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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 37**

The Education (Student Support)  
Regulations (Northern Ireland) 2009

PART 5

GRANTS FOR LIVING AND OTHER COSTS

CHAPTER 2

GENERAL PROVISIONS

**General qualifying conditions for grants for living and other costs**

- 39.**—(1) An eligible student qualifies for a grant under this Part provided that the student—
- (a) is not excluded from qualification by any of the following paragraphs; and
  - (b) satisfies the qualifying conditions for the particular grant for which the student is applying.
- (2) An eligible student does not qualify for—
- (a) a bursary or grant under this Part if the only paragraph in Part 2 of Schedule 2 into which the student falls is paragraph 9; or
  - (b) a bursary under regulation 62 in respect of any academic year of a part-time course for the initial training of teachers referred to in paragraph 5 of Schedule 3.
- (3) An eligible student does not qualify for a grant under this Part in respect of—
- (a) an academic year which is a bursary year;
  - (b) an academic year of a course for the initial training of teachers during which the periods of full-time attendance, including attendance for the purpose of teaching practice, are in aggregate less than 6 weeks; or
  - (c) a flexible postgraduate course for the initial training of teachers which is of less than one academic year's duration.
- (4) Paragraph (3)(b) does not apply for the purposes of the disabled students' allowance.
- (5) An eligible student does not qualify for a grant under this Part in respect of any academic year of a sandwich course where the periods of full-time study are in aggregate less than 10 weeks unless the periods of work experience constitute unpaid service.
- (6) For the purposes of paragraph (5), "unpaid service" means—
- (a) unpaid service in a hospital or in a public health service laboratory or with a primary care trust in the United Kingdom or the Republic of Ireland;
  - (b) unpaid service with a local authority in the United Kingdom or the Republic of Ireland acting in the exercise of its functions relating to the care of children and young persons, health or welfare or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom or Republic of Ireland;

- (c) unpaid service in the prison or probation and aftercare service in the United Kingdom or the Republic of Ireland;
- (d) unpaid research in an institution in the United Kingdom or the Republic of Ireland or, in the case of a student attending an overseas institution as part of the student's course, in an overseas institution; or
- (e) unpaid service with—
  - (i) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972;
  - (ii) a Health and Social Services Trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991<sup>(1)</sup>;
  - (iii) a special agency established under Article 3 of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990<sup>(2)</sup>;
  - (iv) an NHS body within the meaning of section 28(6) of the National Health Service Act 2006<sup>(3)</sup>; or
  - (v) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978<sup>(4)</sup>.

(7) Subject to paragraph (8), where one of the events listed in regulation 18 (a), (b), (c), (e), (f), (g) or (h) occurs in the course of an academic year, a student may qualify for a particular grant in accordance with this Part in respect of all or part of that academic year but a student does not qualify for such a grant in respect of any academic year beginning before the academic year in which the relevant event occurred.

(8) Where the state of which the student is a national accedes to the European Community the student may qualify for a grant under this Part only if the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course.

(9) Subject to paragraph (10), an eligible student does not qualify for a grant under this Part if the student is a prisoner.

(10) Paragraph (9) does not apply in respect of disabled students' allowance.

### **Students who are treated as in attendance**

**40.**—(1) A student to whom this regulation applies is treated as being in attendance on the designated course for the purpose of qualifying for the following grants—

- (a) grant for dependants;
  - (b) grant for students who have left care;
  - (c) disabled students' allowance;
  - (d) maintenance grant or special support grant;
  - (e) higher education bursary.
- (2) This regulation applies to—
- (a) a compressed degree student;
  - (b) a disabled student who—

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(1) S.I. 1991/194 (N.I. 1); Article 10 was amended by the Health and Personal Social Services (Northern Ireland) Order 1994 (S.I. 1994/429 (N.I. 2)) Article 3(8)

(2) S.I. 1990 No. 247 (N.I. 3)

(3) 2006 c.41

(4) 1978 c. 29

- (i) is not a compressed degree student; and
- (ii) is undertaking a designated course in the United Kingdom or at a relevant institution of higher education in the Republic of Ireland but is not in attendance because the student is unable to attend for a reason which relates to the student's disability.