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STATUTORY INSTRUMENTS

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**1994 No. 3044**

**The Education (Mandatory Awards) Regulations 1994**

**PART III**

**PAYMENTS**

**Payments**

**17.**—(1) Subject to paragraphs (2) and (3) and regulations 16, 22, 23, 25 and 26, the authority shall in respect of each year pay in pursuance of the award—

- (a) in respect of fees, a sum equal to the aggregate of any such fees payable in respect of the student as are described in Schedule 1;
- (b) in respect of maintenance—
  - (i) except in a case in which regulation 20, 21 or 22 applies, a grant calculated in accordance with regulation 18 (in these Regulations called “the maintenance grant”);
  - (ii) in a case in which one of those regulations applies (subject to regulation 20(2)) a sum or grant determined in accordance with the regulation in question;

and so much of the sum or grant referred to in sub-paragraph (b) as appears to the authority to be appropriate shall be treated as being in respect of the Easter and Christmas vacations.

(2) Where the authority have come under a duty to bestow an award on a person during a year because he has become—

- (a) a European student as a result of the accession of the State of which he is a national to the European Community, or
- (b) a refugee, or the spouse or child of a refugee, as a result of the recognition of him, or his spouse or parent, as a refugee,

they shall deduct from the sums and grant payable in respect of that year in pursuance of the award under paragraph (1) the amounts referred to in paragraph (3).

(3) The amounts to be deducted under paragraph (2) are—

- (a) from the sum payable in respect of fees under paragraph (1)(a) the amount of any instalment payable before the date on which the student became a European student or the refugee was recognised as a refugee, and
- (b) from the sum or grant payable in respect of maintenance under paragraph (1)(b) the proportion of that sum or grant which relates to the period before the date referred to in sub-paragraph (a).

**Calculation of maintenance grant**

**18.**—(1) The maintenance grant in respect of any year shall be the amount by which the student’s resources fall short of his requirements and for the purposes of ascertaining that amount—

- (a) the requirements of the student shall be taken to be the aggregate of such of the amounts specified in Schedule 2 as are applicable in his case; and
  - (b) the resources of the student shall be taken to be the aggregate of his income for the year calculated in accordance with Part I of Schedule 3 and any contribution applicable in his case by virtue of Part II or III of that Schedule.
- (2) This regulation and Schedules 2 and 3 shall have effect—
- (a) in the case of such a student as is mentioned in Schedule 4, subject to the provisions thereof; and
  - (b) where regulation 20 applies, subject as therein provided.

### **Assessment of requirements and resources**

**19.** The requirements and resources of a student shall be assessed by the authority and, for the purpose of the exercise of their function under this regulation, the authority shall require the student to provide from time to time such information as they consider necessary as to the resources of any person whose means are relevant to the assessment of his requirements and resources.

### **Sandwich courses**

**20.**—(1) This regulation shall apply where the course is a sandwich course unless the student is a member of a religious order and regulation 21 applies.

(2) For the purpose of calculating payments in respect of maintenance under regulation 17(1)(b) in respect of a sandwich year, that regulation and Schedules 2 and 3 shall have effect subject to the provisions of Schedule 5; but no such payments shall be made in respect of a year in which there are no periods of full-time study.

### **Members of religious orders**

**21.**—(1) This regulation shall apply where the student is a member of a religious order (“the Order”) unless the course is a course of teacher training designated under regulation 10(1)(d)(iii) and regulation 22 applies.

(2) The payment in respect of maintenance under regulation 17(1)(b) shall be the sum specified as appropriate in the case of the student in paragraph (3) or (4):

Provided that—

- (a) where the course is a sandwich course, the payment in respect of a sandwich year shall be the prescribed proportion of the sum so specified and no payment shall be made in respect of a year which includes no periods of full-time study;
- (b) where the course is a part-time course of teacher training designated under regulation 10(1)(d)(ii), the payment shall be three-quarters of the sum so specified.

(3) In the case of a student who resides at his parents' home or in a house of the Order, the appropriate sum shall be £735.

(4) In the case of any other student, the appropriate sum shall be £1,000 except that, where he is attending a course—

- (a) at the University of London, or
- (b) at an institution within the area comprising the City of London and the Metropolitan Police District,

it shall be £1,255 and where he is attending a course in a country outside the United Kingdom it shall be—

- £1,485 if that country is a highest-cost country;
- £1,275 if that country is a higher-cost country;
- £1,075 if that country is a high-cost country; and
- £1,000 in any other case.

### **Courses of teacher training**

**22.**—(1) This regulation shall apply—

- (a) where the course is a part-time course of teacher training designated under sub-paragraph (d)(ii) or (d)(iii) of regulation 10(1); or
- (b) where it is a partly full-time and partly part-time course designated under the said sub-paragraph (d)(iii),

unless the student is a member of a religious order, the course is a part-time course of teacher training designated under the said sub-paragraph (d)(ii) and regulation 21 applies.

(2) Where the course is designated under the said sub-paragraph (d)(ii), the payment in respect of maintenance under regulation 17(1)(b) shall be a grant equal to three-quarters of the maintenance grant.

(3) Subject to the following paragraphs, where the course is designated under the said sub-paragraph (d)(iii), the said payment under regulation 17(1)(b) shall be—

- (a) in a year in which the student's periods of study are all periods of full-time study or in which his aggregate period of full-time study is 30 weeks or more, the maintenance grant;
- (b) in a year in which the student's periods of study are all periods of part-time study, the sum of £325;
- (c) in any other year, a sum equal to the aggregate of—
  - (i) the proportion of the maintenance grant which the student's aggregate period of full-time study in the year, expressed in weeks, bears to 30, and
  - (ii) the proportion of £325 which the difference between the said aggregate period and 30 weeks bears to 30.

(4) In relation to a student employed full-time as a teacher, paragraph (3) shall have effect, except in such a year as is mentioned in sub-paragraph (a) thereof, as if it provided that the said payment under regulation 17(1)(b) should be £90.

(5) In relation to a student attending a course provided at the University of Oxford or Cambridge, sub-paragraphs (a) and (c) of paragraph (3) shall have effect as if any reference therein to—

- (a) a period of 30 weeks were a reference to a period of 25 weeks; and
- (b) the proportion which a period expressed in weeks bears to 30 were a reference to the proportion which that period bears to 25.

(6) For the purposes of this regulation a day shall be reckoned as a seventh of a week.

### **Assisted Students**

**23.**—(1) Notwithstanding anything in the preceding provisions of these Regulations, no payment under regulation 17(1)(a) or (b) shall be made to a person in respect of any year in respect whereof he receives such payments as are mentioned in paragraph (2) amounting to not less than the aggregate of—

- (a) such fees are payable in respect of him—
  - (i) as are described in Schedule 1, and

- (ii) if they are payable to an institution which is maintained or assisted by recurrent grants out of public funds, which do not exceed the maxima referred to therein; and
- (b) his requirements for maintenance ascertained in accordance with—
  - (i) Part I of Schedule 2,
  - (ii) paragraphs 5, 6 and 10 of Part II of that Schedule, and
  - (iii) Parts III and IV of that Schedule,
 irrespective of whether any maintenance grant would be payable in his case by virtue of any other provision in these Regulations.
- (2) The payments referred to in paragraph (1) are the aggregate payments received by the person—
  - (a) in pursuance of any scholarship, studentship, exhibition or award of similar description bestowed on him in respect of the course (otherwise than in pursuance of section 1 of the Education Act 1962, or by way of a loan under the Education (Student Loans) Act 1990<sup>(1)</sup>, or out of access funds held by the institution at which he attends his course); and
  - (b) if he is in gainful employment, by way of remuneration (reduced by income tax and social security contributions) paid in respect of any period for which he has leave of absence or is relieved of his normal duties for the purpose of attending the course;

except that, if the person's course is a part-time course of teacher training designated under regulation 10(1)(d)(iii), and some or all of his periods of study are periods of part-time study, any payments by way of remuneration shall be disregarded.

(3) Notwithstanding anything in the preceding provisions of these Regulations, no payment under regulation 17(1)(a) or (b) shall be made to a person in respect of any year in respect whereof he receives any payment in pursuance of any bursary or award of similar description bestowed on him in pursuance of section 63 of the Health Services and Public Health Act 1968<sup>(2)</sup> in respect of a course in nursing, occupational therapy, orthoptics, physiotherapy or radiography, . . . or in pursuance of the Training for Work Scheme.

### **Method of payment**

**24.**—(1) Subject to paragraph (2), the authority shall make any payment due under these Regulations in such instalments (if any) and at such times as they consider appropriate: and in the exercise of their functions under this paragraph the authority may in particular make provisional payments pending the final calculation of the award.

(2) Subject to paragraphs (3) to (6), the authority shall pay such fees as are described in Schedule 1 promptly when a valid request for payment in respect thereof has been received.

- (3) Payment shall be made—
  - (a) in the case of the fees described in paragraph (a) (excepting sub-paragraphs (iv), (vi) and (ix)) of Schedule 1, in three instalments,
  - (b) in the case of the fees described in paragraph (a)(iv) of Schedule 1, in four instalments,
  - (c) in the case of the fees described in paragraph (a)(ix) of Schedule 1, in one, two or three instalments depending on whether the final year of the course is ordinarily required to be

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<sup>(1)</sup> 1990 c. 6.

<sup>(2)</sup> 1968 c. 46; section 63 was amended by the National Health Service Reorganisation Act 1973 (c. 32), section 57, Schedule 4, paragraph 124 and Schedule 5, the National Health Service Act 1977 (c. 49), section 129, Schedule 15, paragraph 45 and Schedule 16, the National Health Service (Scotland) Act 1978 (c. 29), section 109, Schedule 16, paragraph 26(2) and Schedule 17, the Health Services Act 1980 (c. 53), sections 1, 2 and Schedule 1, Part I, paragraph 19(3), the Local Government Act 1985 (c. 51), section 102(2) and Schedule 17, the Family Practitioner Committees (Consequential Modifications) Order 1985 (S.I. 1985/39), article 6(1) and the Health and Medicines Act 1988 (c. 49), section 20.

completed before the first, second or third respectively of the dates 1st January, 1st April, 1st July and 1st September which follow the beginning of that year, and

- (d) in the case of the fees described in paragraph (b) of Schedule 1, in three instalments, but if the final year of the course is ordinarily required to be completed before the first or second of the dates 1st January, 1st April, 1st July and 1st September which follow the beginning of that year, in one or two instalments respectively.

(4) The instalments referred to in paragraph (3) shall be paid—

- (a) after the first dates on which the student is required to attend his course after 1st January, 1st April, 1st July and 1st September respectively, beginning with a payment after the first date on which he is required to attend after the beginning of the year of the course, and continuing with payments after the next such first dates on which he is required to attend, until all the instalments which are payable for the year have been paid; and
- (b) in the case of the instalments referred to in paragraph (3)(a), and when the academic year of the course begins in the autumn, on or before 10th December in the case of the first instalment, on or before 15th February in the case of the second instalment and on or before 31st May in the case of the third instalment or within one month of the receipt by the authority of a valid request for payment, whichever is the later.

(5) Subject to paragraph (6) no fees shall be payable when the student has ceased to attend his course (whether or not the authority has been so notified) but has not completed it.

(6) Notwithstanding paragraph (5) when instalments are payable under paragraph (4)(b) the first, second or third instalment shall be payable if the student was attending the course on 15th November, 15th February or 31st May respectively.

(7) All payments shall be made to the student, except—

- (a) payment of the fees described in Schedule 1 may be made to the academic authority, and
- (b) where a student's maintenance requirements include any of the requirements referred to in paragraph 10 of Schedule 2, on his written instruction payment in respect of his maintenance grant may be made to a third party.

(8) Without prejudice to regulation 26 or the recovery of an over-payment by way of a deduction from a subsequent payment, any over-payment or under-payment made in pursuance of this regulation shall be adjusted by payment between the student or, as the case may be, the academic authority and the authority.

### **Discretionary payments**

**25.—**(1) In respect of any period during which the student repeats any part of his course, the authority shall not be required to make any payments under regulation 17(1)(a) or (b) but may pay in pursuance of the award such sums (if any) as they consider appropriate, being sums not exceeding the amount of any payments that would, apart from this regulation, be payable to that student in respect of that period.

(2) Subject to paragraph (3), paragraph (4) shall apply in the case of a student who—

- (a) has previously attended a course of higher education being—
- (i) a course of up to two academic years' duration, in the case of one designated by or under regulation 10(1), or
- (ii) a course of two academic years' duration, in the case of one not so designated, (ignoring any periods of unpaid service or research or of practice, undertaken as part of the course of the kind mentioned in paragraphs (a) to (g) in the definition of "periods of experience" in paragraph 1(1) of Schedule 5 and, in the case of a sandwich course, periods

of experience) or has previously successfully completed a part-time course corresponding to such a course as is mentioned above ('the previous course'); and

- (b) holds an award bestowed so as to be held, in respect of a course designated by or under regulation 10(1)(a), (d) or (e) being a course ordinarily of more than one year's duration ('the current course').

(3) Paragraph (4) shall not apply if the current course is for the degree of Bachelor of Education and a subject thereof is—

- (a) physics, chemistry or mathematics (or a combination of those subjects); or
- (b) . . . technology; or
- (c) a modern foreign language or languages; or
- (d) Welsh; or
- (e) some other subject the study of which the authority are satisfied fits a person to teach in schools any of the above-mentioned subjects.

(4) Where this paragraph applies, the authority shall only be required to make payments under regulation 17(1)(a) or (b) in pursuance of the award in respect of the current course—

- (a) where that course is ordinarily of not more than two years' duration, in respect of the final year of the student's course which, in the case of a sandwich course, includes periods of full-time study;
- (b) where that course is ordinarily of a greater number of years' duration, in respect of that number less two of the final years of the student's course which, in the case of a sandwich course, includes periods of full-time study;

but, in respect of any other year of the student's current course, they may make such payments as they consider appropriate not exceeding those which would, apart from this regulation, have been payable under regulation 17(1)(a) or (b) as aforesaid.

(5) In this regulation any reference—

- (a) to the ordinary duration of a course is a reference to the period ordinarily required for its completion by a student who is not excused part of the course on account of his having attended a previous course (ignoring any periods of unpaid service or research or of practice undertaken as part of the course of the kind mentioned in paragraphs (a) to (g) in the definition of "periods of experience" in paragraph 1(1) of Schedule 5 and, in the case of a sandwich course, periods of experience);
- (b) to the final year or years of a student's course is, in the case of a student so excused part of the course, a reference thereto after taking account of the consequential reduction in the duration of his course; and
- (c) to a person's having attended a course shall be construed as provided in regulation 12(11) and (12).

### **Withholding and reduction of payments**

**26.—**(1) Without prejudice to regulation 16, in the case of any student who is for the time being in default of any requirement to provide such information as is described in regulation 19, the authority may withhold, in part, any payment due to him in respect of maintenance and calculated or determined in accordance with regulation 18, 20, 21, or 22.

(2) In respect of any period—

- (a) after the termination of an award;
- (b) during which a student is excluded from attendance at the course by the academic authority; or

(c) during which a student is absent from his course without leave, any payment otherwise due in pursuance of the award shall be reduced by the aggregate sum mentioned in paragraph (4).

(3) In respect of any other period being—

(a) a period during which a student is absent from his course (other than a period of not more than 28 days due to illness);

(b) where an award held in respect of one course is transferred in pursuance of regulation 14 so as to be held in respect of another course, a period during which the student is not required to attend either course (other than the period of a single vacation); or

(c) a period during which the student is detained in pursuance of an order made by any court, the authority may reduce any payment otherwise due in pursuance of the award by such amount, not exceeding the aggregate sum mentioned in paragraph (4), as having regard to all relevant circumstances they consider appropriate.

(4) The sum referred to in paragraphs (2) and (3) is the aggregate of—

(a) fees otherwise due that are not payable by reason of the student's non-attendance; and

(b) the appropriate proportion of any amount in respect of maintenance payable for a year in pursuance of regulation 17(1)(b).