
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 340

**The Education (Student Support)
Regulations (Northern Ireland) 2005**

PART 10

SUPPORT FOR POSTGRADUATE STUDENTS WITH DISABILITIES

Eligible postgraduate students

46.—(1) An eligible postgraduate student shall, subject to and in accordance with this Part, qualify for a grant to assist with the additional expenditure he is obliged to incur in connection with his undertaking a designated postgraduate course by reason of a disability to which he is subject.

(2) A person is an eligible postgraduate student in connection with a designated postgraduate course if he satisfies the conditions in paragraph (3) and is not excluded by paragraph (4).

(3) The conditions referred to in paragraph (2) are—

- (a) the Department has determined in connection with the designated postgraduate course that the person is mentioned in Schedule 2; and
- (b) the Department is satisfied that, by reason of a disability to which the person is subject, he will be obliged to incur additional expenditure in respect of his undertaking the course.

(4) A person shall not be an eligible postgraduate student if—

- (a) there has been made to him or paid to him in relation to his undertaking the course—
 - (i) a bursary or award of similar description under Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972 or section 63 of the Health Services and Public Health Act 1968;
 - (ii) any allowance paid to him under regulations made under sections 73(f) and 74(i) of the Education (Scotland) Act 1980 in respect of a course leading to a qualification in a healthcare profession, other than a medical doctor or dentist⁽¹⁾;
 - (iii) any allowance, bursary or award of similar description made by a Research Council; or;
 - (iv) any allowance, bursary or award of similar description made by his institution which includes any payment for the purpose of meeting additional expenditure incurred by the student by reason of his disability; or
- (b) he has, in the opinion of the Department, shown himself by his conduct to be unfitted to receive support.

(5) An eligible postgraduate student shall not qualify for a grant under this Part if the only paragraph from paragraphs 1 to 7 and 9 of Schedule 2 into which he falls is paragraph 7.

- (6) Notwithstanding paragraph (2), a person shall be an eligible postgraduate student for the purposes of this Part if—
- (a) he qualified as an eligible postgraduate student in connection with an earlier academic year of the present designated postgraduate course in accordance with Regulations made under Article 3 of the Order and that status has not expired or been terminated; or
 - (b) the following conditions are met—
 - (i) the Department has previously determined that the person is an eligible postgraduate student in connection with a designated postgraduate course other than the present course; and
 - (ii) the student’s status as an eligible postgraduate student in connection with that course has been transferred from that course to the present course as a result of one or more transfers in accordance with Regulations made under Article 3 of the Order.
- (7) An eligible postgraduate student shall not, at any one time, qualify for support for—
- (a) more than one designated postgraduate course;
 - (b) a designated postgraduate course and a designated course;
 - (c) a designated postgraduate course and a designated part-time course.

Designated postgraduate courses

47.—(1) A postgraduate course is designated for the purposes of Article 3(1) of the Order and regulation 46 if—

- (a) it is a course entry for which a first degree (or equivalent qualification) or higher is normally required;
 - (b) it is a course—
 - (i) of at least one academic year’s duration; and
 - (ii) in the case of a part-time course, the duration of which does not exceed twice the period normally required to complete a full-time course leading to the same qualification;
 - (c) it is wholly provided by an institution or institutions in the United Kingdom or by a relevant institution or institutions of higher education in the Republic of Ireland which (in either case) are maintained or assisted by recurrent grants out of public funds or provided by such institution or institutions in conjunction with an institution or institutions outside the United Kingdom; and
 - (d) it is not a course for the initial training of teachers.
- (2) For the purposes of paragraph (1)—
- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not it has entered an agreement with the student to provide the course;
 - (b) a university and any constituent college or institution in the nature of a college of a university shall be regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and
 - (c) an institution shall not be regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(2).

(2) 1992 c. 13; section 65(3A) was amended by the Teaching and Higher Education Act 1998 (c. 30), section 27

(3) For the purposes of Article 3 of the Order and regulation 46, the Department may designate courses of higher education which are not designated under paragraph (1).

Period of eligibility

48.—(1) An eligible postgraduate student shall retain his status as an eligible postgraduate student for the duration of the period of eligibility.

(2) Subject to the following paragraphs, the “period of eligibility” in paragraph (1) is equal to the period ordinarily required for the completion of the designated postgraduate course.

(3) The Department may, at any time, renew or extend the period of eligibility for such further period as it determines.

(4) The period of eligibility shall terminate when the eligible postgraduate student—

(a) withdraws from his designated postgraduate course in circumstances where the Department has not transferred or will not transfer his status as an eligible postgraduate student to another course under regulation 49; or

(b) abandons or is expelled from his designated postgraduate course.

(5) The Department may terminate the period of eligibility where the eligible postgraduate student has shown himself by his conduct to be unfitted to receive support.

(6) If the Department is satisfied that an eligible postgraduate student has failed to comply with any requirement to provide information under this Part or has provided information which is inaccurate in a material particular, the Department may take such of the following actions as it considers appropriate in the circumstances—

(a) terminate the period of eligibility;

(b) determine that the student no longer qualifies for a grant or any particular amount of grant;

(c) treat any support paid to the student as an overpayment which may be recovered under regulation 54.

Transfer of status

49.—(1) Where an eligible postgraduate student transfers to another postgraduate course, the Department shall transfer the student’s status as an eligible postgraduate student to that course where—

(a) it receives a request from the eligible postgraduate student to do so;

(b) it is satisfied that one or more of the grounds for transfer in paragraph (2) applies; and

(c) the period of eligibility has not expired or been terminated.

(2) The grounds for transfer referred to in paragraph (1) are—

(a) on the recommendation of the academic authority the eligible postgraduate student starts to undertake another designated postgraduate course at the institution; or

(b) the eligible postgraduate student starts to undertake a designated postgraduate course at another institution with the consent of the academic authority of that institution.

(3) Subject to paragraph (4), an eligible postgraduate student who transfers under paragraph (1) shall, for the remainder of the academic year in which he transfers, continue to receive in connection with the course to which he transfers the support for which the Department has determined he qualifies in respect of the course from which he transfers.

(4) The Department may re-assess the support after the transfer in accordance with this Part.

Applications for support

50.—(1) A person (the “applicant”) shall apply for a grant under this Part in connection with each academic year of a designated postgraduate course by completing and submitting to the Department an application in such form and accompanied by such documentation as the Department may require.

(2) The application must reach the Department as soon as is reasonably practicable.

(3) The Department may take such steps and make such inquiries as it considers necessary to determine whether the applicant is an eligible postgraduate student, whether he qualifies for a grant and the amount of grant payable, if any.

(4) The Department shall notify the applicant of whether or not he qualifies for a grant and, if he does qualify, the amount payable in respect of the academic year, if any.

Information

51. Schedule 4 applies to the provision of information.

Amount of grants

52. The grant under this Part shall be such amount as the Department considers appropriate, not exceeding £5,640 in respect of an academic year.

Payment of grants

53.—(1) The Department shall pay a grant for which a student qualifies under this Part in such instalments (if any) and at such times as it considers appropriate and in the exercise of its functions under this paragraph it may make provisional payments pending the final calculation of the amount of grant for which the student qualifies.

(2) Payments shall be made in such manner as the Department considers appropriate and it may make it a condition of entitlement to payment that the eligible postgraduate student shall provide it with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

Overpayments

54.—(1) An eligible postgraduate student shall, if so required by the Department, repay any amount paid to him under this Part which for whatever reason exceeds the amount of grant to which he is entitled under this Part.

(2) Any overpayment of grant under this Part may be recovered in whichever one or more of the following ways the Department considers appropriate in all the circumstances—

- (a) by subtracting the overpayment from any kind of grant payable to the student from time to time in accordance with regulations made under Article 3 of the Order;
- (b) by taking such other action for the recovery of an overpayment as is available to it.