

## SCHEDULE 2

Regulations 18 and 20(2)

### REQUIREMENTS

#### PART I

##### ORDINARY MAINTENANCE

1.—(1) The requirements of the student referred to in regulation 18(1)(a) shall include his requirement for ordinary maintenance during—

- (a) any period while he is attending the course; and
- (b) the Christmas and Easter vacations;

and the amount of such requirement (“ordinary maintenance requirement”) shall be determined in accordance with this Part of this Schedule.

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

2.—(1) This paragraph shall apply in the case of—

- (a) any student who does not reside at his parents' home; and
- (b) any student residing at his parents' home whose parents by reason of age, incapacity or otherwise cannot reasonably be expected to support him and in respect of whom the authority are satisfied that in all the circumstances the ordinary maintenance requirement specified herein would be appropriate.

(2) In the case of such a student the ordinary maintenance requirement shall be **£1,900** except that—

- (a) where he is attending a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, it shall be **£2,335**; and
- (b) where he is attending, for at least eight weeks and as a necessary part of his course, an overseas institution, it shall (notwithstanding anything in paragraph (a)) be—
  - £3,580** if the country concerned is a higher-cost country;
  - £2,720** if the country concerned is a high-cost country; and
  - £1,900** in any other case.

3. In the case of any other student the ordinary maintenance requirement shall be **£1,555**.

#### PART II

##### SUPPLEMENTARY MAINTENANCE ETC.

4. The requirements referred to in regulation 18 shall include the student’s requirements—

- (a) for supplementary maintenance in the cases and for the periods mentioned in paragraphs 5, 6 and 10; and
- (b) in respect of such expenditure as is mentioned in paragraphs 7 to 9;

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and the amount of any such requirement (“supplementary requirement”) shall be determined in accordance with this Part of this Schedule.

5.—(1) This paragraph shall apply in the case of a student who having, in any academic year, attended his course—

- (a) in the case of a course provided at the University of Oxford or Cambridge, for a period of 25 weeks 3 days; or
- (b) in the case of any other course, for a period of 30 weeks 3 days,

in that year attends a course so provided for a further period (“the excess period”).

(2) In respect of each week and any part of a week comprised in the excess period the supplementary requirement shall be—

- (a) in the case of a student residing at his parents' home, **£45**;
- (b) in the case of any other student, **£65** except that—
  - (i) where he is attending a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, it shall be **£86**;
  - (ii) where he is attending, for at least eight weeks and as a necessary part of his course, an overseas institution, it shall (notwithstanding anything in sub-paragraph (i)) be—
    - £121** if the country concerned is a higher-cost country;
    - £93** if the country concerned is a high-cost country; and
    - £65** in any other case.

6.—(1) This paragraph shall apply in the case of a student who attends at his course for a period of not less than 45 weeks in any continuous period of 52 weeks.

(2) In respect of each aggregate period of a complete week for which he does not attend at his course in the period of 52 weeks in question, the student’s supplementary requirement shall be determined in accordance with paragraph 5(2).

7.—(1) This paragraph shall apply in the case of a student who is obliged to incur reasonable expenditure—

- (a) in the case of a student attending a course in medicine, dentistry or nursing, a necessary part of which is a period of study by way of clinical training, for the purpose of attending in connection with his course any hospital or other premises in the United Kingdom (not comprised in the institution) at which facilities for clinical training are provided, but not incurred for the purpose of residential study away from the institution;
- (b) within or outside the United Kingdom for the purpose of attending for a period of at least eight weeks and as a necessary part of his course an overseas institution.

(2) The student’s supplementary requirement in respect of such expenditure shall be the amount of such expenditure less **£255**.

(3) For the purposes of this paragraph 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 for a purpose specified in paragraph 9.

8.—(1) This paragraph shall apply in the case of a student who 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 a period of study outside the United Kingdom which is a necessary part of the student's course.

(2) The student's supplementary requirement in respect of such expenditure shall be the amount reasonably incurred.

**9.—**(1) This paragraph shall apply in the case of a disabled student where the authority are satisfied that by reason of his disability he is obliged to incur additional expenditure in respect of his attendance at the course.

(2) The student's supplementary requirements shall be such amounts as the authority consider appropriate—

- (a) in respect of a non-medical personal helper not exceeding **£10,505**;
- (b) in respect of major items of specialist equipment not exceeding **£4,155** in total for the duration of his course;
- (c) in respect of expenditure incurred—
  - (i) within the United Kingdom for the purposes of attending the institution;
  - (ii) within or outside the United Kingdom for the purpose of attending, as a necessary part of his course, any period of study at an overseas institution;
- (d) in respect of any other expenditure including expenditure incurred for the purposes specified in paragraphs (a) and (b) which exceed the maxima specified therein not exceeding **£1,385**.

**10.—**(1) This paragraph shall apply in the case of a student—

- (a) who is under the age of 21 on the first day of the course;
- (b) in respect of whom a parental contribution is not applicable in accordance with Part II of Schedule 3 because he has pursuant to an order of a competent court been in the custody or care of or has been provided with accommodation as described in paragraph 3(c) of that Schedule; and
- (c) who in the opinion of the authority is subject to greater financial hardship by reason of having been in custody, care or having been provided with accommodation as mentioned in paragraph (b) than he would have been if he had not been in custody, care or having been provided with accommodation.

(2) The student's supplementary requirement shall be such amount as the authority in all the circumstances consider appropriate not exceeding £100 for each week or part of a week which—

- (a) falls within the longest vacation taken; and
- (b) during no part of which week the student attends his course.

## PART III

### MAINTENANCE OF DEPENDANTS

**11.—**(1) The requirements referred to in regulation 18(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 of this Schedule.

(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.

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**12.—(1)** In this Part of this Schedule—

“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 adopted in pursuance of adoption proceedings, a step-child and any child for whom the student has parental responsibility 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 (reduced by income tax and social security contributions) but disregarding—

- (a) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the person is subject;
- (b) child benefit payable under Part IX of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup>;
- (c) any allowance payable to his spouse by an adoption agency in accordance with regulations made under section 57A of the Adoption Act 1976<sup>(2)</sup>;
- (d) any guardian’s allowance to which his spouse is entitled under section 77 of the Social Security Contributions and Benefits Act 1992;
- (e) in the case of a spouse with whom a child in the care of a local authority is boarded out, any payment made to him in pursuance of section 23 of the Children Act 1989<sup>(3)</sup>;
- (f) any payments made to his spouse in pursuance of an order made under section 34 of the Children Act 1975<sup>(4)</sup>, or under section 15 of and Schedule 1 to the Children Act 1989 or any assistance given by a local authority pursuant to section 24 of that Act, in respect of a person who is not the spouse’s child;
- (g) where the spouse holds an award in respect of a course of teacher training designated under regulation 10(1)(b)(iii), 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 17(1)(b) or so much of those payments as related to the part-time part of the course;
- (h) where the spouse or the student make any recurrent payments which were previously made by the student in pursuance of an obligation incurred before the first year of the student’s course—
  - (i) if, in the opinion of the authority, the obligation had been reasonably so incurred, an amount equal to the payment in question;
  - (ii) if, in their opinion, only a lesser obligation could have been reasonably so incurred, such correspondingly lesser amount (if any) as appears to them appropriate;

“relevant award” means a statutory award in respect of a person’s attendance at—

- (a) a full-time course of higher education or a comparable course outside England and Wales;
- (b) a course designated under sub-paragraph (d)(ii) of regulation 10(1); or

<sup>(1)</sup> 1992 c. 4.

<sup>(2)</sup> 1976 c. 36; section 57A was introduced by paragraph 25 of Schedule 10 to the Children Act 1989 (c. 41). The relevant instruments are S.I. 1991/2030 and 2742.

<sup>(3)</sup> 1989 c. 41.

<sup>(4)</sup> 1975 c. 72; a new section 34 was substituted by section 64 of the Domestic Proceedings and Magistrates’ Courts Act 1978 (c. 22); the Act was repealed by the Children Act 1989 (c. 41), section 108(7) and Schedule 15.

- (c) the full-time part of a course designated under sub-paragraph (d)(iii) of regulation 10(1) which is partly full-time and partly part-time;

“spouse”, except in the definition above 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 16) 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 **£930** or more the sum specified in paragraph 13(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 so exceeds the sum specified in paragraph 13(4)(b) as applicable to his age;
- (c) in the case of a child of a student not falling within sub-paragraph (b), unless either—
  - (i) the child is the only or eldest child dependent on the student whose income does not so exceed the sum specified in paragraph 13(4)(a); or
  - (ii) the child’s income does not so exceed the sum specified in paragraph 13(4)(b) as applicable to his age.

**13.**—(1) This paragraph shall apply in the case of a student with dependants.

(2) The dependants requirement of the student shall, subject to paragraphs **14 to 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 student’s dependants;
- c Z is so much of the sum ascertained by multiplying **£930** 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, **£2,125**;

and

- (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, **£445**;
  - (ii) then aged 11 or over, but under 16, **£890**;
  - (iii) then aged 16 or over, but under 18, **£1,180**;
  - (iv) then aged 18 or over, **£1,700**;

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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 12(2) would be, a dependant.

**14.—(1) Subject to sub-paragraph (3), this paragraph shall apply in the case of a student with a dependent child where an amount is included in respect of the child in determining the dependants requirement under paragraph 13 and the child is either**

- (a) aged 3 or 4 during the relevant school year, or**
- (b) attends a school maintained by a local education authority or a city technology college or a city college for the technology of the arts(5) during the relevant school year.**

**(2) The dependants requirement of the student (determined in accordance with paragraph 13(2)(a) or (b)), shall be increased by—**

- (a) £245 for each dependent child aged 3 or over on 31st December in the relevant school year, but under the age of 11 immediately before the beginning of the relevant school year;**
- (b) £163 for each dependent child whose third birthday falls after 31st December but on or before 31st March in the relevant school year;**
- (c) £81 for each dependent child whose third birthday falls after 31st March but before the end of the relevant school year;**
- (d) £265 for each dependent child of compulsory school age who is aged 11 or over immediately before the beginning of the relevant school year.**

**(3) This paragraph shall not apply where the dependent child receives school meals free of charge under section 512 or 512A of the Education Act 1996(6) or where similar provision is made for him pursuant to an agreement made between the Secretary of State and a person who establishes and maintains a city technology college or a city college for the technology of the arts under section 482 of that Act.**

**(4) In this paragraph “relevant school year” means:**

- (a) in the case of a child who attends a school (of a kind referred to in sub-paragraph 1(b)), the school year (within the meaning of Section 579(1) of the Education Act 1996(7)) whose beginning is closest to the beginning of the academic year in respect of which the dependants requirement under this Part of this Schedule is being assessed; and**
- (b) in the case of a child aged 3 or 4 who does not attend such a school, the period of twelve months beginning on 1st September, falling closest to the beginning of the academic year in respect of which the dependants requirement under this Part of this Schedule is being assessed.**

**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 at which he resides while attending the course.**

**(2) The dependants requirement of the student (determined in accordance with paragraph 13(2) (a) or (b)), shall be increased by **£740**.**

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

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(5) City technology colleges and city colleges for the technology of the arts are established pursuant to section 482 of the Education Act 1996 (c. 56).

(6) 1996 c. 56. Section 512A was inserted by section 116 of the School Standards and Framework Act 1998 (c. 31).

(7) The definition of “school year” was inserted by the Education Act 1997 (c. 44) Schedule 7, paragraph 43.

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

## PART IV

### OLDER STUDENTS

17. This part of this Schedule shall apply in the case of a student who attained the age of 26 before the first year of the course in respect of which his award was originally bestowed and who—

- (a) started the course before 1st September 1995 and in the three years immediately preceding the first year of the course earned or received by way of such unemployment benefit or income support as is chargeable to income tax under section 617 or 151 respectively of the Income and Corporation Taxes Act 1988<sup>(8)</sup> sums totalling at least £12,000; or
- (b) started the course before 1st September 1995, held an award (or was in receipt of a grant under arrangements made under section 2 of the Education Act 1962<sup>(9)</sup>) in respect of his attendance at a previous course and had earned or received such sums as are mentioned at sub-paragraph (a) in the three years immediately preceding the first year of that previous course; or
- (c) started the course on or after 1st September 1995, immediately before starting that course (disregarding any intervening vacation) attended a full-time course of further or higher education which he had started before 1st September 1995 and had earned or received such sums as are mentioned at sub-paragraph (a) in the three years immediately preceding the first year of that previous course.

18. The requirements referred to in regulation 18(1)(a) shall, in the case of such a student, include—

- (a) where at the beginning of the first year of his course he was aged 26 years, the sum of **£360**;
- (b) where he was so aged 27 years, the sum of **£625**;
- (c) where he was so aged 28 years, the sum of **£930**;
- (d) where he was so aged 29 or more years, the sum of **£1,225**.

## PART V

### CONSTRUCTION OF PARTS I TO IV

19. In this Schedule, any reference to the home of the student's parents shall be construed, in the case of a student whose spouse attends a full-time course at any institution, as including a reference to the home of the parents of the student's spouse.

20. In this Schedule, except where the context otherwise requires, any reference to a requirement, expenditure or attendance in respect of which no period of time is specified shall be construed as a reference to a requirement, expenditure or attendance for the year.

21.—(1) For the purposes of this Schedule, attendance at an institution, or a period of study, is a necessary part of a student's course only where the authority are satisfied that if the student did not attend the institution, or undertake the period of study, he would not be eligible to complete

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(8) 1988 c. 1.

(9) 1962 c. 12; the relevant provisions, as amended, are set out in Schedule 5 to the Education Act 1980 (c. 20).

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his course; and, for the purpose of being so satisfied, the authority may require the matter to be evidenced by a certificate given by the academic authority.

(2) For the purposes of this paragraph, “institution” includes an “overseas institution”.