
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 37

**The Education (Student Support)
Regulations (Northern Ireland) 2009**

**PART 1
GENERAL**

Citation and commencement

1.—(1) These Regulations may be cited as the Education (Student Support) Regulations (Northern Ireland) 2009.

(2) Subject to paragraph (3), regulation 3 and Schedule 1 come into operation on the 22nd day after these Regulations are laid before the Assembly.

(3) The remaining provisions of these Regulations come into operation on 12th March 2009.

(4) These Regulations, except regulation 3 and Schedule 1, apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st September 2009 whether anything done under these Regulations is done before, on or after 1st September 2009.

Interpretation

2.—(1) In these Regulations—

“the Order” means the Education (Student Support) (Northern Ireland) Order 1998;

“the 1986 Order” means the Education and Libraries (Northern Ireland) Order 1986(1);

“the 2005 Order” means the Higher Education (Northern Ireland) Order 2005(2);

“the 1998 Act” means the Teaching and Higher Education Act 1998(3);

“the 1998 Regulations” means the Education (Student Support) Regulations (Northern Ireland) 1998(4);

“the 1999 Regulations” means the Education (Student Support) Regulations (Northern Ireland) 1999(5);

“the 2000 Regulations” means the Education (Student Support) Regulations (Northern Ireland) 2000(6);

(1) 1986/594 (N.I. 3)

(2) S.I. 2005/1116 (N.I. 5)

(3) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11; the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6; the Finance Act 2003 (c. 14), section 147 and the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7. See section 43(1) of the 1998 Act for the definition of “prescribed”

(4) S.R. 1998 No. 298

(5) S.R. 1999 No. 192, as amended by S.R. 1999 No. 370 and S.R. 2000 No. 175

(6) S.R. 2000 No. 213, as amended by S.R. 2000 No. 254, S.R. 2000 No. 296 and S.R. 2001 No. 77

“the 2001 Regulations” means the Education (Student Support) Regulations (Northern Ireland) 2001(7);

“the 2002 Regulations” means the Education (Student Support) Regulations (Northern Ireland) 2002(8);

“the 2003 Regulations” means the Education (Student Support) Regulations (Northern Ireland) 2003(9);

“the 2004 Regulations” means the 2003 Regulations as amended by the Education (Student Support) (Amendment) Regulations (Northern Ireland) 2004(10), the Education (Student Support) (Amendment) (No. 2) Regulations (Northern Ireland) 2004(11), the Education (Student Support) (Amendment) Regulations (Northern Ireland) 2005(12) and the Education (Student Support) (Amendment) (No. 2) Regulations (Northern Ireland) 2005(13);

“the 2005 Regulations” means the Education (Student Support) Regulations (Northern Ireland) 2005(14);

“the 2006 Regulations” means the Education (Student Support) Regulations (Northern Ireland) 2006(15);

“the 2007 Regulations” means the Education (Student Support) Regulations (Northern Ireland) 2007(16)

“the 2008 Regulations” means the Education (Student Support) Regulations (Northern Ireland) 2008(17)

“academic authority” means, in relation to an institution, the governing body or other body having the functions of a governing body and includes a person acting with the authority of that body;

“academic year” means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of the course in question begins according to whether that academic year begins on or after 1st January and before 1st April, on or after 1st April and before 1st July, on or after 1st July and before 1st August or on or after 1st August and on or before 31st December, respectively;

“accelerated course” means a course which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere) for a period of at least 40 weeks in the final year, being a course of two academic years’ duration;

“additional amount of loan for living costs” means a additional amount of loan for living costs pursuant to regulation 71;

“borrower” means a person to whom a loan has been made;

“bursary year” means an academic year of a course—

- (a) in relation to which the student is eligible to receive any payment under a healthcare bursary the amount of which is calculated by reference to that student’s income; or
- (b) in relation to which the student is eligible to receive a Scottish healthcare allowance the amount of which is calculated by reference to that student’s income;

(7) [S.R. 2001 No. 277](#)

(8) [S.R. 2002 No. 224](#), as amended by [S.R. 2003 No. 121](#)

(9) [S.R. 2003 No. 298](#), as amended by [S.R. 2003 No. 339](#)

(10) [S.R. 2004 No. 254](#)

(11) [S.R. 2004 No. 517](#)

(12) [S.R. 2005 No. 298](#)

(13) [S.R. 2005 No. 323](#)

(14) [S.R. 2005 No. 340](#), as amended by [S.R. 2005 No. 445](#) and [S.R. 2006 No. 252](#)

(15) [S.R. 2006 No. 312](#), as amended by [S.R. 2006 No. 383](#)

(16) [S.R. 2007 No. 195](#), as amended by [S.R. 2007 No. 293](#) and [S.R. 2007 No.363](#)

(17) [S.R. 2008 No. 250](#)

“college fee loan” means a loan for college fees payable to a qualifying student pursuant to regulations made by the Department under Article 3 of the Order;

“compressed degree course” means a course determined in accordance with paragraph (2) to be a compressed degree course;

“compressed degree student” means an eligible student who—

- (a) is undertaking a compressed degree course in the United Kingdom (the “course”);
- (b) either—
 - (i) began the course on or after 1st September 2006 and is continuing on that course after 31st August 2009; or
 - (ii) begins the course on or after 1st September 2009; and
- (c) either—
 - (i) is required to be in attendance on the course for part of the academic year for which the student is applying for support; or
 - (ii) is a disabled student who is not required to be in attendance on the course because the student is unable to attend for a reason which relates to that student’s disability;

“contribution” means an eligible student’s contribution calculated pursuant to regulation 90 and Schedule 5;

“course for the initial training of teachers” includes such a course leading to a first degree unless otherwise indicated but excludes an employment-based teacher training scheme;

“current course” means the designated course in respect of which a person is applying for support;

“current distance learning course” means the designated distance learning course in respect of which a person is applying for support;

“current part-time course” means the designated part-time course in respect of which a person is applying for support;

“current postgraduate course” means the designated postgraduate course in respect of which a person is applying for support;

“current system student” means an eligible student who—

- (a) is not an old system student; and
- (b) either—
 - (i) began the current course on or after 1st September 2006 and is continuing on that course after 31st August 2009; or
 - (ii) begins the current course on or after 1st September 2009;

“Department” means the Department for Employment and Learning;

“designated course” means a course designated by regulation 6 or by the Department under regulation 6;

“designated distance learning course” means a course designated by the Department under regulation 110;

“designated part-time course” means a course designated by regulation 127 or by the Department under regulation 127;

“designated postgraduate course” means a course designated by regulation 144 or by the Department under regulation 144;

“disabled distance learning students’ allowance” means the grant payable under regulation 115;

“disabled part-time students’ allowance” means the grant payable under regulation 133;

“disabled students’ allowance” means the grant payable under regulation 41;

“Directive 2004/38” means Directive 2004/38 of the European Parliament and of the Council of 29th April 2004⁽¹⁸⁾ on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

“EC national” means a national of a Member State of the European Community;

“electronic signature” is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both;

“eligible distance learning student” has the meaning given in regulation 108;

“eligible part-time student” has the meaning given in regulation 125;

“eligible postgraduate student” has the meaning given in regulation 142;

“eligible student” has the meaning given in paragraph (3);

“employment-based teacher training scheme” means—

- (a) a scheme established by the Secretary of State for Innovation, Universities and Skills whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a school or other educational institution except a pupil referral unit; or
- (b) a scheme established by the National Assembly for Wales or the Welsh Ministers whereby persons who are or who have been employed in a school or other educational institution except a pupil referral unit may become qualified teachers;

“end-on course” means—

- (a) a full-time first degree course (other than a first degree course for the initial training of teachers) beginning before 1st September 2009 which, disregarding any intervening vacation, a student begins immediately after ceasing to attend a full-time course mentioned in paragraph 2 or 3 of Schedule 3 for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 or 2008 Regulations;
- (b) a full-time honours degree course beginning on or after 1st September 2006 but before 1st September 2009 which, disregarding any intervening vacation, a student begins immediately after ceasing to attend a full-time foundation degree course and for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 or 2008 Regulations;
- (c) a course for the initial training of teachers beginning before 1st September 2006 the duration of which does not exceed two years (the duration of a part-time course being expressed as its full-time equivalent) which, disregarding any intervening vacation, a student begins immediately after ceasing to attend a first degree course for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004 or 2005 Regulations;
- (d) a full-time first degree course beginning on or after 1st September 2009, (other than a first degree course for the initial training of teachers) which, disregarding any intervening

vacation, a student begins immediately after ceasing to attend a lower level full-time or part-time higher education course, or undertake a compressed degree course or a designated distance learning course.

“equivalent or lower qualification” means a qualification determined in accordance with paragraph (5) to be an equivalent or lower qualification;

“Erasmus year” means an academic year of a course during which a student is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS(19) and where the student’s course is a course referred to in regulation 6(1)(e) and all the periods of study during the academic year are at an institution outside the United Kingdom;

“European Community” means the territory comprised by the Member States of the European Community as constituted from time to time;

“fee contribution loan” means a loan for fees made to an old system student pursuant to regulations made by the Department under Article 3 of the Order;

“fee loan” means a loan for fees made to a current system student pursuant to regulations made by the Department under Article 3 of the Order;

“fees” has the meaning given in Article 3(1) of the 2005 Order except in references to college fees;

“fee support” means a grant for fees pursuant to regulations made by the Department under Article 3 of the Order, a fee contribution loan or a fee loan;

“flexible postgraduate course for the initial training of teachers” means a graduate-entry or postgraduate-level course for the initial training of teachers, the length and pattern of which is determined by reference to the eligible student’s experience and training requirements and which has been approved by the Training and Development Agency for Schools(20);

“former Metropolitan Police District” means—

- (a) Greater London, excluding the City of London, the Inner Temple and the Middle Temple;
- (b) in the county of Essex, in the district of Epping Forest—
 - the area of the former urban district of Chigwell,
 - the parish of Waltham Abbey;
- (c) in the county of Hertfordshire—
 - in the borough of Broxbourne, the area of the former urban district of Cheshunt,
 - the district of Hertsmere,
 - in the district of Welwyn Hatfield, the parish of Northaw; and
- (d) in the county of Surrey—
 - in the borough of Elmbridge, the area of the former urban district of Esher,
 - the boroughs of Epsom and Ewell and Spelthorne,
 - in the district of Reigate and Banstead, the area of the former urban district of Banstead;

“gap year student” has the meaning given in paragraph (6);

“grant for living and other costs” means a grant payable under Part 5;

(19) ERASMUS is part of the European Community action programme SOCRATES; OJ No L28, 3.2.2000, p1

(20) This body was originally established under section 1 of the Education Act 1994 (c. 30) as the Teacher Training Agency. By virtue of section 74 of the Education Act 2005 (c. 18), it continues in existence but is known instead as the Training and Development Agency for Schools

“healthcare bursary” means a bursary or award of similar description under Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(21) or section 63 of the Health Services and Public Health Act 1968(22);

“higher education course” means a course referred to in Schedule 3 or a postgraduate or other course the standard of which is higher than the standard of a first degree course;

“household income” has the meaning given in Schedule 5;

“information” includes documents;

“Institute” means the University of London Institute in Paris;

“intensive course” means an accelerated course or a compressed degree course;

“Islands” means the Channel Islands and the Isle of Man;

“loan”, except where otherwise indicated, means a loan pursuant to regulations made by the Department under Article 3 of the Order, including the interest accrued on the loan and any penalties or charges incurred in connection with it;

“loan for living costs” means a loan for living costs pursuant to regulations made by the Department under Article 3 of the Order;

“old award” is an award within the meaning of the Education (Students Awards) Regulations (Northern Ireland) 2003(23);

“old flexible postgraduate course for the initial training of teachers” means a flexible postgraduate course for the initial training of teachers which a student started to attend before 1st September 2008;

“old system student” means an eligible student who—

- (a) began the current course before 1st September 2006 and is continuing on that course after 31st August 2009;
- (b) began the current course at the College of Agriculture, Food and Rural Enterprise(24) before 1st September 2007 and who is continuing on that course after 31st August 2008;
- (c) is a gap year student in relation to the current course;
- (d) began the current course on or after 1st September 2006 at a relevant institution of higher education in the Republic of Ireland;
- (e) began the current course on or after 1st September 2006 where that course is an end-on course (other than one of the kind referred to in paragraph (c) of the definition of “end-on course” in this regulation) following on from—
 - (i) a course that the student began before 1st September 2006; or
 - (ii) a course that the student began before 1st September 2007 and in relation to which the student was a gap year student; or

(21) S.I. 1972/1265 (N.I. 14), to which there have been amendments not relevant to these Regulations

(22) 1968 c. 46; section 63 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 7, the National Health Service Reorganisation Act 1973 (c. 32), Schedules 4 and 5, the National Health Service Act 1977 (c. 49), Schedules 15 and 16, the National Health Service (Scotland) Act 1978 (c. 29), Schedules 16 and 17, the Local Government Act 1985 (c. 51), Schedule 17, the Health and Medicines Act 1988 (c. 49), section 20, section 25(2) and Schedule 3, the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, the Health Authorities Act 1995 (c. 17), Schedule 1, S.I. 1996/1008, the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, the Health Act 1999 (c. 8), Schedule 4, the Health and Social Care Act 2001 (c. 15), Schedule 5, the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedules 2, 5 and 9, S.I. 2002/2202, article 4, S.I. 2002/2469, Schedule 1, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedules 4, 11 and 14, S.I. 2004/288, article 7, the Children Act 2004 (c. 31), section 55, S.I. 2004/957, the Schedule, the National Health Service (Consequential Provisions) Act 2006 (c. 43), Schedule 1, S.I. 2006/1056 and S.I. 2007/961, the Schedule

(23) S.R. 2003 No. 459, as amended by S.R. 2004 No. 395, S.R. 2005 No. 446, S.R. 2006 No. 378, S.R. 2007 No. 336 and S.R. 2008 No. 254

(24) College of Agriculture, Food and Rural Enterprise is an integral part of the Department of Agriculture and Rural Development, and consists of campuses at Enniskillen, Greenmount and Loughry

- (f) began the current course on or after 1st September 2006 having had their status as an eligible student transferred to that course as a result of one or more transfers of that status by the Department pursuant to regulations made by the Department under Article 3 of the Order from a designated course in connection with which the Department determined the student to be an eligible student and which the student began—
- (i) before 1st September 2006; or
 - (ii) before 1st September 2007 and in relation to which the student was a gap year student;

“ordinary duration” means, in relation to a designated course, the number of academic years that a standard student would take to complete the designated course excluding any academic years of the course that are bursary years or Erasmus years;

“period of eligibility” has the meaning given respectively in regulation 7 in relation to an eligible student, in regulation 111 in relation to an eligible distance learning student, in regulation 128 in relation to an eligible part-time student and in regulation 145 in relation to an eligible postgraduate student;

“periods of work experience” means—

- (a) periods of industrial, professional or commercial experience associated with full-time study at an institution, but at a place outside that institution;
- (b) periods during which a student is employed and residing in a country whose language is one that the student is studying for that student’s course (provided that the period of residence in that country is a requirement of that student’s course and the study of one or more modern languages accounts for not less than one half of the total time spent studying on the course);

“person with leave to enter or remain” means a person—

- (a) who has been informed by a person acting under the authority of the Secretary of State for the Home Department that, although the person is considered not to qualify for recognition as a refugee, it is thought right to allow that person to enter or remain in the United Kingdom;
- (b) who has been granted leave to enter or remain accordingly;
- (c) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(25)); and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted leave to enter or remain;

“preliminary course” means a course mentioned in paragraph 2 or 3 of Schedule 3 that is taken before a full-time degree course (other than a first degree course for the initial training of teachers) or a foundation degree course that is taken before a full-time honours degree course, as the case may be;

“previous course” has the meaning given in regulation 13;

“previous regulations” means regulations made in accordance with Article 50(1) of the 1986 Order or the 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 or 2008 Regulations;

“private institution” means an institution which is not publicly funded;

(25) 2002 c.41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19), Schedules 2 and 4 and the Immigration, Asylum and Nationality Act 2006 (c. 13), section 9

“publicly funded”, unless otherwise indicated, means maintained or assisted by recurrent grants out of public funds and related expressions are to be interpreted accordingly;

“qualifying course” means a full-time designated course which is provided by the University of Oxford or the University of Cambridge and—

- (a) leads to qualification as a social worker, medical doctor, dentist, veterinary surgeon or architect;
- (b) where it began before 1st September 2009, leads to qualification as a landscape architect, landscape designer, landscape manager, town planner or town and country planner; or
- (c) any academic year of which is a bursary year;

“qualifying student” means a person who satisfies the criteria in regulation 81;

“qualifying year of study” means an academic year of a designated course—

- (a) in respect of which the student qualified for fee support (even if the amount was nil);
- (b) that was a bursary year; or
- (c) in respect of which the student would have qualified for fee support (even if the amount would have been nil) if the student had been an eligible student or the current course had been designated at the beginning of that year;

“quarter” in relation to an academic year means a period in that year—

- (a) beginning on 1st January and ending on 31st March;
- (b) beginning on 1st April and ending on 30th June;
- (c) beginning on 1st July and ending on 31st August; or
- (d) beginning on 1st September and ending on 31st December;

“refugee” means a person who is recognised by Her Majesty’s government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951(26) as extended by the Protocol thereto which entered into force on 4th October 1967(27);

“relevant institution of higher education in the Republic of Ireland” means an institution listed in Schedule 6;

“Research Council” means any of the following research councils—

- (a) Arts and Humanities Research Council,
- (b) Biotechnology and Biological Sciences Research Council,
- (c) Economic and Social Research Council,
- (d) Engineering and Physical Sciences Research Council,
- (e) Medical Research Council,
- (f) Natural Environment Research Council,
- (g) Particle Physics and Astronomy Research Council;

“right of permanent residence” means a right arising under Directive 2004/38 to reside in the United Kingdom permanently without restriction;

“sandwich course” has the meaning given in paragraph (10);

(26) Cmnd. 9171

(27) Cmnd. 3906

“Scottish healthcare allowance” means any allowance under sections 73(f) and 74(1) of the Education (Scotland) Act 1980⁽²⁸⁾ granted in respect of a person on a course leading to a qualification in a healthcare profession other than as a medical doctor or dentist;

“specified designated course” has the meaning given in paragraph (11);

“standard academic year”, unless otherwise indicated, means an academic year of a designated course (other than an academic year that is a bursary year or an Erasmus year) that would be taken (in whole or in part) by a person who does not repeat any part of the course after 1st September 2006 and who enters the course at the same point as the eligible student;

“standard student” is a student who is to be taken—

- (a) to have begun the designated course on the same date as the eligible student in question;
- (b) not to be excused any part of the course;
- (c) not to repeat any part of the course; and
- (d) not to be absent from the course other than during vacations;

“statutory award” means any award bestowed, grant paid or other support provided by virtue of the Order or the 1986 Order, or any comparable award, grant or other support in respect of undertaking a course which is paid out of public funds;

“student loans legislation” means the Education (Student Loans) (Northern Ireland) Order 1990⁽²⁹⁾, the Education (Student Loans) Act 1990⁽³⁰⁾, the Education (Scotland) Act 1980 and regulations made under those Acts or that Order, the Order and regulations made thereunder and the 1998 Act and regulations made thereunder;

“support” means financial support by way of grant or loan made by the Department pursuant to regulations made by the Department under Article 3 of the Order;

“transitional award” means an award made under the Students Awards Regulations (Northern Ireland) 1998⁽³¹⁾ other than an old award;

“Turkish worker” means a Turkish national who—

- (a) is ordinarily resident in the United Kingdom and Islands; and
- (b) is, or has been, lawfully employed in the United Kingdom;

“type 1 teacher training student” means a current system student on a course for the initial training of teachers (other than a course for a first degree) whose periods of full-time attendance (including attendance for the purpose of teaching practice) in the academic year in respect of which the student is applying for support are in aggregate at least 6 weeks but less than 10 weeks;

“type 2 teacher training student” means a current system student on a course for the initial training of teachers (other than a course for a first degree) whose periods of full-time attendance (including attendance for the purpose of teaching practice) in the academic year in respect of which the student is applying for support are in aggregate 10 weeks or more; and

“type 3 teacher training student” means a current system student on a course for a first degree for the initial training of teachers whose periods of full-time attendance (including attendance for the purpose of teaching practice) in the academic year in respect of which the student is applying for support are in aggregate at least 6 weeks but less than 10 weeks;

(28) 1980 c. 44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c. 30), section 29(1) and the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6), section 3(2). Section 74 was amended by the Self Governing Schools etc. (Scotland) Act 1989 (c. 39), Schedule 10, paragraph 8(17). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46)

(29) S.I. 1990/1506 (N.I. 11), amended by S.I. 1996/274 (N.I. 1), Article 43 and Schedule 5 Part II, S.I. 1996/1918 (N.I. 15), Article 3 and the Schedule and S.I. 1998/258 (N.I. 1), Articles 3 to 6 and revoked, with savings, by SR (NI) 1998 No 306

(30) 1990 c. 6; repealed by the Teaching and Higher Education Act 1998 (c. 30), Schedule 4

(31) S.R. 1998 No. 273

- (2) The Department may determine that a course is a compressed degree course if, in its opinion that course is—
- (a) a course for a first degree (other than a foundation degree);
 - (b) a full-time course designated under regulation 6(1); and
 - (c) of two academic years' duration.
- (3) Subject to paragraph (4), “eligible student” has the meaning given in regulation 5.
- (4) For the purposes of the college fee loan, references to an eligible student in regulations 7, 8, 9 and 89 and Schedule 4 include a person treated as an eligible student by virtue of regulation 82.
- (5) The Department may determine that a qualification is an equivalent or lower qualification if—
- (a) an eligible student holds a higher education qualification from any institution whether or not in the United Kingdom; and
 - (b) the qualification referred to in sub-paragraph (a) is of an academic level which is equivalent to or higher than a qualification to which the current course leads.
- (6) In these Regulations, a person is a “gap year student” in relation to a course provided by or on behalf of an institution that was publicly funded as at 1st August 2005 if the person meets the conditions in paragraph (7) or (9).
- (7) The conditions are—
- (a) the person had on or before 1st August 2005 received an offer, whether conditional on obtaining specified qualifications or not, of a place on the current course or a similar course; and
 - (b) the first academic year of the current course began on or after 1st September 2006 but before 1st September 2007.
- (8) In paragraph (7), a course (the “original course”) is similar to the current course if—
- (a) it appears to the academic authority of the institution providing the current course that the subject-matter of the course is in whole or in part the same as the subject-matter of the original course; and
 - (b) except where the original course is no longer being provided, the current course is provided by the institution which was to have provided the original course.
- (9) The conditions are—
- (a) the person had received an offer of a place on a designated course (whether or not at the same institution as the current course) the first academic year of which began before 1st September 2006;
 - (b) the person was unable to take up the offer because a specified qualification or grade was not awarded to them;
 - (c) the person appealed against the decision not to award them the qualification or grade;
 - (d) the appeal was allowed after the last date on which they could have taken up the offer;
 - (e) as a result, the person was offered a place on the current course; and
 - (f) the first academic year of the current course began on or after 1st September 2006 but before 1st September 2007.
- (10) In these Regulations—
- (a) a course is a “sandwich course” if—
 - (i) it is not a course for the initial training of teachers;
 - (ii) it consists of alternate periods of full-time study in an institution and periods of work experience; and

- (iii) taking the course as a whole, the student attends the periods of full-time study for an average of not less than 18 weeks in each year;
- (b) in calculating the student's attendance for the purposes of sub-paragraph (a), the course is to be treated as beginning with the first period of full-time study and ending with the last such period; and
- (c) for the purposes of sub-paragraph (a), where periods of full-time study and work experience alternate within any week of the course, the days of full-time study are aggregated with each other and with any weeks of full-time study in determining the number of weeks of full-time study in each year.

(11) In these Regulations, the "specified designated course" means the current course subject to paragraphs (12) and (13).

(12) Where the student's status as an eligible student has been transferred to the current course as a result of one or more transfers of that status by the Department from a course (the "initial course") in connection with which the Department determined the student to be an eligible student pursuant to regulations made by the Department under Article 3 of the Order, the specified designated course is the initial course.

(13) Where the current course is an end-on course, the specified designated course is the course in relation to which the current course is an end-on course (the "preceding course"). Where the preceding course is itself an end-on course, the specified designated course is the course in relation to which the preceding course is an end-on course.

Amendment of the Education (Student Support) Regulations (Northern Ireland) 2008

3. The Education (Student Support) Regulations (Northern Ireland) 2008 are amended in accordance with Schedule 1.

Revocation, savings and transitional provisions

4.—(1) Subject to paragraphs (2) and (3), the 2008 Regulations are revoked on 1st September 2009.

(2) Paragraph (3) of regulation 4 of the 2008 Regulations continues to apply.

(3) The 2008 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1st September 2008 but before 1st September 2009.

(4) Regulation 88 applies to loans with effect from 1st September 2009.

(5) Despite any other provision in these Regulations where a person—

- (a) attends a course in respect of which a transitional award was made to that person; or
- (b) had received no award under the 1986 Order in respect of the course but a transitional award would have been made had the person applied for an award under the 1986 Order and the person's resources had not exceeded the person's requirements,

the person is an old system student for the purposes of Parts 4 and 5 in connection with the course, or in connection with any subsequent course to which the award (either made or which would have been made under the 1986 Order) would have been transferred if transitional awards provided for payments after the first year of a course, but unless paragraph (6) applies the person qualifies for support by way of loan for living costs under Part 6 only if the person is an eligible student under these Regulations and if the person satisfies the qualifying conditions for an old system student in Part 6.

(6) Despite any other provision in these Regulations, where any person received or was eligible to receive a loan in relation to an academic year of a course under the 1998 Regulations the person

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

is an old system student for the purposes of Part 6 in connection with the course, or any subsequent designated course which (disregarding any intervening vacation) the person begins immediately after ceasing that course, but unless paragraph (5) applies the person qualifies for fee support under Chapters 4 and 5 of Part 4 and grants for living and other costs under Part 5 only if the person is an eligible student under these Regulations and if the person satisfies the relevant qualifying conditions for an old system student in Parts 4 and 5.