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STATUTORY INSTRUMENTS

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**2001 No. 951**

**The Education (Student Support) Regulations 2001**

**PART IV**

**GRANTS FOR LIVING COSTS**

**Eligibility for grants for living costs**

**12.**—(1) 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.

(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 bestowed on him under section 63 of the Health Services and Public Health Act 1968<sup>(1)</sup> or article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(2)</sup> the amount of which is calculated by reference to his income; or
- (b) 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.

(3) 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 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 experience are not—

- (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) unpaid research in an institution in the United Kingdom or, in the case of a student attending an overseas institution as a necessary part of his course, in an overseas institution; or
- (e) unpaid service with—

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(1) 1968 c. 46; section 63 was amended by the National Health Services Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 124 and Schedule 5, the National Health Service Act 1977 (c. 49), Schedule 15, paragraph 45 and Schedule 16, the National Health Services (Scotland) Act 1978 (c. 29), Schedule 16, paragraph 26(2) and Schedule 17, the Health Services Act 1980 (c. 53), sections 1, 2 and Schedule 1, Part I, paragraph 19(3), the Local Government Act 1985 (c. 51), Schedule 17, the Family Practitioner Committees (Consequential Modifications) Order 1985 (S.I. 1985/39), the Health and Medicines Act 1988 (c. 49), section 20, section 25(2) and Schedule 3, the Local Government (Scotland) Act 1994 (c. 39), Schedule 1, paragraph 95(1) and (2), the Local Government Reorganisation (Wales) (Consequential Amendments) (No. 2) Order 1996 (S.I. 1996/1008), the Schedule, paragraph 1, and the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 1(4).

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

- (i) a 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);
  - (ii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(5) or
  - (iii) a health and social services board established under article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(6).
- (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,
    - (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 or,
  - (b) any academic year which begins after the events referred to in paragraph (a)
- but shall not be eligible for a grant for living costs in respect of any other academic year.

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

13.—(1) An eligible student shall be eligible for grant for living costs equal to additional expenditure which the Secretary of State 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) The amounts referred to in this paragraph are such amounts as the Secretary of State considers appropriate:

- (a) not exceeding **£10,755** in respect of each academic year for expenditure on a non-medical personal helper;
- (b) not exceeding **£4,255** 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 1962 Act 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 for the purposes of attending the institution;
  - (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 **or for the purpose of attending the British Institute in Paris;**
- (d) not exceeding **£1,420** in respect of each academic year for any other expenditure including expenditure incurred for the purposes referred to in 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;

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(3) 1977 c. 49; section 8 was substituted by the Health Authorities Act 1995 (c. 17), section 1(1).

(4) 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.

(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).

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

- (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 the custody or care of or has been provided with accommodation as described in paragraph 3(1)(g) of that Schedule; and
- (c) in the opinion of the Secretary of State is subject to greater financial hardship by reason of having been in custody, care or having been provided with accommodation as mentioned in paragraph (b) than he would have been if he had not been in custody, 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 Secretary of State 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**

**15.—(1)** Subject to the following paragraphs an eligible student who satisfies the requirements set out in regulation 19(1) shall in respect of each academic year be eligible for grant for living costs for his dependants as follows:

- (a) a grant of **£2,175** for only one of the following:
  - (i) a spouse, or
  - (ii) an adult dependant whose net income does not exceed **£3,125**, or
  - (iii) an only or eldest dependent child whose net income does not exceed **£3,125**;
- (b) for each of his dependent children in respect of whom a grant is not payable under subparagraph (a) and whose net income does not exceed the amount of grant applicable to his age by more than **£950**—
  - (i) under the age of 11 immediately before the beginning of the academic year, a grant of **£455**;
  - (ii) then aged 11 or over, but under 16, a grant of **£910**;
  - (iii) then aged 16 or over, but under 18, a grant of **£1,210**;
  - (iv) then aged 18 or over, a grant of **£1,740**;
- (c) **where an eligible student has not elected to be ineligible for grant under regulation 16 in accordance with paragraph (6), a grant of £250 in respect of either:**
  - (i) **an only or eldest dependent child whose net income does not exceed £3,375, where the grant is determined under paragraph (a), or**
  - (ii) **a dependent child whose net income does not exceed the amount of grant applicable to his age by more than £1,200, where the grant is determined under paragraph (b).**

(2) The aggregate amount of grant under paragraph (1) shall be reduced by the difference between—

- (a) the aggregate of the net income of each of the eligible student's dependants whose net income does not exceed a maximum amount applicable under paragraph (1), if any, and
- (b) **£950** multiplied by the number of such dependants.

(3) If the 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 the 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 Secretary of State 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 be eligible for a grant of **£510, unless he has elected to be ineligible for grant under regulation 16 in accordance with paragraph (6), in which case he shall be eligible for a grant of £760.**

(6) Where the eligible student is a lone parent **whose course began before 1st September 2001 or whose end-on course began on or before 1st September 2001, and he has elected to be ineligible for grant under regulation 16**, he shall in addition to any grant referred to in the preceding paragraphs be eligible for a grant of **£1,075**.

**(7) For the purposes of paragraph (6) an eligible student may make one election to be ineligible for grant under regulation 16 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 16, 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 16.**

**(8) Where the eligible student is eligible for grant under paragraph (1) or under regulation 16 in respect of a dependent child, he shall be eligible for a grant of £500 in respect of expenditure on travel, books and equipment for the purpose of attending his course.**

(9) Where the number of an eligible student's dependants changes during an academic year the Secretary of State shall determine who the student's dependants are 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.

(10) Where the Secretary of State has determined who the student's dependants are for a quarter under paragraph (9) 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.

(11) 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 (9) and (10) 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.

(12) In this regulation **and in regulation 16—**

“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 step-child and any child for whom the student has parental responsibility and who is dependent on him and, in the case of a student in respect of whom the first academic year of the course (not being an end-on course) begins on or after 1st September 2000 and who falls within paragraph 3(1)(a) of Part II of Schedule 3, any child of his partner who is dependent on him;

“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 man student as his wife or a man ordinarily living with a woman student as her husband;

“spouse” includes, in the case of an eligible student in respect of whom the first academic year of the course (not being an end-on course) begins on or after 1st September 2000 and who falls within paragraph 3(1)(a) of Part II of Schedule 3, a partner. It does not include a spouse of an eligible 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 him.

(13) 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 payable under Part IX of the Social Security Contributions and Benefits Act 1992(7);
- (c) any allowance payable to his spouse by an adoption agency in accordance with regulations made under section 57A of the Adoption Act 1976(8);
- (d) any guardian’s allowance to which his spouse is entitled under section 77 of the Social Security Contributions and Benefits Act 1992;
- (e) in the case of a spouse with whom a child in the care of a local authority is boarded out, any payment made to him in pursuance of section 23 of the Children Act 1989(9);
- (f) any payments made to his spouse in pursuance of an order made under section 34 of the Children Act 1975(10) or under section 15 of and Schedule 1 to the Children Act 1989 in respect of a person who is not the spouse’s child or any assistance given by a local authority pursuant to section 24 of that Act.

(14) 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 Secretary of State the obligation had been reasonably incurred; or
- (b) such lesser amount if any as the Secretary of State considers appropriate, if in his opinion a lesser obligation could reasonably have been incurred.

### **Grants for dependants—childcare costs**

**16.—(1) Subject to the following paragraphs an eligible student who satisfies the requirements set out in regulation 19(1) and who has not elected to be ineligible for grant under this regulation in accordance with regulation 15(6) 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**

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(7) 1992 c. 4.

(8) 1976 c. 36; section 57A was introduced by paragraph 25 of Schedule 10 to the Children Act 1989 (c. 41). The relevant instruments are S.I. 1991/2030 and 2742.

(9) 1989 c. 41.

(10) 1975 c. 72; a new section 34 was substituted by section 64 of the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22); the Act was repealed by the Children Act 1989 (c. 41), section 108(7) and Schedule 15.

- (b) the child has registered special educational needs within the meaning of the Education Act 1996(11) 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 the period of 40 weeks beginning on the first day of the first term of the academic year:
- (i) for one dependent child, 85 per cent. of the costs of the childcare, subject to a maximum amount of £85 per week; or
- (ii) for two or more dependent children, 85 per cent. of the costs of the childcare, subject to a maximum amount of £127.50 per week; and
- (b) for any other period of the academic year, except the period between the end of the course and the end of the academic year in which the course ends:
- (i) for one dependent child, 70 per cent. of the costs of the childcare, subject to a maximum amount of £70 per week; or
- (ii) for two or more dependent children, 70 per cent. of the costs of the childcare, subject to a maximum amount of £105 per week.
- (3) Where the amount to be deducted from grant in accordance with regulation 15(2) exceeds the amount of grant calculated under regulation 15(1), the amount of grant payable under paragraph (2) shall be reduced by the amount of that excess.
- (4) If the 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.
- (5) Where an eligible student has in an academic year attended his course for a period of 30 weeks 3 days and he attends for a further period and the period of 40 weeks referred to in paragraph (2)(a) has expired, the relevant amounts referred to in paragraph (2)(a) shall apply for each week or part week of such attendance.
- (6) In this regulation—
- “approved childcare provider” means a childcare provider within the meaning of the Tax Credit (New Category of Childcare Provider) Regulations 1999(12), who has been approved in accordance with those regulations;
- “registered childcare provider” means a person who provides childcare and is registered within the meaning of section 71 of the Children Act 1989(13), (registration of child minders and persons providing day care for young children).

### **Grants for school meals for dependent children**

17.—(1) Subject to paragraph (3), where an eligible student is eligible for and entitled to receive a grant under regulation 15(1) in respect of a dependent child, he shall in respect of each academic year also be eligible for a grant under this regulation for that dependent child if the child is either aged three or four during the relevant school year or attends a school maintained by a local education authority or a city technology college or a city college for the technology of the arts(14) or a city academy(15) during the relevant school year.

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(11) 1996 c. 56, section 312.

(12) 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).

(13) 1989 c. 41.

(14) City technology colleges and city colleges for the technology of the arts are established pursuant to section 482 of the Education Act 1996 (c. 56).

- (2) The amount of grant for which a student shall be eligible under paragraph (1) is—
- (a) £250 for each dependent child aged three or over on 31st December in the relevant school year, but under the age of 11 immediately before the beginning of the relevant school year;
  - (b) £166 for each dependent child whose third birthday falls after 31st December but on or before 31st March in the relevant school year;
  - (c) £83 for each dependent child whose third birthday falls after 31st March in, but before the end of, the relevant school year;
  - (d) £270 for each dependent child of compulsory school age who is aged 11 or over immediately before the beginning of the relevant school year.

(3) Paragraph (1) shall not apply where a dependent child receives school meals free of charge under section 512 or 512A of the Education Act 1996<sup>(16)</sup> or where similar provision is made for him pursuant to an agreement made between the Secretary of State and a person who establishes and maintains a city technology college or a city college for the technology of the arts or a city academy under section 482 of that Act.

(4) The Secretary of State shall pay a grant for which a student is eligible under this regulation in a single instalment at such time and in such manner as he considers appropriate.

(5) In this regulation “relevant school year” means:

- (a) in the case of a child who attends a school (of a kind referred to in paragraph (1)), the school year whose beginning is closest to the beginning of the academic year in respect of which the eligibility for grant under this regulation is being assessed, where “school year” has the meaning given in section 579(1) of the Education Act 1996<sup>(17)</sup>; and
- (b) in the case of a child aged three or four who does not attend such a school, the period of 12 months beginning on 1st September which falls closest to the beginning of the academic year in respect of which the eligibility for grant under the regulation is being assessed.

### Grants for travel

**18.**—(1) Subject to the following paragraphs an eligible student who satisfies the requirements set out in regulation 19(1) 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 (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 **or for the purpose of attending the British Institute in Paris.**

(2) In determining the expenditure incurred by an eligible student there shall be disregarded the first £260 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 13.

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<sup>(15)</sup> City academies are established pursuant to section 482 of the Education Act 1996 (c. 56) as amended by the Learning and Skills Act 2000 (c. 21), section 130.

<sup>(16)</sup> 1996 c. 56.

<sup>(17)</sup> The definition of “school year” was inserted by the Education Act 1997 (c. 44), Schedule 7, paragraph 43.

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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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(4) Where an eligible student attends for a period of at least eight weeks and as a necessary 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 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.