



THE EDUCATION ACT 2001

THE EDUCATION (STUDENT AWARDS) REGULATIONS 2007

Approved by Tynwald

20th March 2007

Coming into operation

1st May 2007

In exercise of the powers conferred on the Department of Education by section 37(c) of the Education Act 2001¹, and of all other enabling powers, and with the concurrence of the Treasury, the following Regulations are hereby made:—

1. Citation, commencement, application and interpretation

(1) These Regulations may be cited as the Education (Student Awards) Regulations 2007 and shall come into operation on 1st May 2007.

(2) These Regulations apply in relation to the academic year commencing on 1st September 2007 and subsequent academic years.

(3) Unless the context otherwise permits, in these Regulations —

“academic year” means a year of a course beginning 1st September;

“award” means a grant consisting of a maintenance element and/or a tuition fees element;

“the British Islands” means the Isle of Man, the United Kingdom and the Channel Islands;

“contributor”, in relation to a student, means a person whose income is to be taken into account under the Regulations in determining his eligibility for, and the amount of, a maintenance grant;

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

“the Department” means the Department of Education;

“family income” means the income of the student and any contributor in respect of the student in determining his eligibility for and the amount of financial support under these Regulations;

“fees grant” means fees approved by the Department under regulation 11(2);

“financial year” means a period of twelve months beginning on 6th April;

“parent or guardian”, in relation to a student, means any person (other than a public authority) who has parental responsibility for him, or would have parental responsibility for him if he were under 18;

“student” means a person applying for, or in receipt of, an award.

(4) For the purpose of these Regulations, the “beginning of the year” and the “qualifying date” for the first year of a course depend on which is the first term of the course, as follows:–

<i>First term of the course</i>	<i>Beginning of year</i>	<i>Qualifying date</i>
Autumn term	1st September	the previous 30th June
Winter term	1st January	the previous 31st October
Spring term	1st April	the previous 28th February
Summer term	1st July	the previous 30th April

(5) A student is deemed to have withdrawn from a course if he leaves either due to failure in his studies or voluntarily and is therefore unable to or does not intend to return to study or is intending to commence a new course at the beginning in a future academic year.

(6) A student is deemed to have transferred if he leaves one course to move to a different course either at the same or a different institution, at the same point of study.

2. Individuals eligible for student awards

(1) To be eligible for an award a student must –

General requirements

- (a) (i) immediately prior to the beginning of the year have been habitually and normally resident in the Isle of Man from choice and for a settled purpose throughout a three year period apart from temporary or occasional absences, and
- (ii) continue to be so resident for the duration of the course;

- (b) be under 50 years of age at the beginning of the first year of the course, subject to the following:—
- (i) the Department will make an award of tuition fees only to a student who has attained the age of 30 years but will be under the age of 50 years at the beginning of the first year of the course, subject to means-testing of family income, as determined under Schedule 4;
 - (ii) a student at the Isle of Man College or the International Business School who has attained the age of 30 years but will be under the age of 40 years will also be eligible for a maintenance grant.

Specific requirements

- (c) if the course is at the Isle of Man College –
- (i) be aged 18 years or over at the beginning of the first term of the course; or
 - (ii) have attained the age of 19 during the course, having been under 18 years of age at the beginning of the course, and be no longer in receipt of enhanced child benefit;
- (d) meet the minimum academic requirements set out below:
- (i) two passes at A(2) level both at A to D grades or equivalent National Qualifications Framework level 3 qualifications, if applying for support to undertake a university first degree;
 - (ii) one A(2) pass at A to D grade or equivalent National Qualifications Framework level 3 qualification, if applying for support for a Higher National Diploma or comparable course.
- (2) The Department may, in its discretion, waive the requirement of subparagraph (1)(a) if –
- (a) the student has taken a gap year immediately post A level or post undergraduate degree for the purposes of travel or work experience and such travel or work experience has not or will not exceed 365 days in total; or
 - (b) to do so would, in the opinion of the Department, be in the national interest.
- (3) The Department may, in its discretion, make an award to a student for a postgraduate course subject to the student meeting the minimum requirements set out below:
- (a) an upper second-class honours degree if applying for support to undertake a postgraduate research course leading to a Doctor of Philosophy (PhD);
 - (b) a second class honours degree if applying for support to undertake a Master of Arts or Master of Science degree, post graduate Diploma and such other post

graduate qualifications as it may determine, including Post Graduate Certificate in Education (PGCE) and the Graduate Diploma in Law (GDL).

(4) The Department may, in its discretion, make an award of tuition fees only to a student for the following part-time or distance learning courses provided that the course is clearly related to future employment:–

- (a) a part-time degree course of a vocational nature provided by the Isle of Man International Business School or the Isle of Man College; and
- (b) a degree course, or module thereof, of a vocational nature provided by the Open University or other accredited provider of distance/flexible learning;

Any award made under this subparagraph shall be subject to means-testing of family income including that of the student, as determined under Schedule 4, and to attestation from the student's employer that funding would not normally be available and that the proposed course does not relate to the employer's core business.

(5) **Non-eligibility**

- (a) A student is not eligible for an award if he has already commenced a course at a National Qualifications Framework level equivalent to or higher than that applied for.
- (b) A student is not eligible for an award for a course at an institution where a similar course is available in the Isle of Man.
- (c) The Department will not provide support for a foundation or access year where students do not possess A levels or equivalent National Qualifications Framework level 3 qualification in the relevant subject or at the required grades for courses offered by universities as part of an integrated degree.

3. Courses eligible for awards

(1) Awards are available for such courses as the Department may from time to time approve and subject to such conditions as it thinks fit.

(2) An award for a course of study at a private or overseas institution will be subject to payment of the maximum tuition fees payable by the Department for an equivalent course at a publicly funded institute in England and Wales.

4. Applications – deadlines for submission of applications

(1) In the case of courses beginning in the autumn term, an initial application for an award should be submitted –

- (a) in the case of a postgraduate course, not later than 1st September;

(b) in the case of any other course, not later than 1st October.

(2) In the case of courses beginning in the winter, spring or summer terms, an initial application for an award should be submitted not later than one month before the beginning of the course.

(3) Other than in exceptional circumstances, an application for an award received after the relevant date specified in paragraphs (1) and (2) will not be considered.

5. Applications – general

(1) Every application for an award shall be made in writing on a form supplied by the Department.

(2) The Department shall have the right to require an applicant for an award to provide such further evidence in support of his application as it may deem necessary in order to determine that the eligibility qualifications for an award are satisfied.

(3) Where any such information is revised after an award has been made, the Department may, in its discretion, revise the award.

(4) The application shall include a written undertaking by the applicant to repay on demand any amount overpaid to the applicant under these Regulations

(5) An application must be made for each year of the course.

(6) If an application for renewal of an award for the second or subsequent year of the course is not made before the beginning of the year, the award will be suspended.

(7) If an application is not made before one month after the beginning of the year, the award may be withdrawn and any payment made in previous years may be recovered.

6. Duration of awards

Subject to discretion in relation to certain clinical and veterinary degrees, support provided by the Department at level six of the National Qualifications Framework will be limited to a maximum of four years' full-time and six years' part-time study.

7. Withdrawal of an award

(1) The Department may withdraw an award at any time if –

(a) it considers that the student's progress, conduct or attendance is unsatisfactory;

(b) any information given in the application for the award is found to be untrue.

(2) If the student withdraws from or fails to complete his course and in the opinion of the Department his withdrawal or failure is attributable to causes within his control, the Department may withdraw the whole of the award or such part of it as the Department may determine.

(3) If an award is withdrawn, the student is liable to repay any payments made under these Regulations (including payments made in previous years).

8. Provisional award

(1) Where 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, and the award may be revised by the Department if that verification or confirmation is not forthcoming or renders the determination of the provisional award inaccurate.

(2) The Department may withhold payment of any instalment of a maintenance award made on the basis of an estimate of the student's or a contributor's income.

(3) Where the Department revises a provisional award by reducing its amount, the student is liable to repay to the Department the amount of any overpayment and the Department may set off any overpayment against any further award or renewal of award

9. Absence or withdrawal from course

(1) If the student withdraws from or is absent from a course for any reason, he 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, when considering an application for a further award or renewal of an award, shall take any previous award into account.

(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.

10. Transfer of awards

(1) Subject to paragraphs (2) to (5), where the student, not more than 12 months after the beginning of the first year of the course, changes to another course for which an award is available, the Department may, in its discretion, allow the award to continue at a point

equivalent to the original award.

(2) The Department shall not allow an award to continue under paragraph (1) unless –

- (a) the institution concerned agrees in writing to the change;
- (b) where the student changes from one institution to another, both institutions agree in writing to the change on educational grounds.

(3) The Department may, after consulting the institution concerned, refuse to allow an award to continue under paragraph (1) if it is satisfied that, when the student applied for it, he did not intend to complete the course for which the award was made.

(4) Where the Department allows an award to continue on a change of course, it is not obliged to meet additional fees exceeding the limit for the year.

(5) Where the student wishes to change course to study an additional element to the course for which an award was made and the application is received more than 12 months after the beginning of the course, the Department may, in its discretion, allow the award to continue provided –

- (a) the length of the revised course does not extend beyond the original course length; and
- (b) support is limited to a maximum of four years.

(6) The student shall in any case notify the Department of any proposed change no later than the 1st August following the start of the course.

11. Amount of award

(1) An award shall consist of the following elements:–

- (a) a fees grant, payable subject to means testing in relation to subparagraphs 2(1)(b) and 2(4);
- (b) a maintenance grant, payable subject to means-testing.

Provided that no maintenance grant shall be payable in the case of a Postgraduate Certificate of Education course made under regulation 2(3)(b), part-time courses at the Isle of Man College, part-time courses at the Isle of Man International Business School or part-time distance/flexible learning courses provided by the Open University or other accredited provider made under regulation 2(4).

(2) The fees grant shall be paid to the institution, and shall cover the following approved fees, subject to paragraphs (3) and (4):–

- (a) approved tuition fees;
 - (b) subject to paragraph (4), university and college fees where applicable.
- (3) For any full-time or part-time courses, the Department may, at its discretion, pay an amount less than the total of the fees.
- (4) In the case of an institution which charges a college fee in addition to the agreed university fee, the Department may, in its discretion, limit the payment of fees to the relevant university fee, for new entrants.
- (5) A maintenance grant (if payable) shall be paid to the student in termly instalments, generally at the beginning of each term, by cheque sent to the appropriate financial officer of the institution (or, if the student is based elsewhere than at the institution, by credit to the student's bank account).
- (6) No payment shall be made until the Department is notified of a confirmed offer and acceptance of the place or written confirmation of the previous year's examination results or both.
- (7) The amount of maintenance grant shall be calculated in accordance with Schedule 1.

12. Means-testing

- (1) Subject to regulation 8(3), the Department, in deciding whether to make a maintenance grant, or an award under sub paragraphs 2(1)(b) and 2(4), shall take into account –
- (a) the income of the student; and
 - (b) the income of every person who is a contributor in respect of the student.
- (2) A maintenance grant, or an award under sub paragraphs 2(1)(b) and 2(4), shall not be paid in any case unless –
- (a) the student, and every person who is a contributor in respect of the student, have made full declarations of their financial circumstances;
 - (b) every such declaration has been verified to such extent, and such further enquiries have been made, as the Department considers appropriate.
- (3) Schedule 2 shall apply for determining the income of a contributor for the purpose of these Regulations.

13. Contributors

- (1) The following are contributors for the purposes of these Regulations-
- (a) in respect of dependent students, the following persons whose habitual residence is, or within the previous 2 years has been, with the student in the same household –
 - (i) each parent or civil partner, as defined in the Civil Partnership Act 2004 (an Act of Parliament);
 - (ii) any guardian;
 - (iii) any married person who treats or has treated the student during such period as a child of the family within the meaning of section 138 of the Matrimonial Proceedings Act 2003;
 - (iv) any person who would be considered to treat or to have treated the student as a child of the family within the meaning of that section, were that person married;
 - (b) in respect of independent students, the following persons whose habitual residence is with the student –
 - (i) the wife or husband of the student;
 - (ii) the civil partner of the student, as defined in the Civil Partnership Act 2004 (an Act of Parliament);
 - (iii) any person with whom the student is living as husband and wife;
 - (iv) any person living with the student who would be entitled to register as a civil partner of that student in the United Kingdom.

14. Recovery of payments

(1) Every application form for an award made by a student, and every statement of financial circumstances made by a student or made by a contributor in connection with such an application, shall include –

- (a) a statement that the particulars given are true to the best of the knowledge and belief of the person making the application or statement;
- (b) a copy of the relevant year's tax assessment;
- (c) documentary proof of any sponsorship, scholarship, trust or pension income;
- (d) an undertaking that he will repay to the Department any amounts paid by the Department in reliance on particulars given which are found to be untrue to a material extent.

(2) Where under these Regulations a student is liable to make any payment to the Department, every person who is a contributor in respect of him is also liable to make the payment, and their liability is joint and several.

(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.

15. Determinations and appeals

(1) All applications for student awards shall be determined initially by the Student Awards Officers, in accordance with the provisions of these Regulations.

(2) A student, parent or guardian aggrieved by the initial decision of the Student Awards Officers may, within 14 days of written notification of the decision, request a review of that decision. The Director of Education will then arrange for such a review to take place.

(3) A student, parent or guardian aggrieved by the decision of the Department after a review of the initial decision may, within 14 days of written notification of the outcome of the review, appeal to the Education (Awards) Tribunal, appointed under the Tribunals Act 2006, in accordance with its rules.

16. Variation of amount of awards, contributions, etc.

(1) The amounts specified in these Regulations apply for the academic year 2007/2008 only.

(2) The amounts for subsequent years shall be determined annually by the Department, with the concurrence of the Treasury, and the determination shall be laid before Tynwald.

17. Revocation

(1) Subject to paragraph (2), the Education (Student Awards) Regulations 2006⁽¹⁾ are revoked.

⁽¹⁾Statutory Document No. 120/06

(2) Any award made under the Student Awards Scheme 1994^(a), the Student Awards Scheme 1996^(b), the Student Awards Scheme 1997^(c), the Student Awards Scheme 1998^(d), the Student Awards Scheme 1999^(e), the Student Awards Scheme 2000^(f), the Student Awards Scheme 2001^(g), the Student Awards Scheme 2002^(h), the Student Awards Scheme 2003⁽ⁱ⁾, the Student Awards Scheme 2004^(j), the Student Awards Scheme 2005^(k) or the Education (Student Awards) Regulations 2006^(l) shall have effect as if made under these Regulations.

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- ^(a) Government Circular No. 5/94
 - ^(b) Government Circular No.12/96
 - ^(c) Government Circular No. 38/97
 - ^(d) Government Circular No. 52/97
 - ^(e) Government Circular No. 38/98
 - ^(f) Government Circular No. 8/00
 - ^(g) Government Circular No. 11/01
 - ^(h) Government Circular No. 03/02
 - ⁽ⁱ⁾ Government Circular No. 04/03
 - ^(j) Government Circular No. 08/04
 - ^(k) Statutory Document No. 77/05
 - ^(l) Statutory Document No. 120/06

SCHEDULE 1

AMOUNT OF MAINTENANCE GRANT

1. Basic Amount

- 1.1 The basic amount of a maintenance grant, subject to reduction in accordance with this Schedule, for a course at the Isle of Man College or the Isle of Man International Business School is –

Isle of Man College	£
Non degree courses (35 weeks)	2,190.00
Degree courses (30 weeks)	3,330.00
Isle of Man International Business School	£
Undergraduate and postgraduate degree courses (30 weeks)	3,330.00

- 1.2 The basic amount of a maintenance grant, subject to reduction in accordance with this Schedule, for a course (other than postgraduate research) is –

Location	Basic Amount £	Extra Weeks per week £
United Kingdom and Foreign Country		
London area and foreign country (30 weeks)	4,770.00	119.00
Oxford or Cambridge University (25 weeks)	4,300.00	107.00
Elsewhere in United Kingdom (30 weeks)	4,300.00	107.00

- 1.3 The basic amount of a maintenance grant, subject to reduction in accordance with this Schedule, for postgraduate research in the United Kingdom is –

Location	Basic Amount £
London area (52 weeks)	9,270.00
Elsewhere (52 weeks)	7,190.00

2. Period of Attendance

- 2.1 The amounts in paragraph 1 are calculated on the assumption that attendance for the stated number of weeks is required.
- 2.2 If the duration of a course is less than the stated period, the grant is reduced in proportion. For example, if the grant is calculated on the basis of a 30-week year, and attendance for 22 weeks only is required, the grant will be reduced to 22/30ths.
- 2.3 If the duration of a course is more than the stated period, amounts for extra weeks are payable in accordance with the above scales.
- 2.4 If the duration of a course is 44 weeks or more in any year, the grant is to be calculated as if the duration were 52 weeks.
- 2.5 For the purpose of this paragraph, periods are calculated to the nearest whole number of weeks.

3. Sandwich Courses

3.1 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.

3.2 The following provisions apply for the purpose of paragraph 3.1.

3.2.1 '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. 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.

3.2.2 '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.

3.2.3 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 the Isle of Man Department of Health and Social Security or a public authority in the United Kingdom or Channel Islands acting in the exercise of functions relating to health, welfare or the care of children and young persons, or with a voluntary organisation in the British Islands carrying out activities of a like nature;
- (c) unpaid service in the prison service or the probation and after-care 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 with a health authority, health board or health and social services board in the British Islands;
- (g) unpaid service of any description falling within the usual periods of full-time study at the institution for a period or periods —
 - (i) not exceeding in the aggregate 6 weeks in any year, or
 - (ii) exceeding 6 weeks in any year but not exceeding 12 weeks in two successive years.

3.2.4 A period of 'field study' is treated as a period of experience unless it falls within any category within paragraph 3.2.3.

3.2.5 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. Disabled allowances

4.1 Where a student suffers from a physical or mental disability or any learning difficulties and, in the

Department's opinion, will, thereby, incur substantial additional expenses in attending the course, the following additional allowances shall be paid, subject to an assessment of needs and means testing as in paragraph 4.2:—

Undergraduate	£
(a) basic allowance	maximum 1,500
(b) additional allowance for non-medical helper (eg. reader)	maximum 11,300
(b) additional allowance for special equipment (payable once for whole course)	maximum 4,500
 Postgraduate	
One off allowance (per annum)	maximum 5,400

4.2 For new applicants for awards, any allowance paid under paragraph 4.1 will form part of the maintenance award and will therefore be subject to means-testing and reduction on account of contributor's income under paragraph 6.1.

4.3 The initial cost of an Educational Psychologist's report, access report and assessment of needs shall be the financial responsibility of the contributor to the student, prior to the determination of the application for an award and may be reimbursed by the Department as part of the basic allowance under paragraph 4.1(a) where the Department determines disabled allowances shall be paid to the student.

5. Additional expenses

5.1 Except as provided in this section, no additional amounts are payable by way of a maintenance grant for the following expenses:—

- board and lodging
- books, equipment and materials required for the course
- living expenses during vacations
- clothes
- medical expenses
- travel.

5.2 Travelling, conference and fieldwork expenses properly incurred in the course of postgraduate research will be reimbursed at the same rates as apply to grants by the appropriate United Kingdom research body.

5.3 Where a course includes a period of study outside the British Islands, reasonable expenses incurred in insuring against the cost of medical treatment abroad will be reimbursed. This does not apply to countries which have reciprocal arrangements with the Isle of Man for health services, except to the extent that it is reasonable to insure against higher charges than are imposed for treatment in the Isle of Man.

5.4 A student (other than a postgraduate student) who incurs travelling expenses exceeding the amount provided for travel in the basic amount of the maintenance grant may be reimbursed for the excess.

Expenses will not be reimbursed where a student is not in receipt of a maintenance award or for travel otherwise than by the cheapest route and class. Claims should normally be made at the end of the academic year.

5.5 For the purpose of paragraph 5.4, the amount provided for travel in the basic amount of the maintenance grant is £205.00.

6. Reduction on account of contributor's income

- 6.1 The amount of the maintenance grant, including any additional allowances payable under paragraph 4.1, is reduced by reference to the total net income (determined in accordance with Schedule 3) of the persons who are contributors in relation to the student, in accordance with the following table:-

Net income £	Reduction £	Net income £	Reduction £
17,348	0	28,000	2,629
18,000	130	29,000	2,962
19,000	330	30,000	3,295
20,000	554	31,000	3,629
21,000	804	32,000	3,962
22,000	1,054	33,000	4,295
23,000	1,304	34,000	4,629
24,000	1,554	35,000	4,962
25,000	1,804	36,000	5,295
26,000	2,054	37,000	5,629
27,000	2,304	38,000	5,962

For intermediate amounts, the reduction is calculated as follows:-

£17,348 > £19,515	add £1 for each £5 additional income
£19,516 > £27,105	add £1 for each £4 additional income
£27,106 +	add £1 for each £3 additional income

- 6.2 The sum of £100 for each dependent child of the contributor in full-time education (other than the student) is to be deducted from the amount of the reduction.
- 6.3 If in any academic year the income of a contributor is taken into account for the purpose of determining awards or grants for more than one student, the reduction under paragraph 6.1 is to be apportioned among the students in such manner as the Department thinks fit. If during an academic year the number of students in respect of whom the income is taken into account changes, the Department shall recalculate the reduction accordingly.
- 6.4 Where a person and his spouse are both contributors in respect of a student, the Department may, in its discretion, disregard the income of either one of them if one of them dies and, if the death occurs in the course of an academic year, the Department may recalculate the award accordingly.

7. Reduction on account of student's income

- 7.1 The income of the student in the academic year shall be taken into account in determining the amount of the award or grant, as follows.
- 7.2 If the student has unearned income in the academic year, award or grant shall be reduced by £1 for every £1 by which the income in the academic year exceeds the relevant amount specified below:

<i>Category of income</i>	<i>Threshold £</i>
A 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 a student award under these Regulations	4,200
Any payment made by the student's employer, where the student is released by the employer to attend the course	4,200

Pension	3,300
Trust income	2,000
Other unearned income (but excluding any income received by the student from renting out his own home)	900

- 7.3 If the student is in receipt of enhanced child benefit, the award or grant shall be reduced by £1 for every £1 of benefit.
- 7.4 If the student is in receipt of any other benefit or allowance (except a loan) made by a Department or Statutory Board in the Isle of Man, or by a Government department, local authority or other public authority elsewhere in the British Islands, the Department may reduce the amount of the award or grant by the excess of the benefit or allowance over £900.
- 7.5 The income of the student falling within any of the following categories shall not be taken into account for the purpose of determining the amount of maintenance 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 covenanted by a parent or guardian of the student;
 - (e) any payment for an educational purpose, other than to meet approved fees and living and travelling expenses for which student awards under these Regulations are made;
 - (f) child benefit in respect of dependent children of the student;
 - (g) any payments made under —
 - (i) the action programme of the European Community in Education and Training for Technology ('COMETT');
 - (ii) the action scheme of the European Community for the Mobility of University Students ('ERASMUS'); or
 - (iii) the European Community programme for foreign language competence ('LINGUA');
 - (h) any payments made to the student out of Access funds held by the institution which he is attending.

SCHEDULE 2

CALCULATION OF CONTRIBUTOR'S INCOME

1. Income to be taken into account

The contributor's income from all sources shall be taken into account, except non-taxable social security benefits.

2. Basis of assessment

- 2.1 The income shall normally be assessed on the basis of the previous year's income.
- 2.2 If the current year's gross income has fallen below the previous year's gross income by more than 20 per cent for reasons beyond the contributor's control, the Department shall, at his request, make an assessment on the basis of an estimate of the current year's income.

3. Allowances against income

- 3.1 The following annual allowances against the contributor's income shall be made:—
 - (a) for each adult who is dependent on the contributor, such amount not exceeding £1,665 as the Department thinks fit;
 - (b) in the case of parents living together, one of whom is incapacitated, or a contributor living alone who is incapacitated, the cost of domestic assistance not exceeding £1,665;
 - (c) the amount of any pension contribution for the benefit of a dependent, in respect of which relief is given against income tax;
 - (d) the amount of any pension contribution not falling within (c) above, and 10 per cent of any life assurance premiums, in respect of which relief is given against income tax, but not exceeding in total 15 per cent of the contributor's gross income;
 - (e) the amount of any interest paid in respect of which relief is given against income tax (except mortgage interest on a dwelling which is not the contributor's or his spouse's only or main residence), but not exceeding in total 30 per cent of the contributor's gross income.
- 3.2 Where the income of more than one contributor is taken into account —
 - (a) the income of all of them shall be aggregated for the purpose of making any of the above allowances; and
 - (b) any allowance shall be made once only against the aggregate income.

4. Particulars of income other than from employment

- 4.1 Where the whole or a substantial part of a contributor's income derives wholly or partly from a business carried on by —

- (a) the contributor,
 - (b) a firm in which the contributor is a partner,
 - (c) a company (other than a quoted company) of which the contributor is a substantial shareholder, or from a trust of which the contributor is a beneficiary, the declaration of the contributor's financial circumstances shall be accompanied by –
 - (i) trading and profit and loss accounts and balance sheet of the business, or
 - (ii) an income and expenditure account of the trust,
 and a copy of the income tax computation, for the previous accounting year.
- 4.2 The Department may require that the accounts and computation referred to in paragraph 4.1 be produced or certified by a qualified accountant.
- 4.3 The Department shall assess the income of the contributor 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 contributor in the business or trust, except that –
- (a) provisions for depreciation and accounting adjustments on the disposal of assets may be adjusted where it appears to the Department that they do not reasonably relate to the value of the assets or accord with 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 for the purpose of assessing the level of contribution towards a student award;
 - (c) where the contributor has a minority interest only in a business, the assessment shall be limited to the dividends, salary, fees and other payments receivable by the contributor.
- 5. Verification of income**
- 5.1 The Department may in any case reassess the contributor's income on the basis of information supplied by the student, contributor(s) or the Assessor of Income Tax or any of them.
- 5.2 Each contributor of a student, in such cases where a tuition fees only award would result or is being sought, is required to complete a declaration confirming continued residence for income tax purposes and to indicate, on a voluntary basis, the level of their total income within bands.

SCHEDULE 3

AMOUNT OF TUITION FEES AWARD

1. Tuition fees only: regulation 2(1)(b)

1.1 The amount of a tuition fees only award payable under regulation 2(1)(b) is reduced by reference to the total net family income (determined in accordance with Schedule 4) of the student and those persons who are contributors in relation to the student, in accordance with the following table:-

Net income £	Reduction £	Net income £	Reduction £
17,348	0	28,000	2,629
18,000	130	29,000	2,962
19,000	330	30,000	3,295
20,000	554	31,000	3,629
21,000	804	32,000	3,962
22,000	1,054	33,000	4,295
23,000	1,304	34,000	4,629
24,000	1,554	35,000	4,962
25,000	1,804	36,000	5,295
26,000	2,054	37,000	5,629
27,000	2,304	38,000	5,962

For intermediate amounts, the reduction is calculated as follows:-

£17,348 > £19,515	add £1 for each £5 additional income
£19,516 > £27,105	add £1 for each £4 additional income
£27,106 +	add £1 for each £3 additional income

1.2 The sum of £100 for each dependent child of the contributor or student in full-time education (other than the student) is to be deducted from the amount of the reduction.

1.3 Where a person and his spouse are both contributors in respect of a student, the Department may, in its discretion, disregard the income of either one of them if one of them dies and, if the death occurs in the course of an academic year, the Department may recalculate the award accordingly.

2. Part-time and Distance Learning: regulation 2(4)

On production to the Department of a receipted invoice, a refund of a tuition fees only award for a part-time and/or distance/flexible learning course made under regulation 2(4), subject to reduction in accordance with family income calculated under Schedule 4, will be in accordance with the following table, subject to a maximum in any one academic year of £2,500:-

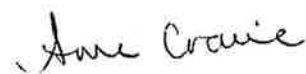
Net income £	Proportion %age
Less than 18,000	100%
18,001 – 22,000	75%
22,001 – 27,000	50%
27,001 – 32,000	25%
32,000 +	Nil

SCHEDULE 4

CALCULATION OF FAMILY INCOME

The calculation of family income to be taken into account in determining the net income under Schedule 3 shall be in accordance with the provisions of Schedule 2, except that the income to be taken into account will also include that of the student.

MADE 12th March 2007



Minister for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable financial assistance to be given by the Department of Education to assist eligible students in further and higher education by way of grants and/or tuition fees.