

EXPLANATORY MEMORANDUM TO

EDUCATION (STUDENT SUPPORT) (No.2) REGULATIONS (NORTHERN IRELAND) 2009 (AMENDMENT) (No. 2) REGULATIONS (NORTHERN IRELAND) 2013

SR No. 223

1. Introduction

1.1 This Explanatory memorandum has been prepared by the Department for Employment and Learning (“the Department”) to accompany SR 2013 No. XXX which is laid before the Northern Ireland Assembly.

1.2 The statutory rule is made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998 and is subject to the negative resolution procedure.

1.3 The rule will come into operation on 22 October 2013.

2. Purpose

This rule provides for support for students taking designated higher education courses in respect of the academic year beginning on or after 1 September 2014 and make amendments to the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (“the 2009 Regulations”). The effect of the rule is to:

- a. increase the amounts of grants for tuition fees (for those students still eligible for such grants) and student loans for tuition fees in line with inflation for the 2014/15 academic year for full-time students;
- b. grants and loans for living costs for academic year 2014/15 will be maintained at 2013/14 levels for full-time students and freeze grants for fees, course grants and disabled students’ allowances for part-time and full-time distance learning students;
- c. disabled students’ allowances for postgraduate students for academic year 2014/15 will be maintained at 2013/14 levels; and
- d. introduce minor policy and technical changes required to tighten up existing policy.

3. Background

The rule makes provision for support available in relation to an academic year beginning on or after 1st September 2014 and amends some of the provisions in the 2009 Regulations.

The policy changes effected by this rule are;

3.1 Change to the definition of “Erasmus year”.

The definition of “Erasmus year” which applies to eligible students from Northern Ireland who started their courses in England on or after 1st September 2012 who are taking an Erasmus study year or Erasmus work placement year abroad has been amended to ensure this group of students are able to apply for a fee loan of up to £1,350 for the 2014/15 academic year. Universities and colleges in England will be able to charge this group of students up to 15% of the maximum fee caps for 2014/15: £1,350 for students attending universities where there is an access agreement in place (or £900 for students attending universities where there is no access agreement in place).

3.2 Definition of “Authority-funded”.

A definition of “authority-funded” has been inserted to narrow the definition for automatic designation to courses. The Regulations currently stipulate that higher education courses provided by “publicly funded” institutions are designated courses for student support purposes. They define “publicly funded” as meaning maintained or assisted by recurrent grants out of “public funds” meaning “moneys provided by Parliament or by a government authority outside the UK”. This means that some publicly funded providers in England which are not funded by HEFCE are currently able to get automatic course designation because of their publicly funded status. This insertion amends the Student Support Regulations to narrow the definition for automatic designation to courses provided by or on behalf of “authority-funded” educational institution (defined as the HEFCE or equivalent funding bodies in the Devolved Administrations).

3.3 Definition of “preliminary course” amended.

The definition of “preliminary course” is amended to include all previous courses a student has undertaken, not just the last previous course, when assessing him for student support purposes.

3.4 Definition of “current system student” amended.

The definition of “current system student” is amended to ensure that eligible students who complete a HND or equivalent course at a publicly funded institution in the Republic of Ireland and move to a degree course at a publicly funded institution in the Republic of Ireland are treated as continuous students.

3.5 Automatic course designation.

As a result of the definition of “authority-funded” being inserted in the Regulations, the Regulations make changes to the conditions which must be satisfied for a course to be designated. To be automatically designated a course

will also need to be either wholly provided by an authority-funded educational institution, provided by a publicly funded institution in the UK on behalf of an authority-funded educational institution or provided by an authority-funded educational institution in conjunction with an institution outside the UK.

3.6 Business Education Initiative.

The Business Education Initiative has been renamed Study USA, the Regulations have been amended to reflect this.

3.7 Changes to definition of “residency” for tax purposes

The Government has abolished the concept of “ordinary residence” in respect of income tax legislation with effect from 6 April 2013. This means that current references to ordinary residence in respect of income tax legislation in the Regulations are no longer applicable for that date. This amendment removes references to ordinary residence in relation to the household income assessment from the Regulations. References to “resident” in relation to the household income assessment will remain in the Regulations and will cover the “ordinarily resident” definition in respect of UK tax legislation. The reference to “ordinarily resident” in respect of income tax legislation of another EU Member State is also being removed from the Regulations. They do not apply to other references to ordinary residence in the Regulations.

3.8 Recovery of overpayments of loans for living costs and long courses loans.

This amendment to the Regulations allows the Department to deduct overpayments of living costs or long courses loans from future payments of loan. The provisions are amended to make it clear beyond doubt that overpayments of either loan payable under Part 6 of the Regulations can be recovered from future payments of either loan.

3.9 Removal of reference to courses in youth and community work.

Schedule 3 of the Regulations lists courses that are designated for support including “a course for the further training of youth and community workers”. A separate definition for these courses is not required in the Regulations as undergraduate courses in youth and community work are covered elsewhere in Schedule 3. Therefore the reference to “a course for further training of youth and community workers has been removed from the Regulations.

3.10 Amendment to the list of higher education institutions in ROI within Schedule 6.

Schedule 6 of the Regulations lists the relevant institutions of higher education in the Republic of Ireland. Students attending courses at institutions mentioned on this list are eligible for student financial support. St Catherine’s College has

been removed from this list as it has now been closed and Tipperary Rural and Business Development Institute has been removed from this list as it is now merged with the Institute of Technology, Limerick.

4. Consultation

There is no statutory requirement to consult on these Regulations as they do not give effect to policy changes but facilitate policy implementation.

5. Equality Impact Assessment

A Section 75 Equality of Opportunity Screening exercise has been carried out and it is our view that the proposals will not have an adverse impact on any of the Section 75 categories.

6. Regulatory Impact Assessment

A Regulatory Impact Assessment has not been prepared for this rule as it has no adverse impact on business, charities or voluntary bodies.

7. Financial Implications

The financial implications of the student support package for academic year 2014/15 have been costed and take into account the financial restrictions in the current CSR period.

8. Section 24 of the Northern Ireland Act 1998

Departmental Solicitor's Office has confirmed that the making of this rule complies with Section 24 of the NI Act.

9. EU Implications

Not applicable.

10. Parity or Replicatory Measures

Historically, our Regulations were made in broad parity with England and Wales but following the wholesale changes that were implemented in England and Wales from academic year 2012/13 as a result of the Browne Review; this is no longer the case.

11. Additional Information

Not applicable.

12. Contact

John Neill at the Department for Employment and Learning, Tel: 028 90 257712

or email: john.neill@delni.gov.uk can answer any queries regarding this Rule.