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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 350**

**The Education (Student Loans)  
Regulations (Northern Ireland) 1997**

**Part I**

**General**

**Citation and commencement**

1. These Regulations may be cited as the Education (Student Loans) Regulations (Northern Ireland) 1997 and shall come into operation on 1st August 1997.

**Revocations**

2. The Education (Student Loans) Regulations (Northern Ireland) 1996(1) and the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 1996(2) are hereby revoked.

**Interpretation**

3.—(1) In these Regulations—

“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 or a course for the degree of BA (Hons.) with Qualified Teacher Status awarded by St Martin's College, Lancaster;

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

“disability-related benefits” means—

(a) the benefits or allowances payable pursuant to the Social Security Contributions and Benefits Act 1992(3) or the Social Security Contributions and Benefits (Northern Ireland) Act 1992(4) known as long term incapacity benefit(5), short term incapacity benefit payable at the higher rate(6), severe disablement allowance(7), disability living allowance(8) and industrial injuries benefit(9);

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(1) S.R. 1996 No. 349

(2) S.R. 1996 No. 490

(3) 1992 c. 4 (“the Great Britain Act”); amended by Social Security (Incapacity for Work) Act 1994 (c. 18), sections 1 to 3, 5, 6, 8 to 11 and Schedules 1 and 2

(4) 1992 c. 7 (“the Northern Ireland Act”); amended by the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) Articles 3 to 5, 7, 8, 10 to 12 and Schedules 1 and 2

(5) See Sections 30A(5) and 30B(6) of the Great Britain Act and sections 30A(5) and 30B(6) of the Northern Ireland Act; Sections 30A and 30B of the Northern Ireland Act were inserted by S.I. 1994/1898 (N.I. 12) Articles 3(1) and 4(1)

(6) See sections 30A(1) and 30B(2) of the Great Britain Act; Sections 30A and 30B were inserted by 1994 c. 18 sections 1(1) and 2(1). See also sections 30A(1) and 30B(2) of the Northern Ireland Act

- (b) where income support is payable to the borrower under the Income Support (General) Regulations 1987(10) or the Income Support (General) Regulations (Northern Ireland) 1987(11), the amount of any disability premium and severe disability premium included in the applicable amount in calculating the income support payable, which amount shall for the purposes of regulations 10(1) and 11(5) be considered to be received, paid or likely to be paid, as the case may be; and
- (c) disability working allowance payable under sections 123(1)(c) and 129 of the Social Security Contributions and Benefits Act 1992 or sections 122(1)(c) and 128 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“eligible” means eligible for the purposes of Article 3 of the Order read with regulation 4 and the Schedule;

“full-time course” means a sandwich course or a course—

- (a) which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere)—
  - (i) in the case of a course of one academic year’s duration, for a period of at least 24 weeks; and
  - (ii) in the case of a course of two or more academic years’ duration, for a period of at least 24 weeks in each academic year except the final year and of at least eight weeks in the final year; and
- (b) the nature of which is such that a person undertaking it would normally require to undertake periods of study, tuition or work experience which together amount in each academic year to an average of at least 21 hours a week as respects the periods of attendance mentioned in sub-paragraph (a) for the year;

“loan” means a loan (whether made before or after the coming into operation of these Regulations) towards a student’s maintenance out of money made available by the Department for that purpose pursuant to arrangements made by the Department by virtue of Article 3 of the Order including the interest accrued on the loan and the amount of the loan from time to time outstanding;

“loans administrator” means any person or body for the time being exercising functions in relation to loans under arrangements made with the Department pursuant to paragraph 3 of Schedule 2 to the Order;

“periods of work experience” means periods of industrial, professional or commercial experience associated with full-time study at an institution but at a place outside the institution;

“the Order” means the Education (Student Loans) (Northern Ireland) Order 1990;

“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(12) as extended by the Protocol thereto which entered into force

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(7) See sections 63(b) and 68 of the Great Britain Act; section 68 is amended by S.I. 1994/2556 and 1994 c. 18 section 9(2) and (3), and paragraph 18 of Schedule 1. See also Sections 63(b) and 68 of the Northern Ireland Act; Section 68 is amended by S.R. 1994 No. 370 and S.I. 1994/1898 (N.I. 12) Article 11(2) and (3) and paragraph 18 of Schedule 1

(8) See sections 63(d) and 71 of the Great Britain Act and sections 63(d) and 71 of the Northern Ireland Act

(9) See section 94(1) and (2) of the Great Britain Act and section 94(1) and (2) of the Northern Ireland Act

(10) S.I. 1987/1967; see Parts III and IV of Schedule 2, relevant amending instruments are S.I. 1988/663 and 2022, S.I. 1989/1678, S.I. 1991/2742, S.I. 1993/1150 and 2119, S.I. 1994/2139 and 3061, S.I. 1995/482, 516 and 2303 and S.I. 1997/543

(11) S.R. 1987 No. 459; see Parts III and IV of Schedule 2, the relevant amending regulations are S.R. 1988 Nos. 146 and 431, S.R. 1989 No. 395, S.R. 1990 No. 387, S.R. 1992 No. 6, S.R. 1993 Nos. 218 and 373, S.R. 1994 Nos. 327 and 474, S.R. 1995 Nos. 67, 86 and 367 and S.R. 1997 No. 113

(12) Cmnd. 9171

on 4th October 1967(13) and any reference to the child of a refugee includes a reference to a person adopted in pursuance of adoption proceedings and a step-child; and

“sandwich course” means a course consisting of alternate periods of full-time study in an institution and periods of work experience so organised that, taking the course as a whole, the student attends the periods of full-time study for an average of not less than 19 weeks in each year; and for the purpose of calculating his attendance the course shall be treated as beginning with the first period of full-time study and ending with the last such period.

(2) For the purposes of these Regulations an academic year which begins in the month of July in any year shall be deemed to begin in the month of August immediately following that month.

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(13) Cmnd. 3906 (Out of print: photocopies are available, free of charge, from Student Support Branch, Department of Education, Rathgael House, Balloo Road, Bangor, Co Down BT19 7PR)