
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 298

**Education (Student Support)
Regulations (Northern Ireland) 2003**

PART IV

GRANTS FOR LIVING COSTS

Eligibility for grants for living costs

- 12.**—(1) An eligible student shall not be eligible for –
- (a) 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;
 - (b) bursary under regulation 13 in respect of any academic year of a part-time course for the initial training of teachers referred to in paragraph 4 of Schedule 2.
- (2) An eligible student shall not be eligible for grant for living costs under this Part in respect of 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) of a course leading to a qualification in a healthcare profession, other than as a medical doctor or dentist, during which he is eligible to receive an allowance paid to him under sections 73(f) and 74(1) of the Education (Scotland) Act 1980 the amount of which is calculated by reference to his income; or
 - (c) of a course 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, but this sub-paragraph does not apply to an eligible student to whom regulation 14 applies.
- (3) With the exception of grant under regulation 15 an eligible student shall not be eligible for grant for living costs under this Part in respect of any academic year of a sandwich course during which the periods of full-time study are in aggregate less than 10 weeks and the periods of work 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 or with a primary care trust in the United Kingdom or the Republic of Ireland;
 - (b) unpaid service with a local authority in the United Kingdom or the Republic of Ireland 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 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 part of his course, in an overseas institution; or
- (e) unpaid service with –
 - (i) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972⁽¹⁾;
 - (ii) a Health and Social Services Trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991⁽²⁾;
 - (iii) a Health Authority or a Strategic Health Authority established pursuant to section 8 of the National Health Service Act 1977⁽³⁾ or a Special Health Authority established pursuant to section 11 of that Act⁽⁴⁾; or
 - (iv) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978⁽⁵⁾.
- (4) An eligible student shall be eligible for a grant for living costs in respect of –
 - (a) an academic year during which –
 - (i) his course becomes a designated course; 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; and
 - (b) any academic year which begins after the events referred to in sub-paragraph (a), but shall not be eligible for a grant for living costs in respect of any other academic year.

Bursaries for low-income students

13.—(1) An eligible student who is eligible for a grant for fees under regulation 10 and who satisfies the requirements set out in regulation 19(1) shall be eligible for a bursary for living costs where in respect of any academic year the residual income of the student and his parents or spouse, where appropriate, does not exceed £20,000.

(2) For the purposes of this regulation the residual income of the student and his parents or spouse (as appropriate) shall be ascertained in accordance with regulation 23 and Schedule 3.

(3) The amount of bursary payable in respect of any academic year shall be determined by reference to the residual income ascertained under paragraph (2) in accordance with the following table –

<i>Residual Income (£)</i>	<i>Bursary (£)</i>
Up to 10,000	2,000
10,001 to 11,000	1,800
11,001 to 12,000	1,600

(1) S.I.1972/1265 (N.I. 14)

(2) 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)

(3) 1977 c. 49; Section 8 of the National Health Service Act 1977 was substituted by section 1 of the National Health Service Reform and Health Care Professions Act 2002 c. 17

(4) Section 11(1) was substituted by section 65(1) of and paragraphs 4 and 6 of Schedule 4 to the Health Act 1999 c. 8; section 11(3) was amended by section 2(1) of and paragraphs 1 and 2 of Part 1 of Schedule 1 to the Health Authorities Act 1995 c. 17

(5) 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)

<i>Residual Income (£)</i>	<i>Bursary (£)</i>
12,001 to 13,000	1,400
13,001 to 14,000	1,200
14,001 to 15,000	1,000
15,001 to 16,000	835
16,001 to 17,000	665
17,001 to 18,000	500
18,001 to 19,000	335
19,001 to 20,000	165
20,001 and over	0

Grants for disabled students' living costs

14.—(1) An eligible student shall 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 the course by reason of a disability to which he is subject; but the amount of grant shall not exceed the amounts referred to in paragraph (2).

(2) Subject to paragraph (3) the amounts referred to in this paragraph are such amounts as the Department considers appropriate:

- (a) not exceeding £11,280 in respect of each academic year for expenditure on a non-medical personal helper;
- (b) not exceeding £4,460 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;
 - (ii) within or outside the United Kingdom or the Republic of Ireland for the purpose of attending, as a part of his course, any period of study at an overseas institution or for the purpose of attending the British Institute in Paris;
- (d) not exceeding £1,490 in respect of each academic year for any other expenditure including expenditure incurred for the purposes referred to in sub-paragraph (a) or (b) which exceeds the specified maxima.

(3) In the case of an eligible student attending a course for the initial training of teachers referred to in paragraph 4 of Schedule 2 during which in any academic year the periods of full-time attendance, including attendance for the purpose of teaching practice, are in aggregate less than 6 weeks, paragraph (2) has effect as if the amounts referred to in sub-paragraphs (a) and (d) were £8,465 and £1,115 respectively.

Grants for students who have left care

15.—(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 as described in paragraph 3(1)(g) of that Schedule or has been provided with accommodation as so described; and
- (c) in the opinion of the Department is subject to greater financial hardship by reason of having been in custody or care or provided with accommodation as mentioned in sub-paragraph (b) than he would have been if he had not been in custody or care or 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 an academic year which –

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

Grants for dependants

16.—(1) Subject to the following paragraphs an eligible student shall in respect of each academic year be eligible for a £2,280 grant for living costs for only one of the following –

- (a) a spouse, or
- (b) an adult dependant whose net income does not exceed £3,280.

(2) The amount of grant under paragraph (1) shall be reduced or extinguished by the difference between –

- (a) the aggregate of the net income of each of the eligible student's dependants; and
- (b) where the eligible student –
 - (i) has no dependent child, £1,000;
 - (ii) is not a lone parent and has one dependent child, £3,000;
 - (iii) is not a lone parent and has more than one dependent child, £4,000;
 - (iv) is a lone parent and has one dependent child, £4,000; or
 - (v) is a lone parent and has more than one dependent child, £5,000

provided the aggregate amount calculated under sub-paragraph (a) is greater than the amount applicable under sub-paragraph (b).

(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 is a lone parent and he has elected to be ineligible for grant under regulation 17, he shall in addition to any grant referred to in the preceding paragraphs be eligible for a grant of £1,125, if –

- (a) his course began before 1st September 2001;
- (b) his course is an end-on course in relation to a course which began before 1st September 2001; or

- (c) his course is an end-on course in relation to such an end-on course as is mentioned in sub-paragraph (b).
- (6) For the purposes of paragraph (5) an eligible student may make one election to be ineligible for grant under regulation 17 at any time before or during the academic year and he may revoke such election at any time during the academic year and for the purposes of this regulation and regulation 17, where an eligible student has revoked such election, he shall be treated as a person who has not elected to be ineligible for grant under regulation 17.
- (7) Subject to regulation 17(3), (4), (5), (6) and (7), where the eligible student –
- (a) is eligible for a grant under paragraph (1), has not elected to be ineligible for grant under regulation 17 in accordance with paragraph (6) and has one or more dependent children, he shall in addition to any grant referred to in the preceding paragraphs be eligible for a grant of £1,300;
 - (b) is not eligible for a grant under paragraph (1) or under regulation 17, has not elected to be ineligible for grant under regulation 17 in accordance with paragraph (6) and has one or more dependent children, he shall be eligible for a grant of £1,300 less the amount up to a maximum of £1,250 by which the aggregate of the net income of each of the eligible student’s dependants exceeds the amount applicable in regulation 16(2)(b) provided such excess amount is less than £1,300.
- (8) Where the number of an eligible student’s dependants changes or the eligible student becomes or ceases to be a lone parent during an academic year the Department shall determine who the student’s dependants are and whether or not the student is a lone parent for each of the three quarters of the academic year in respect of which support is payable under regulation 26(2) by reference to the student’s circumstances during the relevant quarter.
- (9) Where the Department has determined who the student’s dependants are and whether or not the student is a lone parent for a quarter under paragraph (8) the grant for dependants for the quarter shall be one third of the amount of grant for those dependants for an academic year and the amount of grant for the academic year shall be the aggregate of the three amounts so determined.
- (10) Where an eligible student is eligible for a grant for living costs in respect of an academic year under regulation 12(4)(a) he shall only be eligible for a grant under this regulation in respect of such of the three quarters of the year in respect of which support is payable under regulation 26(2) as begin after the events referred to in regulation 12(4)(a), and, subject to paragraphs (8) and (9), the grant for each such quarter shall be one third of the amount for an academic year and the amount for the academic year shall be the aggregate of the amounts payable in respect of each such quarter.
- (11) In this regulation and in regulation 17 –
- “adult dependant” means, in relation to an 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) a step child and any child for whom he has parental responsibility and who is dependent on him; and
 - (b) where paragraph 3(1)(a) of Part II of Schedule 3 applies any child of his partner who is dependent on him where he is on a course which began on or after 1st September 2000 unless –
 - (i) his course is an end-on course in relation to a course which began before 1st September 2000, or
 - (ii) his course is an end-on course in relation to such an end-on course as is mentioned in sub-paragraph (b)(i);

“dependant” means, in relation to an 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;

“partner” means a woman ordinarily living with a male student as his wife or a man ordinarily living with a female student as her husband;

“spouse” in relation to an eligible student to whom paragraph 3(1)(a) of Part II of Schedule 3 applies –

- (a) includes a partner of the student where he is on a course which began on or after 1st September 2000 unless –
 - (i) his course is an end-on course in relation to a course which began before 1st September 2000, or
 - (ii) his course is an end-on course in relation to such an end-on course as is mentioned in sub-paragraph (a)(i); and
- (b) excludes a spouse of the student where they have ceased ordinarily to live together, in the case of a married student whether or not an order for their separation has been made by any court, or where the spouse is ordinarily living outside the United Kingdom and is not maintained by the student.

(12) 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 or incapacity to which the dependant is subject;
- (b) child benefit;
- (c) any allowance payable to his spouse by an adoption agency in accordance with regulations made under Article 59A of the Adoption (Northern Ireland) Order 1987⁽⁶⁾;
- (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⁽⁷⁾;
- (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.
- (g) any child tax credit to which he is entitled under Part I of the Tax Credits Act 2002⁽⁸⁾.

(13) 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 student’s course the spouse’s net income shall 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.

⁽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. 2)); the relevant Regulations are S.R. 1996 No. 438

⁽⁷⁾ S.I. 1995/755 (N.I. 2)

⁽⁸⁾ 2002 c. 21

Grants for dependants – childcare costs

17.—(1) Subject to the following paragraphs an eligible student who has not elected to be ineligible for grant under this regulation in accordance with regulation 16(6) and who has elected, or whose spouse has elected, not to receive the childcare element of the working tax credit under Part I of the Tax Credits Act 2002 shall in respect of each academic year be eligible for a grant in respect of childcare costs for each dependent child where the childcare is provided by an approved or registered childcare provider, if –

- (a) the child is under the age of 15 immediately before the beginning of the academic year; or
- (b) the child has registered special educational needs within the meaning of the Education (Northern Ireland) Order 1996⁽⁹⁾ and is under the age of 17 immediately before the beginning of the academic year.

(2) The amount of grant for each week for which a student shall be eligible under paragraph (1) is:

- (a) for one dependent child, 85 per cent. of the costs of the childcare, subject to a maximum amount of £114.75 per week; or
- (b) for two or more dependent children, 85 per cent. of the costs of the childcare, subject to a maximum amount of £170 per week

except that the student shall not be eligible for any such grant in respect of each week falling within the period between the end of the course and the end of the academic year in which the course ends.

(3) Where the amount to be deducted from a grant in accordance with regulation 16(2) exceeds the amount of grant calculated under regulation 16(1) and grant is payable under paragraph (2) the amount of such grant shall be reduced or extinguished by the amount of the excess and if the excess is greater than is required to extinguish any grant payable under paragraph (2) any grant payable under regulation 16(7) shall be reduced or extinguished by the amount of the remaining excess.

(4) Where the amount to be deducted from a grant in accordance with regulation 16(2) exceeds the amount of grant calculated under regulation 16(1) and no grant is payable under paragraph (2), any grant payable under regulation 16(7) shall be reduced or extinguished by the amount of the excess.

(5) Where no amount is to be deducted from a grant in accordance with regulation 16(2) because regulation 16(1) does not apply to the eligible student, and grant is payable under paragraph (2) the amount so payable shall be reduced or extinguished by the difference between –

- (a) the aggregate of the net income of each of the eligible student's dependants; and
- (b) where the eligible student –
 - (i) has no dependent child, £1,000;
 - (ii) is not a lone parent and has one dependent child, £3,000;
 - (iii) is not a lone parent and has more than one dependent child, £4,000;
 - (iv) is a lone parent and has one dependent child, £4,000; or
 - (v) is a lone parent and has more than one dependent child, £5,000

provided the aggregate amount calculated under sub-paragraph (a) is greater than the amount applicable under sub-paragraph (b).

(6) If the difference calculated under paragraph (5) exceeds the amount required to extinguish any grant payable under paragraph (2) any grant payable under regulation 16(7) shall be reduced or extinguished by the amount of the excess.

(7) Where no amount is to be deducted from a grant in accordance with regulation 16(2) because regulation 16(1) does not apply to the eligible student, and no grant is payable under paragraph (2)

(9) S.I. 1996/274 (N.I. 1)

the amount of grant payable under regulation 16(7) shall be reduced or extinguished by the difference between –

- (a) the aggregate of the net income of each of the eligible student’s dependants; and
- (b) where the eligible student –
 - (i) has no dependent child, £1,000;
 - (ii) is not a lone parent and has one dependent child, £3,000;
 - (iii) is not a lone parent and has more than one dependent child, £4,000;
 - (iv) is a lone parent and has one dependent child, £4,000; or
 - (v) is a lone parent and has more than one dependent child, £5,000

provided the aggregate amount calculated under sub-paragraph (a) is greater than the amount applicable under sub-paragraph (b).

(8) 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 amount of grant calculated under paragraph (2) shall be reduced by one half.

(9) In this regulation –

“approved childcare provider” means a childcare provider within the meaning of the Tax Credit (New Category of Childcare Provider) Regulations 1999⁽¹⁰⁾, who has been approved in accordance with those Regulations;

“registered childcare provider” means a person who acts as a child minder or provides day care and is registered within the meaning of Articles 118, 119 and 120 of the Children (Northern Ireland) Order 1995⁽¹¹⁾, (registration of child minders and persons providing day care for young children).

Grants for travel

18.—(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, 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 as a part of his course an overseas institution or the British Institute in Paris.

(2) In determining the expenditure incurred by an eligible student there shall be disregarded the first £270 of such expenditure.

(3) For the purposes of this regulation any reference to expenditure incurred for the purpose of attending an institution or period of study –

- (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 14.

(4) Where an eligible student attends for a period of at least eight weeks as a part of his course an overseas institution or the British Institute in Paris and he reasonably incurs any expenditure in insuring against liability for the cost of medical treatment provided outside the United Kingdom for

⁽¹⁰⁾ S.I. 1999/3110, made in exercise of the powers conferred by sections 15(1) and 15(4) of the Tax Credits Act 1999 (c. 10)

⁽¹¹⁾ S.I. 1995 No. 755 (N.I. 2)

any illness or bodily injury contracted or suffered during that period he shall be eligible for additional grant under this regulation equal to the amount so incurred.