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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 459**

**Students Awards Regulations (Northern Ireland) 2003**

**PART III**

**AMOUNTS OF AWARDS**

**Payments by boards**

**10.**—(1) Subject to regulations 9, 13, 14, 15 and 16 and paragraph 4 of Schedule 3, 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 5; less –
  - (i) the amount if any by which the student’s resources exceed his requirements for the purposes of regulation 12(1) (whether or not a maintenance grant is calculated under sub-paragraph (b)), or
  - (ii) the amount of any income which is not disregarded in the student’s case by virtue of paragraph (1)(b) of Schedule 7,whichever is the less;
- (b) where the award is a full award, in respect of maintenance a sum calculated in accordance with regulation 11.

(2) The aggregate of any sums paid in respect of maintenance shall be called the “maintenance grant”, and so much of the maintenance grant as appears to the board to be appropriate shall be treated as being in respect of the Easter and Christmas vacations.

(3) Subject to regulations 16 and 17 and paragraph 4 of Schedule 3, 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.

**Calculation of maintenance grant**

**11.**—(1) Subject to paragraph (2) the sum mentioned in regulation 10(1)(b), 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 the amounts specified in Schedule 6 other than those specified in paragraphs 9 and 10 as are applicable in this case; and
- (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 7 and any contribution applicable in his case by virtue of Part II or III of that Schedule.

(2) There shall be added to the sum referred to in regulation 10(1)(b) the amount of any supplementary requirements of the student specified in paragraphs 9 and 10 of Schedule 6, less such

part of any amount subtracted in accordance with regulation 10(1)(a) as is not required to reduce the amount payable in respect of fees to nil.

- (3) This regulation and Schedules 6 and 7 shall have effect –
- (a) in the case of such a student as is mentioned in Schedule 8, subject to the provisions thereof;
  - (b) where regulation 13 applies, subject as therein provided.

### **Assessment of requirements and resources**

12. 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**

13.—(1) This regulation shall apply where the course is a sandwich course unless the course is a course of initial teacher training.

(2) For the purpose of calculating payments under regulation 10 in respect of a sandwich year, that regulation and Schedule 6 and 7 shall have effect subject to the provisions of Schedule 9; but no payments in respect of maintenance shall be made in respect of a year in which there are no periods of full-time study.

### **Courses of teacher training**

14.—(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 definition of “course of initial teacher training” in regulation 2(1), the payment in respect of maintenance under regulation 10(1)(b) shall be a grant equal to three-quarters of the sum otherwise payable.

(3) Subject to paragraphs (4) and (5) where the course is described in paragraph (c) of the definition of “course of initial teacher training” in regulation 2(1), the payment under regulation 10(1)(b) shall be –

- (a) in a year in which the student’s periods of attendance are all periods of full-time attendance or in which his aggregate period of full-time attendance is 30 weeks or more, the maintenance grant;
- (b) in a year in which the student’s periods of attendance are all periods of part-time attendance 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 period of full-time attendance 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 11 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, and “attendance” means attendance for the purposes of study or teaching practice.

### **Method of payment**

**15.**—(1) Subject to paragraphs (2) to (6), 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) and (4) the board shall pay such fees as are described in Schedule 5 promptly when a valid request for payment in respect thereof has been received.

(3) Fees described in paragraphs (i), (iii), (v), (vi), (vii), and (ix) of Schedule 5 shall be paid during the period of 10 weeks which begins after the expiry of 3 months from the beginning of the year except in respect of a student who becomes eligible for an award after 1st September 1999 in respect of a course that began before 1st September 1998, in which case fees shall be paid as soon as reasonably practicable thereafter.

(4) Payment of fees described in paragraphs (ii), (iv), (viii) and (x) of Schedule 5 shall be made in the number of instalments, if any, mentioned therein 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.

(5) All payments shall be made to the student, except –

- (a) payment of the fees described in Schedule 5 may be made to the academic authority; and
- (b) where amounts specified in paragraph 9 or 10 of Schedule 6 are payable to him on his written instruction payment in respect of his maintenance grant may be made to a third party.

(6) Without prejudice to regulation 16 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.

### **Reduced entitlement to payments**

**16.**—(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 10 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 –

- (a) has previously attended a course of higher education being –
  - (i) in the case of a specified course, a course of up to two academic years' duration; or

(ii) in the case of a course other than a specified course, a course of two academic years' duration; or

(b) has previously successfully completed a part-time course corresponding to such a course as is mentioned in sub-paragraph (a) ("the previous course") and who holds an award made in respect of a course of initial teacher training or a course listed in paragraph 1 or 5 of Schedule 2, being a course of more than one year's duration ("the current course").

(3) A board shall only be required to make payments under regulation 10 in pursuance of an award in respect of the current course where –

- (a) that course is not more than two years' duration, in respect of the final year of the student's course;
- (b) that course is of a greater number of years' duration, in respect of the last two years of the student's course,

but, in respect of any other year of the student's current course it may make such payments as it considers appropriate, not exceeding those payments which would, apart from this regulation, have been payable under regulation 10.

(4) In paragraphs (2) and (3) any reference –

- (a) to the duration of a course is a reference to the period ordinarily required for its completion by a student who is not excused part of the course on account of his having attended a previous course, in the case of a sandwich course ignoring any periods of experience;
- (b) to the final year or years of a student's course is in the case of a student so excused part of the course, a reference thereto after taking account of the consequential reduction in the duration of his course;
- (c) to a person's having attended a course shall be construed as provided in regulation 7(1).

(5) Where a board is under a duty to make 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 or the child of 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 regulation 10 the amounts referred to in paragraph (7).

(6) Where a student is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS(1) and –

- (a) his course is an international course, and
- (b) all the periods of study during a year are at an institution outside the United Kingdom,

no sum shall be payable in respect of fees under regulation 10(1)(a) in respect of that year.

(7) The amounts to be deducted under paragraph (5) are –

- (a) from the sum payable in respect of fees under regulation 10 any amount 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 regulation 10 the proportion of that sum or grant which relates to the period before the date referred to in sub-paragraph (a).

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(1) ERASMUS is part of the European Community action programme SOCRATES, (O.J. No. L87, 20.4.95, p. 10)

(8) Where an award has been transferred by the board under paragraph 1(1)(a) or (b) of Schedule 3 and –

- (a) the requisite recommendation or consent to the transfer is given after the expiry of four months after the end of the first year of the course in respect of which the award was originally made (“the previous course”); and
- (b) the board is not satisfied, after consulting the academic authority or authorities concerned, that the fact that the requisite recommendation or consent was given after the expiry of the period specified in sub-paragraph (a) was due only to the need to apply through a clearing admission system; and
- (c) the board is satisfied, after consulting the academic authority or authorities concerned, that the period which the student in question will ordinarily require for the completion of the course which he now attends (“the current course”) will expire later than the period which he would have required for the completion of the previous course,

then the board shall not make payments otherwise due under regulation 10 in respect of the current course in respect of the period mentioned in paragraph (9).

(9) The period referred to in paragraph (8) is the period which begins on the first day on which the student attends the current course and which ends after the number of weeks mentioned in paragraph (10).

(10) The number of weeks referred to in paragraph (9) is the difference between the number of weeks from the beginning of the current course which the student in question will ordinarily require to complete it and the number of weeks from the same date which he would have required to complete the previous course.

(11) Where an award has been transferred under paragraph 1(1)(c) or (d) of Schedule 3 so as to be held in respect of a student’s attendance at a course for the degree of Bachelor of Education (“the current course”) if the period which the student in question would ordinarily require for the completion of the current course, when aggregated with the period for which the student has already pursued a course in respect of which the award was held (“the overall period of study”), exceeds –

- (a) five years where the current course is for the honours degree of Bachelor of Education; or
- (b) four years where the current course is for that degree not being an honours degree,

(“the prescribed period of study”) then the board shall not make payments otherwise due under regulation 11 in respect of the current course in respect of the period mentioned in paragraph (12).

(12) The period referred to in paragraph (11) is the period beginning on the first day on which the student attends the current course and continues for the number of weeks mentioned in paragraph (13).

(13) The number of weeks referred to in paragraph (12) is the number of weeks by which the overall period of study exceeds the prescribed period of study.

(14) In determining the period ordinarily required to complete a course for the purposes of paragraph (8), (10) or (11) there shall be included vacations, and any period until the end of the final year of the course, but there shall be ignored –

- (a) in each case, periods of experience which are part of a sandwich course; and
- (b) in the case of the previous course any period during which the student would now be required by the academic authority to repeat part of the course, if the board would not make any payments for maintenance in respect of that period under paragraph (1).

(15) For the purposes of paragraphs (8) and (11) a payment is due in respect of the period mentioned in paragraphs (9) and (12) respectively if it is –

- (a) any instalment or other payment on account of fees becoming payable under regulation 11 during that period; or

- (b) a sum or grant payable, or the proportion of a sum or grant payable, in respect of maintenance under regulation 10 which relates to that period.

### **Withholding and reduction of payments**

**17.**—(1) Without prejudice to paragraphs 2(1)(c) and 4(2) of Schedule 3 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 13, the board may withhold, in part, any payment due to him in respect of maintenance and calculated or determined in accordance with regulations 11, 13 or 14.

(2) No payment shall be made in respect of fees if –

- (a) before the date on which the fees become payable the student ceases to attend the course; and
- (b) the academic authority has determined or agreed that he will not commence attending again during the year in respect of which the fees are payable, or at all.

(3) 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 in respect of maintenance otherwise due in pursuance of the award shall be reduced by the sum mentioned in paragraph (5).

(4) 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 60 days due to illness); and
- (b) where an award held in respect of one course is transferred in pursuance of paragraph 1(1) of Schedule 3 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 in respect of maintenance otherwise due in pursuance of the award by such amount, not exceeding the sum mentioned in paragraph (5), as having regard to all relevant circumstances it considers appropriate.

(5) The sum referred to in paragraphs (3) and (4) is the aggregate of –

- (a) the maintenance grant calculated under regulation 11(1) multiplied by the number of days for which the period in question lasted divided by the number of days in respect of which the grant is payable for the year; and
- (b) such portion of the maintenance grant calculated under regulation 11(2) as the board considers appropriate.

(6) In determining the number of days for which the period in question lasted under paragraph (5) the board shall disregard the first 60 days of any period of absence due to illness.

### **Revocations, Savings and Transitional Provisions**

**18.**—(1) The Students Awards Regulations (Northern Ireland) 2002(2) are hereby revoked.

(2) Without prejudice to section 29(3)(a) of the Interpretation Act (Northern Ireland) 1954<sup>(3)</sup> and to the definition of “award in regulation 2(1)”, an award made in pursuance of previous Awards Regulations 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.

(3) Where the current academic year of a student’s course began in the winter or the spring of 2003 then, notwithstanding anything in these Regulations, payments in pursuance of an award made under previous award Regulations to that student in respect of the year beginning on 1st January 2003 or, as the case may be, 1st April 2003 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 Students Awards (Northern Ireland) Regulations 2002 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 2003 under these Regulations had the academic year of that course begun in the autumn of 2003.

(4) In the case of a course at the University of Buckingham beginning in the winter, spring or summer of 2003 then, notwithstanding anything in these Regulations, payments in pursuance of an award made under previous Awards Regulations 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 Students Awards Regulations (Northern Ireland) 2002 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 2003 under these Regulations had the academic year of the course begun in the autumn of 2003.

(5) Where an award was made to a student under Article 50(3) of the Order (“the discretionary award”) in respect of a course to which Article 50(1) and (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 11(1) (b); 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.

(6) Where –

- (a) an award was made to a person pursuant to previous awards regulations in respect of his attendance at a course during an academic year beginning before 1st September 1997; and
- (b) the person immediately after ceasing to attend that course (disregarding any intervening vacation) begins to attend another course,

a board shall not be excepted from the duty to make an award in respect of the person’s attendance at the second course by the application of the exception relating to settlement in the United Kingdom found in paragraph 2(a) of Schedule 1.

(7) 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 2 before 10th July 1997 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<sup>(4)</sup> shall continue to apply as if those Regulations had not been revoked –

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(3) 1954 c. 33 (N.I.)

(4) S.R. 1996 No. 190 was revoked and replaced by S.R. 1996 No. 298

- (a) the definition of “institution” in regulation 2(1);
- (b) sub-paragraph (i) of paragraph (a) in Schedule 6.

(8) Where an award is made to a person in respect of his attendance at a course the first year of which begins on or after 1st September 1998 the award shall be treated as an award made under Awards Regulations if –

- (a) the person had on or before 1st August 1997 received an offer of a place on that course, or on a similar specified course, in either case for a year which begins after 1st September 1998 and before 1st September 1999, and whether conditional on obtaining specified qualifications or not; or
  - (b) the person received an offer of a place on a specified course for a year which begins before 1st September 1998, and –
    - (i) the board were satisfied that the person was unable to take up that offer because of illness, and
    - (ii) the person was offered a place on a specified course, whether or not at the same institution, and the first year of the course begins on or after 1st September 1998 and before 1st September 1999;
  - (c) the person had received an offer of a place on a specified course for a year which begins before 1st September 1998, and –
    - (i) he was not able to take up the offer because a specified qualification or grade 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 a specified course, whether or not at the same institution, for a year which begins on or after 1st September 1998 and before 1st September 1999;
  - (d) the course is a first degree course, and –
    - (i) he begins to attend the course immediately after ceasing to attend a DipHE course or an HND course (disregarding any intervening vacation), and
    - (ii) an award was made to him in respect of his attendance at the DipHE or HND course which is an award made under previous Awards Regulations other than by virtue of this sub-paragraph (e); or
  - (e) the course is a postgraduate course for the initial training of teachers, and –
    - (i) he begins to attend the course immediately after ceasing to attend a first degree course (disregarding any intervening vacation), and
    - (ii) an award was made to him in respect of his attendance at the first degree course which is an award made under previous Awards Regulations other than by virtue of sub-paragraph (d) or this sub-paragraph.
- (9) For the purposes of paragraph (8)(a) a course is similar to another course, if –
- (a) the board are satisfied that the subject matter of the course is in part the same as the subject matter of the other course; and
  - (b) where the offer of a place was on a course which is still offered, the other course is at the same institution.