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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 192**

**Education (Student Support)  
Regulations (Northern Ireland) 1999**

**PART IV**

**GRANTS FOR LIVING COSTS**

**Eligibility for grants for living costs**

**12.**—(1) Subject to and in accordance with the following regulations an eligible student shall be eligible for grant for living costs under this Part in respect of his attendance at a course during any academic year if he is—

- (a) under the age of 50 on the first day of the first academic year of the course; or
- (b) aged 50 or over and under the age of 55 on that day, if the Department is satisfied that he intends to enter employment after he has completed his course.

(2) An eligible student shall not be eligible for grant for living costs under this Part if he is a person mentioned in paragraph 7 of Schedule 1 and not in any other paragraph of that Schedule.

(3) An eligible student shall not be eligible for grant for living costs under this Part in respect of his attendance at a course during any academic year—

- (a) during which he is eligible to receive any payment under a bursary or award of similar description made to him under Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972 or Section 63 of the Health Services and Public Health Act 1968 the amount of which is calculated by reference to his income; or
- (b) where the course leads to a qualification that is appropriate for entry into one of the health care professions other than as a medical doctor or dentist and he is eligible to receive a maintenance award under the Students' Allowances (Scotland) Regulations 1996 in relation to his attendance on the course; or
- (c) where the course is for the initial training of teachers referred to in paragraph 4 of Schedule 2 and during it the periods of full-time attendance, including attendance for the purpose of teaching practice, are in aggregate less than 6 weeks.

(4) With the exception of grant under regulation 14 an eligible student shall not be eligible for grant for living costs under this Part in respect of his attendance at a sandwich course during any academic year where the periods of full-time study are in aggregate less than 10 weeks and the periods of experience are not—

- (a) unpaid service in a hospital or in a public health service laboratory in the United Kingdom or the Republic of Ireland;
- (b) unpaid service with a public body in the United Kingdom or the Republic of Ireland acting in the exercise of its function 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 or the Republic of Ireland;

- (c) unpaid service in the prison or probation and aftercare service in the United Kingdom or the Republic of Ireland;
  - (d) unpaid research in an institution in the United Kingdom or in the Republic of Ireland or, in the case of a student attending an overseas institution as a necessary part of his course, in an overseas institution;
  - (e) unpaid service with—
    - (i) a 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);
    - (iv) a Health and Social Services Trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(5).
- (5) An eligible student shall be eligible for a grant for living costs under this Part in respect of his attendance at a course during an academic year—
- (a) where—
    - (i) his course becomes a designated course during that year; or
    - (ii) he or his spouse or parent is recognised as a refugee or is granted leave to enter or remain as mentioned in paragraph 3 of Schedule 1 during that year; or
  - (b) which begins after the events referred to in paragraph (a) but shall not be eligible for grant for living costs in respect of any other academic year.

### **Grants for disabled students' living costs**

13.—(1) An eligible student shall, subject to paragraph (2), be eligible for grant for living costs equal to additional expenditure which the Department is satisfied he is obliged to incur in respect of his attendance at a course by reason of a disability to which he is subject.

(2) The amount of grant payable under paragraph (1) shall not exceed, in any case, such amount as the Department considers appropriate—

- (a) not exceeding £10,250 in respect of each academic year for expenditure on a non-medical personal helper;
- (b) not exceeding £4,055 in respect of all the academic years during which the eligible student is eligible for support for expenditure on major items of specialist equipment, but where such payments have been made under the 1986 Order in respect of a transitional award holder the amounts of such payments shall be deducted from this maximum;
- (c) for expenditure incurred—
  - (i) within the United Kingdom or the Republic of Ireland for the purposes of attending the institution;

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(1) 1977 c. 49; Section 8 was substituted by the Health Authorities Act 1995 (c. 17), section 1(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)

(5) S.I. 1991/194 (N.I. 1); Article 10 was amended by the Health and Personal Social Services (Northern Ireland) Order 1994 (S.I. 1994/429 (N.I. 2)) Article 3(8)

- (ii) within or outside the United Kingdom for the purpose of attending, as a necessary part of his course, any period of study at an overseas institution;
- (d) not exceeding £1,350 in respect of each academic year for any other expenditure including expenditure incurred for the purposes referred to in sub-paragraphs (a) or (b) which exceeds the specified maxima.

#### **Grants for students who have left care**

**14.**—(1) An eligible student—

- (a) who is under the age of 21 on the first day of the course;
- (b) in respect of whom a parental contribution is not applicable in accordance with Part II of Schedule 3 because he has pursuant to an order of a competent court been in custody or care or has been provided with accommodation as described in paragraph 3(1)(g) of that Schedule; and
- (c) in the opinion of the Department is subject to greater financial hardship by reason of having been in custody or care or having been provided with accommodation as mentioned in sub-paragraph (b) than he would have been if he had not been in custody or care or having been provided with accommodation,

shall be eligible for such amount of grant not exceeding the amount referred to in paragraph (2) as the Department in all the circumstances considers appropriate.

(2) The maximum amount of grant for which an eligible student shall be eligible under this regulation is £100 for each week or part of a week in the academic year to which the grant relates and which—

- (a) falls within the longest vacation taken; and
- (b) during no part of which week the student attends his course.

#### **Grants for dependants**

**15.**—(1) Subject to the following paragraphs an eligible student shall, in respect of his attendance at a course during each academic year, be eligible for grant for living costs for his dependants as follows—

- (a) a grant of £2,075 for only one of the following—
  - (i) a spouse, or
  - (ii) an adult dependant whose net income does not exceed £2,980, or
  - (iii) an only or eldest dependant child whose net income does not exceed £2,075;
- (b) for each of his dependent children in respect of whom a grant is not payable under sub-paragraph (a) and whose net income does not exceed the amount of grant applicable to his age by more than £905—
  - (i) under the age of 11 immediately before the beginning of the academic year, a grant of £435;
  - (ii) then aged 11 or over, but under 16, a grant of £870,
  - (iii) then aged 16 or over, but under 18, a grant of £1,150,
  - (iv) then aged 18 or over, a grant of £1,660.

(2) The aggregate amount of grant under paragraph (1) shall be reduced by so much of the aggregate amount of the net income of the eligible student's dependants as exceeds £905 multiplied by the number of such dependants.

(3) If an eligible student's spouse is also an eligible student or holds a statutory award and if, in calculating the amount of support for which the spouse is eligible or payment to which he is entitled under the award, account is taken of his dependants, the aggregate amount of grant calculated under paragraphs (1) and (2) shall be reduced by one half.

(4) Where an eligible student maintains a dependant who is ordinarily resident outside the United Kingdom the grant under this regulation shall be such amount, if any, not exceeding the aggregate amount of grant calculated under paragraphs (1) to (3) as the Department considers reasonable in all the circumstances.

(5) Where an eligible student with dependants maintains a home for himself and a dependant at a place other than that at which he resides while attending the course he shall in addition to any grant referred to in the preceding paragraphs be eligible for a grant of £720.

(6) Where an eligible student is a lone parent he shall in addition to any grant referred to in the preceding paragraphs be eligible for a grant of £1,025.

(7) Where the number of an eligible student's dependants changes during an academic year the Department shall determine who the student's dependants are for each of the three quarters of the academic year in respect of which instalments of grant are paid under regulation 24(2) by reference to the student's circumstances during the relevant quarter.

(8) Where the Department has determined the number and identity of the dependants of an eligible student in relation to a quarter under paragraph (7) the grant in respect of the dependants for the quarter shall be one-third of the amount of grant for those dependants in respect of an academic year and the amount of grant in respect of the academic year shall be the aggregate of the three amounts so determined.

(9) Where an eligible student is eligible for a grant for living costs in respect of an academic year under regulation 12(5)(a) he shall only be eligible for a grant under this regulation in respect of such of the three quarters of the academic year in respect of which instalments of grant are paid under regulation 24(2) as begin after the events referred to in regulation 12(5)(a) and, subject to paragraphs (7) and (8), the grant for each such quarter shall be one-third of the amount in respect of the academic year and the amount for the academic year shall be the aggregate of the amounts payable in respect of each such quarter.

(10) In this regulation—

“adult dependant” means, in relation to a eligible student, an adult person dependent on the student not being his child, his spouse (whether ordinarily living with him or not) or a person living with him as his spouse or his former spouse;

“child” in relation to an eligible student includes 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 eligible student, his spouse, his dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;

“dependent” means wholly or mainly financially dependent;

“spouse” does not include an eligible 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, or if the spouse is ordinarily living outside the United Kingdom and is not maintained by the student.

(11) For the purposes of this regulation a dependant's net income shall be his 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 to which the dependant is subject 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;

- (b) child benefit;
- (c) any allowance payable to his spouse by an adoption agency in accordance with regulations made under section 59A of the Adoption (Northern Ireland) Order 1987<sup>(6)</sup>;
- (d) any guardian's allowance to which his spouse is entitled under section 77 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- (e) in the case of a spouse with whom a child in the care of a Health and Social Services Board or a Health and Social Services Trust is boarded out, any payment made to him in pursuance of Article 27(2)(a) of the Children (Northern Ireland) Order 1995<sup>(7)</sup>;
- (f) any payments made to his spouse in pursuance of an order made under Article 15 of and Schedule 1 to the Children (Northern Ireland) Order 1995 in respect of a person who is not his child or any assistance given by a Health and Social Services Board or Health and Social Services Trust pursuant to Articles 35 and 36 of that Order.

(12) Where an eligible student, or his spouse, make any recurrent payments which were previously made by the student in pursuance of an obligation incurred before the first academic year of the course to which any grant under this regulation relates the spouse's net income shall, for the purposes of this regulation, be reduced by—

- (a) an amount equal to the payments in question for the academic year, if in the opinion of the Department the obligation had been reasonably incurred; or
- (b) such lesser amount if any as the Department considers appropriate, if in its opinion a lesser obligation could reasonably have been incurred.

### **Grants for travel**

**16.**—(1) Subject to the following paragraphs, an eligible student shall in respect of each academic year be eligible for a grant equal to such reasonable expenditure which he is obliged to incur—

- (a) in the case of a student attending a course in medicine or dentistry provided by any institution, a necessary part of which is a period of study by way of clinical training, for the purpose of attending in connection with his course any hospital or other premises in the United Kingdom or the Republic of Ireland (not comprised in the institution) at which facilities for clinical training are provided, but not incurred for the purpose of residential study away from the institution;
- (b) within or outside the United Kingdom for the purpose of attending for a period of at least eight weeks and as a necessary part of his course an overseas institution.

(2) In determining the expenditure incurred by an eligible student there shall be disregarded the first £250 of such expenditure.

(3) For the purposes of this regulation any reference to expenditure incurred for the purpose of attending any hospital, institution or other premises—

- (a) includes expenditure both before and after so attending; and
- (b) does not include any expenditure in respect of which grant is payable under regulation 13.

(4) Where an eligible student to whom paragraph (1)(b) applies 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 the period he attends the overseas institution in question he shall be eligible for additional grant under this regulation equal to the amount so incurred.

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(6) S.I. 1987/2203 (N.I. 22); Article 59A was inserted by paragraph 164 of Schedule 9 to the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 22)); the relevant amending Regulations are 1996/438

(7) S.I. 1995/755 (N.I. 2)

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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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