STATUTORY RULES OF NORTHERN IRELAND

2006 No. 422

EDUCATION

The Further Education (Student Support) (Cross-Border Eligibility) Regulations (Northern Ireland) 2006

Made - - - -	*19th October 2006*
Coming into operation	*12th November 2006*

The Department for Employment and Learning(**1**), in exercise of the powers conferred on it by Articles 3(2) and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(**2**), and now vested in it(**3**), makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Further Education (Student Support) (Cross-Border Eligibility) Regulations (Northern Ireland) 2006 and shall come into operation on 12 November 2006.

Interpretation

2. In these Regulations—

"the Order" means the Education (Student Support) (Northern Ireland) Order 1998;

"the 1997 Order" means the Further Education (Northern Ireland) Order 1997(**4**);

"further education" has the meaning assigned by Article 3 of the 1997 Order;

"the Department" means the Department for Employment and Learning;

"European Community" means the territory comprised by the Member States of the European Community as constituted from time to time;

"European Economic Area" means the area comprised by the European Community, the Republic of Iceland, the Kingdom of Norway and the Principality of Lichtenstein;

"higher education" has the meaning assigned by Article 2(2) of the 1997 Order;

(**1**) Formerly the Department of Higher and Further Education, Training and Employment; *see*2001 c. 15 (N.I.)
(**2**) S.I. 1998/1760 (N.I. 14)
(**3**) Article 5(b) and Part II of Schedule 3 to the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) (S.R. 1999/481) transferred functions under the Education (Student Support) (Northern Ireland) Order 1998 from the Department of Education to the Department of Higher and Further Education, Training and Employment, now renamed the Department for Employment and Learning
(**4**) S.I. 1997/1772 (N.I. 15)

"institution of further education" means an educational establishment which is recognised by the Department as an institution of further education under Article 8 of the 1997 Order;

"support" means financial support by way of grant made by the Department to an institution of further education pursuant to Regulations made by the Department under Article 3 of the Order.

Application

3. These Regulations apply in relation to the provision of support in relation to the academic year which begins on or after 1st September 2006 and ends on 31st August 2007.

Eligible Students

4.—(1) A person is an eligible student if he is—

(a) ordinarily resident in the Republic of Ireland;

(b) studying on a designated course at an institution of further education in Northern Ireland; and

(c) a national of a member state of the European Community or a member state of the European Economic Area.

(2) A person ceases to be an eligible student if he abandons or is expelled from a designated course.

Designated courses

5. A course is a designated course for the purposes of Article 3(1) of the Order if it is—

(a) of at least one academic year's duration;

(b) a further education course or a higher education course; and

(c) wholly provided by an institution of further education in Northern Ireland.

Applying for support and provision of information

6.—(1) An institution of further education shall apply for support in respect of each eligible student on a designated course by completing and submitting to the Department such documentation as the Department may require.

(2) The Department may take such steps and make such inquiries as it considers necessary to determine whether an application for support is in respect of an eligible student.

(3) If the Department is satisfied that an institution of further education has failed to comply with any requirement to provide information under these Regulations or has provided information which is incomplete or inaccurate in a material particular, the Department may—

(a) determine that the institution no longer qualifies for any particular support or particular amount of support; and

(b) treat any support paid to the institution as an overpayment which may be recovered by such means as the Department considers appropriate.

Payments

7.—(1) Support shall not be paid to an institution of further education until the Department has received a valid request for payment from the institution.

(2) If the Department is satisfied that an application for support is valid for an eligible student on a designated course, then the Department will provide support to the institution of such amounts as it considers appropriate.

(3) Any amount payable under paragraph (2) may be paid in such instalments as the Department considers appropriate.

Sealed with the Official Seal of the Department for Employment and Learning on 19 October 2006.

L.S.

Bernie O'Hare
A senior officer of the
Department for Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for financial support towards tuition fees to institutions of further education for students who are domiciled in the Republic of Ireland, but are studying at Colleges of Further Education in Northern Ireland, in respect of the academic year beginning on or after 1st September 2006 and ending on 31st August 2007.

These Regulations prescribe the qualifying courses and class of qualifying persons by reference to the Education (Student Support) Order (Northern Ireland) 1998 and the Further Education (Northern Ireland) Order 1997. The qualifying courses prescribed by regulation 5 are those courses which are "designated courses" and provided by institutions of further education in Northern Ireland. The class of qualifying persons prescribed by regulation 4 are those persons who on the first day of the 2006/07 academic year are resident in the Republic of Ireland, are a national of an EU or EEA country, and are studying a designated course at an institution of further and higher education in Northern Ireland.

Regulation 6 provides that an institution is required to send to the Department, such documentation as the Department may require in respect of an eligible student on a designated course.

Regulation 7 provides for the payment of financial support to the institutions in respect of eligible students who are on designated courses. The amount of such support is to be such as the Department considers appropriate and payments may be made by instalments.