
STATUTORY INSTRUMENTS

1994 No. 648

**The Housing Renovation etc. Grants
(Reduction of Grant) Regulations 1994**

PART V

STUDENTS

Interpretation

38. In this Part, unless the context otherwise requires—

“contribution” means any contribution in respect of the income of any other person which a Minister of the Crown or an education authority as defined in regulation 46 of the Housing Benefit (General) Regulations 1987 (interpretation) takes into account in assessing the amount of the student’s grant and by which the amount is, as a consequence, reduced;

“course of study” means any full-time or part-time course of study or sandwich course whether or not a grant is made for attending it;

“full-time student” includes a student on a sandwich course;

“grant” means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment derived from funds made available by the Secretary of State for the purpose of assisting students in financial difficulties under section 100 of the Education Act 1944(1) , sections 131 and 132 of the Education Reform Act 1988(2) , section 73 of the Education (Scotland) Act 1980(3) or section 65 of the Further and Higher Education Act 1992(4);

“grant income” means—

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

“sandwich course” has the meaning prescribed in paragraph 1(1) of Schedule 5 to the Education (Mandatory Awards) Regulations 1993(5);

“student” means a person, other than a person in receipt of a training allowance, who is attending a course of study at an educational establishment; and a person who has started on such a course shall be treated as attending it throughout any period of term or vacation within it, until the last day of the course or such earlier date as he abandons it or is dismissed from it.

(1) 1944 c. 31; section 100 was amended by the Local Government Act 1958 (c. 55), section 67(a) and Schedule 9; the Education Act 1962 (c. 12), section 13(1) and Schedule 2; S.I.1964/490, article 3(2)(a); the Education Act 1973 (c. 16), section 1(4) and Schedule 2; the Education Act 1980 (c. 20), section 38(6) and Schedule 7; S.I. 1980/660; and the Education Reform Act 1988 (c. 40), section 213(3).

(2) 1988 c. 40.

(3) 1980 c. 44.

(4) 1992 c. 13.

(5) S.I. 1993/1850.

Treatment of students

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

Determination of grant income

40.—(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) intended to meet the cost of special equipment for a student on a course which began before 1st September 1986 in architecture, art and design, home economics, landscape architecture, medicine, music, ophthalmic optics, orthoptics, physical education, physiotherapy, radiography, occupational therapy, dental hygiene, dental therapy, remedial gymnastics, town and country planning and veterinary science or medicine;
- (c) in respect of the student's disability;
- (d) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (e) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (f) on account of any other person but only if that person is residing outside the United Kingdom and there is no applicable amount in respect of him;
- (g) intended to meet the cost of books and equipment (other than special equipment) or, in the case of a full-time student, if not so intended an amount equal to £273 towards such costs;
- (h) intended to meet travel expenses incurred as a result of his attendance on the course.

(3) Where in pursuance of an award a student is in receipt of a grant in respect of maintenance under regulation 17(b) of the Education (Mandatory Awards) Regulations 1993 (payments) there shall be excluded from his grant income a sum equal to such amount specified in paragraph 7(4) of Schedule 2 to those Regulations (disregard of travel costs) as falls to be disregarded in his case.

Relationship with amounts to be disregarded under Schedule 3

41. No part of a student's grant income shall be disregarded under paragraph 13 of Schedule 3 (sums to be disregarded in the determination of income other than earnings).

Other amounts to be disregarded

42. For the purposes of ascertaining income other than grant income and loans treated as income in accordance with regulation 43 (treatment of student loans), any amounts intended for any expenditure specified in regulation 40(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 sums disregarded under regulation 40(2) or (3) on like expenditure.

Treatment of student loans

43.—(1) A loan which is made to a student pursuant to arrangements made under section 1 of the Education (Student Loans) Act 1990⁽⁶⁾ or article 3 of the Education (Student Loans) (Northern Ireland) Order 1990⁽⁷⁾ shall be treated as income.

(2) Any loan for which a student is eligible under the arrangements mentioned in paragraph (1) but which has not been acquired by him shall be treated as possessed by him and paragraph (1) shall apply accordingly; and for the purposes of this paragraph the loan for which a student is eligible is the maximum amount payable to him under those arrangements.

Disregard of contribution

44. Where the relevant person or his partner is a student and the income of one is taken into account for the purposes of assessing a contribution to the student's grant, an amount equal to the contribution shall be disregarded for the purposes of determining the income of the one liable to make that contribution.

⁽⁶⁾ 1990 c. 6; section 1 was amended by the Further and Higher Education Act 1992 (c. 13), section 93 and Schedule 8.
⁽⁷⁾ S.I. 1990/1506 (N.I. 11).