

2013 No. 223

EDUCATION

The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) (No. 2) Regulations (Northern Ireland) 2013

Made - - - - *18th September 2013*

Coming into operation- - *22nd October 2013*

The Department for Employment and Learning (**a**) makes the following Regulations in exercise of the powers conferred by Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(**b**) and now vested in it(**c**).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) (No. 2) Regulations (Northern Ireland) 2013 and come into operation on 22nd October 2013.

(2) These Regulations apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st September 2014 whether anything done under these Regulations is done before, on or after 1st September 2014.

Amendment of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009

2. The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009(**d**) are amended as provided by regulations 3 to 17 and the Schedule.

3. In regulation 2(1)—

(a) after the definition of “accelerated course” insert—

““authority-funded” means—

- (a) in relation to educational institutions in Northern Ireland, maintained or assisted by recurrent grants from the Department or the Department for Agriculture and Rural Development;
- (b) in relation to educational institutions in England, maintained or assisted by recurrent grants from the Higher Education Funding Council for England;

(a) Formerly known as the Department of Higher and Further Education, Training and Employment; *see* the Department for Employment and Learning Act (Northern Ireland) 2001 c.15

(b) S.I. 1998/1760 (N.I. 14). Article 3 was amended by the Learning and Skills Act 2000 (c.21), section 147(3)(a) and (b), the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, the Finance Act 2003, (c.14), s. 147(4) and by the Higher Education (Northern Ireland) Order 2005, (S.I. 2005/1116 (N.I. 5)), Articles 11 and 12

(c) S.R. 1999 No. 481 *see* Article 5(b) and Schedule 3 Part II

(d) S.R. 2009 No. 373 as amended by S.R. 2010 No. 383, S.R. 2012 No. 62, S.R. 2012 No. 398 and S.R. 2013 No. 128

- (c) in relation to educational institutions in Wales, maintained or assisted by recurrent grants from the Higher Education Funding Councils for Wales; and
- (d) in relation to educational institutions in Scotland, maintained or assisted by recurrent grants from the Scottish Funding Council;”;
- (b) in the definition of “current system student”(a) after paragraph (b)(iii) add “or” and insert—
 - “(iv) where the course mentioned in paragraph (iii) is an end-on course following on from a course that the student began before 1st September 2013 at any such institution;”.
- (c) for the definition of “Erasmus year” substitute—

““Erasmus year” means an academic year of a course where a student is participating in the action scheme of the EU for the mobility of university students known as ERASMUS and the student’s course is a course referred to in regulation 6(1)(e) and—

 - (a) where the course began before 1st September 2012, all the periods of study or work placement during the academic year are attended at an institution or workplace outside the United Kingdom (as the case may be);
 - (b) where the course began on or after 1 st September 2012 and is provided by an institution in Northern Ireland or Scotland, all the periods of study or work placement during the academic year are attended at an institution or workplace outside the United Kingdom (as the case may be); or
 - (c) where the course began on or after 1 st September 2012 and is provided by an institution in England or Wales—
 - (i) at least one period of study or work placement is attended at an institution or workplace outside the United Kingdom (as the case may be); and
 - (ii) either—
 - (aa) in respect of that academic year the aggregate of any one or more periods of full-time study at the institution in the United Kingdom is less than 10 weeks; or
 - (bb) in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks;”;
- (d) in the definition of “ordinary duration”—
 - (i) omit the words “bursary years or Erasmus years”; and
 - (ii) after “are” insert—

“but does not include an academic year that is—

 - (a) a bursary year;
 - (b) an Erasmus year of a course provided by an institution in Northern Ireland or Scotland; or
 - (c) an Erasmus year of a course provided by an institution in England or Wales where the course began before 1st September 2012;”.
- (e) in the definition of “preliminary course” after the words “means a course” insert the words “or courses”;
- (f) in the definition of “standard academic year”—
 - (i) omit the words “(other than an academic year that is a bursary year or an Erasmus year)”; and

(a) The definition of “current system student” was substituted by regulation 3 of S.R. 2013 No. 128

(ii) after “student” insert—

“but does not include an academic year that is—

- (a) a bursary year;
- (b) an Erasmus year of a course provided by an institution in Northern Ireland or Scotland; or
- (c) an Erasmus year of a course provided by an institution in England or Wales where the course began before 1st September 2012;”.

4. In regulation 6—

(a) for sub-paragraph (1)(e) substitute—

“(e) either—

- (i) wholly provided by an authority-funded educational institution;
- (ii) provided by a publicly funded institution in the United Kingdom or by a relevant institution of higher education in the Republic of Ireland on behalf of an authority-funded educational institution; or
- (iii) provided by an authority-funded educational institution in conjunction with an institution outside the United Kingdom or Republic of Ireland; and;”

(b) in paragraph (6)—

- (i) in sub-paragraph (b), for the words “publicly funded” substitute “authority-funded” in each place where they occur;
- (ii) at the end of sub-paragraph (b), omit the word “and”;
- (iii) in sub-paragraph (c), after the words “publicly funded” insert “or authority-funded”;
- (iv) at the end of sub-paragraph (c), for the full stop substitute “; and”; and
- (v) after sub-paragraph (c), insert—

“(d) a course is not to be regarded as provided on behalf of an authority-funded educational institution where a part of the course is provided by a private institution.”

5. In regulation 20—

(a) in paragraph (3)(a), for “a bursary year or an Erasmus year”, substitute—

“—

- (i) a bursary year;
- (ii) an Erasmus year of a course provided by an institution in Northern Ireland or Scotland; or
- (iii) an Erasmus year of a course provided by an institution in England or Wales where the course began before 1st September 2012;”;

(b) in paragraph (3)(b) for the words “the Business Education Initiative” substitute “Study USA”;

(c) for paragraph (8), substitute—

“(8) In addition to the standard entitlement, a current system student who falls within regulation 23 and has failed to complete the most recent previous course because of compelling personal reasons qualifies for a fee loan in respect of the first academic year that the student takes of the designated course that is not—

- (a) a bursary year;
- (b) an Erasmus year of a course provided by an institution in Northern Ireland or Scotland; or
- (c) an Erasmus year of a course provided by an institution in England or Wales where the course began before 1st September 2012;”;

(d) in paragraph (9), for “a bursary year or an Erasmus year” substitute—

“—

- (a) a bursary year;
- (b) an Erasmus year of a course provided by an institution in Northern Ireland or Scotland; or
- (c) an Erasmus year of a course provided by an institution in England or Wales where the course began before 1st September 2012;”

(e) after paragraph (13) add—

“(14) The amount of the relevant institution charge loan in respect of an academic year is determined in accordance with regulation 25A and may be nil.”

6. In regulation 57(3)(a), after “Erasmus year” insert “in accordance with regulation 20(3)”.

7. In regulation 59—

- (a) in sub-paragraph (3)(a), after “Erasmus year” insert “in accordance with regulation 20(3)”;
- (b) in sub-paragraph (4)(a), for the word “regulation” substitute “paragraph”.

8. In regulation 63(3)(a) for the words “the Business Education Initiative” substitute “Study USA”

9. In regulation 64(4)(a) for the words “the Business Education Initiative” substitute “Study USA”

10. In regulation 101(15) for paragraphs (a) and (b) substitute—

- “(a) the Department must subtract from any amount of loan which remains to be paid under Part 6 such an amount as is necessary to ensure that the student does not borrow an amount of loan under Part 6 which is greater than that for which the student qualifies;
- (b) if the amount to be subtracted is greater than the amount of loan remaining to be paid under Part 6, the amount of that loan remaining to be paid is reduced to nil;”.

11. In regulation 104—

- (a) paragraph (11) in sub-paragraph (a), for the words “any amount of the loan in question payable to the student from time to time” substitute “any amount of loan payable to the student from time to time under Part 6”;
- (b) in paragraph (12), for the words “any amount of the loan in question payable to the student from time to time” substitute “any amount of loan payable to the student from time to time under Part 6”.

12. In regulation 124—

(a) in paragraph (1), for sub-paragraph (d) substitute—

“(d) it is either—

- (i) wholly provided by an authority-funded educational institution;
- (ii) provided by a publicly funded institution in the United Kingdom on behalf of an authority-funded educational institution; or
- (iii) provided by an authority-funded educational institution in conjunction with an institution outside the United Kingdom;”;

(b) in paragraph (5)—

(a) Sub-paragraph (4) was inserted by S.R. 2012 No.398

- (i) in sub-paragraph (b), for the words “publicly funded”, in each place where they occur, substitute “authority-funded”;
- (ii) at the end of sub-paragraph (b), omit the word “and”;
- (iii) in sub-paragraph (c), after the words “publicly funded” insert “or authority-funded”;
- (iv) at the end of sub-paragraph (c), for the full stop substitute “; and”; and
- (v) after sub-paragraph (c), insert—
 - “(d) a course is not to be regarded as provided on behalf of an authority-funded educational institution where a part of the course is provided by a private institution.”.

13. In regulation 141—

- (a) in paragraph (1), for sub-paragraph (c) substitute—
 - “(c) it is either—
 - (i) wholly provided by an authority-funded educational institution;
 - (ii) provided by a publicly funded institution in the United Kingdom on behalf of an authority-funded educational institution; or
 - (iii) provided by an authority-funded educational institution in conjunction with an institution outside the United Kingdom;”;
- (b) in paragraph (2)—
 - (i) in sub-paragraph (b), for the words “publicly funded”, in each place where they occur, substitute “authority-funded”;
 - (ii) at the end of sub-paragraph (b), omit the word “and”;
 - (iii) in sub-paragraph (c), after the words “publicly funded” insert “or authority-funded”;
 - (iv) at the end of sub-paragraph (c), for the full stop substitute “; and”; and
 - (v) after sub-paragraph (c), insert—
 - “(d) a course is not to be regarded as provided on behalf of an authority-funded educational institution where a part of the course is provided by a private institution.”.

14. In Schedule 3, omit paragraph 6.

15. In paragraph 5(6)(a) of Schedule 5, omit the words “, ordinarily resident” in each place where they occur.

16. In Schedule 6, omit the words “St Catherine’s College, Sion Hill, Co Dublin” and “Tipperary Rural and Business Development Institute”.

17. The Schedule has effect to substitute the figures in the third column of the table for the figures in the second column where they appear in the regulations of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 set out in the first column.

Sealed with the Official Seal of the Department for Employment and Learning on 18th September 2013.



Dr Stephen Farry MLA
Minister for Employment and Learning

SCHEDULE

Regulations 2 and xx

NEW PAYMENT RATES FOR FEE LOANS, GRANTS FOR FEES AND FEE CONTRIBUTION LOANS

<i>Provision in the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009</i>	<i>Existing figure</i>	<i>New figure</i>
Regulation 25		
25(2A)(a)	£3,575	£3,685
25(2B)(a)	£1,780	£1,835
Regulation 32		
32(1)(a)	£1,425	£1,465
32(2)(a)	£700	£720
Regulation 33		
33(1)	£1,425	£1,465
33(2)	£700	£720
Regulation 36		
36(2)(a)	£1,425	£1,465
36(2)(a)	£700	£720
Regulation 89		
89(5)	£1,425	£1,465

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (“the 2009 Regulations”). The 2009 Regulations provide for financial support for students taking designated higher education courses in respect of an academic year beginning on or after 1st September 2010.

These Regulations make minor policy and technical changes to the 2009 Regulations and these changes are set out in the paragraphs below. These Regulations also, by regulation 17 and the Schedule, set out the increased payment rates for fee loans, grants for fees and fee contribution loans for full-time courses and sandwich courses which apply from 1st September 2014.

Regulation 3(c) amends the definition of Erasmus year for eligible students who are undertaking an Erasmus year on courses starting on or after 1st September 2012 at an institution in England or Wales. Regulation 3(e) amends the definition of ‘preliminary course’ to include all previous courses a student has undertaken, not just the last previous course a student has undertaken when assessing him for student support purposes.

Regulations 4, 12 and 13 make changes to the conditions which must be satisfied for a course to be designated under the 2009 Regulations. To be automatically designated a course will either need to be: (i) wholly provided by an authority-funded educational institution, (ii) provided by a publicly funded institution in the United Kingdom (or a relevant institution of higher education in the Republic of Ireland in relation regulation 4 only) on behalf of an authority-funded educational institution; or (iii) provided by an authority-funded educational institution in conjunction with an institution outside the United Kingdom (or a relevant institution of higher education in the Republic of Ireland in relation to regulation 4 only). Regulation 3(a) amends regulation 2(1) of the

2009 Regulations to introduce a new definition of “authority-funded”. Regulation 3(b) amends the definition of “current system student”.

Regulation 5 amends regulation 20 of the 2009 Regulations to allow students undertaking an Erasmus year of a course starting on or after 1st September 2012 at an institution in England and Wales to qualify for a fee loan. Regulations 3(d) and (f), 6 and 7(a) make consequential amendments.

Regulations 5(b), 8 and 9 have been amended as the Business Education Initiative has been renamed Study USA. Regulation 5(e) is amended to include the category of students who are eligible to apply for a relevant institution charge loan.

Regulation 5(e) provides for the calculation of the amount of the relevant institution charge loan.

Regulation 7(b) amends a typographical error in regulation 13 of S.R.2012, No. 398

Regulations 10 and 11 amend the provisions in the 2009 Regulations to allow overpayments of loans under Part 6 of those Regulations to be subtracted from any further loans remaining to be paid under Part 6.

Regulation 14 amends Schedule 3 to remove courses for further training of youth and community workers from the list of courses that can be designated for student support.

Regulation 15 amends Schedule 5 to remove references to ‘ordinary resident’ for the purposes of calculating an eligible student’s parent’s taxable income.

Regulation 16 has been amended to remove St Catherine’s College from Schedule 6 and Tipperary Rural and Business Development Institute from the list of courses that can be designated for student support.

An impact assessment has not been prepared in respect of this instrument as it has no impact on the cost of business, charities or voluntary bodies.

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