1991 No. 390

EDUCATION

Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1991

Made . . . . . 21st August 1991

Coming into operation . . 1st September 1991

The Department of Education in exercise of the powers conferred on it by Articles 50(1) and (2) and 134(1) of the Education and Libraries (Northern Ireland) Order 1986(**a**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1991 and shall come into operation on 1st September 1991.

Revocation

2. The Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1990(**b**) are hereby revoked.

Interpretation

3. In these Regulations—

"the Order" means the Education and Libraries (Northern Ireland) Order 1986;

"parent" includes a guardian or any other person who normally maintains the pupil.

Eligibility criteria

4. Subject to the provisions of these Regulations a board shall pay a maintenance allowance in respect of a pupil who—

(*a*) has attained the upper limit of compulsory school age;

(*b*) is following a full-time course at a grant-aided school or institution of further education;

(*c*) has not been awarded under the provisions of Article 50 or 51 of the Order any other award which includes provision for his maintenance; and

(*d*) is ordinarily resident in its area.

(**a**) S.I. 1986/594 (N.I. 3)
(**b**) S.R. 1990 No. 353

Amount of allowance

5. The amount of the maintenance allowance shall be determined in accordance with the Schedule and the allowance shall be paid at such times and in such manner as the board may determine.

Terms and conditions

6.—(1) Subject to the provisions of these Regulations a maintenance allowance shall be payable from the beginning of the day following that on which the pupil attains the upper limit of compulsory school age or, if later, 1st September 1991 and shall normally be payable for a period of twelve months but, subject to reassessment, shall be renewable for a further period or periods so long as is necessary in the opinion of the board to enable the pupil to complete the course in respect of which the allowance is granted.

(2) The board may at any time terminate a maintenance allowance if it is satisfied, after consultation with the principal of the school or institution of further education that the conduct, progress or attendance of the pupil is not satisfactory.

7. An application for a maintenance allowance shall be made annually in such form, contain such information, be accompanied by such documents and be submitted by such date as the board shall require.

8. It is a condition of the payment of an allowance under these Regulations that the parent of a pupil in respect of whom a maintenance allowance is claimed shall inform the board of any change in his financial circumstances; and if the board has reason to believe that such a change has occurred or if the parent represents that such a change has occurred the board shall give the parent an opportunity of submitting a revised application and thereafter shall reconsider and if necessary adjust the value of or cancel the allowance.

9. It is a condition of the payment of an allowance under these Regulations that the parent of a pupil in respect of whom an allowance is being paid shall inform the board immediately of any change in his place of residence.

Sealed with the Official Seal of the Department of Education on 21st August 1991.

(L.S.) *E. M. Power*
Assistant Secretary

SCHEDULE Regulation 5

1. The amount of a maintenance allowance shall be determined in accordance with the following table:

Balance of parental income	*Maintenance allowance payable for full year*
	£
Not exceeding £3,080	551
Exceeding £3,080 but not exceeding £3,740	424
Exceeding £3,740 but not exceeding £4,400	318
Exceeding £4,400 but not exceeding £5,060	212
Exceeding £5,060 but not exceeding £5,720	106

2.—(1) To determine the balance of parental income there shall be deducted from gross income:

(*a*) an annual allowance of £495 in respect of each wholly dependent child up to the age of 18 years other than the pupil for whom an allowance is being determined;

(*b*) an annual allowance of £809 in respect of each wholly dependent relative normally living as a member of the household other than the pupil for whom an allowance is being determined and dependent children falling within head (*a*) provided that the amount shall be reduced by the amount of any income which the relative may receive from other sources;

(*c*) fees payable under regulation 7 of the Grammar Schools (Fees) Regulations (Northern Ireland) 1990(**a**) in the period of twelve months beginning on the day before the first day of the period in respect of which the maintenance allowance being determined would be payable; and

(*d*) the following annual outgoings on the basis of outgoings (on a weekly or other period basis as the case may be) at the time of determination:

(i) the gross amount of any sums payable as interest (including interest on a mortgage) in respect of which relief is given under the Income Tax Acts in respect of a loan to the parent;

(ii) half of the gross amount of any premium payable under a policy of life insurance in respect of which relief is given under section 266 of the Income and Corporation Taxes Act 1988(**b**) (life policy and certain other premiums).

(2) In sub-paragraph (1) "the Income Tax Acts" has the same meaning as in Schedule 1 to the Interpretation Act 1978(**c**).

3. To determine gross income there shall, subject to paragraph 4, be taken into account the annual income from all sources of both parents determined for the purpose of these Regulations on the basis of income (on a weekly or other period basis as the case may be) at the time of determination:

(**a**) S.R. 1990 No. 302; amended by S.R. 1991 No. 118
(**b**) 1988 c. 1
(**c**) 1978 c. 30

Provided that—

(*a*) all payments made under Article 33 of the Social Security (Northern Ireland) Order 1986(**a**) and gifts from charitable funds shall be disregarded; and

(*b*) where any attendance allowance under section 35, any constant attendance allowance under section 61, any disablement pension under section 57, any unemployability supplement under section 58, and any exceptionally severe disablement allowance under section 63 of the Social Security (Northern Ireland) Act 1975(**b**) are payable, the first £5·50 a week of the aggregate income from those sources shall be disregarded.

4. Where the parents do not normally reside together the board shall take account of the income of the person who normally maintains the pupil for whom a maintenance allowance is being sought.

5. The amount of a maintenance allowance shall be reassessed annually.

(**a**) S.I. 1986/1888 (N.I. 18); Article 33(2)(*a*) was amended by Article 3 of the Social Fund (Maternity and Funeral Expenses) (Northern Ireland) Order 1987 (S.I. 1987/464 (N.I. 8)). Article 33 was further amended by paragraphs 1 to 6 of Schedule 3 to, and repealed in part by Schedule 5 to, the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)) and amended by Article 12(1) and (2) of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15))

(**b**) 1975 c. 15; section 35 was amended by Article 3 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)), paragraph 8 of Part II of Schedule 1 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), Article 3(1) of the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)), paragraph 5 of Schedule 8 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)) and Article 3(1) and (2) of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)); subsections (3) and (4) of section 61 were inserted by paragraph 6 of Schedule 3 to the Social Security (Northern Ireland) Order 1986; section 57 was amended by Article 32(2) of the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16)), paragraph 3 of Schedule 3 to the Social Security (Northern Ireland) Order 1986 and paragraph 11 of Schedule 7 to the Social Security (Northern Ireland) Order 1989 and repealed in part by Schedule 6 to the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)) and Schedule 10 to the Social Security (Northern Ireland) Order 1986

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which have effect on and from 1st September 1991, replace the Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1990.

Under the Regulations the conditions of eligibility for a maintenance allowance are prescribed (regulation 4).

Allowances payable have been increased by 6% and are determined by reference to income bands (which have been adjusted to reflect a 10% increase) contained in the Schedule. The timing of payment of the allowances is determined by the board (regulation 5).

The allowance is payable, subject to other provisions in the Regulations, from the day following that on which the pupil attains the upper limit of compulsory school age or, if later, 1st September 1991; is subject to reassessment or termination (regulation 6) and shall be applied for annually (regulation 7).

There is an obligation on parents claiming the allowance to advise the board of any change in financial circumstances, with provision for revision or cancellation of the allowance (regulation 8). Parents are also obliged to inform the board of any change in the pupil's place of residence (regulation 9).

The Schedule specifies the rates of allowances, income bands and certain items to be deducted in determining the balance of parental income. The criteria for assessing gross income are also specified.