

SCHEDULE 3

Means Test

PART I

STUDENT'S INCOME

Calculation of student's income

1.—(1) In calculating an eligible student's income for the purposes of regulation 21 there shall be taken into account his income (reduced by income tax and social security contributions) from all sources, and any payment referred to in head (b), whether or not it is income, but there shall be disregarded the following—

- (a) the first £820 of income of any description, or where the eligible student is a lone parent, the first £1,780 of income of any description;
- (b) the first £1,000 of any payment—
 - (i) by way of scholarship, studentship, exhibition, bursary, award, grant allowance or benefit, however, described payable in connection with the student's attendance on the course concerned, otherwise than under the Order and Regulations made under it; and
 - (ii) in the case of a student in gainful employment, by way of remuneration (reduced by income tax and social security contributions) paid in respect of any period for which he has leave of absence or is relieved of his normal duties for the purpose of attending the course; except that, if the course concerned for the initial training of teachers referred to in paragraph 4 of Schedule 2 during which the periods of full-time attendance, including attendance for the purpose of teaching practice, are in aggregate less than 6 weeks, any payments by way of remuneration shall be disregarded;
- (c) under a bursary or award of similar description made to him under Section 63 of the Health Services and Public Health Act 1968 or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972;
- (d) of a grant to facilitate teacher training paid to the eligible student under regulations made under section 50(1) of the Education (No. 2) Act 1986;
- (e) in the case of an eligible student for whose benefit any income is applied or any payments are required to be applied as described in paragraph 5(5) by way of—
 - (i) the whole of that income or those payments if a parental contribution ascertained in accordance with Part II or a spouse's contribution ascertained in accordance with Part III is applicable (at whatever amount including nil that contribution is ascertained to be); or
 - (ii) the first £1,855 of that income or those payments if such a contribution would be applicable but for the fact that the eligible student is such a student as is described in paragraph 3(b), (c), (d), (e) or (f);
- (f) of pension, allowance or other benefit paid by reason of a disability to which the eligible student is subject which is not subject to income tax under the Income Tax Acts;
- (g) of bounty received as a reservist with the armed forces of a state of which the student is a national, or in the Royal Irish Regiment or in the Royal Ulster Constabulary Reserve;
- (h) by way of remuneration for work done during the academic year;

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- (i) in the case of an eligible student in whose case a parental contribution is by virtue of Part II of this Schedule applicable (at whatever amount, including nil, that contribution is ascertained to be) which is made under covenant by a parent by reference to whose income that contribution falls to be ascertained;
- (j) made for a specific educational purpose otherwise than to meet such fees as are mentioned in Part III and living costs as are mentioned in Parts IV and V;
- (k) of child benefit;
- (l) of an allowance payable to the eligible student by an adoption agency in accordance with regulations made pursuant to Article 59A of the Adoption (Northern Ireland) Order 1987(1);
- (m) of a guardian's allowance to which he is entitled under section 77 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- (n) in the case of an eligible student with whom a child in the care of a local authority is boarded out, made to him in pursuance of Article 27(2)(a) of the Children's (Northern Ireland) Order 1995;
- (o) made to the eligible student 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;
- (p) of income support or family credit under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; or any transitional addition, personal expenses addition or special transitional addition payable under Part III of the Income Support (Transitional) Regulations (Northern Ireland) 1987(2);
- (q) of any housing benefit granted to the eligible student in pursuance of a statutory or local scheme under section 122(1)(d) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(3) or a scheme under Part VII of the Social Security Contributions and Benefits Act 1992(4);
- (r) by way of the first £3,105 of any pension, allowance or other benefit payable by reason of disability to which the eligible student is subject, his old age, his retirement, the death of his spouse or parent or another person on whom he was wholly or mainly financially dependent, or by reason of his military or other public service;
- (s) made to the eligible student under the action scheme of the European Community for the mobility of university students known as ERASMUS(5), the European Community

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- (1) S.I.1987/2203 (N.I. 22); Article 59A was inserted by paragraph 164 of Schedule 9 to the Children's (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 22)); the relevant Regulations are 1996/438
 - (2) S.R. 1987 No. 460; Part III was amended by S.R. 1988 Nos. 132 and 153, S.R. 1991 No. 341, S.R. 1992 No. 284 and S.R. 1995 No. 71
 - (3) 1992 c. 7; the scheme under section 122(1)(d) is currently constituted by the provisions of the Housing Benefit (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 461 as amended by S.R. 1988 Nos. 117, 186, 314 and 424, S.R. 1989 Nos. 125, 260, 366 and 408, S.R. 1990 Nos. 33, 136, 137, 297, 305, 345, 398 and 442, S.R. 1991 Nos. 47, 176, 204, 337 and 520, S.R. 1992 Nos. 6, 35, 85, 141, 201, 284, 298, 404, 435, 444 and 549, S.R. 1993 Nos. 145, 149, 195, 218, 233, 373, 381 and 414, S.R. 1994 Nos. 65, 80, 88, 137, 266, 274 and 335, S.R. 1995 Nos. 64, 71, 101, 129, 223, 280, 367, 410 and 481, S.R. 1996 Nos. 11, 73, 84, 92, 93, 111, 115, 181, 221, 291, 334, 375, 405, 448, 476 and 662 and S.R. 1997 Nos. 3, 4, 22, 113, 123, 126, 127, 130, 152 and 170)
 - (4) 1992 c. 4; the scheme under Part VII is currently constituted by the provisions of the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) as amended by S.I. 1988/661, 909, 1444 and 1971, S.I. 1989/416, 566 and 1017, S.I. 1990/127, 546, 671, 1549, 1657, 1775 and 2564, S.I. 1991/235, 1175, 1599, 2695 and 2742, S.I. 1992/50, 201, 432, 1101, 1326, 1585, 2148 and 3147, S.I. 1993/317, 349, 518, 963, 1150, 1249, 1540 and 2118, S.I. 1994/470, 542, 578, 781, 1003, 1608, 1807, 1924, 2137, 2139 and 3061, 1995/511, 560, 625, 626, 1339 and 1742, S.I. 1995/1644, 2303, 2792, 2868 and 3282, S.I. 1996/30, 194, 462, 965, 1510, 1759, 1803, 1944, 2006, 2432, 2518, 2545 and 3195 and S.I. 1997/65, 454, 543, 584 and 582)
 - (5) O.J. No. L166, 25.6.87, p. 20

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programme for foreign language competence known as LINGUA(6), or the European Community programme known as LEONARDO DA VINCI(7);

- (t) made to the eligible student out of access funds held by the institution at which he attends his course.

(2) Where income may be disregarded under more than one of the sub-paragraphs of paragraph (1) it shall be disregarded under the sub-paragraph or sub-paragraphs which will result in the largest amount of the eligible student's income from all sources being disregarded under paragraph (1).

(3) Where an eligible student is a person mentioned in paragraph 7 of Schedule 1 and not in any other paragraph and his income arises from sources or under legislation different from sources or legislation normally relevant to a person mentioned in paragraph 1 of Schedule 1 his income shall not be disregarded in accordance with paragraph (1) but shall be disregarded to the extent necessary to ensure that he is treated no less favourably than a person in similar circumstances in receipt of similar income who is mentioned in Schedule 1 would be treated.

(4) In the case of an eligible student who makes any payment in pursuance of an obligation incurred before the first year of his course, in calculating his income for the purposes aforesaid there shall be deducted therefrom—

- (a) if, in the opinion of the Department, the obligation had been reasonably so incurred, an amount equal to the payment in question;
- (b) if, in its opinion, only a lesser obligation could have been reasonably so incurred, such correspondingly lesser amount (if any) as appears to it appropriate,

except that no deduction shall be made from the income of a married student where the student's spouse is a dependant for the purpose of regulation 15, and, in pursuance of regulation 15(12) the payment is taken into account in determining the spouse's income.

(5) In a case where the eligible student is the parent or step-parent of an eligible student in respect of whom a contribution is ascertained under Part II, so much of the amount (if any) by which the contribution is reduced under paragraph 4(3) as the Department considers just shall be treated as part of the eligible student's income for the purposes of this Schedule.

(6) Where the eligible student is a lone parent having one or more dependent children (other than adult dependents within the meaning of regulation 15) he may elect to be ineligible for grant under that regulation and to have disregarded in calculating his income under this Schedule £2,380 in respect of his only or eldest such child and £750 in respect of every other such child.

(7) Where the eligible student receives income in a currency other than sterling the value of the income shall be—

- (a) if the student purchases sterling with the income the amount of sterling the student receives for it; and
- (b) otherwise the value of the sterling which the income would purchase using the rate for the month in which it is received published by the Office for National Statistics in "Financial Statistics".

(8) In this paragraph any reference to the course concerned, in relation to an eligible student, means the course in respect of which that student is eligible for support in the academic year in respect of which his income is being calculated for the purposes of regulation 21.

(6) O.J. No. L239, 16.8.89, p. 24

(7) O.J. No. L340, 29.12.94, p. 8