



# EDUCATION (STUDENT AWARDS) REGULATIONS 2019

## Index

Regulation	Page
1 Title .....	3
2 Commencement .....	3
3 Application and transitional provision .....	3
4 Interpretation.....	3
5 Grant of awards .....	7
6 Eligibility for award .....	8
7 Exclusions .....	9
<b><i>Applications</i></b>	
8 Applications – general .....	10
9 Deadline for submission of applications .....	11
10 Determination of applications .....	11
11 Provisional award.....	12
12 Duration of awards.....	13
13 Absence or withdrawal from course.....	13
14 Transfer of award .....	13
<b><i>Awards</i></b>	
15 Make-up of award .....	14
16 Fees grant.....	15
17 Maintenance grant.....	15
18 Means testing.....	16
19 Disability allowance .....	16
20 Loans.....	17
21 Withdrawal of award .....	18
<b><i>Supplemental</i></b>	
22 Recovery of payments.....	18
23 Revocation .....	19
<b>SCHEDULE 1</b>	
CONTRIBUTION TOWARDS FEES GRANT	21

<b>SCHEDULE 2</b>	<b>22</b>
AMOUNT OF MAINTENANCE GRANT	22
<b>SCHEDULE 3</b>	<b>25</b>
MEANS- TESTING	25
<b>SCHEDULE 4</b>	<b>29</b>
DETERMINATION OF STUDENT'S OR CONTRIBUTOR'S INCOME	29
<b>SCHEDULE 5</b>	<b>32</b>
LEARNING LEVELS	32

Statutory Document No. 2019/0220



*Education Act 2001*

## **EDUCATION (STUDENT AWARDS) REGULATIONS 2019**

*Approved by Tynwald:*

*Coming into operation in accordance with regulation 2*

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The Department of Education, Sport and Culture makes the following Regulations under section 37 of the Education Act 2001.

### **1 Title**

These Regulations are the Education (Student Awards) Regulations 2019.

### **2 Commencement**

If approved by Tynwald, these Regulations come into operation -

- (a) for the purpose of making awards for an academic year commencing on or after 1 September 2019, immediately after their approval; and
- (b) for all other purposes on 1 September 2019.

### **3 Application**

Nothing in these Regulations applies to an award made in respect of an academic year commencing before 1 September 2019.

### **4 Interpretation**

(1) In these Regulations —

“**academic year**” means the year of a course running from the date on which the first term of the course is treated as beginning by virtue of paragraph (2);

“**access to learning funds**” means money specially put aside to support non-traditional students in gaining access to higher education;

“**agreed**”, in relation to a fee for a course, means agreed between the Department and —

- (a) the institution in question, or
  - (b) representatives of institutions in the United Kingdom,
- as the case may be, in respect of a course of that kind in the academic year in question;

**“approved”**, in relation to a course means an approved course leading to a QCF level 3 or higher QCF level qualification approved by the Department under regulation 5(6);

**“award”** means a grant made by the Department pursuant to regulation 5;

**“base grant”** means the minimum grant that will be paid when the reduction applied to the maintenance grant causes the grant to fall below a prescribed level;

**“child of the family”**, in relation to parties to a marriage, or to two people who are civil partners of each other, means —

- (a) a child of both of them, and
- (b) any other child, other than a child placed with them as foster parents by the Department of Health and Social Care, whom they have both treated as their child;

**“contributor”**, in relation to a student, has the meaning given by paragraphs (4) and (5);

**“course”** means a course of study at an institution;

**“degree”** means a full time recognised RQF level 6 qualification or above awarded by a suitable institution;

**“the Department”** means the Department of Education, Sport and Culture;

**“eligible”**, in relation to a student, shall be construed in accordance with regulation 6;

**“fees grant”** means the element of an award specified in regulation 16;

**“FHEQ”** means Framework for Higher Education Qualifications Framework in the regulated qualifications in England, Wales and Northern Ireland;

**“gap year”** means absence from the Island for a period (which may be more or less than one year) for the purpose of travel or work experience;

**“independent student”** means a student who fulfils any of the following conditions —

- (a) at the beginning of the first year of the course he or she —
  - (i) is 25 years of age or over, or
  - (ii) has not been in full-time education for at least 3 years;

- (b) at the beginning of the year of the course for which the application is made he or she is married or has a civil partner;
- (c) for the period of 12 months before the beginning of the first year of the course he or she has been irreconcilably estranged from both of his or her parents and neither of them furnishes financial support to him or her;
- (d) for the period of 12 months before the beginning of the first year of the course he or she –
  - (i) has been looked after by the Department of Social Care (within the meaning of section 24 of the Children and Young Persons Act 2001), and
  - (ii) has not lived with either of his or her parents;
- (e) in the case of an application for award for the second or subsequent year of a course, he or she was at the beginning of the first year of the course an independent student under the regulations equivalent to these Regulations then in operation; or
- (f) neither of his or her parents is living;

**“institution”** means an institution of further or higher education (whether in the British Isles or elsewhere);

**“learning level”** means the level of the qualification as described in Schedule 5 and a reference to a numbered level (such as “level 5”) is to be construed accordingly;

**“maintenance grant”** means the element of an award specified in regulation 17;

**“national importance”** means that a need has been identified and a business case made to the Department to support the need for a particular qualification;

**“parental responsibility”** has the same meaning as in section 2 of the Children and Young Person's Act 2001;

**“QCF”**, in relation to a qualification, means having a credit value, and in relation to a level, means a level of difficulty, specified in the Qualifications and Credit Framework of England, Northern Ireland and Wales;

**“RQF”** means Regulated Qualifications Framework of England, Wales and Northern Ireland;

**“student”** means a person who applies for, or is or has been in receipt of, an award;

**“tuition fees”**, in the case of a collegiate institution, includes college fees;

**“UCAS”** means the Universities and Colleges Admissions Service;

“UCM” means the University College Isle of Man, formerly the Isle of Man College of Further and Higher Education;

“United Kingdom Research and Innovation” means the body corporate established by section 91 of the Higher Education and Research Act 2017 (of Parliament)<sup>1</sup>.

- (2) For the purposes of these Regulations, a course beginning in a term specified in the first column of the following table is treated as beginning on the corresponding date specified in the second column:

First term of course	Date on which term is treated as beginning
Autumn term	1 September
Winter term	1 January
Spring term	1 April
Summer term	1 July

- (3) For the purposes of these Regulations a student is to be treated as having withdrawn from a course if he or she leaves due to failure in his or her studies or voluntarily, and
- is unable to return to his or her studies;
  - does not intend to return to those studies; or
  - intends to commence a new course at the beginning of a future academic year.
- (4) In the case of an independent student, each of the following persons is a contributor —
- the spouse or civil partner of the student; and
  - any person with whom the student is living as if he or she were the person’s spouse or civil partner.
- (5) In the case of any other student, any of the following persons who is, or has within the past 2 years been, habitually resident with the student in the same household is considered to be a contributor —
- any person who has or had parental responsibility for the student;
  - any guardian of the student; and
  - any other person who treats, or has within the past 2 years, treated the student as a child of his or her family.

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<sup>1</sup> 2017 c. 29.

## 5 Grant of awards

- (1) The Department may make an award to an eligible student for —
  - (a) a university first degree course or equivalent course of level 6 or above;
  - (b) a full time Higher National Diploma or comparable course of level 5;
  - (c) a full time Foundation in Art and Design course at UCM.
- (2) The Department may make an award to an eligible student for a postgraduate course.
- (3) Subject to paragraph (4), the Department may make an award to an eligible student for a course which is —
  - (a) either —
    - (i) a distance learning or part-time degree course of level 6 or above of a vocational nature provided by UCM, or
    - (ii) a part time, flexible or distance learning degree course or a module of such a course, or equivalent of level 6 or above of a vocational nature provided by the Open University or another accredited provider of distance learning or flexible learning, and
  - (b) clearly related to the student's intended future employment.
- (4) Paragraphs (2) and (3) do not apply if it appears to the Department that the course is one which —
  - (a) the student's employer would normally fund,
  - (b) would, in the trade, business or profession in question, normally be funded by a student's employer; or
  - (c) is supported by a different Isle of Man Government financial assistance scheme.
- (5) The Department may make an award to an eligible student for an approved course leading to a Level 5 or above RQF qualification which is higher than a RQF qualification which he or she has previously attained.
- (6) The Department may make an award for a course at UCM on the recommendation in writing of the Principal, if the proposed course is at—
  - (i) level 1;
  - (ii) IGCSE or GCSE (level 2); or
  - (iii) GCE (level 3).

- (7) This regulation is subject to the following provisions of these Regulations.

## 6 Eligibility for award

- (1) A student is eligible for an award if he or she fulfils the conditions specified in paragraphs (2) and (3) and, where applicable, the additional conditions specified in paragraph (6).
- (2) In the case of a course at the UCM, the student must be 18 years of age or over at the beginning of the first year of the course.
- (3) The student must satisfy one of the following Conditions—

### *Condition 1*

The student has been ordinarily resident in the Island for a period of not less than 4 years immediately before the beginning of the first year of the course, which may include a gap year, and will continue to be ordinarily resident in the Island for the duration of the course.

### *Condition 2*

The student has resided in the Island for periods amounting in the aggregate to ten years or more, and 2 of those years fall immediately prior to commencement of the course, and will continue to be ordinarily resident in the Island for the duration of the course.

### *Condition 3*

The student has resided previously in the Island, and as a result is ineligible for financial assistance in the country or territory in which he or she is ordinarily resident.

- (4) For the purpose of paragraph (3) —
- (a) no account shall be taken of temporary or occasional absences, and
- (b) a person is ordinarily resident in the Island if he or she voluntarily and for settled purposes lives in the Island for an appreciable period (a minor who lives with his or her parent being taken for this purpose to be living voluntarily where the parent lives).
- (5) The student must hold the following minimum qualifications —
- (a) in the case of a university first degree course —
- (i) 80 UCAS points or equivalent, or
- (ii) an International Baccalaureate Diploma;
- (b) in the case of a Higher National Diploma or comparable course —
- (i) 1 GCE A level (A2) pass at A to C grade, or



- (ii) the equivalent UCAS points or an RQF level 3 qualification;
- (c) in the case of a postgraduate research course leading to a doctorate of philosophy (PhD), an upper second class honours degree or a Masters degree;
- (d) in the case of –
  - (i) a Master of Arts or Master of Science degree;
  - (ii) a post graduate Diploma;
  - (iii) a course leading to a qualification enabling the student to teach in a school in the island or the United Kingdom or
  - (iv) any other post graduate course, except one falling within sub-paragraph (c),  
an upper second class honours degree.
- (e) in the case of a course at UCM at –
  - (i) level 1;
  - (ii) IGCSE or GCSE (level 2); or
  - (iii) GCE (level 3);  
a pass in one or more of the qualifications previously studied.
- (6) In the case of study at UCM the level of study in any academic year must be at a higher level than that of any course previously taken.
- (7) To avoid doubt, UCAS points for an AS level will only be counted where a student has not completed an A level (A2) in the same subject.

## 7 Exclusions

- (1) A student is not eligible for an award for a course if he or she has already commenced a course at an RQF level equivalent to or higher than that course unless –
  - (a) either –
    - (i) the student has withdrawn from the course which he or she previously commenced, and
    - (ii) the withdrawal was for medical reasons;
  - (b) the whole or part of the award paid by the Department for the course previously commenced has been repaid to the Department;  
or
  - (c) the student will study the Foundation in Art and Design course at UCM which is necessary to pursue an undergraduate degree in an art subject at a university.

- (2) A student is not eligible for an award for a course (except a course at RQF Level 4 or above) at an institution outside the Island if a similar course is available in the Island.

### *Applications*

## **8 Applications – general**

- (1) Every application for an award must –
- (a) be made by the student in a form prescribed by the Department; and
  - (b) include –
    - (i) a statement that the particulars given are true to the best of the student's and contributors knowledge and belief;
    - (ii) a statement of the student's financial circumstances;
    - (iii) a statement by every person who is a contributor in relation to the student of that person's financial circumstances.
- (2) A statement under paragraph (1)(b)(ii) or (iii) must –
- (a) contain an undertaking that the maker will repay to the Department –
    - (i) any amounts paid by the Department in reliance on particulars given which are found to be untrue to a material degree, and
    - (ii) in the case of a contributor, any amounts that the contributor is liable to repay under regulation 22(1); and
  - (b) be accompanied by –
    - (i) a copy of the maker's resident income tax assessment notice for the relevant year; and
    - (ii) in the case of a statement by the student, documentary evidence of any sponsorship, scholarship, trust or pension income of the student.
- (3) Paragraphs (1)(b)(ii) and (iii) and (2) do not apply to an application for an award at UCM unless the award includes a means-tested maintenance grant.
- (4) The Department may require a student to provide such further evidence in support of his or her application as it thinks necessary to determine whether –
- (a) the student is eligible for the award, or

- (b) the course is or ought to be approved for the purpose of these Regulations.
- (5) If any such information is revised after an award has been made the Department may revise the award.
- (6) An application for an award must be made for each year of a course.

## **9 Deadline for submission of applications**

- (1) In the case of courses beginning in the autumn term, an application for an award must be made no later than 31 July.
- (2) In the case of courses beginning in the winter, spring or summer term, an application for an award for the first year of a course must be submitted not later than one month before the beginning of the course.
- (3) The Department must not consider an application for an award received after the date specified in paragraph (1) or (2) unless it is satisfied that there are good reasons why the application was late.
- (4) If an application for an award for the second or subsequent year of a course is not made before the beginning of that year, no payment may be made in respect of that year until the application is made and the award granted.

If such an application is not made before the expiration of one month after the beginning of the year, the Department may –

- (a) cancel the award, and
- (b) recover from the student any payment made in respect of a previous year of the course.

## **10 Determination of applications**

- (1) An application for a student award is to be determined by an officer of the Department in accordance with these Regulations, and the student must be notified of the determination and of the student's rights of review set out in these Regulations.
- (2) A student or contributor aggrieved by the determination of such an officer may, within 14 days of notification of the determination, by notice in writing require the determination to be reviewed by an officer of the Department senior to the officer by whom it was made, and the senior officer must notify the student and any contributor of the decision on the review and of the further right of review (if any) under paragraph (3).
- (3) Subject to paragraph (4), a student or contributor aggrieved by the decision on a review under paragraph (2) may, within 14 days of

notification of the decision, by notice in writing require the decision to be reviewed in accordance with paragraphs (5) to (7).

- (4) The refusal of an application may not be reviewed in accordance with paragraphs (5) to (7) if it was on the ground that —
  - (a) the course is not approved for the purpose of these Regulations, or
  - (b) the student is not eligible for the award.
- (5) On receipt of a notice under paragraph (3), the Department must refer the matter to a panel of 3 persons appointed by the Department, none of whom was involved in the initial determination.
- (6) The panel must —
  - (a) afford the following an opportunity to be heard —
    - (i) an officer of the Department,
    - (ii) the student, and
    - (iii) any contributor; and
  - (b) after considering any representations made by those persons, make a recommendation in writing to the Department, with its reasons.
- (7) The Department must —
  - (a) consider the recommendation of the panel,
  - (b) having regard to that recommendation, confirm, vary or reverse the initial determination,
  - (c) notify the student and any contributor in writing of its decision, and of the panel's recommendation and reasons, and
  - (d) if its decision is not in accordance with the recommendation, give reasons for the decision.

## 11 Provisional award

- (1) If an award is subject to means-testing, it may be made as a provisional award, subject to verification or confirmation of information given in the application.
- (2) A provisional award may be revised or cancelled by the Department if that verification or confirmation is not provided or renders the determination of the provisional award inaccurate.
- (3) If the Department revises a provisional award by reducing its amount, the student is liable to repay the Department the amount of any

overpayment, and the Department may set off any overpayment against any further award or renewed award.

## **12 Duration of awards**

- (1) The Department must not make an award for a period longer than 4 years for full time study or 6 years for part time and distance learning study at RQF level 6 or equivalent, subject to paragraph (2).
- (2) Paragraph (1) does not apply in the case of a course —
  - (a) leading to a medical, veterinary or architectural degree, or
  - (b) including a placement for work experience for a period of not less than 6 months.

## **13 Absence or withdrawal from course**

- (1) If the student withdraws from or is absent from a course for any reason, he or she must report the circumstances to the Department at the earliest opportunity.
- (2) If the student withdraws from a course —
  - (a) after the third week of the second term, or
  - (b) on more than one occasion,the Department may reduce the amount of any future award (whether for a similar or a different course) by the amount of any award paid in respect of that course.
- (3) The Department may suspend payment of an award during any period of absence from the course, except a period of not more than 28 days due to illness verified by a certificate of a medical practitioner.

## **14 Transfer of award**

- (1) Subject to paragraphs (2) to (5), if a student, not more than 12 months after the beginning of the first year of a course, changes to another course for which an award is available, the Department may allow the award to continue at a point equivalent to the original award.
- (2) The Department must not allow an award to continue under paragraph (1) unless —
  - (a) in the case of a change from one course to another at the same institution, the institution agrees in writing to the change; or
  - (b) in the case of a change from one institution to another, both institutions agree in writing to the change on educational grounds.

- (3) The Department may refuse to allow an award to continue under paragraph (1) if, after consulting the institution concerned, it is satisfied that, when the student applied for it, he or she did not intend to complete the course for which the award was made.
- (4) If the Department allows an award to continue on a change of course, it may refuse to meet additional fees exceeding the agreed fees for the original course.
- (5) If the student wishes to change course to study an additional element to the course for which an award was made, the Department may allow the award to continue provided that —
  - (a) the student notifies the Department of the proposed change no later than 1 August following the start of the course;
  - (b) the length of the revised course does not exceed that of the original course; and
  - (c) the total duration of the award does not exceed 4 years.
- (6) For the purpose of this regulation, a student is to be treated as having changed to another course if he or she withdraws from one course to move to a different course, at either the same or a different institution, at the same point of study.

### *Awards*

## **15 Make-up of award**

- (1) Subject to paragraph (2), an award consists of the following elements —
  - (a) a fees grant, and
  - (b) a maintenance grant.
- (2) An award is to consist of a fees grant only —
  - (a) if application is made only for a fees grant;
  - (b) if the award is made for —
    - (i) a course for a Postgraduate Certificate of Education where a bursary or other financial assistance is available from another person; or
    - (ii) a part-time course referred to in regulation 5(3)(a); or
    - (iii) a distance learning course, whether full time or part time referred to in regulation 5(3)(a).
  - (c) For the avoidance of doubt, a part time course and a distance learning course, whether studied by part-time study or full time study, are not eligible for a maintenance grant.

**16 Fees grant**

- (1) Subject to paragraphs (2) to (4), a fees grant covers the tuition fees in respect of the course for which the award is made.
- (2) Subject to paragraph (3), the amount of a fees grant must not exceed —
  - (a) £9,250, or
  - (b) such higher amounts as English or Welsh students are required to pay in the same circumstances for courses being studied, having regard to the tuition fee limits for full time undergraduates approved by Parliament.
- (3) If the tuition fees of an institution exceed the amount mentioned in paragraph (2), the Department may nevertheless pay the whole or part of the excess if it considers it reasonable to do so, having regard to the maximum tuition fees for, and availability of, other equivalent courses at publicly funded institutions within the British Islands.
- (4) The amount of a fees grant for a course at —
  - (a) a privately-funded institution, or
  - (b) an institution outside the British Islands,must not exceed the maximum tuition fees for an equivalent course at a publicly funded institution in England and Wales.
- (5) The fees grant must be paid —
  - (a) in the case of a course to which regulation 5(3) or paragraph (4)(b) applies, to the student on production of a receipted invoice for the tuition fees; and
  - (b) in any other case, to the institution.
- (6) Except in the case of a course started before 1 September 2013 or a course at UCM, the student must pay to the Department a contribution towards the fees grant calculated in accordance with Schedule 1.
- (7) The contribution under paragraph (6) shall be due and payable at the beginning of the academic year in respect of which the relevant fees are payable.

**17 Maintenance grant**

- (1) Subject to regulation 6(3), the amount of maintenance grant is calculated in accordance with Schedule 2.
- (2) A maintenance grant may be paid to the student in termly instalments, so far as practicable, at the beginning of each term by credit to the student's bank account.

- (3) The Department must withhold payment until it is notified of either or both (as appropriate) of —
  - (a) a confirmed offer and acceptance of the place, or
  - (b) written confirmation of the previous year's examination results.
- (4) The Department may withhold payment of any part of a maintenance grant made on the basis of an estimate of the student's or a contributor's income.

## 18 Means testing

- (1) The fees grant is subject to means testing in accordance with Schedules 1 and 3 when the aggregate gross income of all contributors exceeds £112,000.
- (2) The fees grant is subject to means testing in accordance with Schedule 3 if the course is one to which regulation 5(3) applies.
- (3) The maintenance grant is subject to means-testing in accordance with Schedule 3 in every case.
- (4) The Department, in determining the amount of a grant which is subject to means-testing, must take into account —
  - (a) the income of the student,
  - (b) the income of every person who is a contributor in relation to the student, and
  - (c) the number of students from a family in attendance on a course during the same academic year.
- (5) The Department must not make a grant which is subject to means-testing unless —
  - (a) the student, and every person who is a contributor in respect of the student, has made a full declaration of his or her financial circumstances;
  - (b) every such declaration has been verified to such extent, and such further enquiries have been made, as the Department considers appropriate.
- (6) Schedule 4 applies for determining the income of a contributor for the purpose of this regulation.

## 19 Disability allowance

- (1) If it appears to the Department that the student will incur substantial additional expense in attending a course by reason of a disability an additional allowance of such amount as appears to the Department to be



appropriate, not exceeding the amounts specified in the following tables may be made —

(a) in the case of an undergraduate —

Basic allowance per annum	£1,642
Additional allowance for non-medical helper (e.g. reader) per annum	£12,420
Additional allowance for special equipment (payable once for whole course)	£4,905

(b) in the case of a postgraduate

Basic allowance per annum	£10,993
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- (2) The Department is not required to defray the cost of any report or assessment of needs to support an application for an allowance under this paragraph, but if such an allowance is granted, the Department may include the reimbursement of the cost as part of the basic allowance.

## 20 Loans

- (1) Where a contribution calculated in accordance with Schedule 1, is payable in respect of a student, subject to paragraphs (2) to (5), the Department may lend to the student, on such terms as it considers appropriate, an amount not exceeding £2,500 towards the student's contribution.
- (2) Interest on the amount outstanding of a loan made under paragraph (1) shall accrue annually from the relevant date and each succeeding 1 July at the rate of the Bank of England Base Rate plus 2%.
- (3) A loan made under paragraph (1) shall be repayable by instalments of combined principal and interest.
- (4) If the student's gross earnings in any relevant year exceed £25,000, an instalment under paragraph (3) shall be payable.
- (5) Each instalment under paragraph (3) shall be of an amount equal to —
- (a) 9% of the amount by which the student's gross earnings in the relevant year exceeded £25,000, or
- (b) the amount outstanding of the loan plus all interest accrued and unpaid up to and including the date on which the instalment is due,
- whichever is the less, and shall be appropriated first to the payment of interest.
- (6) In this regulation —

“**the relevant date**” means 1 July of the year in which the student ceases to study for any course for which support is provided under these Regulations.

“**relevant year**” means any year ending on 5 April after the relevant date.

## 21 **Withdrawal of award**

- (1) The Department may withdraw the whole of an award at any time if —
  - (a) the student does not pass end-of-year examinations;
  - (b) the student is convicted of an offence and is sentenced to custody;
  - (c) the student’s attendance at lectures is less than 50%, except for medical reasons; or
  - (d) any information given in the application for the award is found to be untrue.
- (2) The Department may withdraw the whole of an award or such part of it as it considers appropriate if —
  - (a) the student withdraws from or fails to complete his or her course, and
  - (b) his or her withdrawal or failure is attributable to causes within his or her control.
- (3) Paragraphs (2) and (3) of regulation 11 apply, with any necessary modifications, to a decision to withdraw the whole or part of an award as they apply to the determination of an application for an award.
- (4) If the whole of an award is withdrawn, the student must repay all amounts paid in respect of the award (including amounts paid in previous years).
- (5) If part of an award is withdrawn, the student is liable to repay such part of the amounts paid in respect of the award (including amounts paid in previous years) as the Department considers appropriate.

### *Supplemental*

## 22 **Recovery of payments**

- (1) Subject to paragraph (2), if a student is liable to make any payment to the Department under these Regulations, every person who is a contributor in respect of the student is also liable to make the payment, and their liability is joint and several.
- (2) A person who is a contributor in respect of a student is not liable to make any payment in respect of any loan to that student under regulation 20.

- (3) The Department may waive in whole or in part the liability of any person to make a payment under these Regulations, without prejudice to the liability of any other person in respect of the same payment.

### **23 Revocation**

The Education (Student Awards) Regulations 2015 (as amended) are revoked.

**MADE 2 MAY 2019**

**GRAHAM CREGEEN, MHK**  
*Minister for Education, Sport and Culture*



**SCHEDULE 1***[Regulation 16(6)]***CONTRIBUTION TOWARDS FEES GRANT****PART I – UNDERGRADUATE COURSES****1 Undergraduate degree courses started in 2013 or subsequent years**

- (1) For courses starting in the academic year beginning on or after 1 September 2013, for each year of the course the contribution towards a fees grant is calculated as follows –

$$x = £2,500 + (y \times 0.35)$$

Here –

x is the amount of the contribution; and

y is the amount (if any) by which the aggregate of the gross income of the student and all contributors, calculated in accordance with Schedule 4, exceeds £112,000.

- (2) For those families where there is more than one student in attendance on an undergraduate course the limit of £112,000 is increased by £19,285 for each additional student on an undergraduate or postgraduate course, in accordance with Schedule 3.

**PART 2 – POSTGRADUATE COURSES****2 Postgraduate courses**

- (1) For courses starting in an academic year beginning on or after 1 September, for each year of the course the contribution towards a fees grant is calculated as follows –

$$x = (£2,500 + (y \times 0.35))$$

Here –

x is the amount of the contribution; and

y is the amount (if any) by which the aggregate of the gross income of the student and all contributors, calculated in accordance with Schedule 4, exceeds £112,000.

- (2) For those families where there is more than one student in attendance on a postgraduate course the limit of £112,000 is increased by £19,285 for each additional student on an undergraduate or postgraduate course, in accordance with Schedule 3.

**SCHEDULE 2**

[Regulation 17(1)]

**AMOUNT OF MAINTENANCE GRANT****1 Basic amount**

- (1) The basic amount of a maintenance grant for a course in the Island is —

Location	Type of course	Basic amount £
UCM	non-degree course	2,750
	undergraduate and postgraduate degree course	5,000

- (2) The basic amount of a maintenance grant for a course outside the Island (other than for postgraduate research) is as set out in the table below.

Location	Basic amount £	Per week £
London area and any country outside the United Kingdom (30 weeks)	8,000	267
Oxford or Cambridge University (25 weeks)	7,500	250
Elsewhere in United Kingdom (30 weeks)	7,500	250

**2 Period of attendance**

- (1) If the duration of a course outside the Island is more than 30 weeks, amounts for extra weeks are payable at £250 per week. Students must request this adjustment and provide evidence that the course length is greater than 30 weeks.
- (2) For the purpose of this paragraph, periods are calculated to the nearest whole number of weeks.

**3 Sandwich courses**

- (1) The maintenance award for a sandwich course is calculated in accordance with paragraphs 1 and 2 by reference to the periods of full-time study at the institution.
- (2) In this paragraph —

“**period of experience**” means a period of industrial, professional or commercial experience at a place outside the institution but associated with full-time study at the institution;

“**sandwich course**” means a course consisting of alternate periods of full-time study at an institution and periods of experience, so organised that taking the course as a whole, the student attends periods of full-time study averaging not less than 19 weeks per year; and for this purpose the course shall be treated as beginning with the first period of full time study and ending with the last such period.

(3) For the purpose of this paragraph, periods when the student is engaged in the following activities associated with full-time study at the institution are treated as periods of full-time study and not as periods of experience —

- (a) unpaid service in a hospital or health service laboratory in the British Islands;
- (b) unpaid service with —
  - (i) the Department of Health and Social Care,
  - (ii) a public authority in the British Islands exercising functions relating to health, welfare or the care of children and young persons, or
  - (iii) a voluntary organisation in the British Islands carrying out activities of a like nature;
- (c) unpaid service in a prison service or probation service in the British Islands;
- (d) teaching practice;
- (e) unpaid research in an institution in the British Islands or, in the case of a student attending an overseas institution as a necessary part of the course, at an overseas institution;
- (f) unpaid service of any description falling within the usual periods of full-time study at the institution for a period or periods not exceeding 6 weeks in any year but not exceeding 12 weeks in 2 successive years.

(4) For the purpose of this paragraph —

- (a) a period of field study is treated as a period of experience unless it falls within sub-paragraph (3), or
- (b) where a student whose course includes the study of one or more foreign languages for not less than half the course is required to spend a period of residence in a foreign country whose language

is that of the course, any such period during which the student is in paid employment is treated as a period of experience.

#### **4 Additional expenses**

- (1) Travelling, conference and fieldwork expenses properly incurred in the course of postgraduate research shall be reimbursed at the same rates as apply to grants by United Kingdom Research and Innovation.
- (2) If a course includes a period of study outside the British Islands, reasonable expenses incurred in insuring against the cost of medical treatment abroad shall be reimbursed.
- (3) However, sub-paragraph (2) does not apply to countries that have reciprocal arrangements with the Island for health services, except to the extent that it is reasonable to insure against higher charges than are imposed for treatment in the Island.
- (4) Except as provided in this paragraph, no additional amounts shall be paid for the following expenses –
  - (a) board and lodging;
  - (b) books, equipment and materials required for the course;
  - (c) living expenses during vacations;
  - (d) clothes;
  - (e) medical expenses ;
  - (f) travelling expenses.

#### **5 Reduction of maintenance grant**

The amounts specified in paragraphs 1, 2 and 4 are subject to reduction in accordance with regulation 18(3).



**SCHEDULE 3**

[Regulation 18(2) &amp; (3)]

**MEANS- TESTING****1 Application**

- (1) Paragraphs 2 and 4 apply for the calculation of a maintenance grant.
- (2) Paragraph 5 applies for the calculation of a fees grant in the case specified in regulation 18 (2).
- (3) Paragraph 3 applies for the calculation of a fees grant in the case specified in regulation 18 (1) and (4).

**2 Reduction on account of contributor's income (maintenance grant)**

- (1) The amount of the grant is reduced by reference to the net income (determined in accordance with Schedule 4) of any contributor, in accordance with the following table (read with sub paragraph (2)) –

<b>Net Income £</b>	<b>Reduction £</b>	<b>Net Income £</b>	<b>Reduction £</b>
16,795	0	40,000	3,868
17,000	34	41,000	4,034
18,000	201	42,000	4,201
19,000	368	43,000	4,368
20,000	534	44,000	4,534
21,000	701	45,000	4,701
22,000	868	46,000	4,868
23,000	1,034	47,000	5,034
24,000	1,201	48,000	5,201
25,000	1,368	49,000	5,368
26,000	1,534	50,000	5,534
27,000	1,701	51,000	5,701
28,000	1,868	52,000	5,868
29,000	2,034	53,000	6,034
30,000	2,201	54,000	6,201
31,000	2,368	55,000	6,368
32,000	2,534	56,000	6,534
33,000	2,701	57,000	6,701
34,000	2,868	58,000	6,868
35,000	3,034	59,000	7,034
36,000	3,201	60,000	7,200

37,000	3,368	61,000	7,200
38,000	3,534	61,790	7,200
39,000	3,701	61,795	7,200

- (2) For intermediate amounts of net income where net income exceeds £16,795 the amount of the grant is further reduced by £1 for each £6 of the contributor's net income above the relevant amount specified in the above table.
- (3) Where the grant reduction causes the maintenance grant to fall below the base grant of £300, the student will be entitled to a maintenance grant of £300 per annum unless the total income of contributors exceeds £61,795 as specified in the above table.
- (4) If, in any academic year, the income of a contributor is taken into account for the purpose of determining grants for more than one student, the reduction under sub-paragraph (1) must be apportioned among the students in such manner as the Department thinks fit.
- (5) If during an academic year the number of students in respect of whom the income is taken into account changes, the Department must recalculate the reduction accordingly.
- (6) If a person and the person's spouse or civil partner are both contributors in respect of a student and one of them dies, the Department –
- may disregard the income of either of them; and
  - if the death occurs in the course of an academic year, the Department may recalculate the award accordingly.

### 3 Allowance on account of a contributor's income

- (1) For those contributors earning more than £112,000, allowance must be made for each additional student on a course in respect of whom the contributor is liable to contribute in accordance with the following table –

Contributor's income	Reduction in fees grant for one student studying at level 6 or above.	Contributor's income	Reduction in fees grant for two students studying at level 6 or above.
112,000	0	131,285	0
113,000	350	132,000	250
114,000	700	133,000	600
115,000	1,050	134,000	950
116,000	1,400	135,000	1,300
117,000	1,750	136,000	1,650
118,000	2,100	137,000	2,000

119,000	2,450	138,000	2,350
120,000	2,800	139,000	2,700
121,000	3,150	140,000	3,050
122,000	3,500	141,000	3,400
123,000	3,850	142,000	3,750
124,000	4,200	143,000	4,100
125,000	4,550	144,000	4,450
126,000	4,900	145,000	4,800
127,000	5,250	146,000	5,150
128,000	5,600	147,000	5,500
129,000	5,950	148,000	5,850
130,000	6,300	149,000	6,200
131,000	6,650	150,000	6,550
131,285	6,750	169,856	13,500

- (2) There is a maximum reduction of £6,750 for each student.

#### 4 Reduction on account of student's income (maintenance grant)

- (1) The income of the student in the academic year shall be taken into account as follows.
- (2) If the student has unearned income in the academic year, the grant is reduced by £1 for every £1 by which that income in the academic year exceeds the relevant amount specified below:

Category of income	Relevant amount £
Any scholarship, studentship, exhibition or award of a similar kind bestowed on the student in respect of the course (in pursuance of a sponsorship scheme or otherwise), except an award under these Regulations	8,000
Any payment made by the student's employer, where the student is released by the employer to attend the course	8,000
Pension	3,300
Trust income	2,000
Other unearned income (except income received by the student from renting out his or her own home)	900

- (3) The income of the student falling within any of the following categories must not be taken into account for the purpose of determining the amount of the grant –

- (a) any remuneration for employment;
  - (b) any disability pension not subject to income tax;
  - (c) any bounty received as a member of the Reserve Forces;
  - (d) any payment for an educational purpose, other than to meet –
    - (i) tuition fees;
    - (ii) expenses for which an allowance is made under paragraph 4 of Schedule 2;
    - (iii) expenses referred to in paragraph 5(4) of Schedule 2;
  - (e) child benefit in respect of dependent children of the student;
  - (f) any payments made to the student out of access to learning funds held by the institution which he or she is attending.
- (4) In sub-paragraph (5)(d) “parent or guardian”, in relation to a student, includes any person (other than the Department of Health and Social Care) who has parental responsibility for him or her, or would have parental responsibility for him or her if he or she were under the age of 18.

## 5 Part-time and distance learning (fees grant)

- (1) The amount of the grant for –
- (a) a part-time course, or
  - (b) distance-learning course within regulation 5(3) whether studied full time or part-time

must be reduced by the following proportion according to the total net income (determined in accordance with Schedule 4) of the student and the persons who are contributors in relation to the student –

Total income exceeds £	... but does not exceed £	Reduction
31,000	35,000	25%
35,000	40,000	50%
40,000	45,000	75%
45,000	—	100%

- (2) The amount of the grant must not exceed £6,000 and will be paid on submission of a receipted invoice from the relevant institution.

**SCHEDULE 4***[Regulation 18(4)]***DETERMINATION OF STUDENT'S OR CONTRIBUTOR'S INCOME****1 Interpretation**

In this Schedule —

“**person**” means the student or contributor whose income falls to be determined in accordance with this Schedule;

“**gross income**” means annual income from all sources, and includes —

- (a) taxable benefits in kind, within the meaning of section 2G of the Income Tax Act 1970; and
- (b) social security benefits liable to tax, within the meaning of section 48 of the Income Tax Act 1970;

“**net income**” means gross income after deduction of the following —

- (a) the amount of any pension contribution for the benefit of a dependant, in respect of which relief is given against income tax;
- (b) the amount of any personal pension contribution not falling within sub-paragraph (c) in respect of which relief is given against income tax, but not exceeding in total 15% of the person's gross income;
- (c) the amount of any interest paid in respect of which relief is given against income tax but not exceeding in total 30% of the person's gross income.

**2 Year of calculation of income**

- (1) Income is to be assessed by reference to the person's income for the year before that in which the assessment is made.
- (2) However, if the Department is satisfied that the person's estimated income for the year in which the assessment is made is, for reasons beyond the person's control, less than 80% of his or her income for the previous year, the Department must assess the person's income by reference to the current year.

**3 Calculation of income of more than one person**

If the income of more than one person is to be taken into account for the purpose of these Regulations —

- (a) the income of each person must be aggregated for the purpose of determining income; and
- (b) in determining net income any deduction under paragraph 1 must be made once only against the aggregate income.

#### 4 Assessment of income other than from employment

- (1) If the whole or a substantial part of a person's income derives wholly or partly from a business carried on by —
  - (a) the person;
  - (b) a firm in which the person is a partner;
  - (c) a company (other than a company quoted on a recognised stock exchange) of which the person is a substantial shareholder;
  - (d) a trust of which the person is a beneficiary,the declaration of the person's financial circumstances must be accompanied by whichever of the following accounts relating to the previous financial year are relevant —
  - (i) trading and profit and loss accounts and balance sheet of the business,
  - (ii) an income and expenditure account of the trust, andin any case, a copy of the income tax computation produced by the Treasury relating to those items.
- (2) The Department may require that the accounts and computation referred to in sub-paragraph (1) be produced or certified by an accountant.
- (3) The Department must assess the income of the person on the basis of the net profit of the business or trust in accordance with the accounts supplied, having regard to the share or interest of the person in the business or trust, except that —
  - (a) provisions for depreciation and accounting adjustments on the disposal of assets may be adjusted if it appears to the Department that they do not reasonably relate to the value of the assets or accord with generally accepted accounting practices;
  - (b) trading losses incurred during the year under assessment, or brought forward from a previous year, are not permitted to be set off against total income;
  - (c) if the person has a minority interest only in a business and appears to the Department to exercise

- no, or no significant, influence over the conduct of the business or the distribution of its profits, the assessment must be limited to the dividends, salary, fees and other payments receivable by the person;
- (d) provisions or accounting adjustments that are exceptional or extraordinary may be adjusted by the Department if in the view of the Department they do not result in a reasonable and fair calculation of net profit or income.
- (4) In this paragraph “financial year” in relation to a business or trust, means a year or other period (not less than 9 months and not more than 15 months), in respect of which the accounts of the business or trust are made up.

## **5 Verification of income**

The Department may in any case assess or re-assess the person’s income on the basis of information supplied by the student, the contributor or the Assessor of income Tax or any of them.

## SCHEDULE 5

*[Regulation 4(1)]*

## LEARNING LEVELS

Level	Regulated Qualifications Framework (RQF)	Framework for Higher Education Qualifications(FHEQ)
Entry	-Entry level certificate -Entry level Skills for Life -Entry level award, certificate and diploma Entry level Functional Skills Entry level Foundation Learning	
1	GCSE (grades D-G) Key Skills level 1 NVQ level 1 Skills for Life level 1 Foundation diploma BTEC award, certificate and diploma level 1 Foundation Learning level 1 Functional Skills level 1 Cambridge National level 1	
2	GCSE (grades A*-C) Key Skills level 2 NVQ level 2 Skills for Life level 2 Higher diploma BTEC award, certificate and diploma level 2 Functional Skills level 2 Cambridge National level 2 Cambridge Technical level 2	
3	AS and A level Advanced Extension Award Cambridge International award International Baccalaureate Key Skills level 3 NVQ level 3 Advanced diploma Progression diploma BTEC award, certificate and diploma level 3 BTEC National Cambridge Technical level 3	



4	Certificate of higher education Key Skills level 4 NVQ level 4 BTEC Professional award, certificate and diploma level 4	- Certificate of higher education -HNC
5	-HND NVQ level 4 Higher diploma BTEC Professional award, certificate and diploma level 5 -HNC	Diploma of higher education Diploma of further education Foundation degree -HND
6	NVQ level 4 BTEC Advanced Professional award, certificate and diploma level 6	Bachelor's degree Graduate certificate Graduate diploma
7	- BTEC Advanced Professional award, certificate and diploma level 7 - Fellowship and fellowship diploma - Postgraduate certificate - Postgraduate diploma - NVQ level 5 - BTEC Advanced Professional award, certificate and diploma level 7	- Master's degree - Postgraduate certificate - Postgraduate diploma
8	NVQs level 5 Vocational qualifications level 8	- Doctorate

**EXPLANATORY NOTE**

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

These Regulations update previous regulations to increase the level of maintenance support for students from a previous maximum of £6,000 for students studying in London and any country outside of the United Kingdom to £8,000. For those students at Oxford and Cambridge and elsewhere in the United Kingdom the maximum maintenance award is increased from £5,500 to £7,500. For those students studying at University College Isle of Man the level of maintenance grant has been increased for non degree courses up to £2,750 from £2,500 and for degree course from £4,000 to £5,000.

These Regulations set the reduction on account of contributor's income for a fees grant and a maintenance grant to a starting point of £16,795, the current level of the Manx living wage. The rate of reduction in the level of support is such that for every £6 of a contributor's income above the minimum level there is a £1 reduction in the support offered. This means that a person can earn up to £61,795 and still receive support. The Regulations also seek to prevent a gradual tapering effect for those earning between £60,000 and £61,795 so that there will be a minimum level of support of £300 for those in this income bracket.

The Regulations increase the level at which means testing starts from £100,000 to £112,000. They also make allowance for those families where there is more than one student studying at the same time. This means the limit of £112,000 is increased by £19,285 for each additional student of a family that is on a course in a given academic year.