



# EDUCATION (STUDENT AWARDS) REGULATIONS 2015

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Statutory Document No. 2015/0135



*Education Act 2001*

## EDUCATION (STUDENT AWARDS) REGULATIONS 2015

*Approved by Tynwald:*

*19 May 2015*

*Coming into Operation:*

*1 June 2015*

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The Department of Education and Children makes the following Regulations under section 37 of the Education Act 2001.

### **1 Title**

These Regulations are the Education (Student Awards) Regulations 2015.

### **2 Commencement**

If approved by Tynwald, these Regulations come into operation on 1 June 2015.

### **3 Application and transitional provision**

- (1) These Regulations apply to an award made —
  - (a) after the coming into operation of these Regulations in relation to an academic year commencing before 1 September 2015;
  - (b) before or after the coming into operation of these Regulations in relation to an academic year commencing on or after 1 September 2015;
- (2) Nothing in these Regulations applies to an award made before the coming into operation of these Regulations in respect of an academic year commencing before 1 September 2015.
- (3) Where —
  - (a) an award was made to a person under the Education (Student Awards) Regulations 2012 in respect of a course started in an academic year commencing before 1 September 2014; or
  - (b) that person was eligible for that award under regulation 6 of those Regulations, or in relation to that award a requirement of regulation 6 or an exclusion in regulation 7 was waived by the Department under regulation 8 of those Regulations;

that person shall be treated as eligible for an award in respect of the same course under these Regulations notwithstanding any condition in regulation 6 and any exclusion under regulation 7.

#### 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);

“**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.

“**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 recognised qualification awarded by a suitable institution;

“**the Department**” means the Department of Education and Children;

“**eligible**”, in relation to a student, shall be construed in accordance with regulation 6 (subject to regulation 3 (3));

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

“**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<sup>2</sup>), 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);

“**the Isle of Man College**” means the Isle of Man College of Further and Higher Education;

“**maintenance grant**” means the element of an award specified in regulation 18;

“**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;

“**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 Universities and Colleges Admissions Service.

- (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:

<i>First term of course</i>	<i>Date on which term is treated as beginning</i>
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 –
- (a) leaves due to failure in his or her studies or voluntarily, and
  - (b) either –
    - (i) is unable to return to his or her studies;
    - (ii) does not intend to return to those studies; or
    - (iii) 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 –
- (a) the spouse or civil partner of the student; and
  - (b) 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, each of the following persons is a contributor –
- (a) any person (other than a public authority) who has or had parental responsibility for the student; and
  - (b) any other person who treats, or has within the previous 2 years treated, the student as a child of his or her family.

Whether a person is to be treated as a child of the family of another is to be determined in accordance

## 5 Grant of awards

- (1) Unless in the circumstances of the case it considers it inappropriate to do so, the Department must make an award to an eligible student for –
- (a) an approved university first degree course; or
  - (b) an approved Higher National Diploma or comparable course.
- (2) The Department may make an award to an eligible student for an approved postgraduate course.
- (3) Subject to paragraph (4), the Department may make an award to an eligible student for an approved course which is –
- (a) either –
    - (i) a part-time degree course of a vocational nature provided by the Isle of Man College or
    - (ii) a degree course or a module of such a course, 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 future employment.
- (4) Paragraph (3) does not apply if it appears to the Department that the course is one which –
- (a) the student's employer would normally fund, or
  - (b) would, in the trade, business or profession in question, normally be funded by a student's employer.
- (5) The Department may make an award to an eligible student for an approved course leading to a QCF qualification higher than a QCF qualification which he or she has previously attained.

- (6) The Department may approve a course for the purpose of these Regulations, either unconditionally or subject to such conditions as it thinks fit.
- (7) This regulation has effect subject to the following provisions of these Regulations.

## 6 Eligibility for award

- (1) Subject to regulation 3(3), 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 condition specified in paragraph (5).-
- (2) The student must be –
  - (a) under 60 years of age, and
  - (b) in the case of a course at the Isle of Man College, 18 years of age or over;at the beginning of the first year of the course.
- (3) The student must –
  - (a) have 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, and
  - (b) continue to be ordinarily resident in the Island for the duration of the course.
- (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) Subject to regulation 8(1) to (3) the student must hold the following minimum qualifications –
  - (a) in the case of a university first degree course –
    - (i) a minimum of 200 UCAS points from qualifications equivalent in terms of volume and depth of study to GCE A level (A2) or AS level, or
    - (ii) an International Baccalaureate Diploma;
  - (b) in the case of a Higher National Diploma or comparable course –
    - (i) One GCE A level (A2) pass at A to C grade, or
    - (ii) the equivalent UCAS points or QCF level 3 qualification;

- (c) 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 Graduate Diploma in Law (GDL)
  - (iv) a course leading to a qualification enabling the student to teach in a school in the island or the United Kingdom or
  - (v) any other post graduate course, except one falling within sub-paragraph (c),  
an upper second class honours degree.

## 7 Exclusions

- (1) Subject to regulations 3(3) and 8(4) and (6) a student is not eligible for an award for a course if he or she has already commenced a course at a QCF level equivalent to or higher than that course.
- (2) Subject to regulation 3(3) a student is not eligible for an award for a course (except a course at QCF level 4 or above) at an institution outside the Island if a similar course is available in the Island.

## 8 Waiver of certain requirements

- (1) The Department may waive the requirement of regulation 6(5)(a),(b) or (c) in the case of a course at the Isle of Man college on the recommendation in writing of the Principal.
- (2) The Department may waive the requirement of regulation 6(3)(a) in a particular case if –
  - (a) the student has taken a gap year immediately after GCE A level (A2) or equivalent QCF level 3 qualification or a first degree, or
  - (b) the student has resided in the Island for periods amounting in the aggregate to ten years or more, and two of those years fall immediately prior to commencement of the course, or
  - (c) to do so would, in the opinion of the Department, be in the national interest.

In this paragraph “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.

- (3) If it appears to the Department that the student is not, by reason of past residence in the Island, eligible for financial assistance in the country or territory in which he or she is ordinarily resident, the Department –

- (a) may waive the requirement of regulation 6(3)(b), but
  - (b) may limit the scope or amount of the award to the scope or amount of the financial assistance for which the student would, if it were not for past residence in the Island, be eligible in that country or territory.
- (4) The Department may waive the exclusion in regulation 7(1) where –
- (a) the student has withdrawn from the course which he or she previously commenced, and
  - (b) the Department is satisfied that the withdrawal was for good reasons.
- (5) A waiver under paragraph (4) may be given subject to conditions, including a condition requiring the repayment of the whole or part of any award made in respect of the course previously commenced.
- (6) The Department may waive the exclusion in regulation 7(1) in the case of a course at the Isle of Man College –
- (a) if the proposed course is at GCSE (level 2) or GCE (level 3) and the Department is satisfied the circumstances of the particular application warrant the exercise of discretion, or
  - (b) if the proposed course is the Foundation Year in Art and Design and is necessary to pursue an undergraduate degree in an art subject at university.
  - (c) if the proposed course is of a vocational rather than an academic nature

### *Applications*

## **9 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 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 a statement that the particulars given are true to the best of the maker’s knowledge and belief;

- (b) 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
- (c) 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 which does not include a grant subject to means testing.
- (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 that –
  - (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.

## 10 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.
- (5) 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.

## 11 Determination of applications

- (1) An application for a student award is to be determined in accordance with these Regulations, and the student will be notified of the decision and of the student's rights of review set out in these Regulations.
- (2) A student or contributor aggrieved by the decision of such an officer may, within 14 days of notification of the decision, by notice in writing require a decision under paragraph (1) to be reviewed by an officer of the Department senior to the officer by whom it was taken, 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 consisting of 3 persons appointed by the Department, none of whom was involved in the initial determination.
- (6) The panel must –
  - (a) afford the following persons 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 decision,
  - (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 its reasons for the decision.

## 12 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.

## 13 Duration of awards

- (1) Subject to paragraph (2), the Department must not make an award for a period longer than 4 years for full time study or 6 years for part time study at QCF level 6 or equivalent.
- (2) The Department may waive the requirement of paragraph (1) in the case of a course –
  - (a) leading to a clinical, veterinary or architectural degree, or
  - (b) including a placement for work experience for a period of not less than 6 months.

## 14 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) Without prejudice to regulation 8(5), 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.

**15 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;
  - (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***16 Make-up of award**

- (1) Subject to paragraph (2) and regulation 8(3)(b), an award consists of the following elements —
  - (a) a fees grant, and
  - (b) a maintenance grant.
- (2) An award consists 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
- (c) if at the beginning of the first year of the course the student is –
  - (i) 39 years of age or over, in the case of a course at the Isle of Man College, or
  - (ii) 29 years of age or over, in any other case.

## 17 Fees grant

- (1) Subject to paragraphs (2) to (4) and to regulation 8 (3)(b), the fees grant covers the tuition fees in respect of the course in respect of which the award is made.
- (2) Subject to paragraph (3), the amount of a fees grant must not exceed –
  - (a) £9,000, or
  - (b) such larger amount as the Department considers appropriate, having regard to the tuition fee limits for full time undergraduates approved by the Director of Fair Access for English universities and colleges that have an access agreement with the Office for Fair Access for an academic year starting on or after 1<sup>st</sup> September 2014.
- (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 2010 or a course at the Isle of Man College, the student must pay to the Department or as

the Department may direct 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 year in respect of which the relevant fees are payable.

## 18 Maintenance grant

- (1) Subject to regulation 8(3)(b), the amount of maintenance grant is calculated in accordance with Schedule 2.
- (2) A maintenance grant must be paid to the student in termly instalments, so far as practicable, at the beginning of each term –
- (a) if the student is based elsewhere than at the institution, by credit to the student's bank account, or
  - (b) otherwise, by cheque sent to the appropriate financial officer of the institution.
- (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.

## 19 Means testing

- (1) The fees grant is subject to means testing in accordance with Schedule 1 -
- (a) the aggregate of the gross income of the persons referred to in paragraph (3)(a) and (b), determined in accordance with Schedule 4, exceeds £100,000;
- (2) The fees grant is subject to means testing in accordance with Schedule 3 if -
- (a) the student is 39 years of age or over at the beginning of the first year of the course, in the case of a course at the Isle of Man College, or
  - (b) the student is 29 years of age or over at the beginning of the first year of the course in any other case;
  - (c) if the course is one to which regulation 5(3) applies (part-time and distance learning courses).
- (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, and
  - (b) the income of every person who is a contributor in relation to the student.
- (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, 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.
- (6) Schedule 4 applies for determining the income of a contributor for the purpose of this regulation.
- (7) This regulation does not affect any calculation in accordance with Schedule 1 of a contribution required by regulation 17(6).

**20 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 physical or mental disability (including learning difficulties), an additional allowance of such amount as appears to the Department to be appropriate, not exceeding the amounts specified in the following tables can be made –

(a) in the case of an undergraduate –

Basic allowance per annum	£1,500
Additional allowance for non-medical helper (eg. reader) per annum	£11,300
Additional allowance for special equipment (payable once for whole course)	£4,500

(b) in the case of a postgraduate

Basic allowance per annum	£5,400
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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.



**21 Loans**

- (1) Where a contribution calculated in accordance with paragraph 1, 2 or 5 of Schedule 1 is payable in respect of a student, the Department may lend to the student, on such terms as it considers appropriate, an amount not exceeding £2,500 towards the contribution.

This is subject to paragraphs (2) to (5)).

- (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 prescribed under section 111A(1) of the Income Tax Act 1970<sup>3</sup> (interest on overdue tax).
- (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 £21,000, 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 £21,000, 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.

**22 Withdrawal of award**

- (1) The Department may withdraw the whole of an award at any time if –
- (a) it considers that the student's progress, conduct or attendance is unsatisfactory, or
  - (b) 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) in the opinion of the Department his or her withdrawal or failure is attributable to causes within his or her control.

- (3) Regulation 11(2)(3) and (5) (review) applies, with any necessary modifications, to a decision to withdraw the whole or part of an award as it applies 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*

### 23 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.

### 24 Revocation

Subject to regulation 3, the Education (Student Awards) Regulations 2014 are revoked.

MADE 22 APRIL 2015

Redacted



**TIM CROOKALL**  
*Minister for Education and Children*

## SCHEDULE 1

[Regulation 17(6)]

## CONTRIBUTION TOWARDS FEES GRANT

## PART I – UNDERGRADUATE COURSES

**2 Undergraduate degree courses started in 2014 or subsequent year**

For courses starting in the academic year beginning on or after 1 September 2014, for each year of the course the contribution towards a fees grant is calculated as follows –

$$x = £2,500 + (yx \ 0.35)$$

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 £100,000.

**3 Undergraduate degree courses started in 2013**

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

$$x = £2,500 + (y \ x \ 0.35)$$

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 £100,000.

**4 Undergraduate degree courses started in 2012**

For courses starting in an academic year beginning on or after 1 September 2012 and before September 2013, for any fourth or subsequent year of the course, the contribution towards a fees grant is £5,000.

**5 Undergraduate degree courses started in 2010 or 2011**

For courses starting in an academic year beginning on or after 1 September 2010 and before 1 September 2012, for any fourth or subsequent year of the course the contribution towards a fees grant is calculated as follows:

$$x = y - z$$

Here —

$x$  is the amount of the contribution, if  $x > 0$ , subject to a maximum of £1,000;

$y$  is the reduction in a maintenance grant on account of any contributor's income, calculated in accordance with paragraph 2(1) of Schedule 3; and

$z$  is the gross amount of a maintenance grant calculated in accordance with Schedule 2.

## PART 2 – POSTGRADUATE COURSES

### 6 Postgraduate courses started in 2014 or subsequent year

For courses starting in an academic year beginning on or after 1 September 2014, 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 £100,000.

### 7 Postgraduate courses started in 2012 or 2013

For courses starting in an academic year beginning on or after 1 September 2012 and before 1 September 2014, the contribution towards a fees grant is £5,000.

### 8 Postgraduate courses started in 2010 or 2011

For courses starting in an academic year beginning on or after 1 September 2010 and before 1 September 2012, for any fourth or subsequent year of the course the contribution towards a fees grant is calculated as follows:

$$x = y - z$$

Here —

$x$  is the amount of the contribution, if  $x > 0$ , to a maximum of £1,000

$y$  is the reduction in a maintenance grant on account of any contributor's income, calculated in accordance with paragraph 2 (1) of Schedule 3

## SCHEDULE 2

[Regulation 18 (1)]

## AMOUNT OF MAINTENANCE GRANT

**1 Basic amount**

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

<i>Location</i>	<i>Type of course</i>	<i>Basic amount £</i>
Isle of Man College	non-degree course (35 weeks)	2,380
	undergraduate and postgraduate degree course (30 weeks)	3,260

- (2) The basic amount of a maintenance grant for a course outside the Island (other than postgraduate research) is –

<i>Location</i>	<i>Basic amount £</i>	<i>Per week £</i>
London area and any country outside the United Kingdom (30 weeks)	5,190	115
Oxford or Cambridge University (25 weeks)	4,680	115
Elsewhere in United Kingdom (30 weeks)	4,680	115

**2 Period of attendance**

- (1) The amounts in paragraph 1 are calculated on the assumption that attendance for the number of weeks stated in the relevant table is required.
- (2) If the duration of a course is less than that number, the grant shall be reduced in proportion.
- For example, if the grant is calculated on the basis of a 35-week year, and attendance is required for only 22 weeks, the grant will be reduced to 22/35ths.
- (3) If the duration of a course outside the Island is more than that number, amounts for extra weeks are payable in accordance with the third column of the table in paragraph 1 (2).
- (4) If the duration of a course is 43 weeks or more in any year, the grant is to be calculated as if the duration were 52 weeks.
- (5) 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)

- (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 the appropriate United Kingdom research body.
- (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 19(3).

## SCHEDULE 3

[Regulation 19 (2) &amp; (3)]

## MEANS-TESTING

**1 Application**

- (1) Paragraphs 2 and 3 apply for the calculation of a maintenance grant.
- (2) Paragraph 2 applies for the calculation of a fees grant in the case specified in regulation 19 (2)(a) and (b)
- (3) Paragraph 4 applies for the calculation of a fees grant in the case specified in regulation 19 (2)(c)(part-time and distance learning courses).

**2 Reduction on account of contributor's income (fees grant and 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)) –

<i>Net income £</i>	<i>Reduction £</i>	<i>Net income £</i>	<i>Reduction £</i>
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

- (2) For intermediate amounts of net income –
  - (a) where net income exceeds £17,348 but does not exceed £19,515, the amount of the grant is further reduced by £1 for each £5 of the contributor's net income above the relevant amount specified in the above table.

- (b) where net income exceeds £19,515 but does not exceed £27,105, the amount of the grant is further reduced by £1 for each £4 of income above the relevant amount specified in the above table;
- (c) where net income exceeds £27,105, the amount of the grant is further reduced by £1 for each £3 of income above the relevant amount specified in the above table.
- (3) The sum of £100 for each dependent child (other than the student) of the contributor in full time education is to be deducted from the amount of the reduction.
- (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. 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.
- (5) 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 –
- (a) may disregard the income of either of them; and
- (b) if the death occurs in the course of an academic year, the Department may recalculate the award accordingly.

### 3 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 the income in the academic year exceeds the relevant amount specified below:

<i>Category of income</i>	<i>Relevant amount £</i>
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	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 (except income received by the student from renting out his or her own home)	900

- (3) If the student is in receipt of enhanced child benefit, the grant is reduced by £1 for every £1 of benefit.
- (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 Island, or by a government department, local authority or other public authority elsewhere in the British Islands, the Department may reduce the amount of the grant by the amount by which the benefit or allowance exceeds £900.
- (5) 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 covenanted by a parent or guardian of the student;
  - (e) 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;
  - (f) child benefit in respect of dependent children of the student;
  - (g) any payments made under –
    - (i) the European Community Action Scheme for the Mobility of University Students (“ERASMUS”), or
    - (ii) the European Commission LINGUA programme for foreign language competence;
  - (h) any payments made to the student out of access funds held by the institution which he or she is attending.
- (6) In sub-paragraph (5)(d) “parent or guardian”, in relation to a student, includes any person (other than a public authority) 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.

#### **4 Part-time and distance learning (fees grant)**

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

<i>Exceeds £</i>	<i>Does not exceed £</i>	<i>Reduction</i>
21,000	25,000	25%
25,000	30,000	50%
30,000	35,000	75%
35,000	—	100%

- (2) The amount of the grant (after reduction in accordance with subparagraph (1) where appropriate) must not exceed £4,000.

## SCHEDULE 4

## Regulation 19 (4)

## DETERMINATION OF STUDENT'S OR CONTRIBUTOR'S INCOME

**1 Interpretation**

(1) 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 except social security benefits that are disregarded for the purposes of computing a person's income tax liability;

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

- (a) for each adult who is dependent on the person, such amount not exceeding £1,665 as the Department considers appropriate;
- (b) in the case of –
  - (i) contributors living together, one of whom is eligible for the allowance for disabled persons under section 35B of the Income Tax Act 1970, or
  - (ii) a person living alone who is eligible for that allowance, the cost of domestic assistance not exceeding £1,665;
- (c) the amount of any pension contribution for the benefit of a dependant, in respect of which relief is given against income tax;
- (d) 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;
- (e) 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 the year 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 the following accounts relating to the previous financial year –

- (i) trading and profit and loss accounts and balance sheet of the business, or
- (ii) an income and expenditure account of the trust, and

in either case, a copy of the income tax computation.

(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.

*EXPLANATORY NOTE*

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

These Regulations correct a typographical error which was contained in the 2014 Regulations in Schedule 1 Section 8. Also references to previous Regulations before 2012 have been removed.

In addition the Regulations remove the requirement for a student to be in receipt of a maintenance grant before they can be considered for support under Section 20, Disability Allowance, and sets out the maximum sums payable.