
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 37

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

PART 12

SUPPORT FOR PART-TIME COURSES

Eligible part-time students

125.—(1) An eligible part-time student qualifies for support in connection with the student's undertaking a designated part-time course subject to and in accordance with this Part.

(2) Subject to paragraph (3), a person is an eligible part-time student in connection with a designated part-time course if in assessing the person's application for support the Department determines that the person falls within one of the categories set out in Part 2 of Schedule 2.

(3) A person ("A") is not an eligible part-time student if—

- (a) there has been made to, or paid to, A in connection with the part-time course—
 - (i) a healthcare bursary whether or not the amount of such bursary is calculated by reference to A's income; or
 - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007;
- (b) A is in breach of any obligation to repay any loan;
- (c) A has reached the age of 18 and has not ratified any agreement for a loan A made when A was under the age of 18;
- (d) A has, in the opinion of the Department, shown by A's conduct that A is unfitted to receive support; or
- (e) subject to paragraph (4), A is a prisoner.

(4) Paragraph (3)(e) does not apply in respect of an academic year during which the student enters prison or is released from prison.

(5) For the purposes of paragraphs (3)(b) and (3)(c), "loan" means a loan made under any provision of the student loans legislation.

(6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (3)(c) only applies if the agreement was made—

- (a) before 25th September 1991; and
- (b) with the concurrence of the borrower's curator or at a time when the borrower had no curator.

(7) Subject to paragraphs (10) to (12), if a person satisfies the conditions in paragraph (8) or (9)—

- (a) paragraphs (2) and (3) do not apply to that person; and
- (b) the person is an eligible part-time student for the purposes of this Part.

- (8) The conditions in this paragraph are—
- (a) the person qualified as an eligible part-time student in connection with an earlier academic year of the current designated part-time course pursuant to regulations made by the Department under Article 3 of the Order; and
 - (b) the person’s status as an eligible part-time student has not terminated.
- (9) The conditions in this paragraph are—
- (a) the Department has previously determined that the person is—
 - (i) an eligible student in connection with a designated course;
 - (ii) an eligible distance learning student in connection with a designated distance learning course other than the current designated distance learning course; or
 - (iii) an eligible part-time student in connection with a designated part-time course other than the current designated part-time course;
 - (b) the person’s status as an eligible student, as an eligible distance learning student or as an eligible part-time student in connection with the course referred to in sub-paragraph (a) has been converted or transferred from that course to the current designated part-time course as a result of one or more conversions or transfers in accordance with regulations made by the Department under Article 3 of the Order; and
 - (c) the person’s status as an eligible part-time student has not terminated.
- (10) Where—
- (a) the Department determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person (“A”) was an eligible part-time student in connection with an application for support for an earlier year of the current part-time course or an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which A’s status as an eligible part-time student, eligible student or eligible distance learning student has been transferred to the current part-time course; and
 - (b) as at the day before the academic year in respect of which A is applying for support begins, the refugee status of A or of A’s spouse, civil partner, parent or step-parent, as the case may be, has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A’s status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.

- (11) Where—
- (a) the Department determined that, by virtue of being a person with leave to enter or remain or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible part-time student in connection with an application for support for an earlier year of the current part-time course or an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which A’s status as an eligible part-time student, eligible student or eligible distance learning student has been transferred to the current part-time course; and
 - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person with leave to enter or remain is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A’s status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(12) Paragraphs (10) and (11) do not apply where A began the course in connection with which the Department determined that A was an eligible part-time student or eligible student, as the case may be, before 1st September 2007.

- (13) An eligible part-time student may not, at any one time, qualify for support for—
- (a) more than one designated part-time course;
 - (b) a designated part-time course and a designated course;
 - (c) a designated part-time course and a designated distance learning course;
 - (d) a designated part-time course and a designated postgraduate course.