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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 340**

**The Education (Student Support)  
Regulations (Northern Ireland) 2005**

**PART 5**

**GRANTS FOR LIVING COSTS**

**General qualifying conditions for grants for living costs**

**13.**—(1) An eligible student shall qualify for a grant for living costs under this Part provided that—

- (a) he is not excluded from qualification by any of the following paragraphs; and
- (b) he satisfies the qualifying conditions for the particular grant for living costs for which he is applying.

(2) An eligible student shall not qualify for—

- (a) a bursary or grant for living costs under this Part if the only paragraph from paragraphs 1 to 7 and 9 of Schedule 2 into which he falls is paragraph 7;
- (b) a bursary under regulation 23 in respect of any academic year of a part-time course for the initial training of teachers referred to in paragraph 4 of Schedule 3.

(3) An eligible student shall not qualify for a 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 under Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972, or section 63 of the Health Services and Public Health Act 1968 the amount of which is not calculated by reference to his income;
- (b) during which he is eligible to receive a Scottish healthcare allowance the amount of which is calculated by reference to his income; or
- (c) of a course referred to in paragraph 4 of Schedule 3 during which the periods of full-time attendance, including attendance for the purpose of teaching practice, are in aggregate less than 6 weeks.

(4) Paragraph (3)(c) does not apply for the purposes of regulation 14.

(5) With the exception of a grant under regulation 15, an eligible student shall not qualify for a grant or bursary for living costs under this Part in respect of any academic year of a sandwich course where the periods of full-time study are in aggregate less than 10 weeks unless the periods of work experience constitute unpaid service.

(6) For the purposes of paragraph (5), “unpaid service” means—

- (a) unpaid service in a hospital or in a public health service laboratory or with a primary care trust in the United Kingdom or the Republic of Ireland;

- (b) unpaid service with a local authority in the United Kingdom or the Republic of Ireland acting in the exercise of their functions relating to the care of children and young persons, health or welfare or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom or the Republic of Ireland;
- (c) unpaid service in the prison or probation and aftercare service in the United Kingdom or the Republic of Ireland;
- (d) unpaid research in an institution in the United Kingdom or in the Republic of Ireland 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 and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(1)</sup>;
  - (ii) a Health and Social Services Trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991<sup>(2)</sup>;
  - (iii) a Health Authority or a Strategic Health Authority established pursuant to section 8 of the National Health Service Act 1977<sup>(3)</sup> or a Special Health Authority established pursuant to section 11 of that Act<sup>(4)</sup>; or
  - (iv) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978<sup>(5)</sup>.

(7) Where a student becomes an eligible student during the course of an academic year as a result of one of the events listed in paragraph (8), he may qualify for a particular grant for living costs in accordance with this Part in respect of that academic year but he shall not qualify for a grant for living costs in respect of any academic year beginning before the academic year in which the relevant event occurred.

- (8) The events referred to in paragraph (7) are—
  - (a) the student's course becomes a designated course; or
  - (b) the student, his spouse, his civil partner or his parent is recognised as a refugee or is granted leave to enter or remain as mentioned in paragraph 3 of Schedule 2.

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

14.—(1) An eligible student shall qualify in accordance with this regulation for a grant to assist with the additional expenditure which the Department is satisfied he is obliged to incur in respect of his undertaking a designated course by reason of a disability to which he is subject.

(2) An eligible student shall not qualify for a grant under this regulation unless he undertakes the course in the United Kingdom or the Republic of Ireland.

(3) Subject to the following paragraphs, the amount of grant under this regulation shall be the amount that the Department considers appropriate.

- (4) The amount of the grant shall not exceed—
  - (a) £11,840 in respect of an academic year for expenditure on a non-medical personal helper;

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

(2) S.I. 1991/194 (N.I. 1); Article 10 was amended by the Health and Personal Social Services (Northern Ireland) Order 1994 (S.I. 1994/429 (N.I. 2)) Article 3(8)

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

(4) Section 11(1) was substituted by section 65(1) of and paragraphs 4 and 6 of Schedule 4 to the Health Act 1999 c. 8; section 11(3) was amended by section 2(1) of and paragraphs 1 and 2 of Part 1 of Schedule 1 to the Health Authorities Act 1995 c. 17

(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)

- (b) £4,680 in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;
- (c) the additional expenditure incurred—
  - (i) within the United Kingdom or the Republic of Ireland for the purpose of attending the institution,
  - (ii) within or outside the United Kingdom or the Republic of Ireland 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) £1,565 in respect of an academic year for any other expenditure including expenditure incurred for the purposes referred to in sub-paragraph (a) or (b) which exceeds the specified maxima.

(5) Where the eligible student has received payments to assist with expenditure on major items of specialist equipment in connection with the course by virtue of holding a transitional award, the maximum amount of grant under paragraph (4)(b) shall be reduced by the amount of those payments.

(6) The maximum amount of grant under paragraphs (4)(a) and (4)(d) shall be £8,885 and £1,170, respectively where—

- (a) an eligible student attends a course referred to in paragraph 4 of Schedule 3; and
- (b) in any academic year of that course, the periods of full-time attendance (including attendance for the purpose of teaching practice) are in aggregate less than 6 weeks.

#### **Grants for students who have left care**

**15.**—(1) An eligible student shall qualify for a grant under this regulation in connection with his attendance on a designated course if the conditions in paragraph (2) are satisfied.

- (2) The conditions referred to in paragraph (1) are—
  - (a) the eligible student is under the age of 21 on the first day of the course;
  - (b) the eligible student falls within paragraph 2(f) of Schedule 5; and
  - (c) in the opinion of the Department, the eligible student is subject to greater financial hardship by virtue of falling within paragraph 2(f) of Schedule 5 than he would otherwise have been.

(3) Subject to paragraph (4), the amount of grant shall be such amount as the Department considers appropriate in the circumstances.

(4) The maximum amount of grant 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 — general**

**16.**—(1) The grant for dependants consists of the following elements—

- (a) adult dependants' grant;
- (b) childcare grant;
- (c) parents' learning allowance.

(2) The qualifying conditions for each element and the amounts payable are set out in regulations 17 to 20.

(3) A deduction may be made from any element of the grant for dependants in accordance with regulation 30.

### **Grants for dependants — adult dependants' grant**

17.—(1) An eligible student shall qualify for an adult dependants' grant in connection with his attendance on a designated course in accordance with this regulation.

(2) The adult dependants' grant is available in respect of either—

- (a) the eligible student's partner; or
- (b) an adult dependant of the eligible student whose net income does not exceed £3,445.

(3) Where an eligible student maintains the person in respect of whom he is applying for adult dependants' grant, the student shall not qualify for the grant unless that person is ordinarily resident in the United Kingdom for six months or more of the academic year in respect of which the eligible student is applying for support.

(4) The amount of adult dependants' grant payable in respect of an academic year shall be calculated in accordance with regulation 20, the basic amount being £2,395.

(5) The amount of adult dependants' grant calculated under regulation 20 shall be reduced by one half where—

- (a) the eligible student's partner—
  - (i) is an eligible student; or
  - (ii) holds a statutory award; and
- (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which he is entitled under the statutory award.

### **Grants for dependants — childcare grant**

18.—(1) An eligible student shall, in connection with his attendance on a designated course, qualify for a grant in respect of childcare costs for each dependent child in accordance with this regulation.

(2) Subject to paragraph (3), an eligible student shall qualify for a childcare grant in respect of an academic year where 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 special educational needs within the meaning of the Education (Northern Ireland) Order 1996<sup>(6)</sup> and is under the age of 17 immediately before the beginning of the academic year.

(3) An eligible student shall not qualify for a grant under this regulation if he or his partner has elected to receive the childcare element of the working tax credit under Part I of the Tax Credits Act 2002<sup>(7)</sup>.

(4) Subject to paragraph (5), the basic amount of childcare grant for each week 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 qualify 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.

(5) For the purposes of calculating the basic amount of childcare grant—

- (a) a week runs from Monday to Sunday; and

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<sup>(6)</sup> S.I. 1996/274 (N.I. 1)

<sup>(7)</sup> 2002 c. 21

- (b) where a week in respect of which childcare costs are incurred falls partly within and partly outside the academic year in respect of which childcare grant is payable under this regulation, the maximum weekly amount of grant shall be calculated by multiplying the relevant maximum weekly amount in paragraph (4) by the proportion which the number of days of that week falling within the academic year bears to the number of days in a week.
- (6) The amount of childcare grant calculated under regulation 20 shall be reduced by one half where—
- (a) the eligible student's partner—
- (i) is an eligible student; or
- (ii) holds a statutory award; and
- (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which he is entitled under the statutory award.
- (7) In this regulation—
- “approved childcare provider” means a childcare provider within the meaning of the Tax Credit (New Category of Childcare Provider) Regulations 1999<sup>(8)</sup> who has been approved in accordance with those Regulations; and
- “registered childcare provider” means a person who acts as a child minder or provides day care and is registered within the meaning of Articles 118, 119 and 120 of the Children (Northern Ireland) Order 1995<sup>(9)</sup> (registration of child minders and persons providing day care for young children).

#### **Grants for dependants — parents' learning allowance**

19.—(1) An eligible student shall qualify in connection with his attendance on a designated course for the parents' learning allowance if he has one or more dependent children.

(2) The amount of parents' learning allowance payable in respect of an academic year shall be calculated in accordance with regulation 20, the basic amount being £1,365.

#### **Grants for dependants — calculations**

20.—(1) Subject to the following paragraphs, the amount payable in respect of a particular element of the grant for dependants for which the eligible student qualifies under regulations 17 to 19 is the amount of that element remaining after applying, until it is extinguished, an amount equal to  $(A - B)$  as follows and in the following order—

- (a) to reduce the basic amount of the adult dependants' grant where the eligible student qualifies for that element under regulation 17;
- (b) to reduce the basic amount of the childcare grant for the academic year where the eligible student qualifies for that element under regulation 18; and
- (c) to reduce the basic amount of the parents' learning allowance where the eligible student qualifies for that element under regulation 19.

(2) Subject to paragraphs (4) and (5), where  $B$  is greater than or equal to  $A$ , the basic amount of each element of the grant for dependants for which the eligible student qualifies is payable.

(3) Where  $(A - B)$  is equal to or exceeds the aggregate of the basic amounts of the elements of the grant for dependants for which the eligible student qualifies, the amount payable in respect of each element is nil.

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<sup>(8)</sup> S.I. 1999/3110

<sup>(9)</sup> S.I. 1995 No. 755 (N.I. 2)

(4) The amount of the adult dependants' grant calculated under this regulation shall be reduced in accordance with regulation 17(5).

(5) The amount of the childcare grant calculated under this regulation shall be reduced in accordance with regulation 18(6).

(6) Where the amount of the parents' learning allowance calculated under paragraph (1) is £1 or more but less than £50, the amount of parents' learning allowance payable is £50.

(7) In this regulation—

A is the aggregate of the net income of each of the eligible student's dependants; and

B is £1,050 where the eligible student has no dependent child;

£3,145 where the eligible student is not a lone parent and has one dependent child;

£4,195 where the eligible student is not a lone parent and has more than one dependent child;

£4,195 where the eligible student is a lone parent and has one dependent child;

£5,250 where the eligible student is a lone parent and has more than one dependent child.

(8) Paragraphs (9) to (11) apply where, in the course of the academic year, any of the following occurs—

(a) there is a change in the number of the eligible student's dependants;

(b) a person becomes or ceases to be a dependant of the eligible student;

(c) the eligible student becomes or ceases to be a lone parent;

(d) a student becomes an eligible student as a result of an event referred to in regulation 13(8).

(9) For the purposes of determining the respective values of A and B and whether adult dependants' grant or parents' learning allowance is payable, the Department shall determine the following in relation to each relevant quarter by reference to the student's circumstances in the relevant quarter—

(a) how many dependants the eligible student is to be treated as having;

(b) who those dependants are;

(c) whether the student is to be treated as a lone parent.

(10) The amount of grant for dependants for the academic year is the aggregate of the amounts of adult dependants' grant and parents' learning allowance calculated in respect of each relevant quarter under paragraph (11) and the amount of any childcare grant for the academic year.

(11) The amount of adult dependants' grant and parents' learning allowance for which an eligible student qualifies in respect of each relevant quarter is one third of what that grant or allowance would be for the academic year if the student's circumstances in the relevant quarter as determined under paragraph (9) applied for the duration of the academic year.

(12) In this regulation, a "relevant quarter" means—

(a) in the case of a person referred to in paragraph (8)(d), a quarter which begins after the relevant event occurs other than a quarter during which, in the opinion of the Department, the longest of any vacation occurs;

(b) otherwise, a quarter other than the one quarter during which, in the opinion of the Department, the longest of any vacation occurs.

### **Grants for dependants — interpretation**

**21.—**(1) In regulations 16 to 20—

- (a) “adult dependant” means, in relation to an eligible student, an adult person dependent on the student other than his child, his partner or his former partner (including a spouse or civil partner who is not ordinarily living with the student);
  - (b) “child” in relation to an eligible student includes any child of his partner and any child for whom he has parental responsibility where those children are dependent on him;
  - (c) “dependant” means, in relation to an eligible student, his partner, his dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;
  - (d) “dependent” means wholly or mainly financially dependent;
  - (e) “lone parent” means an eligible student who does not have a partner and who has a dependent child or dependent children;
  - (f) “net income” has the meaning given in paragraph (2);
  - (g) subject to sub-paragraphs (h), (i) and (j), “partner” means any of the following—
    - (i) the spouse of an eligible student;
    - (ii) the civil partner of an eligible student;
    - (iii) a woman ordinarily living with a male eligible student as if she were his wife where an eligible student falls within paragraph 2(a) of Schedule 5 and begins the designated course on or after 1st September 2000;
    - (iv) a man ordinarily living with a female eligible student as if he were her husband where an eligible student falls within paragraph 2(a) of Schedule 5 and begins the designated course on or after 1st September 2000;
    - (v) a person ordinarily living with an eligible student as if he were his civil partner where an eligible student falls within paragraph 2(a) of Schedule 5 and begins the designated course on or after 1st September 2005;
  - (h) a person who would otherwise be a partner under sub-paragraph (g) shall not be treated as a partner if—
    - (i) in the opinion of the Department, that person and the eligible student have ceased ordinarily to live together; or
    - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible student;
  - (i) for the purposes of sub-paragraph (a), a person shall be treated as a partner if he would be a partner under sub-paragraph (g) but for the fact that the eligible student with whom he is ordinarily living does not fall within paragraph 2(a) of Schedule 5;
  - (j) for the purposes of sub-paragraph (b) and (e), a person shall be treated as a partner if he would be a partner under sub-paragraph (g) but for the date on which the eligible student began his course and the fact that the eligible student with whom he is ordinarily living does not fall within paragraph 2(a) of Schedule 5.
- (2) Subject to paragraph (3), a dependant’s net income is 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 (Northern Ireland) Act 1992<sup>(10)</sup>;

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<sup>(10)</sup> 1992 c. 7, as amended by Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)), Articles 3 to 5, 7, 8, 10 to 12 and Schedules 1 and 2

- (c) any financial support payable to the dependant by an adoption agency in accordance with regulations made under Article 59A of the Adoption (Northern Ireland) Order 1987(11);
- (d) any guardian's allowance to which the dependant is entitled under section 77 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
- (e) in the case of a dependant with whom a child in the care of a Health and Social Services Board or a Health and Social Services Trust is boarded out, any payment made to him in pursuance of Article 27(2)(a) of the Children (Northern Ireland) Order 1995(12);
- (f) any payments made to the dependant under Article 15 of and Schedule 1 to the Children (Northern Ireland) Order 1995 in respect of a person who is not the dependant's child or any assistance given by a Health and Social Services Board or Health and Social Services Trust pursuant to Articles 34A, 34C, 35A and 35B of that Order(13); and
- (g) any child tax credit to which the dependant is entitled under Part I of the Tax Credits Act 2002.

(3) Where an eligible student or his partner 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 partner's net income is the net income calculated in accordance with paragraph (2) reduced by—

- (a) an amount equal to the payments in question for the academic year, if in the opinion of the Department the obligation had been reasonably incurred; or
- (b) such lesser amount, if any, as the Department considers appropriate if, in its opinion, a lesser obligation could reasonably have been incurred.

### Grants for travel

**22.**—(1) A grant is available to an eligible student attending a course in medicine or dentistry (a necessary part of which is a period of study by way of clinical training) in respect of the reasonable expenditure which he is obliged to incur in an academic year for the purpose of attending in connection with his course any hospital or other premises in the United Kingdom or the Republic of Ireland (not comprised in the institution) at which facilities for clinical training are provided other than expenditure incurred for the purpose of residential study away from the institution.

(2) A grant is available to an eligible student in respect of the reasonable expenditure which he is obliged to incur in an academic year within or outside the United Kingdom for the purpose of attending for a period of at least eight weeks as part of his course an overseas institution or the British Institute in Paris.

(3) The amount of grant payable in respect of an academic year is equal to the reasonable expenditure which the Department determines the eligible student is obliged to incur for the purposes in paragraph (1) or (2).

(4) In determining the expenditure incurred by an eligible student there shall be disregarded £280 of such expenditure.

(5) 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 a grant is payable under regulation 14.

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(11) S.I. 1987/2203 (N.I. 22); Article 59A was inserted by paragraph 164 of Schedule 9 to the Children (Northern Ireland) Order 1995 (S.I. 1995/755) (N.I. 2); the relevant Regulations are S.R. 1996 No. 438

(12) S.I. 1995/755 (N.I. 2)

(13) S.I. 1995/755 (N.I. 2); Articles 34A, 34C, 35A and 35B were inserted by the Children (Leaving Care) Act (Northern Ireland) 2002 c. 11 which will come into operation on 1st September 2005



(6) Where an eligible student attends for a period of at least eight weeks as 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 qualify for additional grant under this regulation equal to the amount so incurred.

(7) A deduction may be made from a grant under this regulation in accordance with regulation 30.

### **Higher Education Bursaries**

**23.**—(1) An eligible student who qualifies for a grant for fees under regulation 11 and who satisfies the requirements set out in regulation 24(1) shall be eligible for a bursary for living costs where in respect of any academic year the household income does not exceed £21,000.

(2) For the purposes of paragraph (1), an eligible student's household income shall be calculated pursuant to Schedule 5.

(3) The amount of bursary payable in respect of any academic year shall be determined by reference to the household income ascertained under paragraph (2) in accordance with the following table—

<i>Residual Income (£)</i>	<i>Bursary (£)</i>
Up to 10,500	2,000
10,501 to 11,000	1,905
11,001 to 12,000	1,715
12,001 to 13,000	1,525
13,001 to 14,000	1,335
14,001 to 15,000	1,145
15,001 to 16,000	950
16,001 to 17,000	800
17,001 to 18,000	640
18,001 to 19,000	485
19,001 to 20,000	325
20,001 to 21,000	165
21,001 and over	0