



Jersey

# **EDUCATION (GRANTS AND ALLOWANCES) (JERSEY) ORDER 2018**

## **Official Consolidated Version**

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## EDUCATION (GRANTS AND ALLOWANCES) (JERSEY) ORDER 2018

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## EDUCATION (GRANTS AND ALLOWANCES) (JERSEY) ORDER 2018

**THE MINISTER FOR EDUCATION**, in pursuance of Articles 51 and 68 of the [Education \(Jersey\) Law 1999](#), orders as follows –

Commencement [[see endnotes](#)]

### PART 1

#### INTERPRETATION

#### 1 Interpretation<sup>1</sup>

In this Order –

“1961 Law” means the [Income Tax \(Jersey\) Law 1961](#);

“academic year” means a period of 12 months beginning on 1st September;

“dependent student” is construed in accordance with Article 2;

“distance learning course” has the meaning in Article 11(3);

“higher education” does not include a course described in paragraph 1(b) of Schedule 2 to the Law except as provided for in Article 9;

“income” is defined in Article 3A;

“independent student” is construed in accordance with Article 2;

“Law” means the [Education \(Jersey\) Law 1999](#);

“level”, in respect of a qualification relating to a course in education, means a qualification level specified in the qualifications framework for England, Wales and Northern Ireland on a web-site maintained by the United Kingdom government;

“main residence” means, in respect of a student who is resident at more than one address in Jersey, the address at which the student spends the most time in Jersey or, if the student spends equal time at more than one address in Jersey, the residential address given in an application for a grant or allowance;

“parent” in relation to a student, means the student’s natural or adoptive parent;

“relevant assets”, in respect of a student and for an academic year, means the assets, as at the end of the calendar year preceding the calendar year in which the academic year commences, of the parties whose incomes are taken into account

(and not completely disregarded) in assessing the relevant income of the student, not including any asset that is a principal residence of any such party;

“relevant date”, for an academic year, means 31st August immediately preceding the commencement of the academic year;

“relevant income”, in respect of a student and for an academic year, means the amount determined in accordance with Articles 4, 5 or 6;

“relevant person” is construed in accordance with Article 5(2);

“resident” is construed in accordance with Article 3;

“student”, in respect of an application for a grant or allowance, includes a person intending to become a student;

“tuition fees” means all fees payable to an institution relating to the provision of a course, including fees for admission, registration, matriculation, tuition, examinations, validation and graduation.

## 2 Dependent and independent students<sup>2</sup>

- (1) A student is an independent student in respect of an academic year if, on or before the relevant date for that year, the student –
  - (a) is 25 years of age or older;
  - (b) is married or in a civil partnership;
  - (c) has been living financially independently of the student’s parents for at least 3 years before the first academic year of the student’s course;
  - (d) has no living parent;
  - (e) is the natural or adoptive parent of a child of the household; or
  - (f) is the subject of an order committing the student to the care of the Minister for Children and Housing made under the [Children \(Jersey\) Law 2002](#) or, before attaining full age, was so subject.
- (2) A student who is not an independent student is a dependent student.
- (3) In this Article –

“child” means a person at or below the upper limit of compulsory school age;

“child of the household” means, in relation to a student, any child whose main place of residence is with the student as part of that student’s household.

## 3 Meaning of “resident”

- (1) An independent student is resident in Jersey if, on the relevant date for the first academic year of the student’s course, the student –
  - (a) is ordinarily resident in Jersey; and
  - (b) has been so resident –
    - (i) for at least one year, if the student has Entitled status under the [Control of Housing and Work \(Jersey\) Law 2012](#), or
    - (ii) for at least 5 years.
- (2) Despite paragraph (1), if the residential qualification set out in that paragraph is not met in respect of a student solely because the student is or was temporarily

- employed outside Jersey, that period of employment may be counted as a period of ordinary residence in Jersey.
- (3) A dependent student is resident in Jersey if, on the relevant date for the first academic year of the student's course, the student and his or her parents –
- (a) are all ordinarily resident in Jersey; and
  - (b) have been so resident –
    - (i) for at least one year, if any one or more of them has Entitled status under the [Control of Housing and Work \(Jersey\) Law 2012](#), or
    - (ii) for at least 5 years.
- (4) Despite paragraph (3) –
- (a) if a student is ordinarily resident with only one parent, only the ordinary residence of that parent is taken into account for the purposes of paragraph (3); and
  - (b) if the residential qualification set out in paragraph (3) is not met in respect of a student solely because a parent is or was temporarily employed outside Jersey, that period of employment may be counted as a period of ordinary residency in Jersey for both the parent and the student.
- (5) Despite paragraphs (1) and (3), a student may be regarded as resident in Jersey if it would be unfair in the circumstances of a particular case not to so regard him or her.

### 3A Meaning of "income"<sup>3</sup>

- (1) For the purposes of this Order, "income", in respect of a person ("first person"), means the person's profits, gains, salaries, fees, wages and perquisites of any kind arising from any source, whether in Jersey or elsewhere, and includes –
- (a) any income applied by another person, under a trust, for or towards the maintenance, education, or other benefit, of the first person or of any other person dependent on or maintained by the first person;
  - (b) any amount payable, whether under an order of a court or any agreement, for the maintenance of the first person or of any other person dependent on the first person;
  - (c) any benefit or bonus or payment (however described) payable to or in respect of the first person under any of the following Laws, including any Regulations or Orders made under those Laws –
    - (i) [Social Security Hypothecs \(Jersey\) Law 2014](#),
    - (ii) [Social Security \(Jersey\) Law 1974](#),
    - (iii) [Income Support \(Jersey\) Law 2007](#),
    - (iv) [Long-Term Care \(Jersey\) Law 2012](#); and
  - (d) deemed income under paragraphs (2) and (3).
- (2) If an individual holds a relevant interest in an entity during a calendar year for which the individual's income is relevant income, the individual is deemed to receive as income the proportion of the profits made by that entity during that calendar year that is equivalent to the proportion of the individual's relevant interest in that entity.

- (3) If that individual holds that relevant interest for part only of that calendar year, the amount that the individual is deemed to receive as income is apportioned to reflect the portion of the year in which the individual held the relevant interest.
- (4) In this Article, a “relevant interest” means a holding of 5% or greater of –
  - (a) the share capital, for a company incorporated under the [Companies \(Jersey\) Law 1991](#); or
  - (b) the partnership interest, for –
    - (i) an incorporated limited partnership formed under the [Incorporated Limited Partnerships \(Jersey\) Law 2011](#),
    - (ii) a limited liability partnership formed under the [Limited Liability Partnerships \(Jersey\) Law 2017](#),
    - (iii) a limited partnership formed under the [Limited Partnerships \(Jersey\) Law 1994](#), or
    - (iv) a separate limited partnership formed under the [Separate Limited Partnerships \(Jersey\) Law 2011](#).

#### **4 Meaning of relevant income of dependent student**

- (1) This Article applies where –
  - (a) a dependent student does not live in his or her main residence in Jersey with a parent and a relevant person; or
  - (b) a dependent student lives in his or her main residence in Jersey with a parent and a relevant person and that parent and the student’s other parent have agreed that the student’s relevant income should be determined in accordance with this Article.
- (2) The relevant income in respect of a dependent student for an academic year is the gross income of the student’s parents for the calendar year preceding the calendar year in which the academic year commences.
- (3) If a parent dies during an academic year, the amount of that parent’s income taken into consideration for the academic year is reduced by a portion equivalent to the unexpired portion of the academic year.
- (4) If, as the result of an event beyond the control of the parents, the parents’ income for the calendar year in which the academic year for the course commences is likely to be 80% or less of their income for the preceding calendar year, the relevant income of the student may be determined by reference to the parents’ gross income for the calendar year in which the academic year for the course commences.
- (5) The income of a parent is disregarded if –
  - (a) the parent dies before the commencement of the academic year;
  - (b) the parent cannot be found, or it is not reasonably practicable to get in touch with the parent; or
  - (c) the student is the subject of any order committing the student to the care of the Minister for Children and Education made under the [Children \(Jersey\) Law 2002](#) or, before attaining full age, was so subject.<sup>4</sup>
- (6) The whole or any part of the income of a parent may be disregarded if the family circumstances of the student are such that it would be unfair to the student not to do so.

## **5 Meaning of relevant income of dependent student living with “relevant person”**

- (1) This Article applies in the case of a dependent student who lives in his or her main residence in Jersey with a parent and a relevant person unless Article 4(1)(b) applies.
- (2) A “relevant person” is, for the purposes of Article 51(e)(iii) of the Law (grants and loans), a person who –
  - (a) is not a parent of the dependent student;
  - (b) is married to, or is in a marriage-like relationship with that student’s parent or has formed a civil partnership, or is in a civil partnership-like relationship with that student’s parent; and
  - (c) is living with a parent of that student.
- (3) The relevant income for an academic year in respect of a dependent student is the sum of the gross income of the student’s parent and the gross income of the relevant person for the calendar year preceding the calendar year in which the academic year commences.
- (4) For the purposes of determining a relevant person’s income, there is deducted any amount payable by the relevant person, whether pursuant to an order of a court or any other agreement, for the maintenance of any person dependent on the relevant person.
- (5) In paragraph (4) the reference to “any person dependent on the relevant person” does not include the dependent student to whom this Article applies or the parent with whom he or she is living.
- (6) If the relevant person dies during the academic year, the amount of that person’s income which has been applied for the purposes of calculating the dependent student’s relevant income for an academic year under paragraph (3), is reduced by a portion equivalent to the unexpired portion of that academic year.
- (7) The income of a relevant person is disregarded if –
  - (a) the relevant person dies before the commencement of the academic year; or
  - (b) the student is the subject of any order committing the student to the care of the Minister for Children and Education made under the [Children \(Jersey\) Law 2002](#) or, before attaining full age, was so subject.<sup>5</sup>

## **6 Meaning of relevant income of independent student**

- (1) The relevant income in respect of an independent student for an academic year is the sum of –
  - (a) the student’s gross income for the calendar year in which the academic year starts; and
  - (b) if –
    - (i) the student is married, the student’s spouse’s gross income for the calendar year in which the academic year starts,
    - (ii) the student is in a civil partnership, the student’s civil partner’s gross income for the calendar year in which the academic year starts, or

- (iii) the student is living with a partner in a marriage-like relationship or a civil partnership-like relationship, the student's partner's gross income for the calendar year in which the academic year starts.
- (2) Despite paragraph (1)(b), the income of a student's spouse or civil partner, as the case may be, is not taken into account during any part of the calendar year when the student is not married or in a civil partnership, or is not living in a married relationship or in a civil partnership relationship.

## PART 2

### ELIGIBILITY FOR GRANT

#### 7 General rules for eligibility

- (1) A student is not eligible for consideration for a grant under this Part unless –
  - (a) the student is resident in Jersey; and
  - (b) on the relevant date for the first academic year of the course to be undertaken by the student, the student is over compulsory school age.
- (2) A student who has undertaken the whole or part of a course for which a grant is available is not eligible to be considered for a grant of the same description in respect of another course at or beneath the level of the original course whether or not the student received a grant for the original course or part of it.

#### 8 Higher education

- (1) A student is eligible for consideration for a grant for a course in higher education if he or she has attained –
  - (a) one A-level or an equivalent qualification, for any of the following –
    - (i) a course for a Higher National Diploma or Higher National Certificate or an equivalent qualification, or
    - (ii) a one year course at level 3 in an arts-related subject in the British Islands; or
  - (b) two A-levels or an equivalent qualification for any other course.
- (2) A student who has satisfactorily completed a course for a Higher National Diploma or an equivalent qualification is eligible for consideration for a grant for a two-year course at first degree level.
- (3) Notwithstanding paragraphs (1) and (2), a student is eligible for consideration for a grant for a course in higher education if –
  - (a) the student is an independent student; and
  - (b) the institution providing the course confirms that the student has been offered a place on the course.
- (4) A student who has received a grant under Article 9 (professional examinations) is not otherwise eligible for consideration for an award of a grant for a course in higher education.

- (5) A student who has received a grant under Article 11 (distance learning) is not otherwise eligible for consideration for an award of a grant for a course in higher education except under Article 9.

## **9 Professional examinations**

- (1) A student is eligible for consideration for a grant in respect of a full-time course of postgraduate education in preparation for a professional examination at a higher level.
- (2) For the purpose of paragraph (1), “professional examination at a higher level” has the same meaning as in paragraph 1(g) of Schedule 2 to the Law (course of higher education).

## **10 Vocational arts**

A student is eligible to be considered for a grant for a one year course at level 3 in an arts-related subject in the British Islands provided that the student has not previously been awarded a grant for a course in higher education under this Part.

## **11 Distance learning**

- (1) A student is eligible for consideration for a grant in respect of a distance learning course.
- (2) A student is not eligible for consideration for a grant under this Article if the student has already been awarded a grant for a course in higher education under this Part.
- (3) A “distance learning course” is a course in respect of which a student is not required to attend a particular place for its provision.

# **PART 3**

## **AMOUNT OF GRANT**

## **12 Interpretation**

In this Part –

“applicable maintenance grant” means, in respect of a student, the amount specified under the heading “maintenance” in Table A that is in the same row as the student’s relevant income band;

“applicable tuition fees grant” means, in respect of a student, the amount specified under the heading “tuition fees” in Table A that is in the same row as the student’s relevant income band;

“applicable total amount” means, in respect of a student, the amount specified under the heading “total amount” in Table A that is in the same row as the student’s relevant income band;

“student’s relevant income band”, means, in respect of a student, the entry in the column headed “relevant income per year” in Table A specifying the band of relevant income within which the student’s relevant income falls;

“Table A” means Table A in Article 13.

### 13 Amount of grant

Subject to Articles 14 to 20, the amount of a grant that may be awarded to a student in respect of an academic year of a course is whichever of paragraph (a) or (b) is lower –

- (a) the total amount of –
  - (i) the tuition fees charged for that year, and
  - (ii) the applicable maintenance grant; or
- (b) the applicable total amount.

<b>TABLE A</b> <b>AMOUNT OF GRANT (OTHER THAN FOR DISTANCE LEARNING COURSE)</b>			
Relevant income per year	Grant per academic year		
	Tuition Fees	Maintenance	Total
less than £50,000	£9,250	£7,500	£16,750
£50,000 or more but less than £60,000	£9,250	£6,000	£15,250
£60,000 or more but less than £70,000	£9,250	£4,500	£13,750
£70,000 or more but less than £80,000	£9,250	£3,000	£12,250
£80,000 or more but less than £90,000	£9,250	£1,500	£10,750
£90,000 or more but less than £100,000	£9,250	£0	£9,250
£100,000 or more but less than £110,000	£9,250	£0	£9,250
£110,000 or more but less than £120,000	£8,325	£0	£8,325
£120,000 or more but less than £130,000	£7,400	£0	£7,400
£130,000 or more but less than £140,000	£6,475	£0	£6,475
£140,000 or more but less than £150,000	£5,550	£0	£5,550
£150,000 or more but less than £160,000	£4,625	£0	£4,625
£160,000 or more but less than £170,000	£3,700	£0	£3,700
£170,000 or more but less than £180,000	£2,775	£0	£2,775
£180,000 or more but less than £190,000	£1,850	£0	£1,850
£190,000 or more but less than	£925	£0	£925

£200,000			
£200,000 or more	£0	£0	£0

## 14 Clinical courses

- (1) In this Article –
- “clinical year” means an academic year that forms part of a course in medicine, dentistry, veterinary science, or a related subject and includes a period of study by way of clinical training;
- “non-clinical year” means a year that is not a clinical year.
- (2) For a clinical year of a course falling within paragraph (3), the amount of grant that may be made to a student in respect of tuition fees is such amount as the Minister considers appropriate, provided that it is not less than the applicable tuition fees grant, and the applicable total amount is adjusted accordingly.
- (3) A course falls within this paragraph if –
- at least one clinical year and at least one non-clinical year form part of the course;
  - the actual cost of tuition fees for a non-clinical year exceeds the applicable tuition fees grant; and
  - the actual cost of tuition fees for a clinical year exceeds the applicable tuition fees grant by an amount which appears disproportionate to the Minister in relation to any other course in medicine, dentistry, veterinary science or a related subject.
- (4) For a clinical year of a course that does not fall within paragraph (3), the applicable tuition fees grant is increased to the actual cost of tuition fees for that year and the applicable total amount is adjusted accordingly.

## 15 Courses in medicine, dentistry, nursing or veterinary science

Where, in relation to a student, the relevant income is less than £100,000 the applicable maintenance grant for a course in medicine, dentistry, nursing or veterinary science is increased by £1,000 and the applicable total amount is increased accordingly.

## 16 Arts foundation courses

The applicable tuition fees grant for a one year course at level 3 in an arts-related subject is limited to the actual cost of tuition fees for an equivalent course provided by Highlands College, Jersey and the applicable total amount is adjusted accordingly.

## 17 Distance learning courses<sup>6</sup>

In the case of a distance learning course, Article 13 does not apply and the distance learning grant for a student is the lesser of –

- the amount calculated using the below table; and
- £7,400.

<b>TABLE B</b>		
<b>GRANT FOR A DISTANCE LEARNING COURSE</b>		
<b>Column 1</b>		<b>Column 2</b>
<b>Relevant income per year</b>		<b>Percentage of tuition fees reimbursed</b>
1.	Not more than £50,000	80%
2.	£50,000 or more but less than £55,000	60%
3.	£55,000 or more but less than £60,000	40%
4.	£60,000 or more but less than £65,000	20%
5.	£65,000 or more	0%

## **18 Relevant assets exceeding £500,000**

Where the value of the relevant assets in respect of a student exceeds £500,000, the relevant income in respect of the student is deemed to be £200,000 or more for the purposes of Table A.

## **19 Reduction of grant to take account of child allowance**

(1) In this Article –

- (a) “Article 95(1)(b) or (2)” means Article 95(1)(b) or (2) (children) of the 1961 Law;
- (b) “entitlement” means, subject to paragraph (2), a person’s entitlement in a relevant year in respect of a relevant student to an exemption threshold increase and deduction under Article 95(1)(b) or (2), including entitlement under any other provision in the 1961 Law which arises by virtue of an entitlement under Article 95(1)(b) or (2);
- (c) “relevant student” means a dependent student for an academic year in respect of which an application for a grant is made;
- (d) “relevant year” means the calendar year for which the relevant income in respect of the relevant student is calculated under this Order;
- (e) “person A” means a person who, for all or part of a relevant year, has an entitlement.

(2) For the purposes of paragraph (1)(b) a person’s entitlement does not include –

- (a) entitlement which the person has relinquished under Article 95(2) of the 1961 Law;
- (b) any portion of that entitlement to which another person is entitled following apportionment under Article 95 of the 1961 Law; or
- (c) entitlement which arises under Article 98A of the 1961 Law (additional allowance in respect of children).

(3) Paragraph (4) applies if –

- (a) person A is a relevant person who is married to or in a civil partnership with the student’s parent and the student’s relevant income is calculated under Article 4 or 5;

- (b) person A is a relevant person who –
    - (i) is not married or in a civil partnership with the student's parent,
    - (ii) lives in the student's main residence in Jersey,and the student's relevant income is calculated under Article 5;
  - (c) person A is a parent of the student and the student's relevant income is calculated under Article 4;
  - (d) person A is a parent of the student who lives with the student in the student's main residence in Jersey and the student's relevant income is calculated under Article 5.
- (4) Subject to paragraph (7), the applicable tuition fees grant payable to a dependent student is reduced by  $A - B$  where –
  - (a) A is the amount of person A's tax liability for a relevant year calculated without taking into account the amount of person A's entitlement;
  - (b) B is the amount of person A's tax liability for a relevant year calculated taking into account the amount of person A's entitlement.
- (5) If more than one person meets a description of person A in respect of a student, the applicable tuition fees grant payable to the student is reduced by each amount calculated under paragraph (4) in respect of each person A.
- (6) Subject to paragraph (7), where the applicable tuition fees grant is reduced under paragraph (4), the applicable total amount is reduced accordingly.
- (7) Where the amount of  $A - B$  under paragraph (4) is greater than the applicable tuition fees grant, the applicable tuition fees grant is £0.

## **20 Reduction of grant in respect of 4 year courses**

- (1) This Article does not apply to a distance learning course or to a 4 year course in higher education where for one year of the course all students attending that course are required to attend a place other than the institution which they are required to attend for the other 3 years of the course.
- (2) Subject to paragraph (1), this Article applies to the amount of grant awarded for a 4 year course in higher education.
- (3) The amount of applicable tuition fees grant and the applicable maintenance grant are each reduced by 25% and the applicable total amount is adjusted accordingly.
- (4) Where the applicable tuition fees grant is reduced under Article 19 (reduction of grant to take account of child allowance), the reduction in the amount of applicable tuition fees grant under paragraph (3) must, in respect of the applicable tuition fees grant, be applied to the amount of the applicable tuition fees grant calculated after taking into account the reduction under Article 19.

## **PART 4**

### **ALLOWANCES**

#### **21 Skills bursary allowance**

- (1) A student is eligible for consideration for an allowance in respect of a full-time course in a place other than in Jersey if –
  - (a) on the relevant date for the first academic year of the course to be undertaken by the student, the student has not attained 19 years of age;
  - (b) either –
    - (i) an equivalent course is not available in Jersey, or
    - (ii) an equivalent course is available in Jersey and –
      - (A) it is a requirement of the institution providing the course outside Jersey that the student receives training for the development of a skill or takes part in other opportunities for such development, and
      - (B) the equivalent of such training or opportunities is not available in Jersey; and
  - (c) upon successful completion of the course the student will gain a level 2 or 3 qualification.
  - (d) the duration of the course does not exceed 2 years.<sup>7</sup>
- (2) The allowance payable under this Article is £6,675 per academic year.

#### **22 Interview attendance allowance**

- (1) A student may be paid an allowance to attend an interview for a course of higher education.
- (2) A student must not be paid more than one interview attendance allowance.
- (3) The amount paid is repayable as a debt if a student –
  - (a) is paid an interview attendance allowance; and
  - (b) is subsequently found not to be eligible to be awarded a grant for that course by reason of relevant income.
- (4) The interview attendance allowance for a student is the actual travel costs to be incurred by the student for the purposes of attending the relevant interview, subject to a maximum of £258.
- (5) However, the interview attendance allowance is £0 where –
  - (a) the relevant income is £50,000 or more; or
  - (b) the relevant assets in respect of the student exceed £500,000.<sup>8</sup>

#### **23 Disabled student allowance**

- (1) A student with a disability who is eligible for a grant under Articles 7 and 8 or a skills bursary allowance under Article 21 may be paid a disabled student allowance.

- (2) Subject to paragraphs (4) to (7), the allowance may be awarded in respect of all or part of any costs that are referred to in paragraph (3) and are incurred by the student, by virtue of his or her disability, to attend and undertake his or her course (regardless of whether he or she has been awarded a grant or allowance for it).
- (3) The costs are –
  - (a) the costs of the services of a non-medical helper;
  - (b) the cost of purchasing or hiring specialist equipment; and
  - (c) any other reasonable costs, other than travel costs.
- (4) The allowance in respect of the costs of the services of a non-medical helper is the amount of the actual costs subject to a maximum amount equivalent to the costs for providing such services for an hour during each week of the course.
- (5) The maximum amount referred to in paragraph (4) may be waived in exceptional circumstances where the Minister thinks it appropriate to do so.
- (6) The allowance in respects of the cost referred to paragraph (3)(b) is payable only if the relevant income applicable to a student is less than £90,000 per year.
- (7) The allowance for the costs of purchasing or hiring specialist equipment is the amount of the actual costs subject to a maximum of £5,151.

## **24 Vacation study allowance**

- (1) A student who has been awarded a grant for a course in higher education may be paid a vacation study allowance if paragraph (2) applies.
- (2) This paragraph applies if the institution providing the course in respect of which the grant was awarded confirms that attendance outside term time at that institution or another institution is a requirement for all students attending the course.
- (3) The amount of the allowance must not exceed –
  - (a) £18.11 a day if the institution attended by the student outside term time is in the British Islands; or
  - (b) £22.24 a day if it is elsewhere.
- (4) An allowance must not be paid under this Article unless –
  - (a) an application that complies with Article 26 (Applications for grants and allowances) has been made for the allowance before the student attends for the vacation study; or
  - (b) the student satisfies the Minister that there is an exceptional reason why an application that complies with Article 26 has not been made before that time.

## **25 Field trip allowance**

- (1) A student who has been awarded a grant for a course in higher education may be paid an allowance if paragraph (2) applies.
- (2) This paragraph applies if –
  - (a) the student attends during term time a place for a specific purpose designed to enhance the benefit of the course (attendance by such a student being referred to in this Article as a “field-trip”);
  - (b) the place referred to in sub-paragraph (a) is other than at the institution providing the course in respect of which the grant was awarded;

- (c) the institution providing the course in respect of which the grant was awarded confirms that it is not a requirement for all students attending the course to participate in the field-trip.
- (3) The amount of the allowance must not exceed, for each day that the student does so attend, whichever is the lower of –
  - (a) £18.11 a day if the place is in the British Islands, or £22.24 a day if it is elsewhere; or
  - (b) the amount reasonably incurred by the student as expenses in attending the field trip, that are in addition to the expenses incurred by the student in attending his or her course.
- (4) An allowance must not be paid under this Article unless –
  - (a) an application that complies with Article 26 (applications for grants and allowances) has been made for the allowance before the student attends the field trip; or
  - (b) the student satisfies the Minister that there is an exceptional reason why an application that complies with Article 26 has not been made before that time.

## **PART 5**

### **GENERAL PROVISIONS FOR GRANTS AND ALLOWANCES**

#### **26 Applications for grants and allowances**

- (1) An application for a grant or an allowance must be made –
  - (a) in the case of a dependent student, by the student's parents or, where the student is ordinarily resident with one parent, that parent;
  - (b) in the case of an independent student, by the student; and
  - (c) not later than 31st December of the academic year to which the application relates.
- (2) An application for a grant or an allowance must be accompanied by –
  - (a) proof of eligibility for consideration for the grant or allowance;
  - (b) subject to paragraph (3) details of relevant income and relevant assets; and
  - (c) in the case of an application for a disabled student allowance, medical evidence in respect of the disability, such evidence having been obtained by a person authorized by an administration of the States for which the Minister is assigned responsibility; and
  - (d) such evidence as the Minister requires to determine any question connected to an application by a parent of a dependent student who is living with a relevant person.
- (3) The details of relevant income and relevant assets referred to in paragraph (2)(b) must be submitted in such form as the Minister may require by not later than 31st March of the academic year to which the application relates.
- (4) Consideration of an incomplete application must be suspended until all the necessary supporting evidence has been supplied.
- (5) A student may be required to produce evidence of expenditure for which a grant or allowance has been, or is to be, awarded or paid.

- (6) If –
  - (a) a person provides information to establish the eligibility of a student for consideration for a grant or an allowance, or to calculate the amount of a grant or an allowance; and
  - (b) the facts on which the information was based change so that the information is no longer accurate,the person must, as soon as practicable, provide details of the change together with such other evidence of the change as the Minister requires.
- (7) If an application for a grant or an allowance is refused in whole or in part, the applicant must be given written notice of the reasons for the refusal.

## **27 Information provided by the Comptroller of Taxes**

- (1) The Comptroller of Taxes may use information held by him or her under the 1961 Law for the purpose of calculating the amount of any reduction required under Article 19 (reduction of grant to take account of child allowance).
- (2) The Comptroller of Taxes may disclose to the Minister information relating to that calculation and any other information held by the Comptroller of Taxes under the 1961 Law for the purpose of enabling the Minister to ascertain or verify the correct amount of a grant or allowance that may be awarded under this Order, including enabling the Minister to verify the accuracy of any information provided by an applicant to the Minister under Article 26.

## **28 Period of grant or allowance**

- (1) An award of a grant or the payment of an allowance normally ends when the course to which it relates would ordinarily be completed.
- (2) However, a grant or an allowance may be transferred from one course to another.
- (3) A transfer from one course to another means –
  - (a) a transfer from one course to another where both courses are run by the same institution; or
  - (b) a transfer from a course run by one institution to the same course run by another institution.
- (4) Paragraph (5) applies where –
  - (a) a grant or an allowance is transferred from one course to another course; and
  - (b) all or any part of the course from which the student has transferred is not treated by the institution running the second course as forming part of the second course.
- (5) The student is not eligible for the grant or allowance in respect of the duration of all or any part of the first course that does not form part of the second course.
- (6) Despite paragraph (1), an award of a grant or the payment of an allowance may be extended if –
  - (a) because of ill health or other extenuating circumstances, the student does not complete the course within the period ordinarily required; and
  - (b) sufficient evidence of the ill health or the extenuating circumstances is provided to the Minister.

- (7) A grant or allowance may be suspended or deferred if –
  - (a) the institution running the course allows the student to suspend or defer the course for a continuous period not exceeding 2 years; and
  - (b) the student or the institution notifies the Minister in writing of the suspension or deferral of the course.
- (8) The suspension or deferral under paragraph (7) may continue until whichever is the soonest of the following –
  - (a) the date on which the student resumes the course, when the grant or allowance may be reinstated, with the period of suspension or deferral being disregarded for the purpose of paragraph (1);
  - (b) the date on which the grant or allowance is withdrawn or stopped under Article 29, or is withdrawn under Article 33; or
  - (c) the date 2 years after the start of the suspension or deferral, when the grant or allowance may be withdrawn or stopped.

## **29 Withdrawal of grant or allowance in cases of failure etc.**

If, at any time after a grant has been awarded or an allowance has been paid to a student in respect of a course –

- (a) the student abandons the course;
  - (b) the student fails all or any part of the course; or
  - (c) the institution providing the course refuses to allow the student to complete it,
- that grant or allowance must be withdrawn or stopped and the grant or allowance is repayable under the terms of the undertaking given under Article 31.

## **30 Payment of grant or allowance**

A grant or an allowance in respect of a course may be the subject of any of the following –

- (a) payment in instalments;
- (b) provisional payment pending determination of the amount payable to the student for an academic year;
- (c) payment to the institution providing the course.

## **31 Undertaking to repay grant or allowance**

- (1) An award of a grant or the payment of an allowance in respect of a course must not be made until the student or, where the student is under the age of 18, one of the student's parents, gives a written undertaking –
  - (a) to repay any overpayment of the grant or allowance; and
  - (b) to repay the whole or any part of the grant or allowance if it is withdrawn or stopped under Article 29; or
  - (c) to repay, if required, the whole or any part of the grant or allowance if it is –
    - (i) withdrawn or stopped under Article 28(8)(c), or
    - (ii) withdrawn under Article 33.

- (2) An undertaking to repay a grant or allowance may be waived if sufficient evidence of the student's ill health or other extenuating circumstances is provided.

### **32 Reduction of grant or allowance where not in full-time attendance**

- (1) This Article applies if, for any part of an academic year, in respect of a full-time course, a student is not in full-time attendance –
  - (a) at the institution at which the relevant course is undertaken; or
  - (b) at any other place that the student is required, by that institution, to attend.
- (2) The amount of any grant or allowance that would otherwise be payable to the student must be reduced by a portion equivalent to the portion of the academic year for which the student is not in full-time attendance.

### **33 Grant or allowance may be suspended or withdrawn**

- (1) At any time after a grant has been awarded or an allowance has been paid to a student in respect of a course, that grant or allowance may be suspended or withdrawn if –
  - (a) it appears to the Minister that any evidence, document or information required under Article 26 (applications for grants and allowances) is inaccurate, false or misleading, and is connected with an attempt by any person to mislead the Minister in relation to his or her decision to award the grant or pay the allowance;
  - (b) the student is temporarily excluded from a course by the institution running it, or is absent from a course without the permission of the institution; or
  - (c) details of a change required to be provided under Article 26(6) in respect of the student have not been provided.
- (2) Where a grant is suspended or withdrawn under paragraph (1), the grant or allowance may be repayable under the terms of the undertaking given under Article 31.

### **34 Appeals panel**

- (1) There is established a panel to hear and determine appeals against decisions made under this Order.
- (2) Its members are –
  - (a) the Chief Officer, or an officer nominated by the Chief Officer, in an administration of the States for which the Minister is assigned responsibility;
  - (b) the Minister or a person nominated by the Minister; and
  - (c) a person, nominated by the Minister, who is independent of any administration of the States for which the Minister has been assigned responsibility.
- (3) When hearing an appeal the panel must not include a person involved in making the decision appealed against.
- (4) A person aggrieved by a decision made under this Order may appeal to the panel against the decision.

- (5) An appeal under paragraph (4) may only be made if either or both of the following are disputed –
  - (a) the facts upon which the decision was based; or
  - (b) the law applied in reaching the decision.
- (6) The appeal –
  - (a) must be made in writing; and
  - (b) must be made within 2 months after the student is informed of the decision, or within such further period as the panel may allow having regard to the circumstances.
- (7) The panel may –
  - (a) confirm the original decision;
  - (b) quash the decision; or
  - (c) substitute for the decision any decision that could have been made under this Order.

## PART 6

### REPEALS, TRANSITIONAL AND SAVINGS PROVISIONS AND CLOSING

**35** <sup>9</sup>

**36** <sup>10</sup>

#### **37 Citation**

This Order may be cited as the Education (Grants and Allowances) (Jersey) Order 2018.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Education (Grants and Allowances) (Jersey) Order 2018	<a href="#">R&amp;O.86/2018</a>	1 September 2018
States of Jersey (Transfer of Responsibilities and Functions) (Health and Social Services to Children and Housing) Order 2019	<a href="#">R&amp;O.100/2019</a>	9 October 2019
Education (Grants and Allowances) (Amendment) (Jersey) Order 2021	<a href="#">R&amp;O.22/2021</a>	26 February 2021
States of Jersey (Minister for Children and Education, Minister for Housing and Communities and Minister for External Relations and Financial Services) (Jersey) Order 2021	<a href="#">R&amp;O.29/2021</a>	2 March 2021

### Table of Endnote References

<sup>1</sup> Article 1	<i>amended by R&amp;O.22/2021</i>
<sup>2</sup> Article 2	<i>substituted by R&amp;O.22/2021</i>
<sup>3</sup> Article 3A	<i>inserted by R&amp;O.22/2021</i>
<sup>4</sup> Article 4(5)	<i>amended by R&amp;O.100/2019, R&amp;O.29/2021</i>
<sup>5</sup> Article 5(7)	<i>amended by R&amp;O.100/2019, R&amp;O.29/2021</i>
<sup>6</sup> Article 17	<i>amended by R&amp;O.22/2021</i>
<sup>7</sup> Article 21(1)	<i>amended by R&amp;O.22/2021</i>
<sup>8</sup> Article 22(5)	<i>substituted by R&amp;O.22/2021</i>
<sup>9</sup> Article 35	<i>spent, omitted</i>
<sup>10</sup> Article 36	<i>spent, omitted</i>