

## SCHEDULE 7

### REQUIREMENTS

#### PART III

##### Maintenance of dependants

12.—(1) The requirements referred to in regulation 13(1)(a) shall include the student's requirements for the maintenance of dependants during the year and the amount of any such requirement ("dependants requirement") shall be determined in accordance with this Part.

(2) Where a student's requirements for the maintenance of dependants are different in respect of different parts of a year, his dependants requirement for that year shall be the aggregate of the proportionate parts of those differing requirements.

13.—(1) In this Part—

"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 or his former spouse, subject however to sub-paragraphs (2) and (3);

"child", in relation to a student, includes a person whether under or over compulsory school age, an illegitimate child, a person adopted in pursuance of adoption proceedings, a step-child and any child whose guardian or custodian the student is and who is dependent on him;

"dependant" means, in relation to a student, his dependent child, his spouse or an adult dependant, subject however to sub-paragraphs (2) and (3);

"income" means income for the year from all sources less—

- (a) income tax, social security contributions and child benefit;
- (b) any attendance allowance under sections 64 to 67 or disability living allowance under sections 71 to 76 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, or any mobility supplement or constant attendance allowance provided for in an order made under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977<sup>(1)</sup>;
- (c) in the case of the student's spouse, where she or the student makes any payment which was previously made by him in pursuance of an obligation incurred before the first year of his course—
  - (i) if, in the opinion of the board, the obligation had been reasonably so incurred, an amount equal to the payment in question;
  - (ii) if, in its opinion, only a lesser obligation could have been reasonably so incurred, such correspondingly lesser amount (if any) as appears to it appropriate; and
- (d) in the case of the student's spouse, where a child in the care of the Department of Health and Social Services or a Health and Social Services Board is boarded out with her, any payment made to her in pursuance of section 114(1) of the Children and Young Persons Act (Northern Ireland) 1968<sup>(2)</sup>; and

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(1) 1977 c. 5. The relevant order currently in force is the [Naval, Military and Air Forces, Etc. \(Disablement and Death\) Service Pensions Order 1983 \(S. I. 1983/883](#) amended by [S. I. 1983/1116](#) and [1521](#), [1984/1154](#) and [1687](#), [1985/1207](#), [1986/592](#), [1987/165](#), [1989/156](#), [1990/250](#) and [1308](#), [1991/766](#) and [1992/710](#))

(2) 1968 c. 34 (N.I.)

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- (e) in the case of the student’s spouse, any guardian’s allowance to which she is entitled under section 77 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- (f) in the case of the student’s spouse, where the spouse holds an award in respect of a course of teacher training specified in paragraph (c) in the definition of “course of initial teacher training” contained in regulation 3(1), being a part-time course or a course which is partly full-time and partly part-time, the payments in respect of maintenance made to the spouse in pursuance of regulation 12(b) or so much of those payments as relates to the part-time part of the course;

“relevant award” means a statutory award in respect of a person’s attendance at a full-time course of higher education or a comparable course outside Northern Ireland;

“spouse”, except in the definition of adult dependant, shall not include a student’s spouse if they have ceased ordinarily to live together whether or not an order for their separation has been made by any court.

(2) a person, including the student’s spouse, shall not be treated as a dependant of the student during any period for which that person—

- (a) holds a relevant award; or
- (b) (save for the purposes of paragraph 17) is ordinarily living outside the United Kingdom.

(3) A person shall not be treated as a student’s adult dependant or as his dependent child—

- (a) in the case of a person other than a child of the student, if his income exceeds by £730 or more the sum specified in paragraph 14(4)(a);
- (b) in the case of a child of a student who either has a spouse who is, or but for sub-paragraph (2) would be, his dependant or has an adult dependant, if the child’s income exceeds by £730 or more the sum specified in paragraph 14(4)(b) and applicable to his age;
- (c) in the case of a child of a student not falling within head (b), if either—
  - (i) the child is the only or eldest child dependent on the student whose income exceeds by £730 or more the sum specified in paragraph 14(4)(a); or
  - (ii) the child’s income exceeds by £730 or more the sum specified in paragraph 14(4)(b) and applicable to his age.

14.—(1) This paragraph shall apply in the case of all students with dependants.

(2) The dependants requirement of the student shall, subject to paragraphs 15 and 16, be—

- (a) if the student’s spouse holds a statutory award and in calculating payments under it account is taken of the spouse’s dependants requirement, one half of the amount determined in accordance with sub-paragraphs (3) and (4);
- (b) in any other case, the whole of the amount so determined.

(3) The amount referred to in sub-paragraph (2) shall be the amount which is

$$X - (Y - Z)$$

where—

- a X is the aggregate of the relevant sums specified in sub-paragraph (4);
- b Y is the aggregate of the income of the students' dependants;
- c Z is so much of the sum ascertained by multiplying £730 by the number of his dependants as does not exceed Y.

(4) The relevant sums referred to in sub-paragraph (3) are—

- (a) except where the student has a spouse who is the holder of a relevant award, £1,690;

- (b) in respect of each dependent child—
- (i) under the age of 11 immediately before the beginning of the academic year, or born during that year, £355;
  - (ii) then aged 11 or over, but under 16, £710;
  - (iii) then aged 16 or over but under 18, £935;
  - (iv) then aged 18 or over, £1,350,
- except that the only or eldest dependent child shall be disregarded for the purposes hereof if the student has neither an adult dependant nor a spouse who is, or but for paragraph 13(2) would be, a dependant.

15.—(1) This paragraph shall apply in the case of a student with dependants who maintains a home for himself and a dependant at a place other than that at which he resides while attending the course.

(2) The student's dependants requirement (determined in accordance with paragraph 14(2)(a) or 14(2)(b)) shall be increased by £595.

16.—(1) This paragraph shall apply in the case of a student who maintains a dependant outside the United Kingdom.

(2) Notwithstanding anything in the foregoing paragraphs of this Part, the student's dependants requirement shall be such amount, if any, as the board considers reasonable in all the circumstances, not exceeding the amount determined in accordance with those paragraphs.