1973. No. 426 **[C]**

EDUCATION

Maintenance Allowances (Pupils over Compulsory School Age)

REGULATIONS, DATED THE 27TH DAY OF SEPTEMBER 1973, UNDER ARTICLE 39 OF THE EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1972.

The Ministry of Education on behalf of the Secretary of State in exercise of the powers conferred upon it by Article 39 of the Education and Libraries (Northern Ireland) Order 1972(a) and all other powers enabling it in that behalf hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1973.

(2) These Regulations shall have effect from 1st October 1973.

2. In these Regulations—

"education committee" means a committee constituted under section 2(2) of the Education Act (Northern Ireland) 1947(b) by a former local education authority;

"parent" includes a legal guardian or, where the board considers it to be appropriate, any other person who normally maintains the pupil.

3. 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 Articles 39 or 40 of the Order any other scholarship which includes provision for his maintenance; and

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

Provided that where the board is satisfied that a pupil's parents are not ordinarily resident in its area and that the pupil is resident in its area solely or mainly for the purpose of receiving education the payment of a maintenance allowance shall be at the discretion of the board.

4. A board may, at its discretion, pay a maintenance allowance in respect of a pupil who satisfies the conditions at (*a*), (*b*) and (*c*) of Regulation 3 but who is not ordinarily resident in its area.

5. A maintenance allowance 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:

(a) S.I. 1972, No. 1263 (N.I. 12). (b) 1947. c. 3.

Provided that the board may at any time cancel the allowance if—

(1) the pupil ceases to satisfy the conditions under which the allowance was granted; or

(2) 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.

6.—(1) 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.

(2) An allowance shall be payable at the appropriate age in the table in paragraph 1 of the Schedule as follows:

(*a*) at 16 years from the beginning of the day following that on which the pupil attains the upper limit of compulsory school age;

(*b*) at 17 years—

(i) from the beginning of the day following the first anniversary of the pupil's attainment of the upper limit of compulsory school age; or

(ii) in the case of a pupil who attained the upper limit of compulsory school age before 1st September 1972 from the beginning of the day following the second anniversary of the pupil's attainment of that age;

(*c*) at 18 years and over—

(i) from the beginning of the day following the second anniversary of the pupil's attainment of the upper limit of compulsory school age; or

(ii) in the case of a pupil who attained the upper limit of compulsory school age before 1st September 1972 from the beginning of the day following the third anniversary of the pupil's attainment of that age.

7. A board may require an application to be made annually in such form, contain such information, be accompanied by such documents and be submitted by such date as the board may require. The board shall take such steps as it considers necessary to satisfy itself of the accuracy of information furnished under the provisions of this Regulation.

8. A board may require as 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. If the board has reason to believe that such a change has occurred or if the parent of the holder 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. A board may require as 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.

10. A board shall obtain from the principal of a school or institution of further education such reports on the conduct, progress and attendance of each pupil in respect of whom an allowance is being paid as the board considers necessary.

11. Where a maintenance allowance is being paid at 30th September 1973 under the provisions of the Grammar Schools (Admissions, Scholarships and Special Allowances) Regulations (Northern Ireland) 1971(c) or of a Scheme made by an education committee for the payment of maintenance allowances the allowance shall continue to be paid under the provisions of these Regulations. The value of any such continuing allowance shall be determined under the provisions of these Regulations or under the provisions of the former Regulations or Scheme whichever is the more favourable to the pupil.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 27th day of September 1973.

(L.S.)

G. I. Dent,
Deputy Secretary.

(c) S.R. & O. (N.I.) 1971, No. 259 as amended by S.R. & O. (N.I.) 1972, No. 184 and S.R. & O. (N.I.) 1973, No. 253.