
STATUTORY INSTRUMENTS

2002 No. 3200

The Education (Student Support) (No. 2) Regulations 2002

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⁽¹⁾ or article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972⁽²⁾ the amount of which is calculated by reference to his income;
- (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 13 applies.

(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 work 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;

(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 and 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), article 6(1), 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 13, paragraph 74(1) and (2), the Health Authorities Act 1995 (c. 17), 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).

- (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 part of his course, in an overseas institution; or
 - (e) unpaid service with—
 - (i) a Health Authority or a Strategy 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, **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.

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) Subject to paragraph (3) the amounts referred to in this paragraph are such amounts as the Secretary of State 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 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 purpose of attending the institution,
 - (ii) within or outside the United Kingdom 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 (a) or (b) which exceeds the specified maxima.

(3) 1977 c. 49; section 8 was substituted by the Health Authorities Act 1995 (c. 17), section 1(1), and the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 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).

(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) thereof were **£8,465** and **£1,115** respectively.

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 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 Secretary of State 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 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 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 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 the eligible student is a lone parent 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 **£1,125** 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 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.

(7) **Subject to regulation 16(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 16 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 16, has not elected to be ineligible for grant under regulation 16 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 15(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 Secretary of State 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 25(2) by reference to the student's circumstances during the relevant quarter.

(9) Where the Secretary of State 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 25(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 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) 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 dependent 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;

(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. 1991/230 and 2742.

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- (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; and
- (g) any child tax credit to which he is entitled under Part I of the Tax Credits Act 2002.

(13) Where an eligible student or his spouse makes 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 has not elected to be ineligible for grant under this regulation in accordance with regulation 15(6) **who is not and whose spouse is not entitled to the child care element of the working tax credit under Part I of the Tax Credits Act 2002**(b) 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 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 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 15(2) exceeds the amount of grant calculated under regulation 15(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 15(7) shall be reduced or extinguished by the amount of the remaining excess.**

...

(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.
 (11) 1996 c. 56, section 312.

(4) Where the amount to be deducted from a grant in accordance with regulation 15(2) exceeds the amount of grant calculated under regulation 15(1) and no grant is payable under paragraph (2), any grant payable under regulation 15(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 15(2) because regulation 15(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 15(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 15(2) because regulation 15(1) does not apply to the eligible student, and no grant is payable under paragraph (2) the amount of grant payable under regulation 15(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 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.

...

(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(12), 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 section 79F of the Children Act 1989⁽¹³⁾, (grant or refusal of registration of child minders and persons providing day care for young children).

...

Grants for travel

17.—(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 (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 13.

(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 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.

⁽¹³⁾ 1989 c. 41; section 79F was inserted by the Care Standards Act 2000 (c. 14).