

SCHEDULE 2

Regulation 17

CIVIL PARTNERSHIPS

1. After regulation 3(1)(c), insert—
 - “(cc) has formed a civil partnership before the beginning of the year for which payments in pursuance of his award fall to be made whether or not the civil partnership is still subsisting; or”.
- 2.—(1) Regulation 5 is amended in accordance with this paragraph.
 - (2) After paragraph (3), insert—

“(3A) For the purposes of these Regulations a person’s civil partnership is to be treated as having been terminated, not only by the death of the other civil partner or the annulment or dissolution of the civil partnership by an order of a court of competent jurisdiction, but also by virtue of the parties to the civil partnership ceasing ordinarily to live together, whether or not an order for their separation has been made by any court.”.
 - (3) In paragraph (4) after “spouse”, insert “or civil partner”.
3. In regulation 11(2)(d) after “spouse”, insert “or civil partner”.
- 4.—(1) Regulation 13 is amended in accordance with this paragraph.
 - (2) In paragraph (2) after “spouse” in both places it occurs, insert “, civil partner”.
 - (3) In paragraph (3)(c) after “spouse” in both places it occurs, insert “or civil partner”.
5. In regulation 18(1)(b) after “or 3”, insert “or 3A”.
6. In regulation 25(6)(b) after “spouse” in both places it occurs, insert “or civil partner”.
- 7.—(1) Schedule 2 is amended in accordance with this paragraph.
 - (2) In paragraph 12(1)—
 - (a) for the definition of “adult dependant”, substitute—

““adult dependant” means, in relation to a student, an adult person dependent on the student not being his child, his spouse or a person living with him as his spouse, his former spouse, his civil partner or a person living with him as his civil partner or his former civil partner, subject however to sub-paragraphs (2) and (3);”;
 - (b) after the definition of “child”, insert—

““civil partner”, except in the definition above of adult dependant, shall not include a student’s civil partner if they have ceased ordinarily to live together whether or not an order for their separation has been made by any court;”;
 - (c) in the definition of “dependant” after “spouse” in both places that it occurs, insert “or civil partner”;
 - (d) in the definition of “income”—
 - (i) after “ spouse” in all of the places it occurs, insert “or civil partner”;
 - (ii) in paragraph (f) after “spouse's”, insert “or civil partner's”.
 - (3) In paragraph 12(2) after “spouse”, insert “or civil partner”.
 - (4) In paragraph 13(1)(a) after “spouse”, insert “or civil partner”.
 - (5) In paragraph 13(3)(a)—
 - (a) after “spouse”, insert “or civil partner”;

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- (b) after “spouse's”, insert “or civil partner's”.
 - (6) In paragraph 14(1) after “spouse”, insert “or civil partner”.
 - (7) In paragraph 14(8)—
 - (a) after “spouse” insert, “or civil partner”;
 - (b) after “spouse's” insert, “or civil partner's”.
 - (8) In paragraph 16 after “spouse” in both places it occurs, insert “or civil partner”.
- 8.—**(1) Schedule 3 is amended in accordance with this paragraph.
- (2) In paragraph 1(1)—
 - (a) in paragraph (d) after “spouse’s contribution ascertained in accordance with Part 3” insert, “or a civil partner’s contribution ascertained in accordance with Part 3A”;
 - (b) in paragraph (e) after “pension” in the second place it occurs, insert “or equivalent pension paid to a surviving civil partner”;
 - (c) in paragraph (q) after “spouse”, insert “, civil partner”;
 - (d) for paragraph (u), substitute—
 - “(u) the first £7,500 of income of any description, other than a sum treated as income under sub-paragraph (6), where—
 - (i) a parental contribution does not apply because the student falls within paragraph 3 of this Schedule; and
 - (ii) a spouse’s contribution does not apply under Part 3 of this Schedule or a civil partner’s contribution does not apply under Part 3A of this Schedule.”.
 - (3) In paragraph 1(4) after “or person who lived with him as his spouse”, insert “or former civil partner or person who lived with him as his civil partner”.
 - (4) In paragraph 1(5) after “Schedule 2”, insert—

“or from the income of a student who has formed a civil partnership where the student’s civil partner is a dependant for the purpose of Part 3 of that Schedule”.
 - (5) In paragraph 6(2)—
 - (a) in sub-paragraph (a) after “spouse,”, insert “civil partner,”;
 - (b) in sub-paragraph (e) after “marriage”, insert “or civil partnership”.
 - (6) After paragraph 8 insert—

“Part 3A

Civil Partner’s Contribution

Application of Part 3A

- 9.** A civil partner’s contribution ascertained in accordance with this Part shall be applicable in the case of every student ordinarily living with his civil partner except—
- (a) a student in whose case a parental contribution is applicable in accordance with Part 2; and
 - (b) a student whose child holds an award in respect of which a parental contribution is applicable.

Civil partner's contribution

10.—(1) Subject to sub-paragraphs (3) and (4), Part 2 above, except paragraphs 3, 4(1), (2), (3)(a) and (c), 5(4), (7), (8) and (9), and 6(2)(e), shall apply with the necessary modifications for the ascertainment of the civil partner's contribution as it applies for the ascertainment of the parental contribution, references to the parent being construed as references to the student's civil partner and this Part shall be construed as one with the said Part 2.

(2) The civil partner's contribution shall be in any case in which the residual income is £18,935 or more £45 with the addition of £1 for every complete £8 by which it exceeds £18,935, reduced in any such case by £87 in respect of each child of the student who is dependent on him or his civil partner on the first day of the year for which the contribution falls to be ascertained; and in any case in which the residual income is less than £18,935 the civil partner's contribution shall be nil; provided that the amount of the civil partner's contribution shall in no case exceed £7,250.

(3) If the student forms a civil partnership during any year for which the contribution falls to be ascertained the contribution for that year shall be the fraction of the sum ascertained in accordance with the provisions of sub-paragraphs (1) and (2) of which the denominator is 52 and the numerator is the number of complete weeks between the date of formation of the civil partnership or the date on which the civil partnership is treated as having been formed and whichever is the earlier of the end of that year and the end of the course.

(4) If the student's civil partnership terminates during any year for which the contribution falls to be ascertained the contribution for that year shall be the fraction of the sum ascertained in accordance with the provisions of sub-paragraphs (1) and (2) of which the denominator is 52 and the numerator is the number of complete weeks between the beginning of that year and the termination of the civil partnership.”.

9. In paragraph 1 of Schedule 4 after “or with another person as a spouse”, insert “or with a civil partner or with another person as a civil partner”.

10. After paragraph 4(d) of Schedule 5, insert—

“(e) the amount of the civil partner's contribution applicable to his case shall be the prescribed proportion of the contribution ascertained in accordance with Part 3A.”.