
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 306 (C. 14)

EDUCATION

**The Education (Student Support) (Northern Ireland)
Order 1998 (Commencement and Transitional
Provisions) Order (Northern Ireland) 1998**

Made - - - - *27th August 1998*

The Department of Education, in exercise of the powers conferred on it by Articles 1(3) and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(1) and of every other power enabling it in that behalf, hereby makes the following Order:

Part I

Introductory and Commencement

Citation and interpretation

1.—(1) This Order may be cited as the Education (Student Support) (Northern Ireland) Order 1998 (Commencement and Transitional Provisions) Order (Northern Ireland) 1998.

(2) In this Order—

“the 1986 Order” means the Education and Libraries (Northern Ireland) Order 1986(2);

“the 1990 Order” means the Education (Student Loans) (Northern Ireland) Order 1990(3);

“the 1996 Order” means the Education (Student Loans) (Northern Ireland) Order 1996(4);

“the 1998 Order” means the Education (Student Loans) (Northern Ireland) Order 1998(5);

“the 1998 Regulations” means the Students Awards Regulations (Northern Ireland) 1998(6);
and

“Schedule 1 course” means any other course which is referred to in Schedule 1 to the 1990 Order.

(1) S.I. 1998/1760 (N.I. 14)
(2) 1986 No. 594 (N.I. 3); as amended by S.I. 1993/2810 (N.I. 12) Art. 50(1) and Schedule 4
(3) 1990 No. 1506 (N.I. 11)
(4) 1996 No. 1918 (N.I. 15)
(5) 1998 No. 258 (N.I. 1)
(6) S.R. 1998 No. 273 as amended by S.R. 1998 No. 300

(3) In this Order, other expressions which are also used in the 1998 Regulations have the same meaning as in those Regulations.

(4) For the purposes of Article 4(d), a course is similar to another course if the subject matter of one course is in part the same as the subject matter of the other course and, where the offer of a place was on a course which is still offered, the other course is at the same institution.

Provisions coming into operation

2. Subject to Part II, the following provisions of the Education (Student Support) (Northern Ireland) Order 1998 shall come into operation on 1st September 1998, that is to say Article 9 and in the Schedule the repeals relating to—

- (a) the 1990 Order;
- (b) the 1996 Order; and
- (c) the 1998 Order.

Part II

Transitional and Savings Provisions

Savings

3.—(1) Notwithstanding the repeals of the 1990, 1996 and 1998 Orders brought into operation by Article 2, those Orders, and any statutory instruments made thereunder, shall continue to have effect in relation to, or otherwise in connection with—

- (a) loans made under the 1990 Order before the 1st September 1998;
- (b) the making of loans to any student who attends any course referred to in Article 4; or
- (c) loans made to any such student,

as if this Order had not been made.

(2) Without prejudice to the generality of paragraph (1), the repeals of the 1990, 1996 and 1998 Orders brought into operation by Article 2 shall not affect the continued operation of those Orders insofar as they make provision for—

- (a) the making of subordinate legislation;
- (b) the assignment of public sector loans under Article 3A of the 1990 Order(7);
- (c) the making of arrangements (including arrangements which provide for the making of payments of any specified description) in connection with such an assignment.

Courses to which saved provisions apply

4. Subject to Article 6, the courses referred to in Article 3(1)(b) are—

- (a) any course in respect of the attendance at which the student concerned holds an old award under Article 50(1) of the 1986 Order or would be eligible for such an award if he made an application therefor;
- (b) any Schedule 1 course the first year of which began before 1st September 1998;
- (c) any Schedule 1 course the first year of which begins on or after 1st September 1998 but before 1st September 1999, where the student concerned had on or before 1st August 1997

(7) As amended by Article 3 of 1998 No. 258 (N.I. 1)

- received an offer of a place on that course, or on a similar course, in either case for that year, and whether conditional on obtaining specified qualifications or not;
- (d) any Schedule 1 course the first year of which begins on or after 1st September 1998 but before 1st September 1999, where the student concerned had received an offer of a place on another course for a year which began before 1st September 1998, and—
- (i) he was not able to take up the offer because of illness, and
 - (ii) in consequence of which he was offered a place on the Schedule 1 course, whether or not at the same institution;
- (e) any Schedule 1 course the first year of which begins on or after 1st September 1998 but before 1st September 1999, where the student concerned had received an offer of a place on another course for a year which began before 1st September 1998, and—
- (i) he was not able to take up that offer because a qualification or grade required for the purpose was not awarded to him,
 - (ii) he appealed against the decision not to award the qualification or grade to him,
 - (iii) the appeal was allowed after the last date when he could have taken up the offer, and
 - (iv) as a result he was offered a place on the Schedule 1 course, whether or not at the same institution;
- (f) any course which is a first degree course or a Scottish HND course and which the student concerned begins to attend immediately after ceasing to attend a course for the DipHE, HNC, HND, or a course for the Scottish HND (disregarding any intervening vacation), and the first year of the DipHE, HNC or HND course, or of the latter Scottish HND course, began either—
- (i) before 1st September 1998; or
 - (ii) on or after 1st September 1998 but before 1st September 1999, if, in relation to that course, the circumstances of the student fall within paragraphs (c), (d) or (e); or
- (g) any postgraduate course for the initial training of teachers, which the student concerned begins to attend immediately after ceasing to attend a first degree course (disregarding any intervening vacation), and the first year of that first degree course began either—
- (i) before 1st September 1998; or
 - (ii) on or after 1st September 1998 but before 1st September 1999, if, in relation to that course, the circumstances of the student fall within paragraphs (c), (d) or (e).

5. If a student withdraws from attending a course provided by any institution and referred to in any of paragraphs (b) to (g) of Article 4 with the agreement of that institution but without completing the course, and if (disregarding any intervening vacation) he immediately begins attending another course which is provided by the same or a different institution, the date on which the first year of the first course began shall be regarded for the purposes of the relevant paragraph as the date on which the first year of the second or further course began.

Exclusions

6. There shall be excluded from paragraphs (b) to (g) of Article 4 any course in respect of the attendance at which the student holds an old award or a transitional award under Article 50(1) of the 1986 Order or would be eligible for such an award if he had made an application.

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

Sealed with the Official Seal of the Department of Education on

L.S.

27th August 1998.

Neill Jackson
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order brings into operation on 1st September 1998 the provisions of the Education (Student Support) (Northern Ireland) Order 1998 specified in Article 2. These provisions all relate to the repeal of the Education (Student Loans) (Northern Ireland) Orders 1990, 1996 and 1998 (“the repealed Orders”).

Transitional and saving provisions are made in respect of loans made under the repealed Orders, the making of loans under those Orders to students attending certain courses, and the loans which are so made (Article 3).

Students who hold old awards under the Students Awards Regulations (Northern Ireland) 1998 (as prospectively amended), and those who would be eligible for such awards if an application were made, will continue to be eligible for loans (“old style loans”) under the Education (Student Loans) (Northern Ireland) Order 1990 (Article 4(a)).

The same will apply to students on courses referred to in Schedule 1 to the Education (Student Loans) (Northern Ireland) Order 1990 which began before 1st September 1998 (Article 4(b)); and to students on “end on courses” (namely first degree or Scottish HND courses) or PGCE courses (postgraduate courses for the initial training of teachers), which the student attends immediately after other courses which began before 1st September 1998 (Article 4(f)(i) and (g)(i)).

Students who attend courses beginning between 1st September 1998 and 1st September 1999 who have taken a gap year, or were unable to take up the offer of a place on an earlier course due to illness, or who have successfully appealed about their examination results, will also continue to be eligible for old style loans (Article 4(c), (d) and (e)). This will also apply where such students attend an end on or PGCE course immediately afterwards (Article 4(f)(ii) and (g)(ii)).

Article 5 provides that where students transfer between courses, the date of commencement of the year of the first course is to be regarded as the date of commencement of the first year of the second (or further) course.

Article 6 excludes from paragraphs (b) to (g) of Article 4 any course for which the student holds an old award or a transitional award under Article 50(1) of the 1986 Order (or for which the student would be eligible if an application were made), since a student who holds or is eligible for an old award would be covered by paragraph (a) of Article 4, and a student who holds or is eligible for a transitional award is not intended to be eligible for an old style loan.