

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 3,121 of 12th August 1999**

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LEGAL NOTICE NO. 95 OF 1999

**EDUCATION ORDINANCE**

**EDUCATIONAL AWARDS REGULATIONS 1990 (AMENDMENT)  
REGULATIONS 1999**

In exercise of the powers conferred on him by section 82 of the Education Ordinance the Governor has made the following Regulations –

**Citation and commencement.**

1. These Regulations may be cited as the Educational Awards Regulations 1990 (Amendment) Regulations 1999 and shall come into effect on the 1st July 1999.

**Amendments to the Educational Awards Regulations 1990.**

2. (1) Part 2 of Schedule 3 of the Educational Awards Regulations 1990 shall be amended in accordance with the provisions of this regulation.

(2) Paragraph 1 shall be amended by substituting for the definition of “residual income” the following definition –

“residual income” means the balance of the total income from all sources of either the student’s father or the student’s mother (whichever income shall be the greater) remaining in any year of assessment after the deductions specified in paragraph 4 have been made;”.

(3) For paragraph 2 there shall be substituted the following paragraph -

“2.(1) In any case where –

(a) the gross income does not exceed £20,000 per annum in any year of assessment; and

(b) the residual income is less than £10,000,

the parental contribution shall be nil.

(2) In any case where -

(a) the gross income does exceed £20,000 per annum in any year of assessment; and

(b) the residual income is less than £8500,

the parental contribution shall be nil.

(3) Subject to subparagraph (4), the parental contribution shall be £1 for every £10 in any case in which -

(a) where subparagraph (1) applies, the residual income exceeds £10,000;

(b) where subparagraph (2) applies, the residual income exceeds £8500.

(4) For any year in which more than one child of the parent holds a statutory award, the parental contribution for each student shall be such proportion of the parental contribution, ascertained in accordance with this Part, as the Minister considers just.”

(4) For paragraph 3 there shall be substituted the following paragraph -

“3.(1) Subject to the provisions of this paragraph, “gross income” means the total joint income from all sources of the student’s father and the student’s mother in the financial year preceding the year in respect of which the resources of the student fall to be assessed.

Provided that where the Minister is satisfied that the joint income of the parents in the next succeeding financial year is likely to be not more than four-fifths of that income, he may for the purpose of calculating the parental contribution ascertain the gross income by reference to that next succeeding financial year, and in that case the above definition shall have effect accordingly both in relation to that year and, if the Minister so

determines the year following that year and any subsequent year.

- (2) Where the trustees of property held in trust for a student or for any other person dependent on the parent's, pay, by virtue either of the Trustee Ordinance or of the trust instrument, any income of that property to the parent or otherwise apply it for or towards the maintenance, education or other benefit of the beneficiary, the amount so paid or applied shall be treated as part of the gross income of the parent."

**Amendments to Part 3 of Schedule 3 of the Educational Awards Regulations 1990.**

3. For Part 3 of Schedule 3 of the Educational Awards Regulations 1990 there shall be substituted the following part –

**“PART 3**

**INCOME OF SPOUSE**

1. In this Part –

“gross income” has the meaning assigned to it by paragraph 3;

“residual income” means the balance of the total income from all sources of either the student or his spouse (whichever income shall be the greater) remaining in any year of assessment after the deductions specified in paragraph 4 have been made; and

“statutory award” shall be construed in accordance with paragraph 1 of Part 2 of this Schedule.

2.(1) In any case where a student marries or, where the student marries after the start of a course, immediately on marriage –

- (a) the gross income does not exceed £20,000 per annum in any year of assessment; and
- (b) the residual income is less than £10,000,

the spouse's contribution shall be nil.

(2) In any case where a student marries or, where the student marries after the start of a course, immediately on marriage –

- (a) the gross income does exceed £20,000 per annum in any year of assessment; and
- (b) the residual income is less than £8,500,

the spouse's contribution shall be nil.

(3) Subject to sub-paragraph (4), the spouse's contribution shall be £1 for every £10 in any case in which –

- (a) where sub-paragraph (1) applies, the residual income exceeds £10,000;
- (b) where sub-paragraph (2) applies, the residual income exceeds £8,500.

3.(1) Subject to the provisions of this paragraph, "gross income" means the total joint income from all sources of the student and his spouse in the financial year preceding the year in respect of which the resources of the student fall to be assessed.

Provided that where the Minister is satisfied that the joint income of the student and his spouse in the next succeeding financial year is likely to be not more than four-fifths of that income, he may for the purpose of calculating the spouse's contribution ascertain the gross income by reference to that next succeeding financial year, and in that case the above definition shall have effect accordingly both in relation to that year and, if the Minister so determines the year following that year and any subsequent year.

4. To ascertain residual income, as defined in paragraph 1, the deductions therein referred to shall be those deductions which are allowed under the Income Tax Ordinance or any subsidiary legislation made thereunder for the purposes of assessing taxable income.

5. Where, in the opinion of the Minister a student or his spouse, without satisfactory reason, has failed to supply any information required relevant to any application for an award under the provisions of these regulations, the

bestowal of any award made to the student under regulation 3 of these regulations shall be at the minimum rate.”.

Dated this 12th day of August, 1999.

By Command,

P. SPELLER.  
Deputy Governor