
STATUTORY RULES OF NORTHERN IRELAND

1991 No. 508

Students Awards Regulations (Northern Ireland) 1991

PART II

AWARDS

Specified persons

6.—(1) Persons described in Part I of Schedule 2, with the exception of persons described in Part II of that Schedule, are, subject to paragraph (2), specified by the Department for the purposes of Article 50(1), been made by any court.

(2) The board which shall be under a duty to make an award to a person entitled to the payment of an award by virtue of Article 7(2) or (3) or Article 12 of the Council Regulation shall be—

- (a) the board in the area of which the person was last resident during the period of two years preceding the relevant day;
- (b) if sub-paragraph (a) does not apply, the board in the area of which the institution providing the person's course is situate.

Ordinarily resident

7.—(1) If a board is satisfied that a person was not ordinarily resident in the British Islands, or in the European Community, throughout the three years immediately preceding the first year of the specified course or was not resident in a board's area on the relevant day only because that person, his spouse or parent, guardian or any other person having actual custody of him during his minority, was, at the relevant time, employed temporarily outside the British Islands or, as the case may be, outside the European Community, then, for the purposes of paragraph 1(b) of Schedule 2, that person shall not be regarded as having ceased to be so resident only because of his absence from the British Islands or the European Community or the board's area in consequence of such employment and paragraph (2) shall not apply in the case of such a person.

(2) For the purposes of paragraph 1 (b) of Schedule 2, a person shall not be regarded as ordinarily resident in the British Islands or the European Community if that person was so resident and had taken up that residence wholly or mainly for the purpose of attending a full-time course of education.

(3) For the purposes of regulation 6(1) the ordinary residence requirements of paragraph 1(b) of Schedule 2 shall not apply—

- (a) in the case of a refugee who has not been ordinarily resident outside the British Islands since he was recognised as a refugee or was accorded asylum;
- (b) in the case of the spouse or child of such a refugee; or
- (c) in the case of a person mentioned in paragraph (4).

(4) That person is a person who is a British citizen within the meaning of the British Nationality Act 1981(1)—

- (a) who was not ordinarily resident in the British Islands throughout the three years preceding the first year of the specified course only because he was ordinarily resident for the purposes of employment in the territory comprising the European Community during every part of that period in which he was not ordinarily resident in the British Islands; or
- (b)
 - (i) who was not so resident throughout that period only because his parent is such a person as is mentioned in sub-paragraph (a), and
 - (ii) whose parent is ordinarily resident in Northern Ireland on the relevant day as defined in relation to that person by regulation 3(1).

(5) In paragraph (4) “parent” includes a guardian, or any other person having actual custody of a minor.

Transitional provisions

8.—(1) Without prejudice to section 29(3)(a) of the Interpretation Act (Northern Ireland) 1954(2) and to the definition of “award”, an award made in pursuance of the Regulations revoked by regulation 2 before the coming into operation of these Regulations, in so far as it could have been made in pursuance of these Regulations, shall for the purposes thereof, be treated as having been so made.

(2) Where an award was bestowed on a student under Article 50(3) (“the discretionary award”) in respect of a course to which Articles 50(1) and 50(2) did not then apply but the course becomes or has become a specified course and an award within the meaning of these Regulations is or has been bestowed on the student in respect of that course, then if the discretionary award continues to be payable it shall be disregarded in calculating the students income for the purposes of regulation 13(1) (b) and for the purposes of regulation 16; but payments on account of the mandatory award in respect of fees and in respect of maintenance for any period shall be respectively reduced or extinguished by those on account of the corresponding element of the discretionary award.

Previous attendance at a course

9. For the purposes of regulation 18(2) and 18(5) and paragraphs 1(d), and 2(b) of Schedule 2—

- (a) a person shall not be regarded as having previously attended a course—
 - (i) unless he has previously both attended and held a statutory award in respect of either more than one course or one course for a period of more than one term and seven weeks of a second term;
 - (ii) by reason only of his having attended from its beginning the course to which his application for an award relates;
- (b) any reference to a person having attended a course shall be construed as a reference to his having done so before or after 1st September 1991.

Specified educational facilities

10. The courses listed in Schedule 3 are specified as educational facilities for the purposes of Article 50(1).

(1) 1981 c. 61
 (2) 1954 c. 33 (N.I.)

Term and conditions

11.—(1) Awards to be made by boards shall be subject to the terms and conditions set out in Schedule 4.

(2) Awards to be made by boards shall be either—

- (a) a full award in respect of a person's attendance at a specified course during an academic year beginning after 31st August 1991 if the person concerned is ordinarily resident in the board's area; or
- (b) where sub-paragraph (a) does not apply, a fees only award in respect of a person's attendance at a specified course at an institution in Northern Ireland during an academic year beginning after 31st August 1991 if the person is a European student—
 - (i) in respect of whose fees the Department has made a payment; or
 - (ii) who resided in an area of a board on the last day of the month of October, February, April or June (according as the academic year of the course begins in the winter, spring, summer or autumn respectively) preceding the beginning of the course, or if he was not so resident in Northern Ireland on that date, if the institution at which he attends his course is in an area of a board.