
STATUTORY INSTRUMENTS

1991 No. 1838

The Education (Mandatory Awards) Regulations 1991

PART I

General

References to independent students

- 3.—(1) In these Regulations “independent student” means a student who—
- (a) has attained the age of 25 years before the beginning of the year for which payments in pursuance of his award fall to be made; or
 - (b) has supported himself out of his earnings for periods before the first year of his course aggregating not less than three years; or
 - (c) has been married for at least two years before the beginning of the year for which payments in pursuance of his award fall to be made whether or not the marriage is still subsisting; or
 - (d) has no parent living.
- (2) For the purposes of paragraph (1)(b) a student shall be treated as having supported himself out of his earnings for any period or periods for which—
- (a) the student was in receipt of training in pursuance of the Training Opportunities Programme, the Youth Opportunities Programme, the Youth Training Scheme of the Manpower Services Commission or the Training Commission as the case may be **or any scheme run by the Training and Enterprise Councils**; or
 - (b) the student was in receipt of unemployment benefit under section 14(1)(a) of the Social Security Act 1975⁽¹⁾; or
 - (c) before 24th November 1980 (when Schedule 2 to the Social Security Act 1980⁽²⁾ came into force), the student was registered for employment; or
 - (d) on and after that date but before 18th October 1982, the student was registered and available for employment; or
 - (e) on and after 18th October 1982, the student was available for employment and, if under the age of 18 years, registered for employment; or
 - (f) he student held a State Studentship or comparable award; or
 - (g) the student received sickness benefit, invalidity pension, maternity allowance or severe disablement allowance under section 14(1)(b), 15(1)(b), 22(1) or 36(1) of the Social Security Act 1975 as originally enacted or as amended⁽³⁾ or statutory sick pay under Part I

⁽¹⁾ 1975 c. 14.

⁽²⁾ 1980 c. 30.

⁽³⁾ Section 36 was substituted by section 11 of the Health and Social Security Act 1984 (c. 48); a new section 22 was substituted by paragraph 13 of part II of Schedule 4 to the Social Security Act 1986 (c. 50); section 15(1)(b) was amended by paragraph 5(1) of Schedule 1 to the Social Security Act 1989 (c. 24).

of the Social Security and Housing Benefits Act 1982⁽⁴⁾ or statutory maternity pay under Part V of the Social Security Act 1986⁽⁵⁾; or

- (h) the student could not reasonably have been expected to support himself out of his earnings because he had the care of a person under the age of 18 years who was dependent upon him.
- (3) In this regulation—
- (a) any reference to a person registered or available for employment is a reference to his being so registered or available for the purposes of section 5 of the Supplementary Benefits Act 1976⁽⁶⁾ or section 20 of the Social Security Act 1986⁽⁷⁾;
 - (b) any reference to an enactment contained in the Supplementary Benefits Act 1976 or the Social Security Act 1975 is a reference to that enactment as from time to time in force and includes, in relation to a period before the coming into force of the enactment in question, a reference to the corresponding enactment then in force;
 - (c) “parent” shall have the same meaning as in Part II of Schedule 3 to these Regulations.

(4) 1982 c. 24.

(5) 1986 c. 50.

(6) 1976 c. 71; a new section 5 was substituted by section 38(1) of the Social Security and Housing Benefits Act 1982 (c. 24); section 5 was repealed with effect from 11th April 1988 by Schedule 11 to the Social Security Act 1986 (c. 50).

(7) 1986 c. 50.