
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Education (Student Support) Regulations (Northern Ireland) 2003 (“the 2003 Regulations”) (as amended by the Education (Student Support) (Amendment) Regulations (Northern Ireland) 2004 (“the 2004 Regulations”)).

Regulation 5 amends a defect in regulation (4)(2)(c)(i) to facilitate the intention that students who are in receipt of bursaries from the Department of Health, Social Services and Public Safety for attendance on the new degree in social work course in Northern Ireland, are eligible for support.

Regulation 6 amends regulation 28 of the 2003 Regulations as inserted by Schedule 1 to the 2004 Regulations so that it is a condition of eligibility for a grant for fees in respect of a part-time course that a student undertakes the course in Northern Ireland.

Regulation 7 amends regulation 29(1)(b) of the 2003 Regulations as inserted by Schedule 1 to the 2004 Regulations to correct a drafting error in the current regulations to ensure that part-time courses of one academic year’s duration are designated for support.

Regulation 8 substitutes regulation 40 of the 2003 Regulations to provide that in the event of bankruptcies arising on or after 15th January 2005, any debt arising from student loan is protected from the effects of proceedings under the Insolvency Act 1986, irrespective of when that debt arose. Previously, only debt in respect of sums received by way of student loan after the commencement of bankruptcy proceedings was protected from the effects of such proceedings.

Regulation 9(a) amends paragraph 1(g) of Schedule 3 of the 2003 Regulations as inserted by Schedule 2 to the 2004 Regulations so that a student who begins a course on or after 1st September 2004 is treated as having begun that course before 1st September 2004 if he has transferred to that course from a course which began before that date. As a consequence, the requirement in the 2003 Regulations as inserted by Schedule 1 to the 2004 Regulations to take into account the income of the partner of the student’s natural parent in assessing the amount of support payable to a student beginning a course on or after 1st September 2004 does not apply to such a student.

Regulation 9(b) amends paragraph 4(6) of Schedule 3 to the 2003 Regulations as inserted by Schedule 2 to the 2004 Regulations to change the accounting year in respect of which means tested support is calculated where a student’s parent is self employed. This will now be the parent’s accounting year which ends in the financial year preceding the relevant academic year in respect of which an application for grant has been made.

Regulation 9(c) and (d) amend paragraphs of Schedule 3 to the 2003 Regulations as inserted by Schedule 2 to the 2004 Regulations to ensure that, for the purposes of assessing the amount of support payable to a student, the same method is used for calculating the income of the student’s natural parent, any partner of the student and any partner of the student’s natural parent.