1990 No. 353

EDUCATION

Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1990

Made . . . . . 28th September 1990

Coming into operation . . 26th October 1990

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.—(1) These Regulations may be cited as the Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1990.

(2) These Regulations shall come into operation on 26th October 1990 and shall have effect on and from 1st September 1990.

Revocation

2. Subject to the provisions of regulation 10 the Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1973(**b**) and the Maintenance Allowances (Pupils over Compulsory School Age) (Amendment) Regulations (Northern Ireland) 1983(**c**) 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;

(**a**) S.I. 1986/594 (N.I. 3)
(**b**) S.R. & O. (N.I.) 1973 No. 426
(**c**) S.R. 1983 No. 421

(*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.

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 1990 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.

Transitional provision

10. Without prejudice to sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954(**a**) where a maintenance allowance is being paid at 31st August 1990 under the provisions of the Regulations set out in regulation 2 the allowance shall continue to be paid under the provisions of these

(**a**) 1954 c. 33 (N.I.)

Regulations; and the value of any such continuing allowance shall be determined under the provisions of these Regulations or under the provisions of the Regulations set out in regulation 2 whichever is the more favourable to the pupil.

Sealed with the Official Seal of the Department of Education on 28th September 1990.

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