
STATUTORY INSTRUMENTS

1996 No. 2890

The Housing Renewal Grants Regulations 1996

PART II

MEANS TEST FOR OWNER-OCCUPIER'S AND TENANT'S APPLICATIONS

CHAPTER X: STUDENTS

Interpretation

41. In this part, unless the context otherwise requires—

“college of further education” means a college of further education within the meaning of Part I of the Further and Higher Education (Scotland) Act 1992⁽¹⁾;

“contribution” means any contribution (including one which is not paid) in respect of the income of any other person which the Secretary of State or an education authority takes into account in ascertaining the amount of the student's grant; or any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Further and Higher Education (Scotland) Act 1992, the Secretary of State or the education authority takes into account being sums which the Secretary of State or the education authority consider that the holder of the allowance or bursary, the holder's parents and the holder's spouse can reasonably be expected to contribute towards the holder's expenses;

“course of study” means any course of study, whether or not it is a sandwich course and whether or not a grant is made for undertaking or attending it and for the purposes of this definition a person who has started a course of study shall be treated as attending or undertaking it, as the case may be, until the last day of the course or such earlier date as he abandons it or is dismissed from it;

“education authority” means a government department, a local education authority as defined in section 114(1) of the Education Act 1944⁽²⁾ (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973⁽³⁾, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986⁽⁴⁾, any body which is a research council for the purposes of the Science and Technology Act 1965⁽⁵⁾ or any analogous government department, authority, board or body of the Channel Islands, Isle of Man or any other country outside Great Britain;

“the FEFC” means the Further Education Funding Council for England or the Further Education Funding Council for Wales;

“full-time student” means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

(1) 1992 c. 37.

(2) 1944 c. 31, as amended by S.I. 1974/595 article 3(22) Schedule 1 Part 1 and by S.I. 1977/293, article 4(1).

(3) 1973 c. 65.

(4) S.I. 1986/594 (N.I. 3).

(5) 1965 c. 4.

“full-time course of study” means a full-time course of study which—

- (a) is not funded in whole or in part by the FEFC or a full-time course of study (not being higher education) which is not funded in whole or in part by the Secretary of State for Scotland at a college of further education;
- (b) is funded in whole or in part by the FEFC and involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out in the case of a course funded by the FEFC for England, in his learning agreement signed on behalf of the establishment which is funded by the FEFC for the delivery of that course or, in the case of a course funded by the FEFC for Wales, in a document signed on behalf of the establishment which is funded by the FEFC for the delivery of that course; or
- (c) is not higher education and is funded in whole or in part by the Secretary of State for Scotland at a college of further education and involves—
 - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and it involves additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

“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(6), section 65 of the Further and Higher Education Act 1992(7), section 73 of the Education (Scotland) Act 1980(8) or section 40 of the Further and Higher Education (Scotland) Act 1992(9);

“grant income” means—

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

“higher education” means higher education within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992;

“last day of the course” means the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

“sandwich course” has the meaning prescribed in paragraph 1(1) of Schedule 5 to the Education (Mandatory Awards) Regulations 1995(10);

“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, until the last day of the course or such earlier date as he abandons it or is dismissed from it;

(6) 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).

(7) 1992 c. 13; subsections (4A) and (4B) are inserted into section 65 by the Disability Discrimination Act 1995 (c. 50), section 30(1) and (6).

(8) 1980 c. 44.

(9) 1992 c. 37.

(10) S.I. 1995/3321, amended by S.I. 1996/2088.

“year” in relation to a course means the period of 12 months beginning on 1st January, 1st April or 1st September according to whether the academic year of the course in question begins in the spring, the summer or the autumn respectively.

Treatment of students

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

Determination of grant income

43.—(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) in respect of the student’s disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student’s educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (e) 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;
- (f) intended to meet the cost of books and equipment or, in the case of a full-time student, if not so intended an amount equal to £280 towards such costs;
- (g) 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(1)(b) of the Education (Mandatory Awards) Regulations 1995 or a corresponding provision governing the award in question (payments)(**11**) 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

44. No part of a student’s grant income shall be disregarded under paragraph 12 of Schedule 3 (sums to be disregarded in the determination of income other than earnings).

Other amounts to be disregarded

45. For the purposes of ascertaining income other than grant income and loans treated as income in accordance with regulation 46 (treatment of student loans), any amounts intended for any expenditure specified in regulation 43(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 43(2) or (3) on like expenditure.

(11) Recent past corresponding provisions are in S.I. 1994/3044, amended by S.I. 1995/1240; S.I. 1993/2914, amended by S.I. 1994/1606; S.I. 1993/1850, amended by S.I. 1994/1606 and 1993/3183; and S.I. 1992/1270.

Treatment of student loans

46.—(1) A loan which is made to a student pursuant to arrangements made under section 1 of the Education (Student Loans) Act 1990⁽¹²⁾ or article 3 of the Education (Student Loans) (Northern Ireland) Order 1990⁽¹³⁾ shall be treated as income.

(2) In calculating the weekly amount of the loan to be taken into account as income, the loan shall be apportioned equally between the weeks in the academic year in respect of which the loan is payable, and from the weekly amount so apportioned there shall be disregarded £10.

(3) For the purposes of this regulation a student shall be treated as possessing the maximum amount of any loan referred to in paragraph (1) which he will be able to acquire in respect of an academic year by taking reasonable steps to do so.

Disregard of contribution

47. Where the relevant person or his partner is a student and the income of one is taken into account for the purposes of assessing the amount of the student's grant, an amount equal to the contribution (whether or not the contribution is paid) shall be disregarded in determining the income of the other.

⁽¹²⁾ 1990 c. 6; section 1 was amended by the Further and Higher Education Act 1992 (c. 13), section 93 and Schedule 8.
⁽¹³⁾ S.I. 1990/1506 (N.I. 11).