
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 298

Students Awards (No. 2) Regulations (Northern Ireland) 1996

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).

(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), (3) or 12 of the Council Regulation shall be—

- (a) the board in the area of which the person was last resident during the period of 2 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 Economic Area, throughout the 3 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, parent, guardian, any other person having parental responsibility for him, or any person having care of him while he is a child, is, or was, at the relevant time, employed temporarily outside the British Islands, or, as the case may be, outside the European Economic Area, 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 Economic Area 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 Economic Area 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 paragraph 1(b) of Schedule 2, a person shall not be regarded as ordinarily resident in the British Islands if that person is personally ineligible for a full award and is not a European student.

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

- (a) a refugee who has not been ordinarily resident outside the British Islands since he was recognised as a refugee;
- (b) the spouse or child of such a refugee; or

(c) a person mentioned in paragraph (5).

(5) 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 3 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 Economic Area 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).

(6) In paragraph (5) “parent” includes a guardian, any other person having parental responsibility for a child and any person having care of a child.

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, insofar 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 made to 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 made to 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 17: 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.

(3) Where, before the coming into operation of these Regulations, a student has commenced a course (“the new course”) which is either a course provided by the University of Buckingham for a first degree of that University, a course for the Diploma of Higher Education, or a course for the Higher Diploma and has had made to him under previous awards regulations an award, having previously attended one or more courses of higher education the aggregate of which did not exceed 2 academic years then, notwithstanding any other provisions of these Regulations, payments shall be made in accordance with these Regulations in respect of his attendance at the new course.

Previous attendance at a course

9.—(1) For the purposes of regulation 19(2) and (5) and paragraphs 1(d), 2(b) and (c) and 3 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 longer than 20 weeks;

(ii) by reason only of his having attended from its beginning the course to which his application for an award relates;

(1) 1981 c. 61

(2) 1954 c. 33 (N.I.)

- (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 1996;
- (c) where an award has been transferred under Schedule 4, the student to whom the award has been made shall be treated as having attended one course which began on the date on which the first course began and ended on the expiry of the period which he would ordinarily require for the completion of the second course.

(2) Nothing in paragraph (1) shall affect the duty of the board to make an award to a person in respect of his attendance at—

- (a) a postgraduate course for the initial training of teachers, or
- (b) a course for the degree of Bachelor of Education (or a comparable academic award of an institution or the Council for National Academic Awards) the duration of which does not exceed two years and which is referred to in paragraph (3)

unless that person has;

- (c) previously attended a postgraduate course for the initial training of teachers, or
- (d) successfully completed a course for the degree of Bachelor of Education (or a comparable award of an institution or the Council for National Academic Awards) which is referred to in paragraph (3).

(3) A course is referred to in this paragraph if it is—

- (a) at an accredited institution in England and Wales for the purposes of paragraph 2(1A) of Schedule 3 to the Education (Teachers) Regulations 1993⁽³⁾, or
- (b) approved as a course for the initial training of teachers in schools for the purposes of regulation 16(2)(a) of the Schools Regulations 1959⁽⁴⁾ or any corresponding provision of regulations from time to time in force under section 27 of the Education Act 1980⁽⁵⁾ or section 218 of the Education Reform Act 1988⁽⁶⁾.

(4) Nothing in paragraph (1) shall affect the duty of the board to make an award to a person in respect of his attendance at any full-time course of initial training as a teacher of one academic year's duration, or a comparable part-time course, not within paragraph (2), unless he has for more than three years held a statutory award in respect of his attendance at a full-time course of higher education or comparable course outside Northern Ireland;

Specified educational facilities

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

Terms 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—

(3) S.I.1993/543 amended by S.I. 1993/969 and S.I. 1994/222. Paragraph 2(1A) of Schedule 3 was inserted by section 14(2) of the Education Act 1993 (c. 30)

(4) S.I. 1959/364, revoked by S.I. 1982/106

(5) 1980 c. 20; section 27 was repealed and replaced by section 218 of the Education Reform Act 1988 with effect from 1st April 1989

(6) 1988 c. 40; the regulations currently in force are the Education (Teachers) Regulations 1993 (S.I. 1993/543) amended by S.I. 1994/222 and S.I. 1995/602

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

- (a) a full award in respect of a person's attendance at a specified course during an academic year beginning after 31st August 1996 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 1996 if the person is a European student.
- (3) Where paragraph (2)(b) applies the fees only award shall be made by the board in whose area the main facility of the institution is situated.