
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 298

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

Part III

Amount of Awards

Payments by boards

12.—(1) Subject to paragraphs (2) and (3) and regulations 11, 16, 17, 19 and 20 and paragraph 4 of Schedule 4, the board shall in respect of each year pay in pursuance of an award—

- (a) in respect of fees, an amount equal to the aggregate of any fees payable in respect of the student as are described in Schedule 6;
- (b) in respect of maintenance—
 - (i) except in a case in which regulation 11(2), 15 or 16 applies, a grant calculated in accordance with regulation 13;
 - (ii) in a case in which regulation 15 applies (subject to regulation 15(3)) an amount determined in accordance with that regulation,

and so much of the grant or amount referred to in this sub-paragraph as the board considers appropriate shall be treated as being in respect of the Christmas and Easter vacations.

(2) Where the board makes an award to a person during a year because he has become—

- (a) a European student as a result of the accession of the State of which he is a national to the European Community; or
- (b) a refugee, or the spouse or child of a refugee, as a result of the recognition of him, or his spouse or parent, as a refugee,

it shall deduct from the sums and grant payable in respect of that year in pursuance of the award under paragraph (1) the amounts referred to in paragraph (3).

(3) The amounts to be deducted under paragraph (2) are—

- (a) from the sum payable in respect of fees under paragraph (1)(a) the amount of any instalment payable before the date on which the student became a European student or the refugee was recognised as a refugee; and
- (b) from the sum or grant payable in respect of maintenance under paragraph (1)(b) the proportion of that sum or grant which relates to the period before the date referred to in sub-paragraph (a).

(4) Subject to regulations 17, 19 and 20 and paragraph 4 of Schedule 4, a board may, in respect of a student who resides in an institution other than a university, pay the amount charged by the institution for his board and lodging.

(5) Where the academic year of a student's course began in the winter or the spring of 1996 then, notwithstanding anything in these Regulations, payments in pursuance of an award to that student

in respect of the year beginning on 1st January 1996 or, as the case may be, 1st April 1996 shall be the aggregate of—

- (a) two-thirds or, as the case may be, one-third of the payments in pursuance of that award which would have fallen to be made in respect of that year under the Regulations referred to in regulation 2 had they not been revoked; and
- (b) one-third or, as the case may be, two-thirds of the payments which would have fallen to be made in respect of the year beginning on 1st September 1996 under these Regulations had the academic year of that course begun in the autumn of 1996.

(6) In the case of a course at the University of Buckingham beginning in the winter, spring or summer of 1996 then, notwithstanding anything in these Regulations, payments in pursuance of an award in respect of the year beginning on 1st January, 1st April or 1st July (as the case may be) shall be the aggregate of—

- (a) three-quarters, one-half or one-quarter (as the case may be) of the payments which would have fallen to be made in respect of that year under the Regulations referred to in regulation 2 had they not been revoked; and
- (b) one-quarter, one-half or three-quarters (as the case may be) of the payments which would have fallen to be made in respect of the year beginning on 1st September 1996 under these Regulations had the academic year of the course begun in the autumn of 1996.

Calculation of maintenance grant

13.—(1) The maintenance grant in respect of any year shall be the amount by which the student's resources fall short of his requirements and for the purpose of ascertaining that amount—

- (a) the requirements of the student shall be taken to be the aggregate of—
 - (i) such of the amounts set out in Schedule 7 as are applicable in his case; and
 - (ii) subject to paragraph (2), the amount payable in accordance with regulation 12(2);
- (b) the resources of the student shall be taken to be the aggregate of his income for the year calculated in accordance with Part I of Schedule 8 and any contribution applicable in his case by virtue of Part II or III of that Schedule.

(2) In the case of a student who resides in an institution in England and Wales or in a hostel or other accommodation administered by the academic authority of that institution, the amount to be taken into account for the purposes of paragraph (1)(a)(ii) shall be so much of the charge, if any, payable under regulation 12(2) as does not exceed the amount chargeable for board and lodging by that institution to or in respect of a person who is ordinarily resident in England and Wales and resident in the institution for the purpose of attending a full-time course of further or higher education.

(3) This regulation and Schedules 7 and 8 shall have effect—

- (a) in the case of such a student as is mentioned in Schedule 9, subject to the provisions thereof;
- (b) where regulation 15 applies, subject as therein provided.

Assessment of requirements and resources

14. The requirements and resources of a student shall be assessed by the board, and for the purpose of the exercise of its functions under this regulation, the board shall require the student to provide from time to time such information as it considers necessary as to the resources of any person whose means are relevant to the assessment of his requirements and resources.

Sandwich courses

15.—(1) This regulation shall apply where the course is a sandwich course.

(2) For the purpose of calculating payments in respect of maintenance under regulation 12(1)(b) in respect of a sandwich year, that regulation and Schedules 7 and 8 shall have effect subject to the provisions of Schedule 10.

(3) No payment in respect of maintenance under regulation 12(1)(b) shall be made in respect of a year in which there are no periods of full-time study.

Courses of teacher training

16.—(1) This regulation shall apply—

- (a) where the course is a part-time course of teacher training described in paragraph (b) or (c) of the definition of “course of initial teacher training” in regulation 3(1); or
- (b) where it is a partly full-time and partly part-time course described in paragraph (c) of the said definition.

(2) Where the course is described in paragraph (b) of the said definition, the payment in respect of maintenance under regulation 12(1)(b) shall be a grant equal to three-quarters of the maintenance grant.

(3) Subject to paragraphs (4) and (5) where the course is described in the paragraph (c) of the said definition, the payment under regulation 12(1)(b) shall be—

- (a) in a year in which the student’s periods of study are all periods of full-time study or in which his aggregate period of full-time study is 30 weeks or more, the maintenance grant;
- (b) in a year in which the student’s periods of study are all periods of part-time study, the sum of £325;
- (c) in any other year, a sum equal to the aggregate of—
 - (i) the proportion of the maintenance grant which the student’s aggregate proportion of full-time study in the year, expressed in weeks, bears to 30; and
 - (ii) the proportion of £325 which the difference between the said aggregate period and 30 weeks bears to 30.

(4) In relation to a student employed full-time as a teacher, paragraph (3) shall have effect, except that in such a year as is mentioned in sub-paragraph (a) thereof, as if it provided that the payment under regulation 12(1)(b) should be £90.

(5) In relation to a student attending a course provided at the University of Oxford or the University of Cambridge, sub-paragraphs (a) and (c) of paragraph (3) shall have effect as if any reference therein to—

- (a) a period of 30 weeks were a reference to 25 weeks; and
- (b) the proportion which a period expressed in weeks bears to 30 were a reference to the proportion which that period bears to 25.

(6) For the purposes of this regulation a day shall be reckoned as a seventh of a week.

Assisted students

17.—(1) Notwithstanding anything in the preceding provisions of these Regulations, no payment under regulation 12(1)(a) or (b) shall be made to a person in respect of any year in respect of which he receives such payments as are mentioned in paragraph (2) amounting to not less than the aggregate of—

- (a) such fees payable in respect of him as are described in Schedule 6 and if they are payable to an institution which is maintained or assisted by recurrent grants out of public funds, which do not exceed the maxima referred to therein; and

- (b) his requirements for maintenance ascertained in accordance with—
 - (i) Part I of Schedule 7;
 - (ii) Paragraphs 5, 6 and 10 of Part II of that Schedule; and
 - (iii) Parts III and IV of that Schedule irrespective of whether any maintenance grant would in fact be payable in his case by virtue of any other provision in these Regulations.
- (2) The payments referred to in paragraph (1) are the aggregate payments received by the person—
 - (a) in pursuance of any award, bursary or other payment made to him in respect of the course (other than an award made under these Regulations or previous awards regulations, or by way of a loan under the Education (Student Loans) (Northern Ireland) Order 1990(1), or out of access funds held by the institution at which he attends his course); and
 - (b) if he is in gainful employment, by way of remuneration (reduced by income tax and social security contributions) paid in respect of any period for which he has leave of absence from that employment or is relieved of his normal duties in the course of that employment for the purpose of attending the course,

except that, if the person's course is a part-time course of teacher training described in paragraph (c) in the definition of "course of initial teacher training" in regulation 3(1) and some or all of his periods of study are periods of part-time study, any payments by way of remuneration shall be disregarded.

Method of payment

18.—(1) Subject to paragraph (2), the board shall make any payment due under these Regulations in such instalments (if any) and at such times as it considers appropriate; and in the exercise of its functions under this regulation the board may make provisional payments pending the final calculation of the award.

(2) Subject to paragraphs (3) to (6) the board shall pay such fees as are described in Schedule 6 promptly when a valid request for payment in respect thereof has been received.

(3) Payment shall be made—

- (a) in the case of the fees described in paragraph (a) (excepting sub-paragraphs (i), (ii), (v) and (viii) of Schedule 6 in three instalments; and
- (b) in the case of the fees described in paragraph (a)(ii) of Schedule 6, in four instalments;
- (c) in the case of the fees described in paragraph (a)(viii) of Schedule 6, in one, two or three instalments depending on whether the final year of the course is ordinarily required to be completed before the first, second or third respectively of the dates 1st January, 1st April, 1st July and 1st September which follow the beginning of that year; and
- (d) in the case of the fees described in paragraph (b) of Schedule 6 in three instalments, but if the final year of the course is ordinarily required to be completed before the first or second of the dates 1st January, 1st April, 1st July and 1st September which follow the beginning of that year, in one or two instalments respectively.

(4) The instalments referred to in paragraph (3) shall be paid—

- (a) after the first dates on which the student is required to attend his course after 1st January, 1st April, 1st July and 1st September respectively, beginning with a payment after the first date on which he is required to attend after the beginning of the year of the course, and continuing with payments after the next such first dates on which he is required to attend, until all the instalments which are payable for the year have been paid; and

(b) in the case of the instalments referred to in paragraph (3)(a) and when the academic year of the course begins in the Autumn, on or before 10th December in the case of the first instalment, on or before 15th February in the case of the second instalment and on or before 31st May in the case of the third instalment or within one month of the receipt by the Board of a valid request for payment, whichever is the later.

(5) Subject to paragraph (6) no fees shall be payable when the student has ceased to attend his course (whether or not the academic authority has been so notified) but has not completed it.

(6) Notwithstanding paragraph (5) when instalments are payable under paragraph (4)(b) the first, second or third instalment shall be payable if the student was attending the course on 15th November, 15th February or 31st May respectively.

(7) All payments shall be made to the student, except—

- (a) payment of the fees described in Schedule 6 may be made to the academic authority; and
- (b) where a student's maintenance requirements include any of the requirements referred to in paragraph 10 Part II of Schedule 7, on his written instruction payment in respect of his maintenance grant may be made to a third party.

(8) Without prejudice to regulation 20 or the recovery of an overpayment by way of a deduction from a subsequent payment, any overpayment or underpayment made in pursuance of this regulation shall be adjusted by payment between the student or, as the case may be, the academic authority and the board.

Discretionary payments

19.—(1) In respect of any period during which the student repeats any part of his course, the board shall not be required to make any payments under regulation 12(1)(a) or (b) but may pay in pursuance of the award such amounts (if any) as it considers appropriate, being amounts not exceeding the amount of any payments that would, apart from this regulation, be payable to that student in respect of that period.

(2) Paragraph (3) shall apply in the case of a student who has previously attended a course of higher education being—

- (a) in the case of a specified course, a course of up to two academic years' duration; or
- (b) in the case of a course other than a specified course, a course of two academic years' duration (excluding any periods of unpaid service or research or of practice, undertaken as part of the course of the kinds mentioned in paragraph (a) in the definition of "periods of experience" in regulation 3(1) and, in the case of a sandwich course, periods of experience),

and holds an award made in respect of a course listed in paragraph 1, 2, or 5 of Schedule 3, being a course ordinarily of a duration of more than one year.

(3) A board shall only be required to make payments under regulation 12(1)(a) or (b) in pursuance of an award in respect of a course listed in paragraph 1, 2, or 5 of Schedule 3 to a student who is referred to in paragraph (2), where—

- (a) that course is ordinarily of a duration of two years or less, in respect of the final year of that course;
- (b) that course is ordinarily of a duration of more than two years, in respect of the years (other than the first two years) of that course.

(4) In respect of the period of a course listed in paragraph 1, 2 or 5 of Schedule 3 in relation to which the board is not, under paragraph (3), required to make payments, the board may make such payments as it considers appropriate, not exceeding those payments which would, apart from paragraph (3), have been payable under regulation 12(1)(a) or (b).

(5) In this regulation—

- (a) “the ordinary duration of a course” means the period ordinarily required for the completion thereof by a student who is not excused from attending part thereof by reason of his attendance at a previous course (excluding any periods of unpaid service or research or of practice undertaken as part of the course of the kinds mentioned in paragraph (a) in the definition of “periods of experience” in regulation 3(1) and, in the case of a sandwich course, periods of experience);
- (b) “the first two years of a course” means, in the case of a student who is excused from attending part of that course by reason of his attendance at a previous course, the two years of that course following upon the period in respect of which the student is excused from attending that course;
- (c) “a person’s having attended a course” shall be construed as provided in regulation 9(1).

Withholding and reduction of payments

20.—(1) Without prejudice to paragraph 4(2) of Schedule 4 in the case of any student who is for the time being in default of any requirement to provide such information as is described in regulation 14, the board may withhold, in part, any payment due to him in respect of maintenance and calculated in accordance with regulation 13, 15 or 16.

(2) In respect of any period—

- (a) after the termination of an award;
- (b) during which a student is excluded by the academic authority from attendance at the course; or
- (c) during which a student is absent without leave from his course,

any payment otherwise due in pursuance of the award shall be reduced by the aggregate amount mentioned in paragraph (4).

(3) In respect of any other period being—

- (a) a period during which a student is absent from his course (other than a period of not more than 28 days due to illness); or
- (b) where an award held in respect of one course is transferred in pursuance of paragraph 1(1) of Schedule 4 so as to be held in respect of another course, a period during which the student is not required to attend either course (other than the period of a single vacation); or
- (c) a period during which the student is detained in pursuance of an order made by any court,

the board may reduce any payment otherwise due in pursuance of the award by such amount, not exceeding the aggregate amount mentioned in paragraph (4), as having regard to all relevant circumstances it considers appropriate.

(4) The amount referred to in paragraphs (2) and (3) is the aggregate of—

- (a) fees otherwise due that are not payable by reason of the student’s non-attendance; and
- (b) the appropriate proportion of the balance of any amount in respect of maintenance payable for a year in pursuance of regulation 12(1)(b).

(5) In determining the appropriate proportion under (4)(b) the board shall disregard the first 28 days of any period of absence due to illness.

Saving

21. In relation to a person who commenced attendance at an institution of higher education in the Republic of Ireland providing a full time course comparable to one listed in paragraph 1, 2, 3 or 4

of Schedule 3 before 10th July 1996 or could have commenced such attendance before that date but for choosing to defer such attendance, the following provisions of the Students Awards Regulations (Northern Ireland) 1996 shall continue to apply as if these Regulations had not been made—

- (a) the definition of “institution” in regulation 3(1);
- (b) sub-paragraph (i) of paragraph (a) in Schedule 6.