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STATUTORY INSTRUMENTS

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**2002 No. 1330**

**The Education (Mandatory Awards) Regulations 2002**

**PART III**

**PAYMENTS**

**Payments**

**17.**—(1) Subject to regulations 16, 20, 21, 22, 23, 25 and 26, the authority shall in respect of each year pay in pursuance of an 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, less—
  - (i) the amount if any by which the student's resources exceed his requirements for the purposes of regulation 18(1) (whether or not a maintenance grant is calculated under sub-paragraph (b)), or
  - (ii) the amount of any income referred to in paragraph 1(1)(b) of Schedule 3 which is not disregarded under that paragraph,

whichever is the less;

- (b) where the award is a full award, in respect of maintenance a sum calculated in accordance with regulation 18.

(2) The aggregate of any sums paid in respect of maintenance shall be called the "maintenance grant", and so much of the maintenance grant as appears to the authority to be appropriate shall be treated as being in respect of the Easter and Christmas vacations.

**Calculation of grant**

**18.**—(1) Subject to paragraph (2) the sum mentioned in regulation 17(1)(b) 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 the amounts specified in Schedule 2 other than those specified in paragraphs 9 and 10 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) There shall be added to the sum referred to in regulation 17(1)(b) the amount of any supplementary requirements of the student specified in paragraphs 9 and 10 of Schedule 2, less such part of any amount subtracted in accordance with regulation 17(1)(a) as is not required to reduce the amount payable in respect of fees to nil.

- (3) 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—

- (a) the student is a member of a religious order and regulation 21 applies; or
- (b) the course is a course for the initial training of teachers designated under regulation 10(1)(d).

(2) For the purpose of calculating payments under regulation 17 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 payments in respect of maintenance 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) in the case of a student upon whom an old award has been bestowed shall be the sum specified as appropriate 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 otherwise payable in respect of maintenance 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 **£770**.

(4) In the case of any other student, the appropriate sum shall be **£1,050** except that—

- (a) **if he attends** 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 **£1,315**;
- (b) **if he attends as part of his course an overseas institution, it shall be—**  
**£1,515 if the institution is in a high cost country; or**  
**£1,135 if the institution is in any other country.**

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(5) In this regulation “prescribed proportion” shall have the same meaning as in Schedule 5 to these Regulations.

## 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 sum otherwise payable.

(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 attendance are all periods of full-time attendance or in which his aggregate period of full-time attendance is 30 weeks or more, the maintenance grant;
- (b) in a year in which the student's periods of attendance are all periods of part-time attendance, in the case of an old award, 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 attendance in the year, expressed in weeks, bears to 30, and
  - (ii) in the case of an old award 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 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, and "attendance" means attendance for the purposes of study or teaching practice.

## Assisted Students

23. Notwithstanding anything in the preceding provisions of these Regulations, no payment under regulation 17 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(1) or article 44 of

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(1) 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 1, 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), The Health and Medicines Act 1988 (c. 49), section 20, the Local Government (Scotland) Act 1994 (c. 39), section 180(1) and Schedule 13, paragraph 74(1) and (2), and The Health Authorities Act 1995 (c. 17), section 2 and Schedule 1, paragraph 95(2) and the National Health Service (Primary Care) Act 1997 (c. 46), section 41(10) and Schedule 2, paragraph 9.

the Health and Personal Social Services (Northern Ireland) Order 1972(2) in respect of a course in nursing, occupational therapy, orthoptics, physiotherapy, radiography, midwifery, speech and language therapy, chiropody, dietetics or prosthetics and orthotics.

### **Method of payment**

24.—(1) Subject to paragraphs (2) to (6), 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) and (4), 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) Fees described in paragraphs (i), (ii), (iv), (v), (vi) and (viii) of Schedule 1 shall be paid during the period of 10 weeks which begins after the expiry of 3 months from the beginning of the year except in respect of a student who becomes eligible for an award after 1st September 1999 in respect of a course that began before 1st September 1998, in which case fees shall be paid as soon as reasonably practicable thereafter.

(4) Fees described in paragraphs (iii) and (vii) of Schedule 1 shall be paid in the number of instalments mentioned therein 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.

(5) 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 amounts specified in paragraph 9 or 10 of Schedule 2 are payable to him on his written instruction payment in respect of his maintenance grant may be made to a third party.

(6) 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.

### **Reduced entitlement to 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 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, or
- (b) has previously successfully completed a part-time course corresponding to such a course as is mentioned above

(“the previous course”), and who 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 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 (or a comparable first degree or academic award of an institution) and a subject thereof is—

- (a) physics, chemistry or biology (or a combination of those subjects); or
- (b) mathematics; or
- (c) design and technology; or
- (d) information technology; or
- (e) a modern foreign language or languages; or
- (f) Welsh; or
- (g) religious education; or
- (h) music; or
- (i) geography; or
- (j) 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 in pursuance of the award in respect of the current course—

- (a) where that course is of not more than two years' duration, in respect of the final year of the student's course;
- (b) where that course is of a greater number of years' duration, in respect of the last two years of the student's course;

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 as aforesaid.

(5) In paragraphs (2) and (4) any reference—

- (a) to the 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, in the case of a sandwich course ignoring any 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(9) and (10).

(6) 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 regulation 17 the amounts referred to in paragraph (8).

(7) Where a student is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS(3) and

- (a) his course is an international course, and
- (b) all the periods of study during a year are at an institution outside the United Kingdom

no sum shall be payable in respect of fees under regulation 17(1)(a) in respect of that year.

(8) The amounts to be deducted under paragraph (6) are—

- (a) from the sum payable in respect of fees under regulation 17 any amount payable before the date on which the student became a European student or the refugee was recognized as a refugee, and
- (b) from the sum or grant payable in respect of maintenance under regulation 17 the proportion of that sum or grant which relates to the period before the date referred to in sub-paragraph (a).

(9) Where an award has been transferred by the authority under regulation 14(1)(a) or (b) and—

- (a) the requisite recommendation or consent to the transfer is given after the expiry of four months after the end of the first year of the course in respect of which the award was originally bestowed (“the previous course”), and
- (b) the authority are not satisfied, after consulting the academic authority or authorities concerned, that the fact that the requisite recommendation or consent was given after the expiry of the period specified in sub-paragraph (a) was due only to the need to apply through a clearing admission system, and
- (c) the authority are satisfied, after consulting the academic authority or authorities concerned, that the period which the student in question will ordinarily require for the completion of the course which he now attends (“the current course”) will expire later than the period which he would have required for the completion of the previous course

then the authority shall not make payments otherwise due under regulation 17 in respect of the current course in respect of the period mentioned in paragraph (10).

(10) The period referred to in paragraph (9) is the period which begins on the first day the student attends the current course and which ends after the number of weeks mentioned in paragraph (11).

(11) The number of weeks referred to in paragraph (10) is the difference between the number of weeks from the beginning of the current course which the student in question will ordinarily require to complete it and the number of weeks from the same date which he would have required to complete the previous course.

(12) Where an award has been transferred under regulation 14(1)(c) or (d) so as to be held in respect of a student’s attendance at a course for the degree of Bachelor of Education (“the current course”) if the period which the student in question would ordinarily require for the completion of the current course, when aggregated with the period for which the student has already pursued a course in respect of which the award was held (“the overall period of study”), exceeds—

- (a) five years where the current course is for the honours degree of Bachelor of Education; or
- (b) four years where the current course is for that degree not being an honours degree

(“the prescribed period of study”) then the authority shall not make payments otherwise due under regulation 17 in respect of the current course in respect of the period mentioned in paragraph (13).

(13) The period referred to in paragraph (12) is the period beginning on the first day on which the student attends the current course and continues for the number of weeks mentioned in paragraph (14).

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(3) ERASMUS is part of the European Community action programme SOCRATES, OJNo. L87, 20.4.95, p. 10.

(14) The number of weeks referred to in paragraph (13) is the number of weeks by which the overall period of study exceeds the prescribed period of study.

(15) In determining the period ordinarily required to complete a course for the purposes of paragraph (9), (11) or (12) there shall be included vacations, and any period until the end of the final year of the course, but there shall be ignored—

- (a) in each case, periods of experience which are part of a sandwich course, and
- (b) in the case of the previous course any period during which the student would now be required by the academic authority to repeat part of the course, if the authority would not make any payments for maintenance in respect of that period under paragraph (1).

(16) For the purposes of paragraphs (9) and (12) a payment is due in respect of the period mentioned in paragraphs (10) and (13) respectively if it is—

- (a) any instalment or other payment on account of fees becoming payable under regulation 17 during that period; or
- (b) a sum or grant payable, or the proportion of a sum or grant payable, in respect of maintenance under regulation 17 which relates to that period.

### **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) No payment shall be made in respect of fees if—

- (a) before the date on which the fees become payable the student ceases to attend the course, and
- (b) the academic authority has determined or agreed that he will not commence attending again during the year in respect of which the fees are payable, or at all.

(3) 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 in respect of maintenance otherwise due in pursuance of the award shall be reduced by the sum mentioned in paragraph (5).

(4) 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 60 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 in respect of maintenance otherwise due in pursuance of the award by such amount, not exceeding the sum mentioned in paragraph (5), as having regard to all relevant circumstances they consider appropriate.

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

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- (a) the maintenance grant calculated under regulation 18(1) multiplied by the number of days for which the period in question lasted divided by the number of days in respect of which the grant is payable for the year; and
  - (b) such portion of the maintenance grant calculated under regulation 18(2) as the authority consider appropriate.
- (6) In determining the number of days for which the period in question lasted under paragraph (5) the authority shall disregard the first 60 days of any period of absence due to illness.