

ANNEX 1

Extracts from Education (Mandatory Awards) Regulations 2001, S.I. 2001/1734

Regulations 2 to 4, 6(3) and (4), 10, 17, 18 20 to 22, Schedule 2, and paragraphs 1 and 2 of Schedule 5 are reproduced below. The Schedule 2 and 5 extracts are in particular relevant to regulations 61 and 62(2A) and (3) and para. 12 of Schedule 1B above.

In these extracts, differences from the wording of the corresponding provisions in the Education (Mandatory Awards) Regulations 2000 (S.I.2000/2123, superseded by S.I. 2001/1734 as from 1.9.01) are indicated in bold type or by a row of 3-dots

[In the following Annex wherever the words “training for work” appear substitute the words “words based training for adults” except in the case of reference to the title or principal order or of the 1993 order. As per S.I. 1998/1426 from 3.7.98.]

PART I
GENERAL

Definitions

2. In these Regulations, unless the context otherwise requires—

“academic authority” means, in relation to an institution, the governing body, or other body having the functions of a governing body and includes a person acting with the authority of that body;

“authority” means a local education authority;

“award” includes either a fees only award or a full award bestowed under these Regulations and any award bestowed under previous Awards Regulations which is an old award;

...

“Certificate in Education” includes a Teacher’s Certificate;

“course”, “designated course”, “sandwich course” and other qualified references to courses have the meanings respectively assigned to them by regulation 4;

“degree” means a degree awarded by a university, institution of higher education in the United Kingdom or the Council for National Academic Awards;

“dependent” means wholly or mainly financially dependent;

“employment” means full-time employment or part-time employment which, in a normal week, involves a significant number of hours of work and “employed” shall be construed accordingly, and for the purposes hereof the references to employment include references to the holding of any office and to any occupation for gain;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(a) as adjusted by the Protocol signed at Brussels on 17th March 1993(b);

“EEA migrant worker” has the meaning assigned to it in regulation 5;

“European Community” means the area comprised by the member states of the European Community (including the United Kingdom) as constituted from time to time;

(a) Cmnd. 2073.

(b) Cmnd. 2183.

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“European Economic Area” means the European Community and subject to the conditions laid down in the EEA Agreement the area comprised by the Republic of Iceland, the Kingdom of Norway, and the Principality of Liechtenstein;

“European student” means a person who is a national of a member state of the European Community or the child of such a national who has not been ordinarily resident in the British Islands as described in regulation 13(1)(a) and (b) or who is not settled in the United Kingdom as described in regulation 13(1)(c);

“fees only award” means an award bestowed only in respect of fees described in Schedule 1;

“full award” means an award bestowed in respect of both fees described in Schedule 1 and a maintenance grant;

“high-cost country” means Austria, Belgium, countries of the Commonwealth of Independent States, Eire, Finland, France (excluding Départements-d’Outre Mer), Germany, Iceland, Indonesia, Israel, Luxembourg, the Netherlands, Norway, **the Republic of Korea** and Sweden;

“higher-cost country” means Denmark, Hong Kong, Japan, Switzerland and Taiwan;

“independent student” has the meaning assigned to it by regulation 3;

“institution” means an educational institution in the United Kingdom providing further or higher education or both, or providing a course which qualifies for funding under Part I of the Education Act 1994(a);

“maintenance grant” has the meaning assigned to it by regulation 17;

“Metropolitan Police District” means the areas referred to in section 76(1) of the London Government Act 1963(b) as it had effect prior to its amendment by section 323 of the Greater London Authority Act 1999(c);

“old award” means an award bestowed under previous Awards Regulations which is an old award within the meaning of the Education (Mandatory Awards) Regulations 1998(d);

“overseas institution” means an educational institution outside the United Kingdom providing further or higher education or both;

“periods of experience”, “prescribed proportion” and “sandwich year”, in relation to a sandwich course, have the meanings respectively assigned to them by paragraph 1 of Schedule 5;

“previous Awards Regulations” means Regulations made under section 1 of the Education Act 1962 and revoked either by regulation 6 or before the coming into force of these Regulations;

“refugee” means a person who is recognized by Her Majesty’s Government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951(e) as extended by the Protocol thereto which entered into force on 4th October 1967(f) and any reference to the child of a refugee includes a reference to a person adopted in pursuance of adoption proceedings and a step-child;

(a) 1994 c. 30.

(b) 1963 c. 33; section 76 was amended by the Local Authorities etc. (Miscellaneous Provisions) Order 1974 (S.I. 1974/482), article 11.

(c) 1999 c. 29.

(d) S.I. 1998/1166, amended by the Education (Mandatory Awards) Regulations 1998 (Amendment) Regulations 1998 (S.I. 1998/1972).

(e) Cmnd. 9171.

(f) Cmnd. 3906 (Out of print: photocopies are available, free of charge, from Student Support Division, Room 1NU8, the Department for Education and Employment, Sanctuary Buildings, Great Smith Street, London SW1P 3BT).

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“statutory award” means any award bestowed or grant paid by virtue of the Education Act 1962 or any comparable award, grant or other payment made in respect of attendance at a course which is paid out of moneys provided by Parliament;

“student” means a person upon whom an award has been bestowed under these Regulations or previous Awards Regulations;

“university” means a university in the United Kingdom and includes a university college and a constituent college, school or hall of a university;

“year”, in relation to a course, means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according as the academic year of the course in question begins in the winter, the spring, the summer or the autumn respectively; and references to the first or the final year of a designated course shall be construed accordingly.

References to independent students

3.—(1) In these Regulations “independent student” means a student who—

- (a) has attained the age of 25 years before the beginning of the year for which payments in pursuance of his award fall to be made; or
- (b) has supported himself out of his earnings for periods before the first year of his course aggregating not less than three years; or
- (c) has been married for at least two years before the beginning of the year for which payments in pursuance of his award fall to be made whether or not the marriage is still subsisting; or
- (d) has no parent living; or
- (e) is irreconcilably estranged from his parents.

(2) For the purposes of paragraph (1)(b) a student shall be treated as having supported himself out of his earnings for any period or periods for which—

- (a) he was participating in arrangements for training for the unemployed under any scheme operated, sponsored or funded by any state authority or agency, national, regional or local;
- (b) the student was in receipt of benefit payable by any state authority or agency, national, regional or local, in respect of a person who is available for employment but who is unemployed;
- (c) the student was available for employment and had complied with any requirement of registration imposed by a body referred to in paragraphs (a) and (b) as a condition of entitlement for participation in arrangements for training or receipt of benefit; or
- (d) the student held a State Studentship or comparable award; or
- (e) the student received any pension, allowance or other benefit paid by reason of a disability to which the student is subject, or by reason of confinement, injury or sickness, paid by any state authority or agency, national, regional or local, by an employer or any former employer, or by any other person; or
- (f) the student could not reasonably have been expected to support himself out of his earnings because he had the care of a person under the age of 18 years who was dependent upon him.

(3) For the purposes of paragraph (1)(e) a student shall be regarded as irreconcilably estranged from his parents if, but not only if, he has not communicated with either one of them for the period of one year before the beginning of the year for which payments in pursuance of his award fall to be made.

(4) In this regulation “parent” shall have the same meaning as in Part II of Schedule 3 to these Regulations.

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References to courses

4.—(1) In these Regulations any reference to a designated course shall be construed as a reference to a course designated by or under regulation 10 and, in relation to any person, any reference to such a course (otherwise unqualified) shall, as the context requires, be construed as a reference to a designated course which the person in question attends or has applied to attend; and, in relation to any designated course except one designated under regulation 10(1)(d), any reference to a course shall be construed as a reference to either a course of full-time study or a sandwich course.

(2) In these Regulations any reference to a first degree course, a Dip HE course, an HND course, a course of initial training for teachers, a course comparable to a first degree course or an international course shall be construed in accordance with regulation 10.

(3) In these Regulations any reference to a sandwich course shall be construed as a reference to such a course within the meaning of paragraph 1 of Schedule 5.

(4) In these Regulations, any reference to a course of higher education shall be construed in accordance with section 120(1) of the Education Reform Act 1988(a).

(5) For the purposes of these Regulations a course the standard of which is not higher than a first degree course which leads to a qualification as a medical doctor, a dentist, a veterinary doctor, an architect, a landscape architect, a landscape designer, a landscape manager, a town planner or a town and country planner shall be considered to be a single course for a first degree or for an equivalent qualification notwithstanding that the course may lead to another degree or qualification being conferred before the degree or equivalent qualification, and notwithstanding that part of the course may be optional.

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Revocations and transitional provisions

6.—(3) Subject to paragraph (4), where the current academic year of a student's course began in the winter or spring of 2001 then, notwithstanding anything in these Regulations, payments in pursuance of an old award in respect of the year beginning on 1st January or, as the case may be, 1st April 2001 shall be the aggregate of—

- (a) two-thirds or, as the case may be, one-third of the payments which would have fallen to be made in respect of that year under the Education (Mandatory Awards) Regulations 2000 had they not been revoked, and
- (b) one-third or, as the case may be, two-thirds of the payments which would have fallen to be made in respect of the year beginning on 1st September 2001 under these Regulations had the academic year of his course begun in the autumn of 2001.

(4) In the case of a course at the University of Buckingham beginning in the winter, spring or summer of 2001 then, notwithstanding anything in these Regulations, payments in pursuance of an old award in respect of the year beginning on 1st January, 1st April or 1st July (as the case may be) shall be the aggregate of—

- (a) three-quarters, one-half or one-quarter (as the case may be) of the payments which would have fallen to be made in respect of that year under the Education (Mandatory Awards) Regulations 2000 had they not been revoked, and
- (b) one-quarter, one-half or three-quarters (as the case may be) of the payments which would have fallen to be made in respect of the year beginning on 1st September 2001 under these Regulations had the academic year of the course begun in the autumn of 2001

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(a) 1988 c. 40.

PART II

AWARDS

.....
Designated courses**10.**—(1) The following courses are hereby designated—

- (a) a first degree course, that is to say—
 - (i) a course provided by a publicly funded institution for a first degree or for the degree of Bachelor of Medicine or an equivalent degree;
 - (ii) a course provided by the University of Buckingham for a first degree of that university;
 - (iii) an international course, that is to say a course provided by a publicly funded institution in conjunction with an overseas institution for a first degree;
 - (iv) a course provided by a publicly funded institution in conjunction with a private institution, or by a private institution, for a first degree or for the degree of Bachelor of Medicine or an equivalent degree, which is for the time being designated for the purposes of this provision by the Secretary of State;
- (b) a Dip HE course, that is to say—
 - (i) a course provided by a publicly funded institution for the Diploma of Higher Education;
 - (ii) a course provided by a publicly funded institution for the Diploma of Higher Education or a first degree as the student may elect after the commencement of the course;
 - (iii) a course provided by a publicly funded institution in conjunction with a private institution, or by a private institution, for the Diploma of Higher Education which is for the time being designated for the purposes of this provision by the Secretary of State;
- (c) an HND course, that is to say—
 - (i) a course provided by a publicly funded institution for the Higher National Diploma or the Higher National Diploma of the Business & Technology Education Council;
 - (ii) a course provided by a publicly funded institution in conjunction with a private institution, or by a private institution, for the Higher National Diploma or the Higher National Diploma of the Business & Technology Education Council, which is for the time being designated for the purposes of this provision by the Secretary of State;
- (d) a course of initial training for teachers, that is to say—
 - (i) a full-time course for the initial training of teachers (other than a course for the degree of Bachelor of Education) provided by a publicly funded institution, or, where a private institution is an eligible institution as defined by section 4(2) of the Education Act 1994^(a), by a public institution in conjunction with such a private institution, or by such a private institution;
 - (ii) a part-time course of teacher training, involving not less than 3 days' attendance for the purposes of study or teaching practice during each of at least 30 weeks during each year of the course, for the time being designated for the purposes of this provision by the Secretary of State;

(a) 1994 c. 30.

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- (iii) any other course of teacher training, whether full-time, part-time or partly full-time and partly part-time, for the time being so designated;
- (e) a course comparable to a first degree course, that is to say—
 - (i) a course of at least three academic years' duration provided by a university or universities for a certificate, diploma, or other academic award; or
 - (ii) a course for the time being designated for the purposes of this provision by the Secretary of State.

(2) In this regulation a reference to a publicly funded institution is a reference to an institution or institutions which are maintained or assisted by recurrent grants out of public funds, and a reference to a private institution is a reference to an institution or institutions which are not so maintained or assisted.

(3) For the purposes of paragraph (1)(d) a full-time course is a course involving not less than 30 weeks' full-time attendance for the purposes of study or teaching practice during each year of the course, a part-time course is a course involving periods of attendance for those purposes all of which are part-time, and a partly full-time and partly part-time course is any other course.

(4) In paragraphs (1)(d)(ii) and (3) in relation to a course provided at the University of Oxford or Cambridge a reference to a period of 30 weeks shall have effect as a reference to a period of 25 weeks.

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PART III

PAYMENTS

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Payments

17.—(1) Subject to regulations 16, 20, 21, 22, 23, 25 and 26, the authority shall in respect of each year pay in pursuance of an award—

- (a) in respect of fees, a sum equal to the aggregate of any such fees payable in respect of the student as are described in Schedule 1, less—
 - (i) the amount if any by which the student's resources exceed his requirements for the purposes of regulation 18(1) (whether or not a maintenance grant is calculated under sub-paragraph (b)), or
 - (ii) the amount of any income referred to in paragraph 1(1)(b) of Schedule 3 which is not disregarded under that paragraph, whichever is the less;
- (b) where the award is a full award, in respect of maintenance a sum calculated in accordance with regulation 18.

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

Calculation of grant

18.—(1) Subject to paragraph (2) the sum mentioned in regulation 17(1)(b) shall be the amount by which the student's resources fall short of his requirements and for the purposes of ascertaining that amount—

- (a) the requirements of the student shall be taken to be the aggregate of the amounts specified in Schedule 2 other than those specified in paragraphs 9 and 10 as are applicable in his case; and

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- (b) the resources of the student shall be taken to be the aggregate of his income for the year calculated in accordance with Part I of Schedule 3 and any contribution applicable in his case by virtue of Part II or III of that Schedule.

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

(3) This regulation and Schedules 2 and 3 shall have effect—

- (a) in the case of such a student as is mentioned in Schedule 4, subject to the provisions thereof; and
(b) where regulation 20 applies, subject as therein provided.

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Sandwich courses

20.—(1) This regulation shall apply where the course is a sandwich course unless—

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

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

Members of religious orders

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

(2) The payment in respect of maintenance under regulation 17(1)(b) in the case of a student upon whom an old award has been bestowed shall be the sum specified as appropriate in paragraph (3) or (4):

Provided that—

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

(3) In the case of a student who resides at his parents’ home or in a house of the Order, the appropriate sum shall be **£750**.

(4) In the case of any other student, the appropriate sum shall be **£1,025** except that, where he is attending a course—

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

it shall be **£1,285** and where he is attending a course in a country outside the United Kingdom it shall be—

£1,480 if that country is a higher-cost country;

£1,110 if that country is a high-cost country; and

£905 in any other case.

Extracts from Education (Mandatory Awards) Regulations 2001, S.I. 2001/1734 (continued)

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

Courses of teacher training

22.—(1) This regulation shall apply—

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

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

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

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

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

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

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

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

(6) For the purposes of this regulation a day shall be reckoned as a seventh of a week, and "attendance" means attendance for the purposes of study or teaching practice.

.....

3rd May 2001

Tessa Blackstone
Minister of State,
Department for Education and Employment

Extracts from Education (Mandatory Awards) Regulations
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Annex 1

SCHEDULE 2

Regulations 18 and 20(2)

REQUIREMENTS

PART 1

ORDINARY MAINTENANCE

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

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

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

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

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

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

(2) In the case of such a student the ordinary maintenance requirement shall be **£1,945** except that—

- (a) where he is attending a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, it shall be **£2,390**; and
- (b) where he is attending, for at least eight weeks and as a necessary part of his course, an overseas institution, it shall (notwithstanding anything in paragraph (a)) be—

£3,665 if the country concerned is a higher-cost country;

£2,785 if the country concerned is a high-cost country; and

£1,945 in any other case.

3. In the case of any other student the ordinary maintenance requirement shall be **£1,590**.

PART II

SUPPLEMENTARY MAINTENANCE ETC.

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

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

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

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

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

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

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

- (a) in the case of a student residing at his parents’ home, **£46**;
- (b) in the case of any other student, **£67** except that—
 - (i) where he is attending a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, it shall be **£88**;
 - (ii) where is attending, for at least eight weeks and as a necessary part of his course, an overseas institution, it shall (notwithstanding anything in sub-paragraph (i)) be—
 - £124** if the country concerned is a higher-cost country;
 - £95** if the country concerned is a high-cost country; and
 - £67** in any other case.

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

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

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

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

(2) The student’s supplementary requirement in respect of such expenditure shall be the amount of such expenditure less **£260**.

(3) For the purposes of this paragraph any reference to expenditure incurred for the purpose of attending an institution or period of study—

- (a) includes expenditure both before and after so attending; and
- (b) does not include any expenditure for a purpose specified in paragraph 9.

8.—(1) This paragraph shall apply in the case of a student who reasonably incurs any expenditure in insuring against liability for the cost of medical treatment provided outside the United Kingdom for any illness or bodily injury contracted or suffered during a period of study outside the United Kingdom which is a necessary part of the student’s course.

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

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

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

- (a) in respect of a non-medical personal helper not exceeding **£10,755**;
- (b) in respect of major items of specialist equipment not exceeding **£4,255** in total for the duration of his course;
- (c) in respect of expenditure incurred—
 - (i) within the United Kingdom for the purposes of attending the institution;
 - (ii) within or outside the United Kingdom for the purpose of attending, as a necessary part of his course, any period of study at an overseas institution;
- (d) in respect of any other expenditure including expenditure incurred for the purposes specified in paragraphs (a) and (b) which exceed the maxima specified therein not exceeding **£1,420**.

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

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

Paras. 10(1)(e)&(f)
renumbered as (b)&(c)
by reg. 3 of S.I. 2001/
2613 as from 1.9.01.

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

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

PART III

MAINTENANCE OF DEPENDANTS

11.—(1) The requirements referred to in regulation 18(1)(a) shall include the student's requirements for the maintenance of dependants during the year and the amount of any such requirement ("dependants requirement") shall be determined in accordance with this Part of this Schedule.

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

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

"adult dependant" means, in relation to a student, an adult person dependent on the student not being his child, his spouse or a person living with him as his spouse or his former spouse, subject however to sub-paragraphs (2) and (3);

"child", in relation to a student, includes a person adopted in pursuance of adoption proceedings, a step-child and any child for whom the student has parental responsibility and who is dependent on him;

"dependant" means, in relation to a student, his dependent child, his spouse or an adult dependant, subject however to sub-paragraphs (2) and (3);

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“income” means income for the year from all sources (reduced by income tax and social security contributions) but disregarding—

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

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

- (a) a full-time course of higher education or a comparable course outside England and Wales;
- (b) a course designated under sub-paragraph (d)(ii) of regulation 10(1); or
- (c) the full-time part of a course designated under sub-paragraph (d)(iii) of regulation 10(1) which is partly full-time and partly part-time;

“spouse”, except in the definition above of adult dependant, shall not include a student’s spouse if they have ceased ordinarily to live together whether or not an order for their separation has been made by any court.

(2) A person, including the student’s spouse, shall not be treated as a dependant of the student during any period for which that person—

- (a) holds a relevant award; or
- (b) (save for the purposes of paragraph 17) is ordinarily living outside the United Kingdom.

(a) 1992 c. 4.

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

(c) 1989 c. 41.

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

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2001, S.I. 2001/1734 (continued)

Annex 1

(3) A person shall not be treated as a student's adult dependant or as his dependent child—

- (a) in the case of a person other than a child of the student, if his income exceeds by **£950** or more the sum specified in paragraph 13(4)(a);
- (b) in the case of a child of a student who either has a spouse who is, or but for sub-paragraph (2) would be, his dependant or has an adult dependant, if the child's income so exceeds the sum specified in paragraph 13(4)(b) as applicable to his age;
- (c) in the case of a child of a student not falling within sub-paragraph (b), unless either—
 - (i) the child is the only or eldest child dependent on the student whose income does not so exceed the sum specified in paragraph 13(4)(a); or
 - (ii) the child's income does not so exceed the sum specified in paragraph 13(4)(b) as applicable to his age.

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

(2) The dependants requirement of the student shall, subject to paragraphs 14 to 17, be—

- (a) if the student's spouse holds a statutory award and in calculating payments under it account is taken of the spouse's dependants requirement, one half of the amount determined in accordance with sub-paragraphs (3), (4), **and (5)**;
- (b) in any other case, the whole of the amount so determined.

(3) The amount referred to in sub-paragraph (2) shall be the amount which is $X - (Y - Z)$ where—

- (a) X is the aggregate of the relevant sums specified in sub-paragraph (4);
- (b) Y is the aggregate of the income of the student's dependants;
- (c) Z is so much of the sum ascertained by multiplying **£950** by the number of his dependants as does not exceed Y.

(4) Subject to sub-paragraph (5), the relevant sums referred to in sub-paragraph (3) are—

- (a) except where the student has a spouse who is the holder of a relevant award, **£2,175**;

and

- (b) in respect of each dependent child—
 - (i) under the age of 11 immediately before the beginning of the academic year, or born during that year, **£455**;
 - (ii) then aged 11 or over, but under 16, **£910**;
 - (iii) then aged 16 or over, but under 18, **£1,210**;
 - (iv) then aged 18 or over, **£1,740**;

except that the only or eldest dependent child shall be disregarded for the purposes hereof if the student has neither an adult dependant nor a spouse who is, or but for paragraph 12(2) would be, a dependant.

(5) Where the student has not made an election under paragraph 4 of Schedule 4, the sum of £250 will be payable in respect of either:

- (i) **an only or eldest dependent child whose income does not exceed £3,375, where the dependants requirement in respect of that child is calculated by reference to sub-paragraph (4)(a); or**
- (ii) **a dependent child whose income does not exceed the amount applicable to his age by more than £1,200, where the dependants requirement in respect of that child is calculated by reference to sub-paragraph (4)(b).**

Annex 1

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(6) Where the student has not made an election under paragraph 4 of Schedule 4, the dependants requirement under this paragraph shall be increased by £500 in respect of expenditure on travel, books and equipment for the purpose of attending his course.

Words in para. 14(1) deleted by reg. 4 of S.I. 2001/2800 as from 1.9.01.

14.—(1) Subject to the following sub-paragraphs, where the student has not made an election under paragraph 4 of Schedule 4, the dependants requirement of the student shall, in respect of each year, be increased in respect of childcare costs for each dependent child where the childcare is provided by an approved or registered childcare provider, if—

- (a) the child is under the age of 15 immediately before the beginning of the academic year; or
- (b) the child has registered special educational needs within the meaning of the Education Act 1996(a) and is under the age of 17 immediately before the beginning of the academic year.

Sub-para. (1A) inserted in para. 14 by reg. 5 of S.I. 2001/2800 as from 1.9.01.

▶(1A) For the purposes of this paragraph and notwithstanding the provisions of paragraph 12(3), a child shall be treated as a dependent child of a student even if the child's income exceeds by £950 or more the relevant sum specified in paragraph 13(4)(a) or (b).◀

(2) The dependants requirement of the student shall be increased for each week as follows:

- (a) for the period of 40 weeks beginning on the first day of the first term of the year:
 - (i) for one dependent child, 85 per cent. of the costs of the childcare, subject to a maximum amount of ▶£114.75◀ per week; or
 - (ii) for two or more dependent children, 85 per cent. of the costs of the childcare, subject to a maximum amount of ▶£170◀ per week; and
- (b) for any other period of the year, except the period between the end of the course and the end of the year in which the course ends:
 - (i) for one dependent child, 70 per cent. of the costs of the childcare, subject to a maximum amount of ▶£94.50◀ per week; or
 - (ii) for two or more dependent children, 70 per cent. of the costs of the childcare, subject to a maximum amount of ▶£140◀ per week.

Amounts in para. 14(2) substituted by reg. 4 of S.I. 2001/2613 as from 1.9.01.

▶(3) With reference to the calculation set out in paragraph 13, where the amount (Y-Z) exceeds X, the amount payable under sub-paragraph (2) shall be reduced by the amount of that excess.◀

Sub-para.(3) substituted by reg. 5 of S.I. 2001/2613 as from 1.9.01.

▶(3A) Where the income of a dependent child of the student exceeds by £950 or more the sum specified in paragraph 13(4)(a) or (b), the amount payable under sub-paragraph (2) shall be reduced by the amount of his income less £950.◀

Sub-para. (3A) inserted in para. 14 by reg. 6 of S.I. 2001/2800 as from 1.9.01.

(4) If the student's spouse holds a statutory award and in calculating payments under it account is taken of the spouse's dependants requirement, the amount calculated under sub-paragraph (2) shall be reduced by one half.

(5) Where a student has in any academic year attended his course—

- (a) in the case of a course provided at the University of Oxford or Cambridge, for a period of 25 weeks 3 days; or
- (b) in the case of any other course, for a period of 30 weeks 3 days and he attends for a further period and the period of 40 weeks referred to in sub-paragraph (2)(a) has expired, the relevant amounts referred to in sub-paragraph (2)(a) shall apply for each week or part week of such attendance.

(6) In this paragraph—

“approved childcare provider” means a childcare provider within the meaning of the Tax Credit (New Category of Childcare Provider) Regulations 1999(b), who has been approved in accordance with those regulations;

(a) 1996 c. 56, section 312.

(b) S.I. 1999/3110, made in exercise of the powers conferred by sections 15(1) and 15(4) of the Tax Credits Act 1999 (c. 10).

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Annex 1

“registered childcare provider” means a person who provides childcare and is registered within the meaning of section 71 of the Children Act 1989(a), (registration of child minders and persons providing day care for young children).

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

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

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

- (a) **£250** for each dependent child aged 3 or over on 31st December in the relevant school year, but under the age of 11 immediately before the beginning of the relevant school year;
- (b) **£166** for each dependent child whose third birthday falls after 31st December but on or before 31st March in the relevant school year;
- (c) **£83** for each dependent child whose third birthday falls after 31st March but before the end of, the relevant school year;
- (d) **£270** for each dependent child of compulsory school age who is aged 11 or over immediately before the beginning of the relevant school year.

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

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

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

16. In the case of a student with dependants who maintains a home for himself and a dependant at a place other than that at which he resides while attending the course, the dependants requirement of the student (determined in accordance with paragraph 13(2)(a) or (b)) shall be increased by **either:**

- (a) **£510; or**
- (b) **where he has made an election under paragraph 4 of Schedule 4, £760.**

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

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

(a) 1989 c. 41.

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

(c) City academies are established pursuant to section 482 of the Education Act 1996 (c. 56) as amended by the Learning and Skills Act 2000 (c. 21), section 130.

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

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

PART IV

CONSTRUCTION OF PARTS I TO III

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

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

20.—(1) For the purposes of this Schedule, attendance at an institution, or a period of study, is a necessary part of a student's course only where the authority are satisfied that if the student did not attend the institution, or undertake the period of study, he would not be eligible to complete his course; and, for the purpose of being so satisfied, the authority may require the matter to be evidenced by a certificate given by the academic authority.

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

SCHEDULE 5

Regulations 2, 4(3) and 20

SANDWICH COURSES

1.—(1) In this Schedule—

"sandwich course" means a course consisting of alternate periods of full-time study in an institution and periods of experience so organised that, taking the course as a whole, the student attends the periods of full-time study for an average of not less than 19 weeks in each year; and for the purpose of calculating his attendance the course shall be treated as beginning with the first period of full-time study and ending with the last such period;

"periods of experience" means, subject to sub-paragraph (2), periods of industrial, professional or commercial experience associated with full-time study at the institution but at a place outside the institution;

"sandwich year" means, as respects any student, any year of a sandwich course which includes both periods of full-time study in the institution and periods of experience, other than—

- (a) unpaid service in a hospital or in a public health service laboratory or with a Primary Care Trust in the United Kingdom;
- (b) unpaid service with a local authority in the United Kingdom acting in the exercise of their functions relating to health, welfare or the care of children and young persons or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom;
- (c) unpaid service in the prison or probation and aftercare service in the United Kingdom;
- (d) teaching practice;
- (e) unpaid research in an institution or, in the case of a student attending an overseas institution as a necessary part of his course, in an overseas institution;

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- (f) such experience as aforesaid falling wholly within the usual periods of attendance at the institution in any year which do not comprise paid service or employment and either—
 - (i) do not aggregate more than 6 weeks during that year; or
 - (ii) fall within that year and another year and do not aggregate more than 12 weeks during the two years taken together, where that other year has not already been taken into account for the purposes hereof; or
- (g) unpaid service with—
 - (i) a Health Authority established pursuant to section 8 of the National Health Service Act 1977(a) or a Special Health Authority established pursuant to section 11 of that Act(b);
 - (ii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(c); or
 - (iii) a health and social services board established under Article 16 of the Health and Personal Social Services Order (Northern Ireland) 1972(d);

“prescribed proportion” means the proportion which the number of weeks in the year for which the student in question attends the institution bears to 30, except that where that proportion is greater than the whole it means the whole;

“modified proportion” means the proportion which the number of weeks in the year in which there are no periods of experience for the student in question bears to 52.

(2) In the case of a student whose course includes the study of one or more modern languages for not less than one half of the time spent studying on the course and which includes periods of residence in a country whose language is a language of the course, “periods of experience” means such periods of residence during which the student is employed.

(3) For the purposes of determining the prescribed proportion or the modified proportion where the number of weeks in question is not a whole number, a day shall be reckoned as a seventh of a week.

(4) In the application of this Schedule to a student to whom Schedule 4 applies, references to Schedules 2 and 3 are to be construed as references to those Schedules as modified in accordance with Schedule 4.

(5) In the application of this Schedule to a student attending a course provided at the University of Oxford or of Cambridge the provisions thereof shall have effect as if—

- (a) in the definition of “prescribed proportion” in sub-paragraph (1) for the number “30” there were substituted the number “25”; and
- (b) in paragraph 3 for the words “30 weeks 3 days”, in both places where they occur, there were substituted the words “25 weeks 3 days”.

2. For the purposes of calculating payments in respect of maintenance under regulation 17(1)(b)(ii) the prescribed proportion of the aggregate of the amounts specified in Schedule 2, paragraph 9 shall, as respects any sandwich year, be treated as the aggregate of the amounts so specified.

(a) 1977 c. 49; section 8 was substituted by the Health Authorities Act 1995 (c. 17), section 1(1).
 (b) Section 11 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 31, the National Health Service and Community Care Act 1990 (c. 19), Schedule 10 and the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 2.
 (c) 1978 c. 29; section 2 was amended by the Health and Social Security Adjudications Act 1983 (c. 41), Schedule 7, paragraph 1, and by the National Health Service and Community Care Act 1990 (c. 19), section 28 and Schedule 9, paragraph 19(1).
 (d) S.I. 1972/1265 (N.I. 14).

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st September 2001, supersede the Education (Mandatory Awards) Regulations 2000 as amended (“the 2000 Regulations”).

Provisions in these Regulations which differ from the corresponding provisions of the 2000 Regulations (except as a result of minor drafting or consequential changes) are indicated by the use of heavy type. Omissions are indicated by the use of dots. The changes of substance made by these Regulations other than the changes in the rates of fees, grants and allowances are described below.

A number of minor changes are made. The definitions of “high cost country “ and “higher cost country” are amended in regulation 2. The reference to the Royal Agricultural College in sub-paragraph (iii) of Schedule 1 has been deleted as the Secretary of State has designated it as an institution eligible to receive funds from the Higher Education Funding Council for England with effect from 1st August 2001 and as a consequence, it will attract the rate of grant for tuition fees for publicly funded institutions.

Where a student is attending a flexible postgraduate course for the initial training of teachers approved by the Teacher Training Agency, as defined in these Regulations, the local education authority is not under a duty to bestow an award in respect of fees (*regulation 7(3)*). Furthermore, where such a course is of less than one year’s duration, the student will not be entitled to a maintenance grant (*regulation 7(4)*).

A new increase in the dependants requirement will be available in relation to childcare costs for each dependent child for students who have not made an election under paragraph 4 of Schedule 4. Students who are parents will be eligible for this increased amount if they satisfy the criteria set out in paragraph 14(1). The amount will be based on the actual costs of registered or approved childcare (as defined in paragraph 14(6)) of up to £100 per week for one child and £150 for two or more children, paid at a rate of 85% for the first 40 weeks (starting on the first day of the first term, for the purposes of this paragraph) and at the rate of 70% for the remainder of the year (except where the student is in his final year) (*paragraph 14(2) of Schedule 2*). Where a student’s spouse also holds a statutory award, the increase in the dependants requirement calculated under this paragraph will be halved (*paragraph 14(4) of Schedule 2*). A student who has not made an election under paragraph 4 of Schedule 4 will also be entitled to receive a top-up in the dependants requirement of £250 to the first dependant’s allowance where the first dependant is a child (*paragraph 13(5) of Schedule 2*) as well as an increase in the dependants requirement of £500 in respect of expenditure on travel, books and equipment for the purpose of attending his course (*paragraph 13(6) of Schedule 2*).

Students who are lone parents may elect not to receive an increase to the dependants requirement under paragraph 14 of Schedule 2 (*paragraph 4 of Schedule 4*) and to receive the lone parent’s grant instead (*paragraph 2(2)(b) of Schedule 4*). They may make one such election either before or during the year, and they are entitled to revoke it at any time during the year (*paragraph 4 of Schedule 4*). Such students will not be eligible for the additional £250 top-up to the first dependant’s allowance (*paragraph 13(5) of Schedule 2*), nor will they be eligible for the new travel, books and equipment grant (*paragraph 13(6) of Schedule 2*). These students will however be entitled to a higher increase in the dependants requirement under paragraph 16 of Schedule 2 than students who have not made such an election.

The provisions relating to older students, which were previously contained in Part IV of Schedule 2, have been deleted, as they are now spent. The following Part has accordingly been renumbered.

The income thresholds for the parental contribution and the spouse’s contribution have been raised and the calculations above these thresholds simplified (*paragraphs 4 and 8 of Schedule 3*).