
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for support for students taking designated higher education courses in respect of an academic year beginning on or after 1st September 2009.

These Regulations revoke and replace the Education (Student Support) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 250) subject to savings and transitional provisions the extent of which are set out in regulation 4 but with amendments set out in regulation 3 and Schedule 1. Change of substance other than increases in rates of grants and loans are described below.

Regulation 2 includes a definition of “equivalent and lower level qualification”. A new student will be excluded from support, except targeted support, for a second full-time, part-time or full time distance learning course beginning on or after 1st September 2009, where the student already holds an equivalent or higher level higher education qualification from an institution whether or not in the United Kingdom. Parts 4, 6, 7, 11 and 12 set out the detailed provisions in regard to fee and maintenance (grant and loan) support.

Part 4 makes changes to the definition of “previous course” and its effect on eligibility for support. From 1st September 2009, a new student with a lower level higher education qualification will be eligible for fee and maintenance grant support to “top up” a higher level qualification only. A new student who has studied on a previous full-time course, part-time course for the initial training of teachers, full-time distance learning or compressed degree course, but who did not achieve a qualification will have years of previous course deducted from their fee and maintenance grant entitlement if their previous course was taken at a publicly funded institution whether or not in the United Kingdom.

Regulation 2 is changed to include graduates undertaking a second undergraduate higher education course in social work. Part 6 sets out the support available by way of loans for living costs. Support is also removed for a graduate student beginning a full-time undergraduate course on or after 1st September 2009 which leads to a qualification as a landscape architect, landscape designer, landscape manager, town planner or town and country planner. Parts 2 and 6 set out the provisions on designated courses and loans for living costs.

Regulation 2 and Part 4 extend the definition of “end-on course” and entitlement to fee loans for a current system student who undertakes a full-time first degree course (other than a first degree course for the initial training of teachers) beginning on or after 1st September 2009 after ceasing to attend a lower level full-time or part-time higher education course, compressed degree course or a designated distance learning course.

Regulation 2 introduces a new definition of “type 3 teacher training student” for a new and continuing student undertaking from 1st September 2009 a part-time undergraduate course of initial teacher training where the periods of full-time attendance (including teaching practice) during the academic year are from 6 to 10 weeks. Parts 5 and 6 provide for the amounts of grants and loans to which a student is eligible.

Parts 2, 11 and 12 amend the definition of designated full-time, part-time or distance learning courses for new students so that from 1st September 2009 any course is excluded that leads to the award of a professional qualification where a first degree would normally be required for entry to a course leading to that professional qualification.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Parts 5 and 6 introduce provisions for a full-time new or continuing student who spends part of an academic year in prison. Such a student will qualify for grants and loans for living costs on a pro-rated daily basis for the days that the student is not in prison.

Minor changes have been made to simplify the support system. Part 6 removes the ineligibility for support for new and continuing students undertaking part-time or full-time distance learning courses where they are in receipt of Scottish healthcare allowances. Part 10 removes the separate support arrangements for new students undertaking full-time courses where they are living in houses of religious orders. Parts 2, 11 and 12 have been amended to exclude religious colleges as institutions whose courses can be designated for support.

A further minor change has been made to Parts 2 and 12 increasing eligibility for support of full-time and part-time students where they have already been determined by the Department as being eligible students in connection with a previous designated distance learning course and that status has been converted or transferred from that course to the current course.

Schedule 2 extends eligibility for support to students who are settled in the United Kingdom but left England and exercised a right of residence in the EEA or Switzerland, and subsequently returned to the United Kingdom to study at a higher education institution.

Schedule 5 makes new provisions for new and continuing full-time students from 1st September 2009 in regard to financial assessment. The Regulations replace preceding financial year with prior financial year as the basis of income assessment except in regard to certain independent students. The reassessment threshold is changed from 85% or less of assessed income to 95% or less. The provisions relating to “split” contributions (which apply where the household income is used to assess the support for more than one student) have been simplified so that where the same household income is used to assess the amount of support for which two or more students qualify, the contribution for each eligible student is divided by the number of students.

Schedule 5 also introduces an adjustment to the calculation of a student’s contribution towards support so that household income does not include any benefits under a pension arrangement or pension benefits paid to an ex-partner pursuant to a court order made under the Matrimonial Causes (Northern Ireland) Order 1978 or the Civil Partnership Act 2004. Similarly, where a household is in receipt of any benefits under a pension arrangement or pension benefits pursuant to such a court order this is included within the calculation of household income.

Apart from increases to amounts in line with inflation, the income thresholds and assessments of loans for living costs and maintenance grants are not changed.

An impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or voluntary bodies. The impact on the public sector is minimal.