SCHEDULE 5

Regulations 2, 4(3) and 20

SANDWICH COURSES

1.—(1) In this Schedule—

"sandwich course" means a course consisting of alternate periods of full-time study in an institution and periods of experience so organised that, taking the course as a whole, the student attends the periods of full-time study for an average of not less than 19 weeks in each year; and for the purpose of calculating his attendance the course shall be treated as beginning with the first period of full-time study and ending with the last such period;

"periods of experience" means, subject to sub-paragraph (2), periods of industrial, professional or commercial experience associated with full-time study at the institution but at a place outside the institution;

"sandwich year" means, as respects any student, any year of a sandwich course which includes both periods of full-time study in the institution and periods of experience, other than—

(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 their functions relating to health, welfare or the care of children and young persons 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) teaching practice;

(e) unpaid research in an institution or, in the case of a student attending an overseas institution as part of his course, in an overseas institution;

(f) such experience as aforesaid falling wholly within the usual periods of attendance at the institution in any year which do not comprise paid service or employment and either—

(i) do not aggregate more than 6 weeks during that year; or

(ii) fall within that year and another year and do not aggregate more than 12 weeks during the two years taken together, where that other year has not already been taken into account for the purposes hereof; or

(g) unpaid service with—

(i) a Health Authority or a Strategic Health Authority established pursuant to section 8 of the National Health Service Act 1977(**1**) or a Special Health Authority established pursuant to section 11 of that Act(**2**);

(ii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(**3**); or

(iii) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**4**);

(**1**) 1977 c. 49; section 8 was substituted by the Health Authorities Act 1995 (c. 17), section 1(1) and the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 1.

(**2**) Section 11 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 31, the National Health Service and Community Care Act 1990 (c. 19), Schedule 10 and the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 2.

(**3**) 1978 c. 29; section 2 was amended by the Health and Social Security Adjudications Act 1983 (c. 41), Schedule 7, paragraph 1, and by the National Health Service and Community Care Act 1990 (c. 19), section 28 and Schedule 9, paragraph 19(1).

(**4**) S.I. 1972/1265 (N.I. 14).

"prescribed proportion" means the proportion which the number of weeks in the year for which the student in question attends the institution bears to 30, except that where that proportion is greater than the whole it means the whole;

"modified proportion" means the proportion which the number of weeks in the year in which there are no periods of experience for the student in question bears to 52.

(2) In the case of a student whose course includes the study of one or more modern languages for not less than one half of the time spent studying on the course and which includes periods of residence in a country whose language is a language of the course, "periods of experience" means such periods of residence during which the student is employed.

(3) For the purposes of determining the prescribed proportion or the modified proportion where the number of weeks in question is not a whole number, a day shall be reckoned as a seventh of a week.

(4) In the application of this Schedule to a student to whom Schedule 4 applies, references to Schedules 2 and 3 are to be construed as references to those Schedules as modified in accordance with Schedule 4.

(5) In the application of this Schedule to a student attending a course provided at the University of Oxford or of Cambridge the provisions thereof shall have effect as if—

(a) in the definition of "prescribed proportion" in sub-paragraph (1) for the number "30" there were substituted the number "25"; and

(b) in paragraph 3 for the words "30 weeks 3 days", in both places where they occur, there were substituted the words "25 weeks 3 days".

2. For the purposes of calculating payments in respect of maintenance under regulation 17(1) (b) (ii) the prescribed proportion of the aggregate of the amounts specified in Schedule 2, paragraph 9 shall, as respects any sandwich year, be treated as the aggregate of the amounts so specified.

3. The provisions of Schedule 2 shall, as respects any sandwich year, have effect subject to the following modifications—

(a) where the period of full-time study does not exceed 30 weeks 3 days, the student's requirements for his ordinary maintenance shall be the prescribed proportion of the appropriate amount specified in Part I;

(b) where the period of full-time study exceeds 30 weeks 3 days, the student's requirements for his ordinary and supplementary maintenance shall be the aggregate of the appropriate amount specified in Part I and the appropriate amount specified in paragraph 5 of Part II; and

(c) the student's requirement for the maintenance of a dependant shall be the modified proportion of the sum specified in Part III except that where such a requirement falls to be increased under paragraph 16 it shall be increased by the prescribed proportion or the sum there specified.

4. The provisions of Schedule 3 shall, as respects any sandwich year, have effect subject to the following modifications—

(a) the sum to be disregarded under paragraph 1(1) (a) of Part I shall be the prescribed proportion of **£900**;

(b) in calculating the student's income,

(i) there shall be disregarded any payment made to him by his employer in respect of any period of experience;

(ii) the prescribed proportion of his income shall be treated as if it were the whole of his income;

(c) the amount of the parental contribution applicable to his case shall be the prescribed proportion of the contribution ascertained in accordance with Part II;

(d) the amount of the spouse's contribution applicable to his case shall be the prescribed proportion of the contribution ascertained in accordance with Part III.