September and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
- (b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment shall be disregarded as income.

### **Income treated as capital**

**50.**—(1) Any amount by way of a refund of tax deducted from a student's covenant income shall be treated as capital.

(2) An amount paid from access funds as a single lump sum shall be treated as capital.

(3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel, eligible rates or rent ("ordinary clothing or footwear" and "eligible rates or rent" have the same meaning as in paragraph 12(2) of Schedule 3), of a single relevant person or, as the case may be, of the relevant person or any other member of his family shall be disregarded as capital but only for a period of 52 weeks from the date of payment.

### **Further disregard of student's income**

**51.** Where any part of a student's income has already been taken into account for the purposes of assessing his entitlement to a student grant or student loan, the amount taken into account shall be disregarded in assessing that student's income.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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