



STATUTORY INSTRUMENTS.

S.I. No. 189 of 2012



STUDENT GRANT SCHEME 2012

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S.I. No. 189 of 2012

STUDENT GRANT SCHEME 2012

I, RUAIRI QUINN, Minister for Education and Skills, in exercise of the powers conferred on me by section 16 of the Student Support Act 2011 (No. 4 of 2011), with the consent of the Minister for Finance, hereby make the following scheme of grants:—

Part 1

PRELIMINARY AND GENERAL

Citation

1. This Scheme may be cited as the Student Grant Scheme 2012

Commencement and application

2. (1) This Scheme shall come into operation on 5 June 2012.

(2) This Scheme applies in relation to the provision of grants to students in the 2012/13 academic year, where such year begins on or after 1 September 2012, irrespective of whether anything done under this Scheme is done before, on or after 1 September 2012.

Interpretation

3. (1) In this Scheme—

“Accelerated Technician Programme” has the meaning assigned to it in Regulation 4(b)(viii) of the Regulations;

“Act” means the Student Support Act 2011 (No. 4 of 2011);

“appeals officer” means a person designated under section 20(1) of the Act;

“approved course” shall be construed in accordance with section 8 of the Act and Regulation 4 of the Regulations;

“approved institution” shall be construed in accordance with section 7 of the Act and Regulation 3 of the Regulations;

“awarding authority” means—

- (a) a vocational education committee, or
- (b) a local authority, or
- (c) an appointed awarding authority;

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 8th June, 2012.

“dependent child” shall be construed in accordance with section 16(7) of the Act and article 19(8);

“dependent student” means a class of applicant coming within the meaning of that term in accordance with article 13;

“EU rate of fee” means the fee determined and charged by an institution for a course to European Union, EEA and Swiss nationals, and related categories of student;

“field trip” means a trip which is compulsory and an integral part of a course, which is for fact-finding or research purposes, and without which the student cannot graduate or progress to the next year of the course;

“framework of qualifications” means the framework of qualifications established and maintained pursuant to section 7 of the Qualifications (Education and Training) Act 1999 (No. 26 of 1999);

“Free Fees Schemes” includes the Free Fees Schemes and the Middle Level Technician Programme (M.L.T) and the Higher Technical and Business Skills Programme (H.T.B.S.) which provide for the Exchequer to meet the tuition fees of eligible students attending approved full-time undergraduate courses in approved institutions in the State who meet the criteria of those initiatives;

“independent student” means a class of applicant coming within the meaning of that term in accordance with article 13;

“Member State” means, where the context so admits, Member State of the European Union;

“Minister” means the Minister for Education and Skills;

“normal residence” shall be construed in accordance with article 7(2);

“postgraduate course” means a course leading to a major higher education and training award at Level 8 (Higher Diploma), Level 9 (Postgraduate Diploma, Masters Degree), Level 10 (Doctoral Degree) of the framework of qualifications or equivalent awards;

“post leaving certificate course” has the meaning given to it in Regulation 4(a) of the Regulations;

“prior scheme” means the Higher Education Grants (HEG) Scheme made pursuant to the Local Authorities (Higher Education Grants) Acts 1968 to 1992 or the schemes administered by a Vocational Education Committee, namely the Vocational Education Committees’ (VEC) Scholarship Scheme, the Third Level Maintenance Grants Scheme for Trainees (TLT) and Maintenance Grants Scheme for Students attending Post Leaving Certificate (PLC) courses;

“recognised awarding body in the State” means—

- (a) the Higher Education and Training Awards Council (HETAC);
- (b) one of the universities in the State;
- (c) the Royal College of Surgeons in Ireland;
- (d) the Further Education and Training Awards Council (FETAC);
- (e) one of the Institutes of Technology with delegated authority; or
- (f) the Dublin Institute of Technology;

“Regulations” means the Student Support Regulations 2012 (S.I. No. 187 of 2012)

“relevant persons” include—

- (a) dependent children,
- (b) a dependent student’s parent(s), and
- (c) an independent student’s spouse, civil partner or cohabitant;

“student” shall be construed in accordance with section 14(1) of the Act and Regulation 5 of the Regulations;

“student contribution” means the charge payable by students who are deemed eligible for free tuition fees under the Free Fees Schemes. This contribution encompasses the student services charge and a contribution by students towards tuition costs;

“tuition student” has the meaning given to it by section 14(7) of the Act;

“undergraduate course” means a course leading to a major higher education and training award at Level 6 (Higher Certificate), Level 7 (Ordinary Bachelor Degree), Level 8 (Honours Bachelor Degree) of the framework of qualifications, or equivalent awards, other than a course known for the time being as a post leaving certificate course;

(2) A word or expression which is used in this Scheme and which is also used in the Act has, unless the context otherwise requires, the same meaning in this Scheme as it has in the Act.

- (3) (a) A reference in this Scheme to an article is to an article of this Scheme, unless it is indicated that reference to some other instrument is intended.
- (b) A reference in this Scheme to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

- (c) A reference in this Scheme to a Schedule is to a Schedule to this Scheme, unless it is indicated that reference to some other instrument is intended.

Part 2

SCHEME OF GRANTS

Persons to whom the Scheme applies

4. (1) This Scheme applies to students or tuition students who wish to apply for a grant in respect of attendance on an approved course, in an approved institution, in the academic year 2012/13, other than a person attending a course who was, prior to the coming into operation of section 6 of the Act and this Scheme, awarded a grant to attend their current course under a prior scheme.

(2) An applicant who meets the definition of “student” or “tuition student” and who is attending an approved course in an approved institution shall be eligible to be considered for a grant subject to and in accordance with this Scheme.

(3) An applicant is a student or tuition student in connection with an approved course if, in assessing his or her application for a grant, the awarding authority determines that the person meets or will meet the definition of a “student” or “tuition student” as construed in accordance with section 14 of the Act and Regulation 5 of the Regulations.

(4) To be eligible for a grant in the academic year under this Scheme, a person who meets the definition of student or tuition student who is pursuing an approved course in an approved institution must fulfill the specific eligibility conditions of this Scheme contained in articles 14 to 18 and must have a reckonable income within the limits and other requirements set out in articles 19 to 25.

Awarding authority

5. An applicant’s entitlement to a grant shall be assessed by the awarding authority deemed appropriate pursuant to article 33.

Classes of grant

6. For the purposes of this Scheme there shall be three classes of grant as follows—

- (a) a maintenance grant;
- (b) a fee grant; and
- (c) a postgraduate fee contribution.

Maintenance grant

7. (1) A maintenance grant is a contribution towards the living costs of a student and is payable at—

- (a) the standard rate, at either a full (100%) or part (75%, 50% or 25%) rate, depending on the level of reckonable income; or
- (b) the special rate, depending on the level of reckonable income and other requirements;

and, in either case, at either adjacent or non-adjacent rates, depending on the distance between a student's normal residence and the institution where the approved course takes place.

(2) For the purposes of this article, "normal residence" means a student's usual place of residence. For a dependent student this will be the permanent or home address of the dependent student's parents. In the case of an independent student, the normal residence will be the permanent or home address of the independent student.

(3) The awarding authority shall decide the rate applicable to a maintenance grant in each particular case, in accordance with article 27.

(4) A maintenance grant shall not be payable to a tuition student, as defined in section 14 of the Act.

Fee grant

8. (1) Subject to the terms of this article, an eligible student or an eligible tuition student can be considered for a fee grant.

(2) A fee grant shall be payable in respect of attendance on an approved course of higher education at an approved institution in the State (other than a course known for the time being as a post leaving certificate course).

(3) A grant for attendance at an approved postgraduate course in Northern Ireland listed in Schedule 3 to the Regulations may include a fee grant where it is awarded to a student, but not where it is awarded to a tuition student.

(4) A fee grant may consist of any of three elements: a tuition fee element, a student contribution element and a field trip element, payable up to a maximum overall limit specified in Schedule 4.

(5) Subject to the maximum overall limits, the tuition fee element and the student contribution element of a fee grant are payable at full (100%) or part (50%) rates.

(6) The awarding authority shall decide on the rate and value applicable in respect of the tuition fee element and the student contribution element and the amount, if any, payable in respect of the field trip element in each particular case, in accordance with articles 28, 29 and 30.

(7) A student or tuition student in receipt of, or eligible for, full assistance towards the tuition fee element from any other source, including sponsorship or an award, shall not be eligible for a fee grant under the terms of this Scheme.

(8) A fee grant, or part thereof, shall be subject to a reduction where the student or tuition student receives, or is eligible for, assistance towards the tuition fee from any other source.

(9) Where a fee grant is subject to a reduction pursuant to paragraph (8), the amount of the reduction shall be equal to the value of the assistance which the person has received or to which he or she is eligible.

Tuition fee element of fee grant

9. (1) A student or a tuition student who is eligible under the Free Fees Schemes for free tuition in respect of an approved undergraduate course is not eligible for the tuition fee element of a fee grant under this Scheme.

(2) Subject to article 8(2) and (3), a student or a tuition student, may be assessed for the tuition fee element where they are—

- (a) pursuing an approved undergraduate course to which the Free Fees Schemes applies but where the student, or tuition student, is ineligible for free tuition fees under those schemes; or
- (b) pursuing an approved undergraduate course which is not a course approved for the Free Fees Schemes; or
- (c) pursuing an approved postgraduate course.

Student contribution element of fee grant

10. Where a student or a tuition student is pursuing a course approved for the Free Fees Schemes, and where that student has qualified for free tuition fees under those schemes, the awarding authority may award an eligible student or tuition student a full (100%) or part (50%) grant in respect of the student contribution charge in accordance with article 29.

Field trip element of fee grant

11. (1) Subject to article 8(2) and (3), where a student or a tuition student qualifies for a full (100%) fee grant, or would have qualified for a full fee grant but for the Free Fees Schemes, and is required to participate in a compulsory field trip, the awarding authority shall, as applicable, consider the student or tuition student for a grant in respect of eligible field trip expenditure, in accordance with article 30.

(2) The rate of the field trip element, if any, is dependent on whether the tuition fee cost, regardless of whether it is funded under this Scheme, and the student contribution element exceeds the maximum limits payable in respect of a fee grant.

(3) The expenditure which is eligible for consideration in respect of a field trip grant is the reasonably incurred, receipted cost of travel and accommodation, associated directly with the field trip.

Postgraduate fee contribution

12. Subject to article 14(12) the awarding authority may award an eligible student or a tuition student pursuing an approved postgraduate course, a postgraduate fee contribution at the rate specified in Schedule 4.

Classes of applicant

13. (1) For the purposes of this Scheme there shall be two classes of applicant as follows—

- (a) independent student; and
- (b) dependent student.

(2) An applicant's class is defined at their first point of entry to an approved post leaving certificate course or an approved higher education course or at their point of re-entry to such an approved course and will continue to apply for the duration of their studies.

(3) In this scheme an "independent student" means a mature student who did not ordinarily reside with his or her parents, or either of them, from 1 October of the year before the first point of entry to an approved post leaving certificate course or an approved higher education course or re-entry to an approved course.

(4) "Mature student" means a student who on 1 January—

- (a) in the year of entry for the first time to an approved post leaving certificate course;
- (b) in the year of entry for the first time to an approved higher education course (other than a course known for the time being as a post leaving certificate course); or
- (c) in the year of re-entry to an approved course,

is at least 23 years old.

(5) "Re-entry", for the purposes of this Scheme, means a mature student entering an approved course following a break in studies of at least three years, having previously attended an approved course.

(6) A mature student pursuing an approved course following a break in studies of at least five years, in circumstances where the mature student previously attended, but did not successfully complete, a course and is returning in order to pursue an approved course in the relevant academic year, shall be known as a "second chance student".

(7) "Dependent student" means every student other than an independent student, as provided for in this Scheme, who is eligible to be considered under this Scheme.

(8) An applicant for a grant shall be presumed by the awarding authority to be a dependent student until the contrary is established by the applicant to the satisfaction of the authority.

Eligibility exclusions

14. (1) A student or a tuition student is not eligible for a grant if he or she already holds a grant from an awarding authority.

(2) A student or tuition student is not eligible for a grant if he or she has been awarded or holds any grant, scholarship, prize, allowance, bursary or award of similar description made from public funds in the State, or equivalent from a Member State, a contracting state to the EEA Agreement or the Swiss Confederation, in respect of the approved course being attended.

(3) The awards from public funds referred to in paragraph (2) do not include the following—

- (a) awards such as scholarships, prizes or bursaries, made by the institution being attended;
- (b) postgraduate research awards where the stipend portion of the award does not exceed a specified amount, which for the relevant academic year, is specified to be €16,000;
- (c) awards to applicants under the Student Assistance Fund or the Fund for Students with Disabilities;
- (d) Easter Week Scholarship Scheme;
- (e) Donogh O'Malley Scholarship Scheme;
- (f) Department of Education and Skills Third Level Bursary Schemes;
- (g) All Ireland Scholarship Scheme; and
- (h) Science Foundation Ireland/Dell Scholarship for Young Women in Engineering.

(4) A student or tuition student in receipt of any award mentioned in paragraph (3) which includes a provision for fees will not be eligible for a fee grant under this Scheme.

(5) A student is not eligible for a maintenance grant if he or she is in receipt of the Back to Education Allowance (BTEA) or Vocational Training Opportunities Scheme (VTOS) allowance, except in the case of a student in receipt of the BTEA or VTOS allowance and the maintenance grant in 2009/10 who is progressing to an approved add-on course, as defined in the Regulations, at Level 8 of the framework of qualifications, without a break in studies.

(6) A student coming within the exception referred to in paragraph (5) may continue to hold either the BTEA or VTOS allowance in conjunction with the maintenance grant for the duration of the add-on course.

(7) Notwithstanding paragraph (5), a student or tuition student in receipt of the BTEA or VTOS allowance is eligible to apply for the fee grant elements, where he or she is pursuing a course in respect of which fee grants are payable.

(8) A student or tuition student is not eligible for a maintenance grant if he or she is pursuing a postgraduate course.

(9) A student or tuition student is not eligible for a fee grant if he or she is pursuing a postgraduate course.

(10) Notwithstanding paragraphs (8) and (9), a student or tuition student who was, prior to the coming into operation of this scheme, pursuing a postgraduate course and was awarded a maintenance or fee grant to attend that course under a prior scheme or under the Student Grant Scheme 2011, shall continue to be eligible for that grant while attending the postgraduate course in respect of which the grant was awarded, subject to the normal terms and conditions of the scheme.

(11) Notwithstanding paragraph (9), a student or tuition student may be eligible for a fee grant if he or she is pursuing a postgraduate course and the applicant's reckonable income meets the qualifying conditions for the Special Rate as specified in Schedule 1 and Schedule 2.

(12) Notwithstanding paragraphs (9) and (11), a student or tuition student may be eligible for a Postgraduate Fee Contribution where the applicant's reckonable income is below the reckonable income limit specified at Schedule 1 for the Postgraduate Fee Contribution.

Period of eligibility and progression

15. (1) A grant awarded under this Scheme shall be awarded only in respect of attendance at an approved course in an approved institution, and for the normal duration of such an approved course. A student or tuition student may not, at any one time, qualify for a grant for more than one approved course.

(2) Where a student is required as part of an approved undergraduate or postgraduate course to attend a higher education institution outside the State for a period of up to one year, a maintenance grant may continue to be paid where the period abroad does not extend the normal duration of the approved course.

(3) Where a student is required to participate in an off-campus placement as an integral part of an approved undergraduate or postgraduate course, a maintenance grant may continue to be paid where the period of off-campus placement does not extend the normal duration of the approved course.

(4) Notwithstanding paragraph (3), a student participating in an Accelerated Technician Programme is not eligible to have their maintenance grant continued during the period of paid placement.

(5) A grant shall be paid to a student or tuition student, where he or she is in “progression”, within the meaning given to that term by section 2 of the Act, irrespective of whether he or she was paid a grant for previous attendance on a course and subject to the terms and conditions of this Scheme.

(6) Subject to paragraph (8), a grant may not be paid in respect of a repeat period of study on the same course.

(7) Subject to this paragraph, paragraphs (5) and (8), and the specific progression conditions in articles 16 to 18 a grant may not be paid in respect of a repeat period of study, on a different course. Notwithstanding this condition an applicant who, having previously pursued any course, but not completed it, wishes to pursue an approved course, shall be considered for funding in line with the following provisions—

- (a) Having previously attended, but not completed, any post leaving certificate course or equivalent, an applicant shall—
 - (i) be required to complete an equivalent period of study on an approved post leaving certificate course before being eligible to be considered for a grant; or
 - (ii) be eligible to be considered for a grant to pursue an approved higher education course.
- (b) Having previously attended, but not completed, any undergraduate course at Level 6 or 7 of the framework of qualifications, or equivalent, an applicant shall—
 - (i) be required to complete an equivalent period of study on an approved undergraduate course at Level 6 or 7 of the framework of qualifications before being eligible to be considered for a grant, or
 - (ii) be required to complete an equivalent period of study on an approved undergraduate course at Level 8 of the framework of qualifications before being eligible to be considered for a grant, or
 - (iii) be eligible to be considered for a grant to pursue an approved post leaving certificate course where no more than one year was completed on an undergraduate course at Level 6 or 7 of the framework of qualifications, or
 - (iv) be required to complete an equivalent period of study on an approved post leaving certificate course where more than one year was completed on any undergraduate course at Level 6 or 7 of the framework of qualifications, or equivalent, before being eligible to be considered for a grant, or
 - (v) be eligible to be considered for a grant to pursue an approved postgraduate course.

- (c) Having previously attended, but not completed, any undergraduate course at Level 8 of the framework of qualifications, or equivalent, an applicant will—
 - (i) be required to complete an equivalent period of study on an approved undergraduate course at Level 8 of the framework of qualifications before being eligible to be considered for a grant, or
 - (ii) be required to complete an equivalent period of study on an approved undergraduate course at Level 6 or 7 of the framework of qualifications before being eligible to be considered for a grant, or
 - (iii) be eligible to be considered for a grant to pursue an approved post leaving certificate course where no more than one year was completed on an undergraduate course at Level 8 of the framework of qualifications, or
 - (iv) be required to complete an equivalent period of study on an approved post leaving certificate course where more than one year was completed on any undergraduate course at Level 8 of the framework of qualifications, or equivalent, before being eligible to be considered for a grant, or
 - (v) be eligible to be considered for a grant to pursue an approved postgraduate course.
- (d) Having previously attended, but not completed, any postgraduate course or equivalent, an applicant will—
 - (i) be required to complete an equivalent period of study on an approved postgraduate course before being eligible to be considered for a grant, or
 - (ii) be eligible to be considered for a grant to pursue an approved undergraduate course where no more than one year was completed on any postgraduate course, or
 - (iii) be required to complete an equivalent period of study on an approved undergraduate course at Level 6, 7 or 8 of the framework of qualifications where more than one year was completed on any postgraduate course at Level 8, 9 or 10 of the framework of qualifications, or equivalent, before being eligible to be considered for a grant.
 - (iv) be eligible to be considered for a grant to pursue an approved post leaving certificate course where no more than one year has been completed on any postgraduate course, or
 - (v) be required to complete an equivalent period of study on an approved post leaving certificate course where more than one

year was completed on any postgraduate course before being eligible to be considered for a grant.

(8) An awarding authority shall have discretion to waive the provisions at paragraphs (6) and (7) in exceptional circumstances, in line with guidelines drawn up by the Minister.

(9) Notwithstanding paragraphs (6), (7) and (8), a second chance student or second chance tuition student, in accordance with article 13(6), returning in order to pursue an approved course, may be considered eligible for a grant to pursue an approved course, including where this provides for a repeat period of study, subject to the rules of progression, as provided for in this Scheme and section 2 of the Act.

(10) The maximum periods in respect of which a grant may be payable are outlined below and are subject to the conditions set out in this Scheme for progression:

(a) Post leaving certificate courses:

— Grant aid shall be limited to a maximum of three years in total;

(b) Undergraduate courses:

— Grant aid shall be limited to a maximum of four years in total for courses at Level 6 and 7 of the framework of qualifications and, within that total, shall be subject to a maximum of—

(i) two years at Level 6;

(ii) three years at Level 7;

— Grant aid shall be limited to a maximum of four years in total for a course at Level 8 of the framework of qualifications, except for courses where the normal duration is more than four years.

(c) Postgraduate courses:

— Grant aid for postgraduate study shall be limited to a maximum of four years in total.

— Account is taken of all previous attendance and attainment at postgraduate level when considering grant aid entitlement for postgraduate study, regardless of whether a person previously received a grant or not.

Post leaving certificate courses — progression

16. (1) Subject to the general conditions outlined in this Scheme and the maximum periods specified in article 15(10)(a), the specific progression conditions that apply to participation on a post leaving certificate course are set out in this article.

(2) A student pursuing an approved post leaving certificate course is ineligible for a grant if he or she already holds a further education qualification at Level 5 or 6 of the framework of qualifications, or a third level qualification at or above Level 6 of the framework of qualifications, or equivalent qualifications.

(3) A grant shall not be paid to a student who already holds an undergraduate qualification or a postgraduate qualification and is pursuing a post leaving certificate course, irrespective of whether or not a grant was paid previously.

(4) Notwithstanding paragraph (2), an applicant who already holds a further education qualification not higher than Level 5 of the framework of qualifications, or equivalent, and is now pursuing a course that offers progression, shall be eligible for a grant.

Undergraduate courses — progression

17. (1) Subject to the general conditions outlined in this Scheme, and the maximum periods specified in article 15(10)(b), the specific progression conditions that apply to participation at undergraduate level are set out in this article.

(2) A grant shall not be paid to an applicant who already holds a postgraduate qualification and is pursuing an undergraduate qualification, irrespective of whether or not a grant was paid previously.

(3) The progression conditions in respect of study at Level 6 of the framework of qualifications are as follows—

(a) a student or tuition student who is entering for the first time a course which leads to a higher education and training award, and who wishes to pursue an approved course at Level 6 of the framework of qualifications shall be eligible for a grant.

(b) a student or tuition student is ineligible if he or she already holds a higher education and training award at or above Level 6 of the framework of qualifications, or equivalent;

(4) The progression conditions in respect of study at Level 7 of the framework of qualifications are as follows—

(a) a student or tuition student who is entering for the first time a course leading to a higher education and training award, and who wishes to pursue an approved course at Level 7 of the framework of qualifications, shall be eligible for a grant;

(b) a student or tuition student is ineligible if he or she already holds a third level qualification at or above Level 7 of the framework of qualifications, or equivalent;

(c) a student or tuition student who already holds a higher education and training award at Level 6 of the framework of qualifications or equivalent and is progressing to an approved course at Level 7 of the

framework of qualifications shall be eligible for a grant in respect of a maximum of two years of an approved course at Level 7 of the framework of qualifications;

- (d) a student or tuition student who completed part of a course at Level 6 of the framework of qualifications or equivalent and gains admission through exemption to the second or subsequent year of an approved course at Level 7 of the framework of qualifications shall be eligible for a grant;

(5) The progression conditions in respect of study at Level 8 of the framework of qualifications are as follows—

- (a) a student or tuition student who is entering for the first time a course which leads to a higher education and training award and wishes to pursue an approved course at Level 8 of the framework of qualifications shall be eligible for a grant;
- (b) a student or tuition student is ineligible if he or she already holds an undergraduate higher education and training award at or above Level 8 of the framework of qualifications, or equivalent;
- (c) a student or tuition student who already holds a higher education and training award at Level 6 of the framework of qualifications or equivalent and is progressing to an approved course at Level 8 of the framework of qualifications shall be eligible for a grant;
- (d) a student or tuition student who already holds a higher education and training award at Level 7 of the framework of qualifications or equivalent and is progressing to an approved course at Level 8 of the framework of qualifications shall be eligible for a grant;
- (e) a student or tuition student who completed part of a course at Level 6 or 7 of the framework of qualifications or equivalent and gains admission through exemption to the second or subsequent year of an approved course at Level 8 of the framework of qualifications shall be eligible for a grant.

Postgraduate courses — progression

18. (1) Subject to the general conditions outlined in this Scheme, and the maximum periods specified in article 15(10)(c) the specific progression conditions that apply to participation at postgraduate level are set out in this article.

(2) The progression conditions in respect of postgraduate study at Level 8 of the framework of qualification are as follows—

- (a) a student or tuition student who is entering for the first time a course at postgraduate level leading to a higher education and training award and wishes to pursue an approved postgraduate course at Level 8 of the framework of qualifications shall be eligible for a grant;

- (b) a student or tuition student is ineligible for a grant if he or she already holds a postgraduate higher education and training award at or above, or equivalent to, Level 8 of the framework of qualifications;
 - (c) for the purposes of this Scheme, postgraduate qualifications at Level 8 of the framework of qualifications or equivalent are deemed to be progression from undergraduate qualifications at Level 8 of the framework of qualifications or equivalent.
- (3) The progression conditions in respect of postgraduate study at Level 9 of the framework of qualifications are as follows—
- (a) a student or tuition student who is entering for the first time a course at postgraduate level leading to a higher education and training award and wishes to pursue an approved postgraduate course at Level 9 of the framework of qualifications shall be eligible for a grant;
 - (b) a student or tuition student who holds a postgraduate qualification at Level 8 of the framework of qualifications or equivalent, and no higher, may progress to one of the following—
 - (i) a postgraduate diploma at Level 9 of the framework of qualifications,
 - (ii) a master's degree at Level 9 of the framework of qualifications,
 - (iii) the Barrister-at-Law Degree at the Honorable Society of King's Inns, or
 - (iv) the Professional Practice Course in the Law Society of Ireland;
 - (c) a student or tuition student is ineligible for a grant if he or she already holds a postgraduate higher education and training award at or above, or equivalent to, Level 9 of the framework of qualifications, unless he or she meets the conditions at subparagraph (d);
 - (d) a student or tuition student who already holds a postgraduate diploma at Level 9 of the framework of qualifications or equivalent and is pursuing one of the following, not having previously pursued a course at Level 10 of the framework of qualifications or equivalent, shall be eligible for a grant—
 - (i) a masters degree at Level 9 of the framework of qualifications,
 - (ii) the Barrister-at-Law Degree at the Honorable Society of King's Inns, or
 - (iii) the Professional Practice Course in the Law Society of Ireland;

- (e) a student or tuition student is ineligible for funding for the Barrister-at-Law Degree at the Honorable Society of King's Inns or the Professional Practice Course in the Law Society of Ireland if he or she holds a masters degree at Level 9 of the framework of qualifications or equivalent, unless that masters degree is in law;
- (4) The progression conditions in respect of postgraduate study at Level 10 of the framework of qualifications are as follows—
- (a) a student or tuition student who is entering for the first time a course which leads to a higher education and training award and wishes to pursue an approved postgraduate course at Level 10 of the framework of qualifications or equivalent shall be eligible for a grant;
- (b) a student or tuition student is ineligible for a grant if he or she already holds a postgraduate higher education and training award at Level 10 of the framework of qualifications, or equivalent;
- (c) a student or tuition student may be eligible for a grant where he or she is progressing to a doctoral degree at Level 10 of the framework of qualifications from a postgraduate qualification at a level lower than Level 10 of the framework of qualifications or equivalent.
- (5) Subject to progression, a student or tuition student who completed a one-year postgraduate course which has not led to the conferral of a qualification and gains admittance to the second year or subsequent year of an approved postgraduate course shall be eligible for a grant.

Part 3

RECKONABLE INCOME

Reckonable income limits and eligible payments

19. (1) To be eligible for an award of a grant or any part thereof in respect of any academic year of an approved course, an applicant's reckonable income in the specified reference period shall not exceed the income limits specified on an annual basis by the Minister for each relevant academic year.

- (2) There shall be income limits in respect of—

Maintenance grants:

- (a) the special rate of maintenance grant;
- (b) full (100%) and part (75%, 50%, 25%) standard rates of maintenance grant.

Fee grants:

- (c) full (100%) and part (50%) grant in respect of the tuition fee element of a fee grant;
- (d) full (100%) and part (50%) grant in respect of student contribution element of a fee grant.

Postgraduate fee contribution:

- (e) a €2,000 postgraduate fee contribution.

(3) The income limit for the field trip element of a fee grant shall be the limit for a full grant in respect of the tuition fee element of a fee grant.

(4) Different income limits in respect of paragraph (2)(b), (c), (d) and (e) will apply in cases where the number of dependent children is—

- (a) less than 4,
- (b) 4-7, or
- (c) 8 or more.

(5) The reckonable income limits in respect of paragraph 2(b), (c), (d) and (e) may be increased by an additional increment where the applicant, plus one or more relevant persons, are attending an approved course for the purposes of this Scheme or a full-time course of at least one year's duration in further or higher education and training in the State or any other Member State leading to a major award at Levels 5 to 10 of the framework of qualifications or to an equivalent qualification made by a recognised awarding body in the State or another Member State.

(6) The income limits for the specified reference period for the academic year are set out in Schedule 1.

(7) It is a condition of receiving a special rate of maintenance grant that an applicant's reckonable income must include, on the specified date, one of the eligible payments as provided for in Schedule 2.

(8) The following date is prescribed as the relevant date for this Scheme as regards the definition of "dependent child" in section 16(7) of the Act: 1 October of the year prior to the year in which a student, in relation to whose application for a grant a dependent child is relevant, commences a year of study in any year on an approved course.

Reference period

20. (1) The reference period within which reckonable income is determined for an academic year shall be 1 January to 31 December of the relevant calendar year specified in Schedule 1.

(2) If the business year differs from the reference period, the income shown in the business accounts for a year which ends between 1 January and 31 December of the relevant year will be considered.

Persons whose income is considered

21. (1) Where the applicant is a dependent student, the income of the applicant and his or her parents, as appropriate, shall be taken into account in calculating whether the limit(s) specified is exceeded.

(2) Where the dependent student's parents are divorced or legally separated, or it is established to the satisfaction of the relevant awarding authority that they are separated, the reckonable income shall be that of the applicant and of the parent or parents with whom the applicant resides.

(3) Where it is established to the satisfaction of the relevant awarding authority that the dependent student—

(a) has no living parent, or

(b) is irreconcilably estranged from both of his or her parents and neither of his or her parents furnishes financial support to him or her (to include foster children and unaccompanied minor refugees),

a dependent student may be exempted from having parents' income taken into account.

(4) Where an awarding authority is not satisfied that an applicant meets any of the conditions for being exempt from having their parents' income taken into account it will assess that applicant's application for a grant taking into account parental income.

(5) Where the applicant is an independent student, the income of the applicant and his or her spouse, civil partner or cohabitant, as appropriate, shall be taken into account in calculating whether the limit specified is exceeded.

Determination of reckonable income — general

22. (1) Reckonable income shall be determined by the relevant awarding authority on the basis of information supplied in the application form and other relevant information and documentary evidence supplied, in accordance with article 36 and Schedule 5. Where there is income in a currency other than euro, the euro equivalent of the gross amounts must be provided.

(2) If the applicant is unsure whether an income, gain or benefit should be included in the calculation of reckonable income, the details including the amounts should be provided when completing the application form.

(3) In calculating reckonable income, the awarding authority shall consider income from all sources, whether it arises in the State or not, including income under the following headings—

- (a) Income from employment (including benefit-in-kind and directorships),
- (b) Social welfare payments,
- (c) Payments from other government departments or state agencies,
- (d) Self-employment or farming,
- (e) Rental and other income from land and property,
- (f) Income from pensions other than the social welfare state pension,
- (g) Income from savings, deposit accounts and investments,
- (h) Income from maintenance arrangements,
- (i) Lump sum payments from retirement and redundancy,
- (j) Income from the disposal of assets or rights,
- (k) Gifts and inheritances,
- (l) Income from other sources not mentioned above.

(4) The following payments, known for the purposes of this Scheme as “income disregards”, are not included in calculating reckonable income—

- Child Benefit,
- Family Income Supplement,
- Disability Allowance (where paid to the applicant),
- Blind Pension (where paid to the applicant),
- One Parent Family Payments (Means Tested) (where paid to the applicant),
- Guardian’s Payment,
- Foster Care Allowance,
- Domiciliary Care Allowance,
- Carer’s Allowance,
- Student Assistance Fund,
- Student grant,
- Compensation for a personal injury.

(5) For the purposes of determining the reckonable income of an applicant, the aggregate of any of the following shall be deducted—

- (a) in respect of income from employment, employment-related expenses as approved by the Revenue Commissioners, or equivalent;
 - (b) income from employment which represents holiday earnings outside of term time, subject to a maximum limit set out in Part B of Schedule 1;
 - (c) maintenance payments made under a legally enforceable arrangement to a separated spouse, as approved by the Revenue Commissioners;
 - (d) contributions to pension schemes and pension or retirement products, within the limits allowed by the Revenue Commissioners; and
 - (e) overtime payments earned in the reference period that are not recurring payments.
- (6) “Income from maintenance arrangements”, for the purposes of paragraph (3)(h), includes money or money’s worth actually received as maintenance.

(7) In determining whether an applicant meets the reckonable income limit for the special rate of maintenance grant, a deduction may be made in respect of child dependent increase (C.D.I.) paid by the Department of Social Protection.

Determination of reckonable income — self-employment and farming, including rental and other income from land and property

23. (1) The following adjustments shall be made to the profit or loss shown by the accounts in the reference period in order to calculate reckonable income from self-employment and farming—

- (a) add-back depreciation;
- (b) add-back interest on borrowings which fund the fixed assets of the business or the personal expenditure of the proprietor;
- (c) add-back finance lease payments;
- (d) add-back remuneration in respect of—
 - (i) wages or payments made without applying the PAYE and PRSI regulations, or equivalent regulations;
 - (ii) wages or payments to dependent children; and
 - (iii) wages or payments to non-dependent children where the payment is above the norm for the work undertaken.
- (e) add-back for personal expenditure charged against the business income.

(2) The income tax adjustment for farm stock relief is disregarded in calculating reckonable income from farming.

(3) In calculating reckonable income from self-employment and farming—

(a) no allowance is made in respect of tax capital allowance or tax write downs; and

(b) no allowance is made for any deduction for capital expenditure, regardless of how it is treated for income tax purposes.

(4) In calculating reckonable income in respect of rental and other income from land and property, the adjustments set out in paragraph (1) are made to the profit or loss from land and properties as shown by the statement of rental income and no allowance is made in respect of the matters mentioned in paragraph (3)(a) and (b).

Determination of reckonable income — secondary income

24. (1) Regarding investments, include savings certificates, life assurance bonds and other financial instruments where the interest or profit builds up and is paid out as a lump sum at the end of the investment period, the interest or profit is time apportioned.

(2) If any of the persons whose income is under consideration retired or was made redundant from employment or self-employment in the reference period and received a lump sum, a proportion of the lump sum is taken into account for calculating reckonable income.

(3) If any of the persons whose income is under consideration received income from the disposal of assets or rights in the reference period, other than in the case of the exceptions listed in paragraph (4), only a proportion of the gain or loss is taken into account in calculating reckonable income.

(4) The exceptions referred to in paragraph (3) are—

(a) the disposal of a principal private residence except where the sale price reflects development value;

(b) in the case of an independent student—

(i) disposals between an applicant and his or her spouse, civil partner or cohabitant; and

(ii) disposals from an applicant or his or her spouse to their dependent children; and

(c) In the case of a dependent student—

(i) disposals between parent(s),

(ii) disposals from parent(s) to an applicant, and

(iii) disposals from parent(s) to their dependent children.

(5) If any of the persons whose income is under consideration made a gain on the realisation of a life assurance policy or units in an investment fund in the reference period, only a proportion of the gain is taken into account in calculating reckonable income.

(6) If any of the persons whose income is under consideration received gifts or inheritances in the reference period, these are included in reckonable income, unless—

- (a) in the case of an independent student, the gifts or inheritances were between the applicant and his or her spouse, civil partner or cohabitant; or
- (b) in the case of a dependent student, the gifts or inheritances were between parents or to the applicant from his or her parent(s).

Treatment of losses

25. (1) Losses arising from a trade, other than a trade operated on a non-commercial basis, and losses arising from the disposal of an asset can be offset against all other sources of income in the reference period. However, losses carried forward from a previous year cannot be offset.

(2) Rental losses cannot be offset against other income in the reference period.

Part 4

AWARD OF GRANTS

Offer and award of grant and transfer of status

26. (1) Where an awarding authority makes a provisional offer of a grant to an applicant under this Scheme, the applicant shall confirm to the awarding authority the title of the course he or she proposes to follow within such period after notification of the provisional offer of a grant as the awarding authority may stipulate.

(2) Pursuant to section 18 of the Act, an awarding authority shall determine whether an applicant is eligible to receive a grant under this Scheme having regard to—

- (a) information furnished by the applicant pursuant to that section of the Act,
- (b) any other information in relation to the application, as appropriate, and
- (c) the Regulations and such criteria as are specified in this Scheme.

(3) Where a student is offered a grant or where a student is awarded a grant under this Scheme, but does not pursue an approved course in the academic year, the offer or award shall be deemed to have lapsed.

(4) A grant is awarded for the normal duration of the approved course but is subject to renewal each academic year. Annual renewal will be based on compliance with the reckonable income limit of the relevant academic year and the student progressing from year to year within the course, having successfully completed the part of the course as required during the previous year. The student will also be required to have registered on and continue to attend the same course and to meet all other relevant provisions of this Scheme and schemes appropriate to each relevant academic year. Renewal is subject to the approval of the awarding authority each academic year.

(5) A student who, during the course of his or her studies, wishes to change course or faculty must obtain the prior approval of the awarding authority in order to ensure compliance with this Scheme or a future scheme.

(6) Where an eligible student transfers to another course, the awarding authority shall transfer the student's status as an eligible student to that course where—

(a) it receives a request from the eligible student to do so, and

(b) it is satisfied that the terms of the relevant scheme continue to be met.

(7) A student who, having commenced an approved course, wishes to defer his or her grant during the course of his or her studies must obtain the prior approval of the awarding authority. Such student's eligibility will be reassessed on recommencement of the course in order to ensure compliance with the relevant scheme.

Rates and value — maintenance grants

27. (1) The award of a maintenance grant shall be in accordance with the terms of this Scheme and the value of such grant shall be determined by the awarding authority having regard to the applicant's reckonable income, whether the reckonable income includes an eligible payment for the special rate as specified in Schedule 2 and the income limits for each of the respective rates in Schedule 1.

(2) The value of the special and standard rates of maintenance grant in respect of an approved course shall be in accordance with the annual rates specified by the Minister. The rates specified for the financial year are set out in Schedule 3.

(3) In accordance with article 7, full and part standard maintenance grants, and the special rates of maintenance grant, shall be payable at either adjacent or non-adjacent rates. The awarding authority shall determine the rate applicable in respect of an eligible student as follows—

- (a) the adjacent rates of maintenance grant shall be payable in the case of students whose normal residence is 45 km or less from the approved institution which he or she is attending, where the distance is measured in line with guidelines agreed by the Minister;
- (b) the non-adjacent rate of maintenance grant shall be payable in all other cases.

(4) Where a student in receipt of a maintenance grant as part of their approved course is required, to participate in—

- (a) compulsory off-campus placement, where the period concerned is not less than one academic term or semester, or
- (b) compulsory study abroad for a period up to one year as an integral part of their course,

they may have their grant entitlement paid in the normal manner in accordance with article 15(2) and (3). The rate of grant payable in respect of subparagraph (a) or (b) will be determined by the awarding authority having regard to paragraph (3).

(5) If an approved course is run over a shorter academic year or an academic year is different from the standard academic year, a portion of the rate of grant will be awarded in line with guidelines issued by the Minister in respect of such courses, having regard to the number of weeks over which the course is run.

Rates and value — fee grant, tuition fee element

28. (1) The award of the tuition fee element of a fee grant shall be in accordance with the terms of this Scheme and the rate and value of such grant shall be determined by the awarding authority having regard to the applicant's reckonable income and income limits, the EU rate of fee applicable to an approved course and the maximum limits applicable for each respective rate in Schedule 4.

(2) The value of the tuition fee element shall be determined in accordance with article 9 and shall conform to the income limits set out in Schedule 1.

(3) A full tuition fee element is payable for the EU rate of fee in respect of an undergraduate approved course provided in the State to which the Free Fees Schemes applies.

(4) A full tuition fee element in respect of the EU rate of fee up to but not exceeding the maximum fee limit prescribed in Schedule 4, is payable in respect of an undergraduate approved course provided in the State, but to which the Free Fees Schemes does not apply.

(5) A full tuition fee element in respect of the EU rate of fee up to but not exceeding the maximum fee limit prescribed in Schedule 4, is payable in respect of a postgraduate approved course provided in the State or Northern Ireland.

(6) A part tuition fee element, not exceeding 50% of the EU rate of fee, is payable in respect of an undergraduate or postgraduate approved course provided in the State and covered under the Free Fees Schemes.

(7) A part tuition fee element in respect of 50% of the EU rate of fee, but not exceeding 50% of the maximum fee limit prescribed in Schedule 4, is payable in respect of an undergraduate approved course provided in the State but to which the Free Fees Schemes does not apply.

(8) A part tuition fee element in respect of 50% of the EU rate of fee, but not exceeding 50% of the maximum fee limit prescribed in Schedule 4, is payable in respect of a postgraduate approved course provided in the State or Northern Ireland.

(9) The value of the postgraduate fee contribution shall be determined in accordance with article 19, shall conform to the income limits set out in Schedule 1 and is payable at the rate prescribed in Schedule 4.

Rates and value — fee grant, student contribution element

29. (1) The award of the student contribution element of a fee grant, in accordance with article 10, and the rate of such grant shall be determined by the awarding authority having regard to the reckonable income which shall conform to the income limits set out in Schedule 1.

(2) A full student contribution element (100%) may be paid, up to the rate prescribed in Schedule 4, in respect of an applicant who qualified under the Free Fees Schemes subject to the terms of this Scheme.

(3) A part student contribution element (50%) may be paid, up to the rate prescribed in Schedule 4, in respect of an applicant who qualified under the Free Fees Schemes subject to the terms of this Scheme.

Rates and value — fee grant, field trip element

30. The field trip element of a fee grant is payable, in accordance with article 11, subject to the maximum fee limits provided for in Schedule 4.

Rates and value — postgraduate fee contribution

31. The postgraduate fee contribution is payable, in accordance with article 12, at the rate specified in Schedule 4.

Review of eligibility during academic year

32. (1) The eligibility of a person to whom this Scheme applies for the award of a grant, or the level of the grant awarded, may be assessed or re-assessed by the awarding authority in the event of changes of circumstances in the academic year relating to the following—

- (a) the applicant's reckonable income, within the meaning of articles 19 to 25, which is likely to obtain for the duration of the approved course or for the foreseeable future, including eligible payments for the special rate of maintenance grant, other than where that payment is jobseeker's allowance or jobseeker's benefit;

- (b) the number of dependent children;
- (c) where a relevant person commences an approved course for the purpose of this Scheme or a full-time course of at least one year's duration in further or higher education and training in the State or any other Member State leading to a major award at Levels 5 to 10 of the framework of qualifications or to an equivalent qualification made by a recognised awarding body in the State or in another Member State;
- (d) normal residence;
- (e) nationality or immigration status;
- (f) change of course or institution.

(2) If there is a fall in the income of any of the persons whose income is under consideration, between 1 January following the reference period and the end of the academic year, and the awarding authority is satisfied that the fall in income is likely to obtain for the duration of the approved course or for the foreseeable future, a review of the application may be applied for or, where a student grant application form was not completed for the academic year, an application can be made for a student grant under such change in circumstances.

(3) Where an awarding authority is satisfied that a change in circumstances has occurred within the meaning of paragraph (2) the application will be assessed based on current income.

(4) Where an adverse change in the reckonable income occurs, awards or adjustments in cases assessed under this article shall be made with effect from the month in which the change in circumstances occurs.

(5) The amount of the tuition fee element, the student contribution element and maintenance elements of the grant payable in respect of a month shall be one-ninth of the annual rate.

(6) If there is an increase in the income of any of the persons whose income is under consideration, between 1 January following the reference period and the end of the academic year, any grant awarded shall continue to be paid until the end of that academic year.

Part 5

APPLICATION, PROVISION OF INFORMATION AND PAYMENT

Appropriate awarding authority

33. (1) An applicant shall apply to an awarding authority for a grant.
- (2) The awarding authority to which an applicant shall make an application shall be the appropriate awarding authority (a local authority or a vocational education committee or an appointed awarding authority).

(3) If, at the time of application, an applicant is ordinarily resident in another Member State, a state in the European Economic Area or Switzerland, such applicant shall make an application to the appointed awarding authority.

(4) An applicant shall make an application to the appointed awarding authority if they wish to attend, or will be attending, an approved course in an approved institution as set out in the Regulations.

(5) Notwithstanding the provisions of paragraph (4), an applicant who was awarded a grant under a prior scheme or under any other scheme made under the Act shall make an application to the awarding authority which granted the award if they wish to attend or will be attending an approved course in the relevant academic year.

(6) An awarding authority may transfer an application to another awarding authority as appropriate within the provisions of paragraphs (4) and (5).

Application time limits

34. (1) Applications duly completed must be received by the awarding authority not later than 31 August 2012.

(2) The awarding authority may at its discretion accept an application which is not received on time but is received not later than one month before the end of the academic year to which the application relates.

Applications generally

35. (1) If at the time of application the applicant has not already been accepted onto a course the appropriate awarding authority to which an applicant shall make his or her application should be based on the applicant's first choice course.

(2) An applicant may not apply for or receive more than one grant at any one time.

(3) An applicant must apply for a grant in connection with each academic year of an approved course by completing and submitting to the awarding authority an application on the official application or renewal form, as appropriate, which must be accompanied by such documentary evidence as required in this Scheme and as the awarding authority may require.

(4) The awarding authority may take such steps and make such inquiries as it considers necessary to determine whether the applicant is an eligible student, whether he or she qualifies for a grant and the amount of a grant payable.

(5) An applicant shall furnish an awarding authority with the personal, family, financial and other information that the awarding authority may seek in relation to the applicant, the applicant's spouse, civil partner or cohabitant, each parent of the applicant, and any dependent child, as appropriate, and shall produce evidence, in such form as is prescribed in this Scheme, and as may be required by the awarding authority, to verify the information, in order that the awarding

authority may determine whether or not the applicant is eligible to receive a grant.

Submission of information

36. (1) An applicant shall furnish to the awarding authority the information specified in Schedule 5, and such other information as the awarding authority may request, and shall produce evidence in a form acceptable to the awarding authority to verify any such information, in order that the awarding authority may determine whether or not the applicant is eligible to receive a grant.

(2) An awarding authority may stipulate the period of time within which the information, further information or evidence shall be submitted or produced to it.

(3) Without prejudice to article 35(5), the following information shall be furnished to an awarding authority in relation to the applicant and, as appropriate, the applicant's spouse, civil partner or cohabitant, each parent of the applicant, and any other dependent child, as appropriate, namely—

- (a) personal public service number,
- (b) date of birth,
- (c) reckonable income,
- (d) nationality, immigration status and residency,
- (e) information in relation to any matters in this Scheme, and
- (f) normal residence.

(4) In addition, the applicant shall furnish the following information to the awarding authority—

- (a) whether he or she is a mature student, dependent student, independent student or tuition student;
- (b) marital status;
- (c) whether he or she has dependants;
- (d) academic history;
- (e) whether he or she is commencing his or her first year of study, is a student in progression or has previous attendance at further or higher education;
- (f) the approved course that the applicant attends or intends to attend and in respect of which he or she is applying for a grant;
- (g) the approved institution which is providing the course; and

(h) any funding, awards and financial assistance in relation to his or her course of study.

(5) The provisions in Schedule 5 in relation to the provision of information and evidence, which are not exhaustive, shall be complied with by applicants under this Scheme.

(6) A declaration forming part of the application shall be signed by the applicant and the applicant's parents or, in the case of an independent student, by the applicant and the applicant's spouse, civil partner or cohabitant, if applicable.

(7) It will be the responsibility of the applicant to ensure that the income details and other details sought are full and complete in every respect. If such details contain a deliberate material omission or inaccuracy, the applicant shall be liable to prosecution, loss of grant and repayment, with interest, of any portion of a grant already received in line with the provisions of sections 23 and 24 of the Act.

Payment of maintenance grants

37. (1) Payment of a maintenance grant shall be made by the awarding authority except in the case of an applicant attending an approved course at Level 6 or 7 of the framework of qualifications in an approved institution in Part B and C of Schedule 1 of the Regulations, who was awarded a grant in respect of such course prior to the coming into operation of this scheme, in which case the payments are arranged through the relevant institution, or in the case of an applicant attending an approved post leaving certificate course, who was awarded a grant in respect of such course prior to the coming into operation of this scheme, in which case the vocational education committee in the area in which the institution providing the course is situated shall make payments in respect of the applicant for the period of time as prescribed in this Scheme.

(2) The awarding authority, or other relevant paying authority referred to in article 37(1), shall pay maintenance grants in three or nine equal instalments, in line with the annual rates specified in Schedule 3.

(3) Payments of maintenance grants should be made in euro and are to be made in such manner as the Minister considers appropriate, either by payable order or by electronic funds transfer. The Minister may make it a condition of entitlement where payment is being made by electronic funds transfer that the eligible student must provide particulars of a bank, building society or credit union account in the State into which payments may be made by electronic transfer.

(4) Payments of maintenance grants made by payable order shall be addressed to the student, care of the Bursar's or Principal's office of the institution.

(5) An approved institution is required to verify to the awarding authority at agreed intervals that a person awarded a maintenance grant is enrolled or registered with the institution, in accordance with its rules, and is continuing to attend

the course for which they have been approved for in that institution. The awarding authority must not pay the first or subsequent maintenance grant instalments, or, where it has been determined not to pay a maintenance grant, make any payment of maintenance, to the student before it has received such verification.

Payment of fee grants

38. (1) The tuition fee element of a fee grant payable under this Scheme shall be paid by the awarding authority, to the approved institution, in line with the rate of fee awarded, upon receipt of—

- (a) an appropriate invoice from the approved institution in respect of the applicable tuition fee, and
- (b) confirmation of registration, as supplied by the approved institution.

(2) The student contribution element of a fee grant payable under this Scheme shall be paid by the awarding authority, except in the case of applicants attending approved courses at Level 6 or 7 of the framework of qualifications in an approved institution in Part B and C of Schedule 1 of the Regulations, who were awarded a grant in respect of such course prior to the coming into operation of this scheme, in which case payments shall be made by the Department of Education and Skills, to the approved institution, in line with the student contribution rate awarded, upon receipt of—

- (a) an appropriate invoice from the approved institution in respect of the applicable student contribution fee, and
- (b) confirmation of registration.

(3) The field trip element of a fee grant payable under this Scheme shall be paid by the awarding authority to the student or tuition student, in line with provisions in Schedule 4, upon receipt of the following documents—

- (a) a field trip form—
 - (i) with the relevant sections completed, verified and stamped by the approved institution, and
 - (ii) with relevant sections completed and signed by the student or tuition student; and
- (b) receipts for expenses being claimed.

Overpayments

39. Any overpayment made in respect of a grant awarded under this Scheme may be recovered by the paying awarding authority in accordance with section 24 of the Act.

Part 6

APPEALS

Appeals to appeals officers

40. Where an applicant is aggrieved by a determination of an awarding authority under this Scheme he or she may, pursuant to section 20 of the Act, appeal against that determination to an appeals officer designated by the awarding authority under that section.

Appeals to Appeals Board

41. Where an applicant is aggrieved by a determination of an appeals officer under section 20(5) of the Act, he or she may, pursuant to section 21 of the Act, appeal against that determination to the Appeals Board.

SCHEDULE 1

RECKONABLE INCOME LIMITS FOR MAINTENANCE AND FEE GRANTS FOR THE 2012/13 ACADEMIC YEAR
Part A

1. Reckonable income limits:

The period 1 January 2011 to 31 December 2011 is the reference period for the academic year 2012/13.

The income limits that apply to tuition students relate to the fee elements only. A tuition student does not qualify for any maintenance grant.

		Income limits for Maintenance and Fee grants — Table A							
	<u>Maintenance</u> Special Rate*	<u>Maintenance</u> 100% Standard Rate	<u>Maintenance</u> 75% Standard Rate	<u>Maintenance</u> 50% Standard Rate	<u>Maintenance</u> 25% Standard Rate	<u>Maintenance</u> Not payable	<u>Maintenance</u> Not payable	<u>Maintenance</u> Not payable	<u>Maintenance</u> Not payable
	<u>Fee elements:</u> 100% Tuition Fees	<u>Fee elements:</u> 100% Tuition Fees	<u>Fee elements:</u> 100% Tuition Fees	<u>Fee elements:</u> 100% Tuition Fees	<u>Fee elements:</u> 100% Tuition Fees	<u>Fee elements:</u> 50% Tuition Fees	<u>Fee elements:</u> 100% Tuition Fees	<u>Fee elements:</u> 50% Tuition Fees	<u>Fee elements:</u> Tuition Fees — Not payable
To qualify for	100% Student Contribution Field Trip	100% Student Contribution Field Trip	100% Student Contribution Field Trip	100% Student Contribution Field Trip	100% Student Contribution Field Trip	100% Student Contribution	100% Student Contribution	100% Student Contribution	50% Student Contribution Not payable
No. of dependent children									Field Trip — Not payable
Less than 4	€22,703	€41,110	€42,235	€44,720	€47,205	€51,380	€51,380	€55,920	€31,500
4 — 7	€22,703	€45,165	€46,415	€49,145	€51,880	€56,460	€56,460	€61,440	€34,615
8 or more	€22,703	€49,045	€50,400	€53,360	€56,320	€61,295	€61,295	€66,700	€37,580

Additional increments that may be applied to the income limits in Table A for Maintenance and Fee Grants — Table B**

+ increment for each additional relevant person	€0	+ €4,980	+ €4,815	+ €4,815	+ €4,815	+ €4,980	+ €4,980	+ €4,980	+ €4,980
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*To be eligible for the special rate of maintenance an applicant's reckonable income on 31 December 2011 must include an eligible payment listed in Schedule 2.

**Increments which may be applied to the relevant income limits:

In the 2012/13 academic year, where the applicant plus one or more relevant persons are attending an approved course for the purposes of this Scheme or a full-time course of at least one year's duration in further or higher education and training in the State or any other Member State leading to a major award at Levels 5 to 10, of the framework of qualifications or to an equivalent qualification made by a recognised awarding body in the State or in another Member State, the reckonable income limits for each of the rates of grant in Table A may be increased by an additional increment as identified in Table B.

Part B

Holiday Earnings:

An allowance of €3,809, in respect of income earned in the reference period but outside of the approved institution's term time, is deductible from the applicant's earnings.

SCHEDULE 2

ELIGIBLE PAYMENTS FOR THE SPECIAL RATE OF MAINTENANCE GRANT FOR THE
2012/13 ACADEMIC YEAR

As at 31 December 2011, the reckonable income must include one of the eligible payments listed in this Schedule net of—

- (a) income disregards (as set out in article 22(4) of this Scheme); and
- (b) Child Dependant Increase (C.D.I.), where paid by the Department of Social Protection.

Social Assistance Payments

1. Blind Pension
2. Carer's Allowance
3. One Parent Family Payment
4. Deserted Wife's Allowance
5. Disability Allowance
6. Farm Assist
7. Jobseeker's Allowance (where held for 391 days or more)*
8. State Pension (Non-Contributory)
9. Guardian's Payment (Non-Contributory)
10. Pre-retirement allowance
11. Widow's, Widower's or Surviving Civil Partners (Non-Contributory) Pension

Social Insurance Payments

12. Carer's Benefit
13. Deserted Wife's Benefit
14. Invalidity pension
15. Incapacity Supplement
16. Occupational Injuries Death Benefit (Orphan's pension)
17. Occupational Injuries Death Benefit (pension for a widow or widower)
18. State Pension (Contributory)
19. Guardian's Payment (Contributory)

20. Jobseeker's Benefit (continuous for at least 12 months)*
21. Widow's, Widower's or Surviving Civil Partners (Contributory) Pension
22. State Pension (Transition)

Designated Programmes

23. Back to Education Allowance (Second Level and Third Level Options)
24. Back to Work Allowance (Employees)
25. Back to Work Enterprise Allowance
26. Community Employment Scheme
27. Rural Social Scheme
28. Tús Initiative
29. FÁS Training Programmes, including Apprenticeships
30. Part time job incentive scheme
31. Vocational Training Opportunities Scheme (VTOS)

Others

32. Foster Care Allowance where paid in respect of the applicant
33. Family Income Supplement (FIS)
34. In receipt of payments under the FIT (Fastrack to IT) initiative equivalent to a social welfare payment;
35. Participants on a training course approved by a Government Department, State Agency or Area Partnership and who were in receipt of an eligible payment prior to progressing to the programme;
36. Grant aided employees in Community Services Programmes (formerly social economy enterprises);
37. In receipt of payments under the Senior Traveller Training Centre programmes.

*Combine periods of Jobseeker's Allowance and Jobseeker's Benefit and other eligible payments for purposes of meeting 391 days.

The Department of Social Protection Illness Benefit can also be used to combine periods of Jobseeker's Allowance and Jobseeker's Benefit provided a period of Jobseeker's Allowance or Jobseeker's Benefit comes directly before and directly after the period of Illness Benefit.

SCHEDULE 3

RATES OF MAINTENANCE GRANT FOR THE FINANCIAL YEAR 2012

Annual Rates

	Non-Adjacent Rate	Adjacent Rate
Special rate of maintenance	5,915	2,375
Standard rate— Full Maintenance (100%)	3,025	1,215
Standard rate— Part Maintenance (75%)	2,270	910
Standard rate— Part Maintenance (50%)	1,515	605
Standard rate— Part Maintenance (25%)	755	305

SCHEDULE 4

MAXIMUM OVERALL LIMITS FOR A FEE GRANT FOR THE 2012/13 ACADEMIC YEAR

Tuition Fee Element		
In respect of the following courses	Maximum fee limit Full (100%) grant in respect of tuition fees	Maximum fee limit Part (50%) grant in respect of tuition fees
Approved undergraduate courses to which the Free Fees Schemes applies.	100% of the EU rate of fee	50% of the EU rate of fee
Approved undergraduate courses provided in the State to which the Free Fees Schemes does not apply.	€6,270	€3,135
Approved postgraduate courses provided in the State or Northern Ireland.	€6,270	€3,135

Student Contribution Element	
	Rate
Full (100%) grant in respect of the student contribution charge	€2,250
Part (50%) grant in respect of the student contribution charge	€1,125

Field Trips Element [Calculation of value available towards compulsory costs]		
A student or tuition student who would have qualified for 100% tuition fee element of a fee grant but for the Free Fees Schemes and was awarded a grant towards the student contribution charge.	Maximum Fee Limit:	€6,270
	<i>Less</i> the tuition fee claimed from the State by the institution under the Free Fees Schemes:	- x,xxx
	<i>Less</i> Student Contribution:	- €2,250
	<i>Equals</i> maximum amount if any available towards field trip element	y,yyy
Student or tuition student who qualifies for 100% Tuition Fee element of a fee grant under the scheme of grants.	Max Fee Limit Amount:	€6,270
	<i>Less</i> EU rate of fee applicable to the course/invoiced to the student:	-x,xxx
	<i>Equals</i> the maximum amount if any available towards field trip element	y,yyy

Postgraduate Fee Contribution	
	Rate
Approved postgraduate courses provided in the State or Northern Ireland.	€2,000

SCHEDULE 5

DOCUMENTARY EVIDENCE

Documentary evidence for the applicant
Birth certificate.
Course Acceptance Form when the applicant has accepted a place on an approved course.
<p>Documentary evidence for an independent student Documentary evidence is required of residence from 1 October of the year preceding the first point of entry or re-entry to an approved course. Generally this would include:</p> <ul style="list-style-type: none"> • utility bills, such as telephone, gas or electricity; • registration with the Private Residential Tenancies Board; • documentation received, for example, bank statement or correspondence from a government department.
<p>Documentary evidence for separation and divorce Evidence of separation or divorce and proof of living separately. This should include one or more of the following:</p> <ul style="list-style-type: none"> • Separation agreement; • Divorce decree; • Decree of dissolution for a civil partnership; • Evidence from the Department of Social Protection that the applicant is currently in receipt of a payment for a one-parent family situation, such as: <ul style="list-style-type: none"> – One-parent family payment; – Deserted Wife's Allowance. • Where there is no legal agreement, a letter from the applicant's solicitor confirming separation and/or that legal proceedings are pending; • Evidence of living separately.
<p>Documentary evidence for nationality The documentary evidence should include at least one or more of the following:</p> <ul style="list-style-type: none"> • a long form Irish birth certificate if the applicant was born on the island of Ireland before 1 January 2005; • a certified¹ copy of the applicant's passport; • a national identity card issued by an EU Member State; • a certificate of naturalisation together with a certified copy of the applicant's passport or other official documentation; • a foreign births registration certificate together with a certified copy of the applicant's passport.
<p>Documentary evidence for current immigration status</p> <ul style="list-style-type: none"> • Department of Justice and Equality letters issued to the applicant confirming details of the applicant's immigration status in the State and/or • Department of Justice and Equality letters issued to the applicant's family member where the applicant's immigration status is dependent on the family member's immigration status in the State; • current Garda National Immigration Bureau (GNIB) Certificate of Registration cards; • certified copy of the applicant's passport.
<p>Documentary evidence for residency for 3 out of the last 5 years This may be one or more of the following:</p> <ul style="list-style-type: none"> • evidence that the applicant sat the Junior Certificate and Leaving Certificate exams in Ireland, or equivalent school exams in the EU, EEA or Switzerland; • a letter from a school principal in Ireland, the EU, EEA or Switzerland confirming the applicant's attendance at a school; • social welfare statements or equivalents from the EU, EEA or Switzerland; • utility bills; • registration with the Private Residential Tenancies Board (PRTB), or equivalent from the EU, EEA or Switzerland; • if the applicant is a non-EEA national, a letter from the Department of Justice and Equality confirming the period of lawful presence in Ireland. Periods of unlawful presence cannot be considered.

¹This is a document which has been stamped and signed as being a true copy of the original by a member of the Garda Síochána or a Commissioner of Oaths. The person certifying the copy must provide his or her name, address and telephone number.

<p>Documentary evidence for previous courses attended</p> <ul style="list-style-type: none"> • a letter from a college or institution confirming attendance and/or • a copy of the award received if the applicant completed a course.
<p>Documentary evidence for other student financial assistance</p> <p>If the applicant has applied for or been offered student financial assistance or student funding from another awarding or funding body for the 2012/13 academic year, a letter from that awarding or funding body which has the following information must be submitted:</p> <ul style="list-style-type: none"> • the name of the awarding or funding body, and • a breakdown of the full amount in euro to be awarded, for example, for maintenance, fees and so on.
<p>Documentary evidence for legal guardian</p> <ul style="list-style-type: none"> • Legal court papers.
<p>Documentary evidence for the applicant's parents or the spouse, civil partner or cohabitant of an independent mature student</p>
<p>Documentary evidence for separation and divorce</p> <p>Evidence of separation or divorce and proof of living separately. This should include one or more of the following:</p> <ul style="list-style-type: none"> • Separation agreement; • Divorce decree; • Decree of dissolution for a civil partnership • Evidence from the Department of Social Protection that the relevant person is currently in receipt of a payment for a one — parent family situation, such as: <ul style="list-style-type: none"> – One-parent family payment; – Deserted Wife's Allowance; • Where there is no legal agreement, a letter from the relevant person's solicitor confirming that separation and/or that legal proceedings are pending; • Evidence of living separately.
<p>Documentary evidence for dependent children</p> <ul style="list-style-type: none"> • Letter from a GP or relevant medical body where a dependent child is 16 years or over and is medically certified as permanently unfit for work. <p>Additional information that may be requested:</p> <ul style="list-style-type: none"> • A letter from the school or institution confirming school attendance in 2011/12; • A birth certificate for each dependent child.
<p>Documentary evidence where the applicant plus one or more relevant persons are attending a full-time course as specified in article 19(5)</p> <ul style="list-style-type: none"> • If the applicant plus one or more relevant persons which includes dependent children, the dependent student's parent, or independent student's spouse, civil partner or cohabitant are attending a full-time course, as specified in article 19(5), a letter from the college or institution confirming that the student(s) will be attending full-time in the 2012/13 academic year.
<p style="text-align: center;">Documentary evidence for reckonable income</p>
<p>Documentary evidence for income from employment:</p> <ul style="list-style-type: none"> • P60 for each employment held at the end of the 2011 tax year and which is issued by employer(s); • P21 PAYE Balancing Statement for 2011 which the relevant person can get online at www.revenue.ie or by contacting their local Revenue office; • P45 if the relevant person ceased employment in 2011; • Payslips for the applicant's earnings from holiday employment outside of term time in 2011; • Income earned in a previous tax year: <ul style="list-style-type: none"> – a letter from the employer stating the amount earned in 2010 which was paid in 2011 and was included in the P60/P45 for 2011. The letter must also state any amount earned in 2011 which was not paid in 2011 but was carried over to be paid in 2012.
<ul style="list-style-type: none"> • Non-recurring overtime payments: <ul style="list-style-type: none"> – a letter from the employer stating the overtime will not recur in the current tax year. It will also be necessary to provide a P60 for both the 2011 and 2010 tax years. Where overtime has been disregarded as reckonable income, all such cases will be reassessed in the following academic year. • Foreign income: <ul style="list-style-type: none"> – Documentary evidence for the reference period, 1 January 2011 to 31 December 2011.

Documentary evidence for social welfare payments:

- a **statement** from the Department of Social Protection which has the following information:
 - the name of the person getting the payment,
 - the type of payment,
 - the amount the person got in 2011,
 - whether the payment included a Qualified Adult Allowance and, if so, the amount,
 - whether the payment included a Child Dependent Increase and, if so, for how many children and the amount for each child,
 - the date the payments started,
 - the date the payments stopped, (if applicable),
- If the relevant person is in receipt of a social welfare payment from outside Ireland, they will need to submit the above details from the relevant authority.

Documentary evidence for payments from other government departments or state agencies for example, HSE

- a **statement** from each government department or state agency with the following information:
 - the name of the person getting the payment,
 - the type of payment,
 - the amount the person got in 2011,
 - the date the payments started,
 - the date the payments stopped, (if applicable).

Documentary evidence for self-employment or farming

- Copy of accounts (that is, trading account, profit and loss account, capital account and balance sheet) for each business for the year ending between 1 January 2011 and 31 December 2011. The accounts extracts pages from the applicant's Return of Income **do not** satisfy this accounts requirement;
- Adjusted Profit Computation for income tax for the 2011 tax year;
- Notice of Assessment for 2011 or its foreign equivalent;
- If it applies a current letter from the Revenue Commissioners exempting the relevant person from filing tax returns or equivalent from another state;
- If the accounts contain a wage or remuneration expense, a detailed breakdown of wages paid to the following as outlined in article 23(1)(d) must be provided;
 - wages or payments made without applying the PAYE and PRSI regulations or equivalent regulations;
 - wages or payments to dependent children;
 - wages or payments to non-dependent children where the payment is above the norm for the work undertaken.

Documentary evidence for rental income from land and properties:

- Copy of accounts (that is, trading account, profit and loss account, capital account and balance sheet) or statement of rental income for the year ended 31 December 2011. The accounts extracts pages of the applicants Return of Income **do not** satisfy this accounts requirement;
- Adjusted Profit Computation for income tax for the 2011 tax year;
- Notice of Assessment for 2011 or its foreign equivalent;
- If it applies, a current letter from the Revenue Commissioners exempting the relevant person from filing tax returns or equivalent from another state;
- If the accounts contain a wage or remuneration expense, a detailed breakdown of wages paid to the following as outlined in article 23(1)(d) must be provided;
 - wages or payments made without applying the PAYE and PRSI regulations or equivalent regulations;
 - wages or payments to dependent children;
 - wages or payments to non-dependent children where the payment is above the norm for the work undertaken.

Documentary evidence for a proprietary director or shareholder of a limited company:

- the registered name of the company;
- the registered number of the company;
- the percentage of voting rights that the relevant person controls.

As part of the verification process, copies of the audited accounts of these companies may be requested.

<p>Documentary evidence for income from pensions other than a Social Welfare State Pension:</p> <ul style="list-style-type: none"> • a letter from the relevant persons employer(s) or the body/bodies administering the pension; • P60(s) confirming the gross amount you received in 2011; • P21 PAYE Balancing Statement or Notice of Assessment for 2011.
<p>Documentary evidence for savings, deposit accounts or investments:</p> <ul style="list-style-type: none"> • Statements of the interest/dividends paid from the financial institution or other provider, for example, bank, building society, post office or credit union etc covering the period 1 January 2011 to 31 December 2011 • P21 PAYE Balancing Statement or Notice of Assessment for 2011.
<p>Documentary evidence for income from a maintenance arrangement:</p> <ul style="list-style-type: none"> • Maintenance agreement stating the amount of maintenance received each month; • P21 PAYE Balancing Statement or Notice of Assessment for 2011; • Evidence of maintenance payments as well as evidence of any bills, mortgages, rent, tuition or any other such payments made as part of the maintenance arrangement.
<p>Documentary evidence for a lump sum payment on retirement:</p> <p>A letter from the relevant persons employer or the body administering their pension stating:</p> <ul style="list-style-type: none"> • date of retirement; • the gross amount of the lump sum; • the number of years of pensionable service or the number of years of contributions; • the gross annual pension.
<p>Documentary evidence for a lump sum payment on redundancy:</p> <p>A letter from the relevant persons employer stating:</p> <ul style="list-style-type: none"> • the date of cessation of employment or redundancy; • the gross amount of the lump sum; • the number of years of service with the employer.
<p>Documentary evidence for the disposal of an asset and right:</p> <ul style="list-style-type: none"> • A completed Disposal of Assets and Rights Table; • Capital Gains Tax Computation for 2011
<p>Documentary evidence for the realisation of a life assurance policy:</p> <p>A letter from the financial institution stating:</p> <ul style="list-style-type: none"> • the amount received on realisation; • the Irish tax deducted; • the amount(s) paid in premium(s); • the date the first premium was paid.
<p>Documentary evidence for gifts or inheritances:</p> <ul style="list-style-type: none"> • a completed Gifts and Inheritances Table • a letter from the executor/donor; • Capital Acquisitions Tax Return, if applicable.
<p>Documentary evidence for any other income not mentioned above:</p> <p>Evidence from the appropriate person or body showing</p> <ul style="list-style-type: none"> • the gross income or the gross amount received in 2011; • the source of the income; • a full description of the income. <p>If the relevant person received income from woodlands in 2011 a completed Woodlands Table must be submitted.</p>
<p>Documentary evidence for legally enforceable maintenance payments</p> <ul style="list-style-type: none"> • a copy of the separation or divorce agreement; • P21 PAYE Balancing Statement or Notice of Assessment for 2011. <p>Supporting documents for the actual payments, for example, bank statements may also be requested.</p>
<p>Documentary evidence for pension contributions towards retirement:</p> <ul style="list-style-type: none"> • a letter from the financial institution or agency that provides the retirement product outlining the contributions made directly by the relevant person in 2011 or for public service pension levy, the Pension-Related Deduction End of Year Certificate for 2011 • P21 PAYE Balancing Statement or Notice of Assessment for 2011.

Documentary evidence for changes in circumstances:

- a completed application form for 2012/13 together with all of the required documentary evidence necessary in support of the application and
- documentary evidence to show the change of circumstances that has occurred (i.e. if the change is in relation to reckonable income you will need to provide documentary evidence to show that the income between January 2012 and the end of the academic year 2012/13 has fallen and that the fall in income is likely to continue for the duration of the approved course, if the change is in relation to the number of dependent children you will need to provide a copy of the additional child's birth certificate, if it is in relation to the number of relevant persons attending a full-time course as outlined in article 19(5) you will need to provide a letter from the college or institution confirming that the student(s) will be attending full-time in 2012/13 etc.).

The Minister for Public Expenditure and Reform consents to the making of the foregoing Scheme.



GIVEN under the Official Seal of the Minister for Public Expenditure and Reform,
5 June 2012.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
5 June 2012.

RUAIRI QUINN,
Minister for Education and Skills.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

This Scheme of Grant is made pursuant to powers conferred on the Minister for Education and Skills under the Student Support Act 2011.

This Scheme may be cited as the Student Grant Scheme 2012.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
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