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STATUTORY INSTRUMENTS

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**2003 No. 553**

**EDUCATION, ENGLAND**

**The Education Maintenance Allowance  
(Pilot Areas) (Amendment) Regulations 2003**

<i>Made</i>	- - - -	<i>3rd March 2003</i>
<i>Laid before Parliament</i>		<i>10th March 2003</i>
<i>Coming into force</i>		
<i>Regulation 4(b)</i>		<i>1st April 2003</i>
<i>Remainder</i>		<i>1st August 2003</i>

In exercise of the powers conferred upon the Secretary of State by sections 518 and 569(4) of the Education Act 1996(1) the Secretary of State for Education and Skills hereby makes the following Regulations:

1. These Regulations may be cited as the Education Maintenance Allowance (Pilot Areas) (Amendment) Regulations 2003.
2. These Regulations come into force—
  - (a) for the purposes of regulation 4(b), on 1<sup>st</sup> April 2003; and
  - (b) for all other purposes, on 1<sup>st</sup> August 2003.
3. The Education Maintenance Allowance (Pilot Areas) Regulations 2001(2) shall be amended as follows.
4. In regulation 2(1) (Interpretation)—
  - (a) for paragraph (a) of the definition of “parent” substitute the following paragraph—
    - “(a) in regulation 5 means the mother or father of a student or child (including the mother or father by adoption) but not any other person with parental responsibility for the student or child (and child shall be construed accordingly), and;”
  - (b) in paragraph (i) of the definition of “vulnerable student” substitute “carer's” for “invalid care(3)”.

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(1) 1996 c. 56; section 518 was substituted by section 129 of the School Standards and Framework Act 1998 (c. 31). By virtue of S.I.1999/672 the powers conferred by this section are exercisable by the Secretary of State only in relation to England.  
(2) S.I. 2001/2750, amended by S.I. 2002/1841.  
(3) Substituted by S.I. 2002/1457

5. In regulation 5 (Income condition)—
- (a) in paragraph (5) after “For the purposes of this Regulation” insert “and subject to paragraphs (6A) and (6B)”;
  - (b) in paragraph (6)—
    - (i) in sub-paragraph (a)—
      - (aa) after “a child” insert “over compulsory school age”;
      - (bb) for “Part IV” substitute “Part IX”;
    - (ii) in sub-paragraph (b)—
      - (aa) after “(excluding the student in respect of whom the allowances are to be paid)” insert “being a child over compulsory school age and”;
      - (bb) after “Part III” omit “of that Act” and insert “of the 1992 Act and in respect of whom there remains an entitlement to child benefit under Part IX of that Act”;
  - (c) after paragraph (6) insert the following paragraphs—
    - “(6A) Where income computed in accordance with paragraphs (5) and (6) exceeds the relevant amount there shall be deducted from that income an additional £1,000 multiplied by the number of applicable children and for the purposes of this paragraph an applicable child is—
      - (a) a child (excluding the student in respect of whom the allowances are to be paid and an applicable child under paragraph (6)) in respect of whom either of the student’s parents (where the student’s parents live together as husband and wife) or the student’s relevant parent ( where the student’s parents do not live together as husband and wife) is entitled to child benefit under Part IX of the 1992 Act for any week during the relevant period comprising the academic year in respect of which the allowance is paid; and
      - (b) a child of one of the student’s parents (excluding the student in respect of whom the allowances are to be paid and an applicable child under paragraph (6)) who is entitled to incapacity benefit under Part II of the 1992 Act or severe disablement allowance under Part III of that Act for any day during the relevant period comprising the academic year in respect of which the allowance is paid.
    - “(6B) Where income computed in accordance with paragraphs (5) and (6) does not exceed the relevant amount after deductions have been made in accordance with paragraph (6A) the income condition is to be treated as satisfied.”.
6. In regulation 6(1) (Other Conditions)—
- (a) for sub-paragraph (a) substitute the following paragraph—
    - “(a) that the relevant area is the area of an authority specified in the Schedule and the student’s final school year was the 1999-2000, 2000-2001, 2001-2002 or 2002-2003 academic year.”;
  - (b) in sub-paragraph (c) in sub-paragraph (i) for “Part IV” substitute “Part IX”.
7. In regulation 8 (Weekly allowance)—
- (a) in paragraph (1) after “(2)” omit “and (4)” and insert “(4), (9) and (10)”;
  - (b) in paragraph (4) sub-paragraph (h) after “regulation 5(6)” insert “whether or not read with regulation 5(6A)”;
  - (c) after paragraph (8) insert the following paragraphs—

“(9) Where the income condition in regulation 5 has been satisfied after any deduction made from income in accordance with regulation 5(6A) the amount of a weekly allowance shall be £5 per week.

(10) Except as provided in paragraph (9) the amount of a weekly allowance may be varied according to income, as the relevant authority sees fit.”.

**8.** For the Schedule substitute the Schedule to these Regulations.

3rd March 2003

*Margaret Hodge*  
Minister of State  
Department for Education and Skills

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Regulation 8

Barking & Dagenham  
Barnsley  
Birmingham  
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Bradford  
Brent  
Camden  
Cornwall  
Coventry  
Doncaster  
Ealing  
East Lancashire  
Gateshead  
Greenwich  
Hackney  
Halton  
Hammersmith & Fulham  
Haringey  
Hartlepool  
Islington  
Kingston upon Hull  
Knowsley  
Lambeth  
Leeds  
Leicester  
Lewisham  
Liverpool  
Luton  
Manchester  
Middlesbrough  
Newham  
North East Lincolnshire  
North Tyneside  
Northumberland  
Nottingham  
Oldham  
St Helens  
Salford

Sandwell  
Sheffield  
South Tyneside  
Southampton  
Southwark  
Stoke-on-Trent  
Suffolk  
Sunderland  
Tameside  
Tower Hamlets  
Wakefield  
Walsall  
Waltham Forest  
Wandsworth  
Wigan  
Wirral  
Wolverhampton  
Worcestershire

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations amend The Education Maintenance Allowance (Pilot Areas) Regulations 2001 and should be read in conjunction with The Education Maintenance Allowance (Pilot Areas) (Amendment) Regulations 2002.

The second part of regulation 4 reflects a change in name, as from 1<sup>st</sup> April 2003, of “invalid care allowance” to “carer’s allowance”.

Regulation 5, together with the first part of regulation 4, set out how financial eligibility for payment of an Education Maintenance Allowance is now to be arrived at, where there are siblings in the same household as the applicant.

Regulations 6 and 8, read together, exclude from eligibility for an allowance, those students whose final school year was 1998-1999 and include those students whose final school year will be 2002-2003 and they reflect the fact that the final school year is now the same for all areas taking part in the pilots.

Regulation 7 allows Local Education Authorities to adjust the amount paid by way of weekly allowance, depending on the amount of assessed income. No such adjustments will be made, however, where a student receives a weekly allowance of only £5 per week.

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