

2017 No. 43

EDUCATION

**The Education (Student Support) (Amendment) (No.2)
Regulations (Northern Ireland) 2017**

Made - - - - *27th February 2017*

Coming into operation in accordance with regulation 1

The Department for the Economy 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(a) and now vested in it(b).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Support) (Amendment) (No.2) Regulations (Northern Ireland) 2017.

(2) Regulation 12 comes into operation on 28th April 2017.

(3) All other provisions of these Regulations come into operation on 20th March 2017.

(4) These Regulations, apart from this regulation and regulation 13, apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st September 2017 whether anything done under these Regulations is done before, on or after 1st September 2017.

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

2. The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009(c) are amended in accordance with regulations 3 to 15.

3. In regulation 2(1) (Interpretation)—

(a) in the definition of “Erasmus year”—

(i) in sub-paragraph (b), omit “or Scotland”;

(ii) in sub-paragraph (c), for “or Wales”, substitute “, Scotland or Wales”;

(a) 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 Student Loans (Amendment) Act (Northern Ireland) 2001, (c.2 (N.I.)), s.1(1), the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, the Finance Act 2003, (c.14), s. 147(4), the Higher Education (Northern Ireland) Order 2005, (S.I. 2005/1116 (N.I. 5)), Articles 11 and 12 and the Schedule, and by the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, (S.I. 2013/1881), Schedule 1

(b) See S.R. 1999 No. 481, Article 5(b) and Schedule 3 Part II, which transferred the functions from the Department of Education to the Department of Higher and Further Education, Training and Employment, which was renamed the Department for Employment and Learning, “DEL”, by s.1 of 2001 c.15(N.I.). See S.R. 2016 No.76, Article 6(1)(c) which transferred the functions from DEL to the Department for the Economy.

(c) S.R. 2009 No. 373, amended by S.R. 2010 No. 383, S.R. 2012 Nos. 62 and 398, S.R. 2013 Nos. 128 and 223, S.R. 2014 Nos. 97 and 309, S.R. 2016 No. 21, and S.R. 2017 No. 7.

- (b) after the definition of “long courses loan”, insert—
 - ““non-regulated institution” means an institution in Wales that does not have a fee and access plan in force approved by the Higher Education Funding Council for Wales under section 7 of the Higher Education (Wales) Act 2015(a);”;
- (c) for the definition of “ordinary duration”, substitute—
 - ““ordinary duration” means the number of academic years that a standard student would take to complete the course excluding any academic years of the course that are—
 - (a) bursary years;
 - (b) Erasmus years of a course provided by an institution in Northern Ireland; or
 - (c) Erasmus years of a course provided by an institution in England, Scotland or Wales where the course began before 1st September 2012;
 - (d) Erasmus years of a course provided by an institution in Scotland where the course began on or after 1st September 2012 and where the Erasmus year begins before 1st August 2017;”;
- (d) after the definition of “refugee”, insert—
 - ““regulated institution” means an institution that has a fee and access plan in force approved by the Higher Education Funding Council for Wales under section 7 of the Higher Education (Wales) Act 2015;”;
- (e) in the definition of “standard academic year”—
 - (i) in sub-paragraph (b), omit “or Scotland”;
 - (ii) in sub-paragraph (c), for “or Wales”, substitute “, Scotland or Wales”;
 - (iii) after sub-paragraph (c), insert—
 - “(d) an Erasmus year of a course provided by an institution in Scotland where the course began on or after 1st September 2012 and where the Erasmus year begins before 1st August 2017;”.

4. In regulation 6(1) (Designated courses), for sub-paragraph (e), substitute—

- “(e) (i) wholly provided by an authority-funded institution in Northern Ireland, England, or Scotland, or in Wales where the course begins before 1st September 2017;
- (ii) provided by a publicly funded institution in the United Kingdom on behalf of an authority-funded institution in Northern Ireland, England, or Scotland, or in Wales where the course begins before 1st September 2017;
- (iii) provided by an authority-funded institution in Northern Ireland, England, or Scotland, or in Wales where the course begins before 1st September 2017, in conjunction with an institution outside the United Kingdom;
- (iv) provided by a regulated institution in Wales or a regulated institution in Wales in conjunction with an institution outside the United Kingdom, where the course begins on or after 1st September 2017; or
- (v) provided by a relevant institution of higher education in the Republic of Ireland or by a relevant institution of higher education in the Republic of Ireland in conjunction with an institution outside the Republic of Ireland.”.

5. In regulation 20 (Availability of fee loans to current system students)—

- (a) in paragraph (3)(a)(ii), omit “or Scotland”;
- (b) in paragraph (3)(a)(iii), for “or Wales”, substitute “, Wales or Scotland”;
- (c) in paragraph (8)(b), omit “or Scotland”;

(a) 2015 anaw. 1.

- (d) in paragraph (8)(c), for “or Wales”, substitute “, Wales or Scotland”;
- (e) in paragraph (8A), omit “or Scotland”;
- (f) in paragraph (9)(b), omit “or Scotland”;
- (g) in paragraph (9)(c), for “or Wales”, substitute “, Wales or Scotland”;
- (h) in paragraph (9A), omit “or Scotland”.

6. In regulation 25 (Amount of the fee loan)—

- (a) in paragraph (1), for “provided by or on behalf of a publicly funded institution” substitute “mentioned in paragraph (2C)”;
- (b) in paragraph (2), for “provided by or on behalf of a publicly funded institution” substitute “mentioned in paragraph (2C)”;
- (c) in paragraph (2A), for “provided by a private institution (other than on behalf of a publicly funded institution)” substitute “mentioned in paragraph (2D)”;
- (d) in paragraph (2B), for “provided by a private institution (other than on behalf of a publicly funded institution)” substitute “mentioned in paragraph (2D)”;
- (e) after paragraph (2B), insert-

“(2C) The designated courses for the purposes of paragraphs (1) and (2) are designated courses:-

- (a) provided by or on behalf of a publicly funded institution in Northern Ireland, England or Scotland;
- (b) provided by or on behalf of a publicly funded institution in Wales, where the course began before 1st September 2017;
- (c) provided by or on behalf of a regulated institution in Wales, where the course begins on or after 1st September 2017.

(2D) The designated courses for the purposes of paragraphs (2A) and (2B) are designated courses:-

- (a) provided by a private institution (other than on behalf of a publicly funded institution) in Northern Ireland, England or Scotland;
- (b) provided by a private institution (other than on behalf of a publicly funded institution) in Wales, where the course began before 1st September 2017;
- (c) provided by a non-regulated institution (other than on behalf of a regulated institution) in Wales, where the course begins on or after 1st September 2017.”

- (f) after paragraph (10), insert—

“(11) Where the circumstances in paragraph (12) apply, the amount of a fee loan must not exceed the lesser of—

- (a) £1,385; and
- (b) the fees payable by the student in connection with that year.

(12) This paragraph applies in respect of an Erasmus year of a course provided by an institution in England, Wales or Scotland which begins on or after 1st September 2017.”.

7. In regulation 109 (Support for distance learning courses), after paragraph (4A) insert—

“(4B) Paragraphs (4) and (4A) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 2 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.”.

8. In regulation 112 (Disabled distance learning students’ allowance), after paragraph (4A), insert—

“(4B) Paragraphs (4) and (4A) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 2 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.”.

- 9.** In regulation 126 (Assistance for part-time courses), after paragraph (3B), insert—
- “(3C) Paragraphs (3A) and (3B) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 2 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.”.
- 10.** In regulation 130 (Disabled part-time students’ allowance), after paragraph (3), insert—
- “(3A) Paragraph (3) does not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 2 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.”.
- 11.** In regulation 139 (Eligible postgraduate students), after paragraph (8), insert—
- “(8A) Paragraph (8) does not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 2 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.”.
- 12.** In regulation 149 (Eligible Master’s, etc. Students), after paragraph (14), insert—
- “(14A) Paragraphs (13) and (14) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 2 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.”.
- 13.** In Schedule 5 (Financial assessment)—
- (a) in paragraph 4(3), for head (b), substitute—
- “(b) otherwise the value of the sterling which the income would purchase using the average rate published by Her Majesty’s Revenue and Customs for the calendar year which ends before the start of the relevant year.”;
- (b) in paragraph 5, for sub-paragraph (7), substitute—
- “(7) Where A’s income is computed as for the purposes of the income tax legislation of another Member State, it is computed under the provisions of this Schedule in the currency of that Member State and A’s income for the purposes of this Schedule is the sterling value of that income determined in accordance with the average rate published by Her Majesty’s Revenue and Customs for the calendar year which ends before the end of the prior financial year.”.
- 14.** In Schedule 6 (Relevant Institutions of Higher Education in the Republic of Ireland), omit “St Patrick’s College, Thurles”.
- 15.** The Schedule to these Regulations has effect to substitute the figure in the third column of the table for the figure in the second column where that figure appears in the regulation 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 the Economy on 27th February 2017.



Mr Trevor Cooper
A senior officer of the Department for the Economy

SCHEDULE

Regulation 15

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(1)(a)	£9,000	£9,250
25(2)(a)	£4,500	£4,625
25(2A)(a)	£3,925	£4,030
25(2B)(a)	£1,955	£2,005
Regulation 32		
32(1)(a)	£1,555	£1,595
32(2)(a)	£760	£780
Regulation 33		
33(1)	£1,555	£1,595
33(2)	£760	£780
Regulation 36		
36(2)(a)	£1,555	£1,595
36(2)(a)	£760	£780
Regulation 89		
89(5)	£1,555	£1,595

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (S.R. 2009 No.373) (“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 15 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 2017.

Regulation 3 makes amendments to certain existing definitions and inserts some new definitions, to reflect changes relating to publicly funded institutions and private institutions in Wales, and the operation of the Erasmus scheme in Scotland.

Regulation 4 amends the 2009 Regulations by adding new definitions of regulated and non-regulated institutions in Wales.

Regulation 5 amends regulation 20 of the 2009 Regulations to enable students studying an Erasmus year in Scotland to access fee loans.

Regulations 6(a) to (d) amend regulation 25 of the 2009 Regulations to insert reference to the fee loans available for study at regulated and non-regulated institutions in Wales. Regulation 6(e) amends regulation 25 to specify the maximum fee loan available to students studying an Erasmus year in Scotland.

Regulation 7 amends regulation 109 of the 2009 Regulations to clarify that a student in the armed forces or an armed forces family member may still qualify for a fee loan if they are undertaking a distance learning course outside the UK. Regulations 8, 9, 10 and 12 make similar amendments in respect of disabled students' allowance, part-time and master's, etc. support for members of the armed forces and their family members undertaking distance learning courses.

Regulation 11 amends regulation 139 of the 2009 Regulations to clarify that a student in the armed forces or an armed forces family member may still qualify for disabled students' allowance if they are undertaking certain postgraduate courses by distance learning course outside the UK.

Regulation 13 makes a technical amendment to Schedule 5 to the 2009 Regulations to replace references to the Office for National Statistics, which no longer publishes conversion tables from EU currencies into Pounds Sterling, with references to HMRC.

Regulation 14 amends Schedule 6 to the 2009 Regulations, which lists the Republic of Ireland institutions that have courses 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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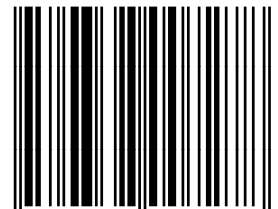
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