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## STATUTORY INSTRUMENTS

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# 2011 No. 1986

## The Education (Student Support) Regulations 2011

### PART 5

#### GRANTS FOR LIVING AND OTHER COSTS

##### CHAPTER 1

##### TYPES OF GRANTS AVAILABLE

#### **Current system students**

**36.** The following grants are available to a current system student in connection with a designated course if the student meets the relevant qualifying conditions in this Part—

- (a) disabled students' allowance;
- (b) grant for dependants;
- (c) grant for travel;
- (d) maintenance grant or special support grant.

#### **Old system students**

**37.** The following grants are available to an old system student in connection with a designated course if the student meets the relevant qualifying conditions in this Part—

- (a) disabled students' allowance;
- (b) grant for dependants;
- (c) grant for travel;
- (d) higher education grant.

##### CHAPTER 2

##### GENERAL PROVISIONS

#### **General qualifying conditions for grants for living and other costs**

**38.—**(1) An eligible student qualifies for a grant under this Part provided that the student—

- (a) is not excluded from qualification by any of the following paragraphs; and
- (b) satisfies the qualifying conditions for the particular grant for which the student is applying.

(2) An eligible student does not qualify for a grant under this Part, other than for a disabled students' allowance, in respect of a distance learning course [<sup>F1</sup>unless the student is treated as being in attendance on the designated course under regulation 39].

(3) An eligible student does not qualify for a grant under this Part if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9 [<sup>F2</sup>or paragraph 10];

**Status:** Point in time view as at 21/02/2019.

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(4) An eligible student does not qualify for a grant under this Part in respect of—

(a) an academic year which is a bursary year<sup>F3</sup>]

<sup>F4</sup>(b) .....

<sup>F4</sup>(c) .....

<sup>F5</sup>(5) .....

(6) An eligible student does not qualify for a grant under this Part in respect of any academic year of a sandwich course where the periods of full-time study are in aggregate less than 10 weeks unless the periods of work experience constitute unpaid service.

(7) For the purposes of paragraph (6), “unpaid service” means—

(a) unpaid service in a hospital or in a public health service laboratory or with a [<sup>F6</sup>clinical commissioning group] in the United Kingdom;

(b) unpaid service with a local authority in the United Kingdom acting in the exercise of its functions relating to the care of children and young persons, health or welfare or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom;

[<sup>F7</sup>(ba) unpaid service with a local authority (within the meaning of section 2B of the National Health Service Act 2006) acting in the exercise of public health functions (within the meaning of that Act);]

(c) unpaid service in the prison or probation and aftercare service in the United Kingdom;

(d) unpaid research in an institution in the United Kingdom or, in the case of a student attending an overseas institution as part of the student's course, in an overseas institution;  
<sup>F8</sup>...

(e) unpaid service with—

[<sup>F9</sup>(i) a Special Health Authority established pursuant to section 28 of the National Health Service Act 2006;

(ia) the National Health Service Commissioning Board;

(ib) the National Institute for Health and Care Excellence;

(ic) the Health and Social Care Information Centre;]

(ii) a Local Health Board established pursuant to section 11 of the National Health Service (Wales) Act 2006 <sup>M1</sup> or a Special Health Authority established pursuant to section 22 of that Act;

(iii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978 <sup>M2</sup>; or

(iv) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 <sup>M3</sup>[<sup>F10</sup>; or]

[<sup>F11</sup>(f) unpaid service with either House of Parliament.]

(8) Subject to paragraph (9), where one of the events listed in regulation 17(a), (b), (c), (e), (f), (g) or (h) occurs in the course of an academic year, a student may qualify for a particular grant in accordance with this Part in respect of <sup>F12</sup>...part of that academic year but a student does not qualify for such a grant in respect of any academic year beginning before the academic year in which the relevant event occurred.

(9) Where the state of which the student is a national accedes to the EU the student may qualify for a grant under this Part only if the student has been ordinarily resident in the United Kingdom and

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Islands throughout the three-year period immediately preceding the first day of the first academic year of the course.

(10) Subject to paragraph (11), an eligible student does not qualify for a grant under this Part if the student is a prisoner.

(11) Paragraph (10) does not apply in respect of disabled students' allowance for a course beginning before 1st September 2012.

#### Textual Amendments

- F1** Words in reg. 38(2) inserted (1.8.2013) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(3), **10**
- F2** Words in reg. 38(3) inserted (with application in accordance with reg. 1(3)(4) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2016 \(S.I. 2016/270\)](#), regs. 1(1), **3**
- F3** Full stop in reg. 38(4)(a) substituted for semi-colon (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **16(a)(i)**
- F4** Reg. 38(4)(b)(c) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **16(a)(ii)**
- F5** Reg. 38(5) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **16(b)**
- F6** Words in reg. 38(7)(a) substituted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 165(a)** (with Sch. 3 para. 24)
- F7** Reg. 38(7)(ba) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 165(b)** (with Sch. 3 para. 24)
- F8** Word in reg. 38(7)(d) omitted (7.11.2014) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(2), **8(a)**
- F9** Reg. 38(7)(e)(i)-(ic) substituted for reg. 38(7)(e)(i) (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 165(c)** (with Sch. 3 para. 24)
- F10** Word in reg. 38(7)(e)(iv) substituted for full-stop (7.11.2014) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(2), **8(b)**
- F11** Reg. 38(7)(f) inserted (7.11.2014) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(2), **8(c)**
- F12** Words in reg. 38(8) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(2)(a), **13**

#### Marginal Citations

- M1** 2006 c.42.
- M2** 1978 c.29 to which there have been amendments not relevant to these regulations.
- M3** S.I. 1972/1265 (N.I. 14), to which there have been amendments not relevant to these regulations.

#### Students who are treated as in attendance

**39.**—(1) A student to whom this regulation applies is treated as being in attendance on the designated course for the purpose of qualifying for the following grants—

- (a) disabled students' allowance;

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- (b) grant for dependants;
  - (c) maintenance grant or special support grant;
  - (d) higher education grant.
- (2) This regulation applies to—
- (a) <sup>F13</sup>a student undertaking an intensive course];
  - (b) a student on a period of study or period of work placement in an Erasmus year;
  - (c) a disabled student who—
    - (i) is not <sup>F13</sup>a student undertaking an intensive course]; and
    - (ii) is undertaking a designated course in the United Kingdom but is not in attendance because the student is unable to attend for a reason which relates to the student's disability.

#### Textual Amendments

**F13** Words in [reg. 39](#) substituted (with application in accordance with [reg. 1\(2\)\(5\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), [regs. 1\(1\), 12](#)

## CHAPTER 3

### DISABLED STUDENTS' ALLOWANCES

#### <sup>F14</sup>Qualifying conditions for the disabled students' allowance

**40.**—(1) Subject to paragraphs (2) to (4), a student qualifies for a grant under regulation 40A if the student—

- (a) is an eligible student; and
- (b) has a disability.

(2) A student does not qualify for a grant under regulation 40A in respect of a distance learning course starting on or after 1st September 2012 unless the Secretary of State considers that the student is undertaking the designated course in England on the first day of the first academic year.

<sup>F15</sup>(2A) For the purposes of paragraph (2), a person (“A”) is to be treated as being ordinarily resident in England for any period during which A would have been so resident but for the fact that—

- (a) A,
- (b) A’s spouse or civil partner,
- (c) A’s parent, or
- (d) in the case of a dependent direct relative in the ascending line, A’s child or child’s spouse or civil partner,

is or was temporarily employed in Wales, Scotland or Northern Ireland as a member of the regular naval, military or air forces of the Crown.]

(3) A student who would otherwise qualify for a grant under regulation 40A in respect of a distance learning course does not qualify for that grant in respect of that course if the Secretary of State considers that the student is undertaking the course outside of the United Kingdom.

<sup>F16</sup>(3A) Paragraphs (2) and (3) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.]

(4) Where the state of which the student is a national accedes to the EU the student only qualifies for disabled students' allowance if the student has been ordinarily resident in the United Kingdom and Islands throughout the three year period immediately preceding the first day of the first academic year of the course.]

#### Textual Amendments

- F14** Regs. 40, 40A substituted for reg. 40 (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **9**
- F15** Reg. 40(2A) inserted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **3(2)**
- F16** Reg. 40(3A) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **10**

#### [<sup>F14</sup>Payment of the disabled students' allowance

**40A.** The Secretary of State is authorised to pay the disabled students' allowance to a student ("A") who qualifies for that grant under regulation 40 for the purpose of assisting with the additional expenditure which A is obliged to incur in connection with A's attendance on or undertaking of a designated course by reason of A's disability.]

#### Textual Amendments

- F14** Regs. 40, 40A substituted for reg. 40 (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **9**

#### Amount of the disabled students' allowance

**41.—(1)** Subject to the following paragraphs, the amount of the disabled students' allowance is the amount that the Secretary of State considers appropriate in accordance with the student's circumstances.

[<sup>F17</sup>(1A) Subject to paragraph (2), the amount of the disabled students' allowance in respect of additional expenditure on a computer must not exceed an amount equal to the additional expenditure incurred less £200.]

(2) Except where paragraph (4) applies, the amount of the disabled students' allowance must not exceed—

- (a) [<sup>F18</sup>£22,603] in respect of an academic year for expenditure on a non-medical personal helper;
- (b) [<sup>F19</sup>£5,684] in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;
- (c) the additional expenditure incurred—
  - (i) within the United Kingdom for the purpose of attending the institution;
  - (ii) within or outside the United Kingdom for the purpose of attending, as a part of the student's course, any period of study at an overseas institution or for the purpose of attending the Institute;

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- (d) [<sup>F20</sup>£1,899] in respect of an academic year for any other expenditure including expenditure incurred for the purposes referred to in sub-paragraph (a) or (b) which exceeds the maxima specified in those sub-paragraphs.

(3) Where the eligible student has received payments to assist with expenditure on major items of specialist equipment in connection with the course by virtue of holding a transitional award, the maximum amount of grant under paragraph (2)(b) is reduced by the amount of those payments.

<sup>F21</sup>(4) .....

<sup>F22</sup>(5) .....

<sup>F23</sup>(6) .....

[<sup>F24</sup>(7) Subject to paragraph (8), the disabled students’ allowance is payable in respect of the four quarters of the academic year, except where the allowance is used for expenditure on major items of specialist equipment.

(8) Subject to [<sup>F25</sup>regulation 40(4)], where one of the events listed in regulation 17(a), (b), (c), (e) (f), (g) or (h) occurs in the course of an academic year, a student may qualify for the disabled students’ allowance for the purposes specified in paragraphs (2)(a), (c) and (d) in respect of such quarters as begin after the relevant event occurs.

<sup>F26</sup>(9) .....]

**Textual Amendments**

- F17** Reg. 41(1A) inserted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **10(a)**
- F18** Sum in [reg. 41\(2\)\(a\)](#) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**
- F19** Sum in [reg. 41\(2\)\(b\)](#) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**
- F20** Sum in [reg. 41\(2\)\(d\)](#) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**
- F21** Reg. 41(4) omitted (3.3.2017) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(2), **11**
- F22** Reg. 41(5) omitted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **10(b)**
- F23** Reg. 41(6) omitted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **10(b)**
- F24** Reg. 41(7)-(9) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(2)(a), **14(c)**
- F25** Words in [reg. 41\(8\)](#) substituted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **17**
- F26** Reg. 41(9) omitted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **10(b)**

## CHAPTER 4

### GRANTS FOR DEPENDANTS

#### Interpretation of Chapter 4

42.—(1) In regulations 44 to 47—

- (a) subject to sub-paragraph (n), “adult dependant” means, in relation to an eligible student, an adult person dependent on the student other than the student's child, the student's partner (including a spouse or civil partner from whom the Secretary of State considers the student is separated) or the student's former partner;
- (b) “child” in relation to an eligible student includes any child of the student's partner who is dependent on the student and any child for whom the student has parental responsibility who is dependent on the student;
- (c) “dependant” means, in relation to an eligible student, the student's partner, the student's dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;
- (d) “dependent” means wholly or mainly financially dependent;
- (e) “dependent child” means, in relation to an eligible student, a child dependent on the student;
- <sup>F27</sup>(f) .....
- (g) “net income” has the meaning given in paragraph (2);
- <sup>F28</sup>(ga) “preceding financial year” means the financial year immediately preceding the relevant year;
- (gb) “prior financial year” means the financial year immediately preceding the preceding financial year;
- (gc) “relevant year” means the academic year of the course in respect of which the eligible student's dependants' income falls to be assessed;
- (gd) “residual income” means taxable income after the application of paragraph (5) (in the case of an eligible student's partner) or paragraph (6) (in the case of an eligible student's adult dependants);
- <sup>F29</sup>(ge) “taxable income” means, in respect of the prior financial year—
  - (i) the total income on which a person (“A”) is charged to income tax as determined at Step 1 of the calculation in section 23 of the Income Tax Act 2007, together with any payments and other benefits mentioned in section 401(1) of the Income Tax (Earnings and Pensions) Act 2003 (ignoring section 401(2) of that Act), received or treated as received by A, to the extent that they are not a component of the total income on which A is charged to income tax;
  - (ii) A's total income from all sources as determined for the purposes of the income tax legislation of another Member State which applies to A's income; or
  - (iii) where the legislation of more than one Member State applies to the period, A's total income from all sources as determined for the purposes of the income tax legislation under which the Secretary of State considers that A's total income in that period is greatest,except that no account is taken of income referred to in paragraph (1A) paid to another party;]]
- (h) subject to sub-paragraphs (i), (j), (k), (l) and (m), “partner” means any of the following—

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- (i) the spouse of an eligible student;
  - (ii) the civil partner of an eligible student;
  - (iii) a person ordinarily living with an eligible student as if that person were the student's spouse where an eligible student falls within paragraph 2(1)(a) of Schedule 4 and began the specified designated course on or after 1st September 2000;
  - (iv) a person ordinarily living with an eligible student as if that person were the student's civil partner where an eligible student falls within paragraph 2(1)(a) of Schedule 4 and began the specified designated course on or after 1st September 2005;
- (i) unless otherwise indicated, a person who would otherwise be a partner under sub-paragraph (h) is not to be treated as a partner if—
- (i) in the opinion of the Secretary of State, that person and the eligible student are separated; or
  - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible student;
- (j) for the purposes of the definition of “adult dependant”, a person is to be treated as a partner if that person would be a partner under sub-paragraph (h) but for the fact that the eligible student with whom that person is ordinarily living does not fall within paragraph 2(1)(a) of Schedule 4;
- (k) for the purposes of the [<sup>F30</sup>definition of child], a person is to be treated as a partner if that person would be a partner under sub-paragraph (h) but for the date on which the eligible student began the specified designated course or the fact that the eligible student with whom that person is ordinarily living does not fall within paragraph 2(1)(a) of Schedule 4;
- (l) for the purposes of regulation 45—
- (i) sub-paragraph (i) does not apply; and
  - (ii) a person is to be treated as a partner if that person would be a partner under sub-paragraph (h) but for the fact that the eligible student with whom that person is ordinarily living does not fall within paragraph (2)(1)(a) of Schedule 4;
- (m) for the purposes of determining whether a person is the former partner of an eligible student's partner, “partner” in relation to an eligible student's partner means—
- (i) the spouse of an eligible student's partner;
  - (ii) the civil partner of an eligible student's partner;
  - (iii) where the eligible student began the specified designated course on or after 1st September 2000, a person (“A”) ordinarily living with an eligible student's partner (“B”) as if A were B's spouse;
  - (iv) where the eligible student began the specified designated course on or after 1st September 2005, a person “A” ordinarily living with an eligible student's partner “B” as if A were B's civil partner;
- (n) subject to sub-paragraph (o), for the purposes of the definitions of “adult dependant” and “dependent child”, the Secretary of State may treat an adult person or child as dependent on an eligible student if the Secretary of State is satisfied that the adult person or child—
- (i) is not dependent on—
    - (aa) the eligible student; or
    - (bb) the student's partner; but
  - (ii) is dependent on the eligible student and the student's partner together;



- (o) the Secretary of State must not treat an adult person (“A”) as dependent on an eligible student in accordance with sub-paragraph (n), if A is—
  - (i) the spouse or civil partner of the eligible student's partner (including a spouse or civil partner from whom the Secretary of State considers the eligible student's partner is separated); or
  - (ii) the former partner of the eligible student's partner.

[<sup>F31</sup>(1A) The income referred to in this paragraph is any benefits under a pension arrangement pursuant to an order made under section 23 of the Matrimonial Causes Act 1973 which includes provision made by virtue of sections 25B(4) and 25E(3) of that Act or pension benefits under Part 1 of Schedule 5 to the Civil Partnership Act 2004 which includes provision made by virtue of Parts 6 and 7 of that Schedule.]

(2) <sup>F32</sup>...A dependant's net income is the dependant's income from all sources [<sup>F33</sup>(for the relevant year for the purposes of regulation 44(2)(b) and for the prior financial year for the purposes of [<sup>F34</sup>regulation 47)]) reduced by the amount of income tax and social security contributions payable in respect of it but disregarding—

- (a) any pension, allowance, or other benefit paid by reason of a disability or incapacity to which the dependant is subject;
- (b) child benefit payable under Part IX of the Social Security Contributions and Benefits Act 1992 <sup>M4</sup>;
- (c) any financial support payable to the dependant by a local authority in accordance with regulations made under sections 2, 3 and 4 of the Adoption and Children Act 2002 <sup>M5</sup>;
- (d) any guardian's allowance to which the dependant is entitled under section 77 of the Social Security Contributions and Benefits Act 1992;
- (e) in the case of a dependant with whom a child being looked after by a local authority is boarded out, any payment made to that dependant in pursuance of section 22C of the Children Act 1989 <sup>M6</sup>[<sup>F35</sup>or, as the case may be, any payment made under section 81 of the Social Services and Well-being (Wales) Act 2014];
- (f) any payments made to the dependant under section 15 of and Schedule 1 to the Children Act 1989 in respect of a person who is not the dependant's child or any assistance given by a local authority pursuant to section 24 of that Act <sup>M7</sup>[<sup>F36</sup>or section 104 of the Social Services and Well-being (Wales) Act 2014 in so far as that section applies to category 5 and 6 young persons within the meaning of that Act];
- (g) any child tax credit to which the dependant is entitled under Part I of the Tax Credits Act 2002 <sup>M8</sup>, <sup>F37</sup> ...
- (h) a higher education bursary paid to the dependent;
- [<sup>F38</sup>(i) in the case of a dependant who is entitled to an award of universal credit—
  - (i) any amount that is included in the calculation of the award, under regulation 27(1) of the Universal Credit Regulations 2013, in respect of the fact that the dependant has <sup>F39</sup> ... or limited capability for work and work-related activity;
  - (ii) any amount or additional amount that is included in the calculation of the award under regulation 24 of those Regulations (the child element)].

<sup>F40</sup>(3) .....

<sup>F41</sup>(3A) .....

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(4) For the purposes of paragraph (2), where the dependant is a dependent child and payments are made to the eligible student towards the child's maintenance, those payments are to be treated as the child's income.

[<sup>F42</sup>(5) An eligible student's partner's residual income is determined in accordance with paragraph 6 of Schedule 4.

(6) An eligible student's adult dependants' residual income is determined in accordance with paragraph 5 of Schedule 4 (other than sub-paragraphs (8), (9) and (10) of paragraph 5), references to the parent being construed as references to the eligible student's adult dependants.]

### Textual Amendments

- F27** Reg. 42(1)(f) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **13(2)(i)**
- F28** Reg. 42(1)(ga)-(ge) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(2)(a), **15(a)**
- F29** Reg. 42(1)(ge) substituted (1.8.2014) by [The Further and Higher Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/1766\)](#), regs. 1, **10**
- F30** Words in reg. 42(1)(k) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **13(2)(ii)**
- F31** Reg. 42(1A) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(2)(a), **15(b)**
- F32** Words in reg. 42(2) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(2)(a), **15(c)(i)**
- F33** Words in reg. 42(2) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(2)(a), **15(c)(ii)**
- F34** Words in reg. 42(2) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **13(3)**
- F35** Words in reg. 42(2)(e) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Regulations 2016 \(S.I. 2016/211\)](#), reg. 1(2), **Sch. 3 para. 124(a)**
- F36** Words in reg. 42(2)(f) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Regulations 2016 \(S.I. 2016/211\)](#), reg. 1(2), **Sch. 3 para. 124(b)**
- F37** Word in reg. 42(2) omitted (29.4.2013) by virtue of [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **54(3)**
- F38** Reg. 42(2)(i) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **54(3)**
- F39** Words in reg. 42(2)(i)(i) omitted (3.4.2017) by virtue of [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), reg. 1, **Sch. 1 para. 17** (with Sch. 2 paras. 8-15)
- F40** Reg. 42(3) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **13(4)**

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- F41** Reg. 42(3A) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **13(4)**
- F42** Reg. 42(5)(6) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(2)(a), **15(f)**

#### Marginal Citations

- M4** 1992 c.4 to which there are amendments not relevant to these Regulations.
- M5** 2002 c.38.
- M6** 1989 c.41; sections 22A to 22F substituted section 23 and were inserted by the [Children and Young Persons Act 2008 \(c.23\)](#).
- M7** 1989 c.41. There are amendments to sections 15 and 24 and Schedule 1 which are not relevant to these Regulations.
- M8** 2002 c.21; section 3 was amended by the [Civil Partnership Act 2004 \(c.33\)](#), **Schedule 24** and there are amendments not relevant to these Regulations.

#### General

- 43.**—(1) The grant for dependants consists of the following elements—
- (a) adult dependants' grant;
  - (b) childcare grant;
  - (c) parents' learning allowance.
- (2) The qualifying conditions for each element and the amounts payable are set out in regulations 44 to 47.

#### Adult dependants' grant

- 44.**—(1) An eligible student qualifies for an adult dependants' grant in connection with the student's attendance on a designated course in accordance with this regulation.
- (2) The adult dependants' grant is available in respect of one dependant of an eligible student who is either—
- (a) the eligible student's partner; or
  - (b) an adult dependant whose net income [<sup>F43</sup>for the relevant year] does not exceed £3,796.
- (3) The amount of adult dependants' grant payable in respect of an academic year is calculated in accordance with regulation 47, the basic amount being—
- (a) [<sup>F44</sup>£3,007]; or
  - (b) where the person in respect of whom the eligible student is applying for adult dependants' grant is ordinarily resident outside the United Kingdom, such amount not exceeding [<sup>F45</sup>£3,007] as the Secretary of State considers reasonable in the circumstances.

#### Textual Amendments

- F43** Words in reg. 44(2)(b) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(2)(a), **16**

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- F44** Sum in reg. 44(3)(a) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**
- F45** Sum in reg. 44(3)(b) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**

## Childcare grant

**45.**—(1) An eligible student (“A”) qualifies for a childcare grant in connection with A's attendance on a designated course in accordance with this regulation.

(2) Subject to paragraphs (3) [<sup>F46</sup>, (3B)] and (4), the childcare grant is available in respect of an academic year in which A incurs prescribed childcare charges for—

- (a) a dependent child who is under the age of 15 immediately before the beginning of the academic year; or
  - (b) a dependent child who has special educational needs within the meaning of [<sup>F47</sup>section 20 of the Children and Families Act 2014] and is under the age of 17 immediately before the beginning of the academic year.
- (3) A does not qualify for a childcare grant if <sup>F48</sup>... [<sup>F49</sup>—
- (a) [<sup>F50</sup>A or A's partner] has elected to receive the childcare element of the working tax credit under Part 1 of the Tax Credits Act 2002; <sup>F51</sup>...
  - (b) [<sup>F52</sup>A or A's partner] is entitled to an award of universal credit the calculation of which includes an amount under regulation 31 of the Universal Credit Regulations 2013 (childcare costs element)]<sup>F53</sup>...
- [<sup>F54</sup>(c) A's partner has elected to receive financial support for childcare under a healthcare bursary [<sup>F55</sup>or Scottish healthcare allowance]]<sup>F56</sup>; or]]
- [<sup>F57</sup>(d) A's partner is eligible for a healthcare tuition payment and has elected to receive financial support for childcare under section 63 of the Health Services and Public Health Act 1968.]

[<sup>F58</sup>(3A) In this regulation, the terms “entitlement period” and “valid declaration of eligibility” have the same meanings as they have for the purposes of the Childcare Payments Act 2014 and regulations made thereunder.

(3B) A does not qualify for a childcare grant during any entitlement period for which A or A's partner has made a valid declaration of eligibility under the Childcare Payments Act 2014 in relation to any child.]

(4) A does not qualify for a childcare grant if the prescribed childcare charges that A incurs for A's child are paid or to be paid by A to A's partner.

- (5) Subject to [<sup>F59</sup>paragraphs (6) and (8)], the basic amount of childcare grant for each week is—
- (a) for one dependent child, 85 per cent. of the prescribed childcare charges, subject to a maximum amount of [<sup>F60</sup>£169.31] per week; or
  - (b) for two or more dependent children, 85 per cent. of the prescribed childcare charges, subject to a maximum amount of [<sup>F61</sup>£290.27] per week

except that A does not qualify for any such grant in respect of each week falling within the period between the end of the course and the end of the academic year in which the course ends.

- (6) For the purposes of calculating the basic amount of childcare grant—
- (a) a week runs from Monday to Sunday; and

(b) where a week in respect of which prescribed childcare charges are incurred falls partly within and partly outside the academic year in respect of which childcare grant is payable under this regulation, the maximum weekly amount of grant is calculated by multiplying the relevant maximum weekly amount in paragraph (5) by the number of days of that week falling within the academic year and dividing the product by seven.

(7) In this regulation “prescribed childcare charges” means childcare charges of a description prescribed for the purposes of section 12 of the Tax Credits Act 2002 <sup>M9</sup>.

<sup>F62</sup>(8) .....

<sup>F63</sup>(9) .....

(10) Subject to paragraph <sup>F64</sup>... (11), a childcare grant is payable in respect of the four quarters of the academic year.

(11) Subject to paragraph (12), where one of the events listed in regulation 17(a), (b), (c), (e), (f), (g) or (h) occurs in the course of an academic year, a student may qualify for a childcare grant in respect of such quarters as begin after the relevant event occurs.

(12) Where the state of which the student is a national accedes to the EU the student may qualify for the childcare grant only if the student has been ordinarily resident in the United Kingdom and Islands throughout the three year period immediately preceding the first day of the first academic year of the course.

#### Textual Amendments

- F46** Word in reg. 45(2) inserted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **18(a)**
- F47** Words in reg. 45(2)(b) substituted (1.9.2014) by [The Special Educational Needs \(Consequential Amendments to Subordinate Legislation\) Order 2014 \(S.I. 2014/2103\)](#), arts. 1, **39**
- F48** Words in reg. 45(3) omitted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **11(a)**
- F49** Words in reg. 45(3) substituted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **54(4)**
- F50** Words in reg. 45(3)(a) inserted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **11(b)**
- F51** Word in reg. 45(3)(a) omitted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **11(b)**
- F52** Words in reg. 45(3)(b) inserted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **11(c)**
- F53** Word in reg. 45(3)(b) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **12(a)**
- F54** Reg. 45(3)(c) inserted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **11(d)**
- F55** Words in reg. 45(3)(c) inserted (3.3.2017) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(2), **12(b)(i)**
- F56** Word in reg. 45(3)(c) substituted for full-stop (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **12(b)(ii)**

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- F57** Reg. 45(3)(d) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **12(c)**
- F58** Reg. 45(3A)(3B) inserted (23.12.2015) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **18(b)**
- F59** Words in reg. 45(5) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(2)(a), **17**
- F60** Sum in reg. 45(5)(a) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**
- F61** Sum in reg. 45(5)(b) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**
- F62** Reg. 45(8) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **14(a)**
- F63** Reg. 45(9) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **14(a)**
- F64** Words in reg. 45(10) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **14(b)**

#### Marginal Citations

- M9** Regulation 14 of the Working Tax Credit (Entitlement and Maximum Amount) Regulations 2002 (S.I. 2002/2005; as amended by S.I. 2003/701, S.I. 2003/2815, S.I. 2004/762, S.I. 2004/1276, S.I. 2004/2663, S.I. 2005/681, S.I. 2005/769, S.I. 2005/2919, S.I. 2006/217, S.I. 2006/766, S.I. 2006/963, S.I. 2007/824, S.I. 2007/968, S.I. 2007/2479, S.I. 2008/604, S.I. 2008/1879, S.I. 2008/2169, S.I. 2009/679 and S.I. 2009/800) S.I. 2009/2887, S.I. 2010/751, S.I. 2011/721 sets out the charges that are prescribed for the purposes of section 12 of the Tax Credits Act 2002.

#### Parents' learning allowance

**46.**—(1) An eligible student (“A”) qualifies in connection with A's attendance on a designated course for the parents' learning allowance if A has one or more dependants who are dependent children.

(2) The amount of parents' learning allowance payable in respect of an academic year is calculated in accordance with regulation 47, the basic amount being [<sup>F65</sup>£1,716].

#### Textual Amendments

- F65** Sum in reg. 46(2) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**

#### Calculations

**47.**—[<sup>F66</sup>(1) The amount of adult dependants' grant payable in respect of an academic year beginning on or after 1st August 2019 is calculated in accordance with paragraphs (1A), (1B), (1C) and (4).

(1A) Subject to paragraph (1C), the amount of adult dependants' grant payable is an amount equal to—

$$A-(B+C)-D2$$

Where—

- (i) A is the basic amount mentioned in regulation 44(3);
- (ii) B is the residual income of any adult dependants and the eligible student's partner for the prior financial year;
- (iii) C is the net income of any dependent child or children for the prior financial year; and
- (iv) D is £8,746.

(1B) Where the residual income of any adult dependants and the eligible student's partner and the net income of any dependent child or children exceeds £14,759.98, the amount of adult dependants' grant payable is nil.

(1C) The basic amount of adult dependants' grant mentioned in paragraph (3) of regulation 44 is payable instead of the amount payable under paragraph (1A) to an eligible student—

- (a) who was in receipt of adult dependants' grant and parents' learning allowance in respect of an academic year of a course beginning on or after 1st August 2018 but before 1st August 2019;
- (b) who is undertaking—
  - (i) a subsequent year of the same course in an academic year beginning on or after 1st August 2019 without their participation in that course having been withdrawn or suspended; or
  - (ii) a year of a course in an academic year beginning on or after 1st August 2019, without their participation in that course having been withdrawn or suspended, having transferred from the course mentioned in sub-paragraph (a);
- (c) who qualifies for and who is entitled to receive parents' learning allowance in respect of an academic year mentioned in sub-paragraph (b);
- (d) in respect of whom the amount of adult dependants' grant payable under paragraph (1A) after the application of any contribution calculated under Part 8 would, other than by virtue of an increase in the residual income of any adult dependants and the eligible student's partner and the net income of any dependent child or children, be lower than the amount of adult dependants' grant received in the academic year mentioned in sub-paragraph (a); and
- (e) in respect of whom the residual income of any adult dependants and the eligible student's partner and the net income of any dependent child or children is at least £8,746 but does not exceed £12,776.

(2) The amount of childcare grant payable in respect of an academic year beginning on or after 1st August 2019 is calculated in accordance with paragraph (2A), (2C) and (5) where the eligible student has one dependent child only, and in accordance with paragraph (2B), (2C) and (5) where the eligible student has two or more dependent children.

(2A) The amount of childcare grant payable is an amount equal to—

$$A-[(B+C)-D] \times [E52]$$

Where—

- (i) A is the basic amount mentioned in paragraph (5)(a) of regulation 45 multiplied by 52;
- (ii) B is the residual income of any adult dependants and the eligible student's partner for the prior financial year;
- (iii) C is the net income of the dependent child for the prior financial year;



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- (iv) D is £9,727; and
- (v) E is the number of weeks in respect of which the eligible student applies and qualifies for childcare grant up to a maximum of 52 weeks.

(2B) The amount of childcare grant payable is an amount equal to—

$$A - [(B+C) - D] \times [E52]$$

Where—

- (i) A is the basic amount mentioned in paragraph (5)(b) of regulation 45 multiplied by 52;
- (ii) B is the residual income of any adult dependants and the eligible student's partner for the prior financial year;
- (iii) C is the net income of the dependent children for the prior financial year;
- (iv) D is £11,118; and
- (v) E is the number of weeks in respect of which the eligible student applies and qualifies for childcare grant up to a maximum of 52 weeks.

(2C) Where—

- (i) the eligible student has one dependent child only and the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child exceeds £18,531.11, the amount of childcare grant payable is nil;
- (ii) the eligible student has two or more dependent children and the residual income of any adult dependants and the eligible student's partner and the net income of the dependent children exceeds £26,212.03, the amount of childcare grant payable is nil.

(3) The amount of parents' learning allowance payable in respect of an academic year beginning on or after 1st August 2019 is calculated in accordance with paragraphs (3A), (3B) and (3C).

(3A) Subject to paragraph (3C), the amount of parents' learning allowance payable is an amount equal to—

$$A - (B+C) - D2$$

Where—

- (i) A is the basic amount mentioned in paragraph (2) of regulation 46;
- (ii) B is the residual income of any adult dependants and the eligible student's partner for the prior financial year;
- (iii) C is the net income of the dependent child or children for the prior financial year; and
- (iv) D is £14,910.

(3B) Where the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child or children exceeds £18,341.98, the amount of parents' learning allowance payable is nil.

(3C) The basic amount of parents' learning allowance mentioned in paragraph (2) of regulation 46 is payable instead of the amount payable under paragraph (3A) to an eligible student—

- (a) who was in receipt of parents' learning allowance in respect of an academic year of a course beginning on or after 1st August 2018 but before 1st August 2019;
- (b) who is undertaking—
  - (i) a subsequent year of the same course in an academic year beginning on or after 1st August 2019 without their participation in that course having been withdrawn or suspended; or



- (ii) a year of a course in an academic year beginning on or after 1st August 2019, without their participation in that course having been withdrawn or suspended, having transferred from the course mentioned in sub-paragraph (a);
- (c) in respect of whom the total amount of parents' learning allowance payable under paragraph (3A) after the application of any contribution calculated under Part 8 would, other than by virtue of an increase in the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child or children, be lower than the amount of parents' learning allowance received under sub-paragraph (a); and
  - (i) who qualifies for and is entitled to receive adult dependants' grant and childcare grant under this Part, who has one dependent child only, and in respect of whom the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child is at least £14,910 but does not exceed £23,154;
  - (ii) who qualifies for and is entitled to receive adult dependants' grant and childcare grant under this Part, who has two or more dependent children, and in respect of whom the residual income of any adult dependants and the eligible student's partner and the net income of the dependent children is at least £14,910 but does not exceed £30,609;
  - (iii) who qualifies for and is entitled to receive childcare grant under this Part, who does not qualify for or is not entitled to receive adult dependants' grant under this Part, who has one dependent child only, and in respect of whom the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child is at least £14,910 but does not exceed £20,147; or
  - (iv) who qualifies for and is entitled to receive childcare grant under this Part, who does not qualify for or who is not entitled to receive adult dependants' grant under this Part, who has two or more dependent children, and in respect of whom the residual income of any adult dependants and the eligible student's partner and the net income of the dependent children is at least £14,910 but does not exceed £27,062.]
- (4) The amount of adult dependants' grant calculated under paragraph [F67(1A), (1B) and (1C)] in respect of an adult dependant is reduced by one half where—
  - (a) the eligible student's partner—
    - (i) is an eligible student; or
    - (ii) holds a statutory award; and
  - (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which that partner is entitled under the statutory award.
- (5) The amount of childcare grant calculated under paragraph [F68(2A) and (2C), or (2B) and (2C)] is reduced by one half where—
  - (a) the eligible student's partner—
    - (i) is an eligible student; or
    - (ii) holds a statutory award; and
  - (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which that partner is entitled under the statutory award.
- (6) Where the amount of the parents' learning allowance calculated under paragraph [F69(3A) and (3B)] is £0.01 or more but less than £50, the amount of parents' learning allowance payable is £50.

<sup>F70</sup>(7) .....

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<sup>F71</sup>(7A) .....

(7B) Where the Secretary of State is satisfied that the net income of the eligible student's dependent children in the financial year beginning immediately before the relevant year ("the current financial year") is likely to be not more than 85 per cent of the sterling value of their net income in the prior financial year the Secretary of State may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the dependent children's net income for the current financial year.

(7C) In the event that paragraph (7B) or this paragraph is applied in the previous academic year of the current course and the Secretary of State is satisfied that the net income of the eligible student's dependent children in the financial year beginning immediately before the relevant year ("the current financial year") is likely to be not more than 85 per cent of the sterling value of their net income in the previous financial year the Secretary of State may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the dependent children's net income for the current financial year.

(7D) In an academic year immediately following one in which the Secretary of State has ascertained the eligible student's dependent children's net income for the current financial year under paragraph (7B) and, where applicable, under sub-paragraph (7C) the Secretary of State must ascertain the dependent children's net income in the preceding financial year.

(8) Paragraphs (9) to (12) apply where, in the course of the academic year, any of the following occurs—

- (a) there is a change in the number of the eligible student's dependants;
- (b) a person becomes or ceases to be a dependant of the eligible student;

<sup>F72</sup>(c) .....

- (d) a student becomes eligible for support as a result of an event referred to in regulation 17.

(9) For the purposes of determining <sup>F73</sup>... whether adult dependants' grant or parents' learning allowance is payable, the Secretary of State must determine the following in relation to each relevant quarter by reference to the student's circumstances in the relevant quarter—

- (a) how many dependants the eligible student is to be treated as having;
- (b) who those dependants are;

<sup>F74</sup>(c) .....

(10) The amount of grant for dependants for the academic year is the aggregate of the amounts of adult dependants' grant and parents' learning allowance calculated in respect of each relevant quarter under paragraph (11) and the amount of any childcare grant for the academic year.

(11) The amount of adult dependants' grant and parents' learning allowance in respect of a relevant quarter is one third of what that grant or allowance would be for the academic year if the student's circumstances in the relevant quarter <sup>F75</sup>... applied for the duration of the academic year.

(12) In this regulation, a "relevant quarter" means—

- (a) in the case of a person referred to in paragraph (8)(d), a quarter which begins after the relevant event occurs other than a quarter during which, in the opinion of the Secretary of State, the longest of any vacation occurs;
- (b) otherwise, a quarter other than the one quarter during which, in the opinion of the Secretary of State, the longest of any vacation occurs.

(13) A deduction may be made in accordance with Part 8 from the amount payable in respect of a particular element of the grant for dependants calculated under this Part.

### Textual Amendments

- F66** Reg. 47(1)-(3C) substituted for reg. 47(1)-(3) (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **15(2)**
- F67** Words in reg. 47(4) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **15(3)**
- F68** Words in reg. 47(5) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **15(4)**
- F69** Words in reg. 47(6) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **15(5)**
- F70** Reg. 47(7) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **15(6)**
- F71** Reg. 47(7A) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **15(6)**
- F72** Reg. 47(8)(c) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **15(7)**
- F73** Words in reg. 47(9) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **15(8)(i)**
- F74** Reg. 47(9)(c) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **15(8)(ii)**
- F75** Words in reg. 47(11) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **15(9)**

## CHAPTER 5

### GRANTS FOR TRAVEL

#### Interpretation

- 48.** For the purposes of this Chapter—
- (a) any reference to expenditure incurred for the purpose of attending an institution or period of study or period of overseas work placement in an Erasmus year.
    - (i) includes expenditure both before and after so attending; and
    - (ii) does not include any expenditure in respect of which a grant is payable under Chapter 3 of this Part;
  - (b) “qualifying quarter” means a quarter during which the eligible student attends as part of the student's course an overseas institution or the Institute or overseas workplace in an Erasmus year for at least half the period covered by that quarter.

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## General

**49.** A grant for travel is available—

- (a) to eligible students attending courses in medicine or dentistry in accordance with regulation 50;
- (b) to eligible students attending an overseas institution or the Institute or overseas workplace in an Erasmus year in accordance with regulation 52.

[<sup>F76</sup>**49A.**—(1) Subject to paragraph (2), a grant for travel is payable in respect of the four quarters of the academic year.

(2) Subject to paragraph (3), where one of the events listed in regulation 17(a), (b), (c), (e), (f), (g) or (h) occurs in the course of an academic year, a student may qualify for a grant for travel in respect of such quarters as begin after the relevant event occurs.

(3) Where the state of which the student is a national accedes to the EU the student may qualify for the grant for travel only if the student has been ordinarily resident in the United Kingdom and Islands throughout the three year period immediately preceding the first day of the first academic year of the course.]

### Textual Amendments

**F76** Reg. 49A inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(2)(a), **20**

## Qualifying conditions for the grant for travel – courses in medicine and dentistry

**50.** A grant is available to an eligible student attending a course in medicine or dentistry (a necessary part of which is a period of study by way of clinical training) in respect of the reasonable expenditure which the student is obliged to incur in an academic year for the purpose of attending in connection with the student's course any hospital or other premises in the United Kingdom (not comprised in the institution) at which facilities for clinical training are provided other than expenditure incurred for the purpose of residential study away from the institution.

## Amount of the grant for travel – courses in medicine and dentistry

**51.** The amount of grant payable under regulation 50 in respect of an academic year is equal to the reasonable expenditure that the Secretary of State determines the eligible student is obliged to incur for the purposes set out in that regulation less £303.

## Qualifying conditions for the grant for travel – overseas study

**52.** A grant is available to an eligible student in respect of the reasonable expenditure which the student is obliged to incur in each qualifying quarter within or outside the United Kingdom for the purpose of attending as part of the student's course the overseas institution or the Institute or overseas workplace in an Erasmus year.

## Amount of the grant for travel – overseas study

**53.** The amount of grant payable under regulation 52 in respect of an academic year is calculated as follows—

$$(X - \text{£ } 303) + Y$$

X is the aggregate of the reasonable travel costs that the eligible student is obliged to incur in each qualifying quarter for the purposes set out in regulation 52.

Y is the aggregate of the expenditure incurred in each qualifying quarter specified in regulation 54.

54. The expenditure specified in this regulation is—

- (a) expenditure that the eligible student reasonably incurs 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 the period the student is attending the overseas institution or the Institute;
- (b) the cost of a visa or visas that the eligible student is obliged to obtain in order to attend the overseas institution or the Institute; and
- (c) medical costs that the eligible student reasonably incurs in order to fulfil a mandatory condition of entry into the territory, country or state in which the overseas institution or the Institute is situated.

**Deductions from the grant for travel**

55. A deduction may be made from any grant under this Chapter in accordance with Part 8.

CHAPTER 6

MAINTENANCE GRANTS FOR CURRENT SYSTEM STUDENTS

**Qualifying conditions for the maintenance grant**

56.—(1) A current system student [<sup>F77</sup>who is not a 2016 cohort student] qualifies in accordance with this regulation for a maintenance grant in connection with the student's attendance on a designated course (other than a distance learning course).

(2) A current system student does not qualify for a maintenance grant if the student qualifies for a special support grant.

(3) If a current system student does not qualify for a fee loan in respect of an academic year of the designated course, the student cannot qualify for a maintenance grant for that year unless the reason that the student does not qualify for a fee loan is that—

- (a) the year is an Erasmus year [<sup>F78</sup>in accordance with regulation 19(2)] [<sup>F79</sup>.]

<sup>F80</sup>(b) .....

(4) A current system student does not qualify for a maintenance grant if the current course is the graduate entry accelerated programme.

[<sup>F81</sup>(5) Subject to paragraph (6), a maintenance grant is payable to a qualifying student in respect of the four quarters of the academic year.

(6) Subject to paragraph (7), where one of the events listed in regulation 17 (a), (b), (c), (e), (f), (g) or (h) occurs in the course of an academic year, a student may qualify for a maintenance grant in respect of such quarters as begin after the relevant event occurs.

(7) Where the state of which the student is a national accedes to the EU the student may qualify for the maintenance grant only if the student has been ordinarily resident in the United Kingdom and

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Islands throughout the three year period immediately preceding the first day of the first academic year of the course.]

**Textual Amendments**

- F77** Words in [reg. 56\(1\)](#) inserted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), **19(a)**
- F78** Words in [reg. 56\(3\)\(a\)](#) inserted (with application in accordance with [reg. 1\(2\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), [regs. 1\(2\)\(a\)](#), **11**
- F79** Full stop in [reg. 56\(3\)\(a\)](#) substituted for word (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), **19(b)(i)**
- F80** [Reg. 56\(3\)\(b\)](#) omitted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), **19(b)(ii)**
- F81** [Reg. 56\(5\)-\(7\)](#) inserted (with application in accordance with [reg. 1\(2\)\(b\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), [regs. 1\(2\)\(a\)](#), **21**

**Amount of the maintenance grant – 2008 cohort students**

**57.**—<sup>F82</sup>(1) The maximum amount of maintenance grant available to a 2008 cohort student in respect of an academic year is [<sup>F83</sup>£3,391].]

- <sup>F84</sup>(2) .....
- <sup>F84</sup>(3) .....
- <sup>F85</sup>(4) .....

(5) <sup>F86</sup>A 2008 cohort student ... who qualifies for a maintenance grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives [<sup>F87</sup>£3,391];
- (b) where the household income exceeds £25,000 but does not exceed [<sup>F88</sup>£61,055], the student

receives an amount equal to  $M - (A + B)$  where—

$M$  is [<sup>F88</sup>£3,391]

$A$  is £1 for every complete [<sup>F88</sup>£5.10] by which the household income exceeds £25,000 but does not exceed [<sup>F88</sup>£34,726]

$B$  is £1 for every complete [<sup>F88</sup>£18.36] by which the household income exceeds [<sup>F88</sup>£34,726] but does not exceed [<sup>F88</sup>£61,055]; and

- (c) where the household income exceeds [<sup>F89</sup>£61,055], no maintenance grant is payable.

**Textual Amendments**

- F82** [Reg. 57\(1\)](#) substituted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), **20(a)**
- F83** Sum in [reg. 57\(1\)](#) substituted (with application in accordance with [reg. 1\(2\)\(5\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), [reg. 1\(1\)](#), **Sch.**

- F84** Reg. 57(2)(3) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **20(b)**
- F85** Reg. 57(4) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **20(b)**
- F86** Words in reg. 57(5) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **20(c)**
- F87** Sum in reg. 57(5)(a) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**
- F88** Sums in reg. 57(5)(b) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**
- F89** Sum in reg. 57(5)(c) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**

### Amount of the maintenance grant – 2009 cohort students

**58.**—<sup>F90</sup>(1) The maximum amount of maintenance grant available to a 2009 cohort student in respect of an academic year is <sup>F91</sup>£3,391.]

- <sup>F92</sup>(2) .....
- <sup>F92</sup>(3) .....
- <sup>F93</sup>(4) .....

(5) <sup>F94</sup>A 2009 cohort student ... who qualifies for a maintenance grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives <sup>F95</sup>£3,391];
- (b) where the household income exceeds £25,000 but does not exceed <sup>F96</sup>£50,706], the student

receives an amount equal to  $M - (A + B)$  where—

$M$  is <sup>F97</sup>£3,391]

$A$  is £1 for every complete <sup>F97</sup>£4.57] by which the household income exceeds £25,000 but does not exceed <sup>F97</sup>£34,259]

$B$  is £1 for every complete <sup>F97</sup>£12.50] by which the household income exceeds <sup>F97</sup>£34,259] but does not exceed <sup>F96</sup>£50,706]; and

- (c) where the household income exceeds <sup>F98</sup>£50,706], no maintenance grant is payable.

### Textual Amendments

- F90** Reg. 58(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **21(a)**
- F91** Sum in reg. 58(1) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**



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- F92** Reg. 58(2)(3) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **21(b)**
- F93** Reg. 58(4) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **21(b)**
- F94** Words in reg. 58(5) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **21(c)**
- F95** Sum in reg. 58(5)(a) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**
- F96** Sums in reg. 58(5)(b) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), reg. 1(2)(a), **Sch.**
- F97** Sums in reg. 58(5)(b) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**
- F98** Sum in reg. 58(5)(c) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), reg. 1(2)(a), **Sch.**

### Amount of the maintenance grant – 2012 cohort students

**59.**—(1) The maximum amount of maintenance grant available to a 2012 cohort student in respect of an academic year is [<sup>F99</sup>£3,694].

(2) A 2012 cohort student who qualifies for a maintenance grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives [<sup>F100</sup>£3,694]
- (b) where the household income exceeds £25,000 but does not exceed [<sup>F101</sup>£42,674] the student receives an amount equal to  $M - A$  where—  
 $M$  is [<sup>F101</sup>£3,694]  
 $A$  is £1 for every complete [<sup>F101</sup>£4.85] by which the household income exceeds £25,000; and
- (c) where the household income exceeds [<sup>F102</sup>£42,674], no maintenance grant is payable.

### Textual Amendments

- F99** Sum in reg. 59(1) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**
- F100** Sum in reg. 59(2)(a) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**
- F101** Sums in reg. 59(2)(b) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**



**F102** Sum in reg. 59(2)(c) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**

**[<sup>F103</sup>Amount of the maintenance grant – current system students who are not 2008, 2009, 2012 or 2016 cohort students]**

**60.**—[<sup>F104</sup>(1) The maximum amount of maintenance grant available to a current system student who is not a 2008, 2009, 2012 or 2016 cohort student in respect of an academic year is [<sup>F105</sup>£3,391].]

<sup>F106</sup>(2) .....

<sup>F106</sup>(3) .....

<sup>F107</sup>(4) .....

(5) A current system student [<sup>F108</sup>other than a 2008, 2009, 2012 or 2016 cohort student] who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,360 or less, the student receives [<sup>F109</sup>£3,391];
- (b) where the household income exceeds £18,360 but does not exceed [<sup>F110</sup>£39,573], the

student receives an amount equal to  $M - (A + B)$  where—

$M$  is [<sup>F110</sup>£3,391]

$A$  is £1 for every complete [<sup>F110</sup>£5.10] by which the household income exceeds £18,360 but does not exceed [<sup>F110</sup>£28,086];

$B$  is £1 for every complete [<sup>F110</sup>£8.01] by which the household income exceeds [<sup>F110</sup>£28,086] but does not exceed [<sup>F110</sup>£39,573];

- (c) where the household income exceeds [<sup>F111</sup>£39,573], no maintenance grant is payable.

**Textual Amendments**

**F103** Reg. 60 heading substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **22(a)**

**F104** Reg. 60(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **22(b)**

**F105** Sum in reg. 60(1) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**

**F106** Reg. 60(2)(3) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **22(c)**

**F107** Reg. 60(4) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **22(c)**

**F108** Words in reg. 60(5) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **22(d)**

**F109** Sum in reg. 60(5)(a) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**

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- F110** Sums in reg. 60(5)(b) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**
- F111** Sum in reg. 60(5)(c) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**

CHAPTER 7

SPECIAL SUPPORT GRANTS FOR CURRENT SYSTEM STUDENTS

**Qualifying conditions for the special support grant**

**61.**—<sup>F112</sup>(A1) A current system student who is a 2016 cohort student does not qualify for a special support grant.]

(1) A current system student qualifies in accordance with this regulation for a special support grant in connection with the student's attendance on a designated course (other than a distance learning course) to defray the costs of books, equipment, travel or childcare incurred for the purpose of attending that course.

(2) A current system student qualifies for a special support grant if the student—

- (a) falls within a prescribed category of person for the purposes of section 124(1)(e) of the Social Security Contributions and Benefits Act 1992 <sup>M10, F113</sup> ...
- (b) is treated as being liable to make payments in respect of a dwelling prescribed by regulations made under section 130(2) of that Act <sup>M11</sup><sup>F114</sup>; or
- (c) under regulation 25(3) of the Universal Credit Regulations 2013 is liable or treated as being liable to make payments in respect of the accommodation they occupy as their home].

(3) If a current system student does not qualify for a fee loan in respect of an academic year of the designated course, the student cannot qualify for a special support grant for that year unless the reason that the student does not qualify for a fee loan is that—

- (a) the year is an Erasmus year <sup>F115</sup>in accordance with regulation 19(2)]<sup>F116</sup>.]

<sup>F117</sup>(b) . . . . .

(4) A current system student does not qualify for a special support grant if the current course is the graduate entry accelerated programme.

<sup>F118</sup>(5) Subject to regulation (6), a special support grant is payable in respect of the four quarters of the academic year.

(6) Subject to paragraph (7), where one of the events listed in regulation 17 (a), (b), (c), (e), (f), (g) or (h) occurs in the course of an academic year, a student may qualify for a special support grant in respect of such quarters as begin after the relevant event occurs.

(7) Where the state of which the student is a national accedes to the EU the student may qualify for the special support grant only if the student has been ordinarily resident in the United Kingdom and Islands throughout the three year period immediately preceding the first day of the first academic year of the course.]

- Textual Amendments**
- F112** Reg. 61(A1) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **23(a)**

- F113** Word in reg. 61(2) omitted (29.4.2013) by virtue of The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **54(5)**
- F114** Reg. 61(2)(c) and word inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **54(5)**
- F115** Words in reg. 61(3)(a) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **12**
- F116** Full stop in reg. 61(3)(a) substituted for word (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **23(b)(i)**
- F117** Reg. 61(3)(b) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **23(b)(ii)**
- F118** Reg. 61(5)-(7) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(2)(a), **23**

**Marginal Citations**

- M10** 1992 c.4 inserted by the Jobseekers Act 1995 (c.18), **Schedule 2 paragraph 30** (5). The relevant regulation is regulation 4ZA of the Income Support (General) Regulations 1987 (S.I. 1987/1967). Regulation 4ZA was inserted by S.I. 1996/206, amended by S.I. 2000/1981, S.I. 2006/2144, S.I.2008/1826 and S.I.2009/583; there are other amending instruments but none is relevant.
- M11** There are amendments to section 130 which are not relevant to these Regulations. The relevant regulation is regulation 56 of the Housing Benefit Regulations 2006 (S.I. 2006/213, as amended by S.I. 2006/718, S.I.2008/1042, S.I.2008/1082 and 2009/583).

**Amount of the special support grant – 2008 cohort students**

**62.**—<sup>F119</sup>(1) The maximum amount of special support grant available to a 2008 cohort student in respect of an academic year is [<sup>F120</sup>£3,391].]

- <sup>F121</sup>(2) .....
- <sup>F121</sup>(3) .....
- <sup>F122</sup>(4) .....

(5) <sup>F123</sup>A 2008 cohort student ... who qualifies for a special support grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives [<sup>F124</sup>£3,391];
- (b) where the household income exceeds £25,000 but does not exceed [<sup>F125</sup>£61,055], the

student receives an amount equal to  $M - (A + B)$  where—

$M$  is [<sup>F125</sup>£3,391],

$A$  is £1 for every complete [<sup>F125</sup>£5.10] by which the household income exceeds £25,000 but does not exceed [<sup>F125</sup>£34,726],

$B$  is £1 for every complete [<sup>F125</sup>£18.36] by which the household income exceeds [<sup>F125</sup>£34,726] but does not exceed [<sup>F125</sup>£61,055]; and

- (c) where the household income exceeds [<sup>F126</sup>£61,055], no special support grant is payable.

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**Textual Amendments**

- F119** Reg. 62(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **24(a)**
- F120** Sum in reg. 62(1) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**
- F121** Reg. 62(2)(3) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **24(b)**
- F122** Reg. 62(4) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **24(b)**
- F123** Words in reg. 62(5) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **24(c)**
- F124** Sum in reg. 62(5)(a) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**
- F125** Sums in reg. 62(5)(b) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**
- F126** Sum in reg. 62(5)(c) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**

**Amount of the special support grant – 2009 cohort students**

**63.**—<sup>F127</sup>(1) The maximum amount of special support grant available to a 2009 cohort student in respect of an academic year is [<sup>F128</sup>£3,391].]

<sup>F129</sup>(2) .....

<sup>F129</sup>(3) .....

<sup>F130</sup>(4) .....

(5) <sup>F131</sup>A 2009 cohort student ... who qualifies for a special support grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

(a) where the household income is £25,000 or less, the student receives [<sup>F132</sup>£3,391];

(b) where the household income exceeds £25,000 but does not exceed [<sup>F133</sup>£50,706], the

student receives an amount equal to  $M - (A + B)$  where—

$M$  is [<sup>F134</sup>£3,391]

$A$  is £1 for every complete [<sup>F134</sup>£4.57] by which the household income exceeds £25,000 but does not exceed [<sup>F134</sup>£34,259]

$B$  is £1 for every complete [<sup>F134</sup>£12.50] by which the household income exceeds [<sup>F134</sup>£34,259] but does not exceed [<sup>F133</sup>£50,706]; and

(c) where the household income exceeds [<sup>F135</sup>£50,706], no special support grant is payable.

### Textual Amendments

- F127** Reg. 63(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **25(a)**
- F128** Sum in reg. 63(1) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**
- F129** Reg. 63(2)(3) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **25(b)**
- F130** Reg. 63(4) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **25(b)**
- F131** Words in reg. 63(5) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **25(c)**
- F132** Sum in reg. 63(5)(a) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**
- F133** Sums in reg. 63(5)(b) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), reg. 1(2)(a), **Sch.**
- F134** Sums in reg. 63(5)(b) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**
- F135** Sum in reg. 63(5)(c) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), reg. 1(2)(a), **Sch.**

### Amount of the special support grant – 2012 cohort students

64.—(1) The maximum amount of [<sup>F136</sup>special support grant] available to a 2012 cohort student in respect of an academic year is [<sup>F137</sup>£3,694].

(2) A 2012 cohort student who qualifies for a [<sup>F136</sup>special support grant] in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives [<sup>F138</sup>£3,694];
- (b) where the household income exceeds £25,000 but does not exceed [<sup>F139</sup>£42,674] the student receives an amount equal to  $M - A$  where—  
 $M$  is [<sup>F139</sup>£3,694]  
 $A$  is £1 for every complete [<sup>F139</sup>£4.85] by which the household income exceeds £25,000; and
- (c) where the household income exceeds [<sup>F140</sup>£42,674], no [<sup>F136</sup>special support grant] is payable.

### Textual Amendments

- F136** Words in reg. 64(1)(2) substituted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **25**

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- F137** Sum in reg. 64(1) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**
- F138** Sum in reg. 64(2)(a) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**
- F139** Sums in reg. 64(2)(b) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**
- F140** Sum in reg. 64(2)(c) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**

### **[<sup>F141</sup>Amount of the special support grant – current system students who are not 2008, 2009, 2012 or 2016 cohort students]**

**65.**—[<sup>F142</sup>(1) The maximum amount of special support grant available to a current system student who is not a 2008, 2009, 2012 or 2016 cohort student in respect of an academic year is [<sup>F143</sup>£3,391].]

<sup>F144</sup>(2) .....

<sup>F144</sup>(3) .....

<sup>F145</sup>(4) .....

(5) A current system student [<sup>F146</sup>other than a 2008, 2009, 2012 or 2016 cohort student] who qualifies for a special support grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,360 or less, the student receives [<sup>F147</sup>£3,391];
- (b) where the household income exceeds £18,360 but does not exceed [<sup>F148</sup>£39,573], the

student receives an amount equal to  $M - (A + B)$  where—

$M$  is [<sup>F148</sup>£3,391]

$A$  is £1 for every complete [<sup>F148</sup>£5.10] by which the household income exceeds £18,360 but does not exceed [<sup>F148</sup>£28,086];

$B$  is £1 for every complete [<sup>F148</sup>£8.01] by which the household income exceeds [<sup>F148</sup>£28,086] but does not exceed [<sup>F148</sup>£39,573];

- (c) where the household income exceeds [<sup>F149</sup>£39,573], no special support grant is payable.

#### **Textual Amendments**

- F141** Reg. 65 heading substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **26(a)**
- F142** Reg. 65(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **26(b)**
- F143** Sum in reg. 65(1) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), reg. 1(1), **Sch.**
- F144** Reg. 65(2)(3) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **26(c)**



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- F145** Reg. 65(4) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **26(c)**
- F146** Words in reg. 65(5) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **26(d)**
- F147** Sum in reg. 65(5)(a) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**
- F148** Sums in reg. 65(5)(b) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**
- F149** Sum in reg. 65(5)(c) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), reg. 1(1), **Sch.**

## CHAPTER 8

### HIGHER EDUCATION GRANTS FOR OLD SYSTEM STUDENTS

#### Qualifying conditions for the higher education grant

**66.**—(1) An old system student qualifies in accordance with this regulation for a higher education grant in connection with the student's attendance on a designated course to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course.

(2) An old system student does not qualify for a higher education grant unless the student began the specified designated course on or after 1st September 2004.

(3) If an old system student does not qualify for a grant for fees in respect of an academic year of the designated course, the student cannot qualify for a higher education grant for that year unless the reason that the student does not qualify for a grant for fees is that—

(a) the year is an Erasmus year<sup>[F150.]</sup>

<sup>F151</sup>(b) .....

#### Textual Amendments

**F150** Full stop in reg. 66(3)(a) substituted for word (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **27(a)**

**F151** Reg. 66(3)(b) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **27(b)**

#### Amount of the higher education grant

**67.**—(1) The maximum amount of higher education grant available in respect of an academic year is [<sup>F152</sup>£1,010].

(2) An old system student who qualifies for a higher education grant receives an amount as follows—

(a) where the household income is £16,750 or less, the student receives [<sup>F153</sup>£1,010];

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- (b) where the household income exceeds £16,750 and does not exceed £22,735, the student receives an amount equal to  $M - A$  where—
- $M$  is [<sup>F154</sup>£1,010]
- $A$  is £1 for every complete [<sup>F154</sup>£6.23] by which the household income exceeds £16,750; and
- (c) where the household income exceeds £22,735, no higher education grant is payable.

#### Textual Amendments

- F152** Sum in reg. 67(1) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), reg. 1(2)(a), **Sch.**
- F153** Sum in reg. 67(2)(a) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), reg. 1(2)(a), **Sch.**
- F154** Sums in reg. 67(2)(b) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), reg. 1(2)(a), **Sch.**



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