

2017 No. 7

EDUCATION

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

Made - - - - *13th January 2017*

Coming into operation - *28th April 2017*

The Department for the Economy(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) (Amendment) and Education (Student Loan) (Repayment) (Amendment) Regulations (Northern Ireland) 2017 and come into operation on 28th April 2017.

(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 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(d) are amended in accordance with regulations 3 to 46.

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

(a) for the definition of “Department”, substitute—

““Department” means the Department for the Economy;”;

(b) after the definition of “designated distance learning course”, insert—

(a) See the Departments Act (Northern Ireland) 2016, 2016 c.5 (N.I.).
(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 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.
(c) 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.
(d) S.R. 2009 No. 373, as 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, and S.R. 2016 No.21.

““designated Master’s, etc. course” means a course designated by regulation 152 or by the Department under regulation 152;”;

- (c) after the definition of “disabled part-time students’ allowance”, insert—

““disabled postgraduate students’ allowance” means the grant payable under Part 12;”;
- (d) after the definition of “disabled students’ allowance”, insert—

““distance learning fee loan” means a loan for fees made to an eligible distance learning student pursuant to regulations made by the Department under Article 3 of the Order;”;
- (e) after the definition of “eligible distance learning student”, insert—

““eligible Master’s, etc. student” has the meaning given in regulation 149;”;
- (f) after the definition of “long courses loan”, insert—

““Master’s, etc. fee loan” means a loan for fees made to an eligible Master’s, etc. student pursuant to regulations made by the Department under Article 3 of the Order;”;
- (g) after the definition of “ordinary duration”, insert—

““part-time fee loan” means a loan for fees made to an eligible part-time student pursuant to regulations made by the Department under Article 3 of the Order;”;

and
- (h) in the definition of “period of eligibility”, for “and” until the end of the definition, substitute—

“, in regulation 142 in relation to an eligible postgraduate student and in regulation 153 in relation to an eligible Master’s, etc. student;”.

4. In regulation 5(6) (Eligible students)—

- (a) in sub-paragraph (d), substitute the full stop with a semi-colon; and
- (b) after sub-paragraph (d), add—

“(e) a designated course and a designated Master’s, etc. course. ”.

5. In regulation 14 (Miscellaneous), after paragraph (5), insert—

“(5A) Where the current course is considered to be a single course because of regulation 6(7) and (8)—

- (a) any Master’s, etc. fee loan which an eligible student obtained under Part 13 for the purposes of obtaining the degree or qualification first mentioned in regulation 6(7)(a); and
 - (b) any academic year(s) in which that Master’s, etc. fee loan was obtained,
- is ignored when determining an eligible student’s entitlement under Parts 4 to 6 in respect of the single course which confers the final degree or equivalent qualification.”.

6. In regulation 105(14) (Eligible distance learning students)—

- (a) in sub-paragraph (d), substitute the full stop with a semi-colon; and
- (b) after sub-paragraph (d), add—

“(e) a designated distance learning course and a designated Master’s, etc. course.”.

7. In regulation 106 (Students becoming eligible during the course of the academic year), after paragraph (1), insert—

“(1A) Where one of the events listed in sub-paragraphs (a), (b), (c), (d), (f), (g), (h) or (i) of paragraph (4) occurs in the course of an academic year—

- (a) a student may qualify for a distance learning fee loan in respect of that academic year in accordance with this Part, provided that the relevant event occurred within the first three months of the academic year; and
- (b) a distance learning fee loan is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.”.

8. In regulation 108(6) (Period of Eligibility), in sub-paragraph (c), after “regulation 121”, insert “or 121A”.

9. In regulation 109 (Support for distance learning courses)—

(a) in paragraph (1)—

(i) in sub-paragraph (a)(ii), omit the “and”;

(ii) after sub-paragraph (a), insert the following sub-paragraph—

“(aa) a distance learning fee loan, where—

(i) the fees charged by the academic authority in respect of an academic year of the designated distance learning course exceed the grant mentioned in sub-paragraph (a), the amount of which has been determined in accordance with regulation 110; or

(ii) it has been determined in accordance with regulation 110 that no grant is payable under sub-paragraph (a); or

(iii) the eligible distance learning student does not apply for the grant mentioned in sub-paragraph (a); and”;

(b) after paragraph (1), insert—

“(1A) A distance learning fee loan is administered in accordance with regulation 110A.”;

(c) in paragraph (5), for “under this regulation”, substitute “under paragraphs (1)(a) or (b)”;

and

(d) after paragraph (6), insert—

“(6A) An eligible distance learning student does not qualify for a distance learning fee loan under paragraph (1)(aa) if—

(a) the student has undertaken one or more distance learning courses for sixteen years in aggregate; and

(b) the student received in respect of each of those academic years a loan or a grant of the kind described in paragraph (6).”.

10. In regulation 110 (Amount of support), for the heading, substitute “**Amount of grant under regulation 109(1)(a) and (b)**”.

11. After regulation 110 (Amount of support), insert—

“Amount of the distance learning fee loan under regulation 109(1)(aa)

110A.—(1) The maximum amount of distance learning fee loan in respect of an academic year of a designated distance learning course must not exceed the lesser of—

(a) £3,022.50; and

(b) the fees payable by the student in connection with that year.

(2) Subject to paragraphs (3) and (6), the distance learning fee loan to which an eligible distance learning student is entitled is calculated as follows—

$$DFC - DFG$$

where

DFC is the amount determined in accordance with paragraph (1);

DFG is the grant paid under regulation 109(1)(a), if any.

(3) If a student’s status as an eligible distance learning student is transferred from one designated distance learning course to another under this Part and the circumstances in paragraph (4) apply, the student may apply to the Department to borrow an additional amount by way of distance learning fee loan in respect of the academic year of the course to which that student transfers.

(4) The circumstances are—

- (a) the fees payable in respect of the academic year of the course to which the eligible distance learning student transfers exceed the fees payable in respect of the academic year of the course from which the student is transferring; and
- (b) the academic year of the course to which the eligible distance learning student transfers does not begin on a later date than the academic year of the course from which the student is transferring.

(5) Where the circumstances in paragraph (4) apply, the maximum additional amount that the eligible distance learning student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for a distance learning fee loan in respect of that year, is determined by deducting the amount of any distance learning fee loan the student has taken out under this Part in respect of the academic year from which the student is transferring from the lesser of—

- (a) the amount specified in paragraph (1)(a); and
- (b) the fees payable by the student in respect of the academic year to which the student is transferring,

minus any grant paid under regulation 109(1)(a) in respect of the academic year from which the student is transferring.

(6) If a student's status as an eligible distance learning student is transferred from one designated distance learning course to another under this Part and the circumstances in paragraph (7) apply, the student may apply to the Department for a distance learning fee loan in respect of the academic year of the course to which the student transfers.

(7) The circumstances are that the academic year of the course to which the student transfers begins on a later date than the academic year of the course from which that student is transferring.

(8) Where the circumstances in paragraph (7) apply, the maximum amount of distance learning fee loan that the eligible student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for a distance learning fee loan in respect of that year, is the lesser of—

- (a) the amount specified in paragraph (1)(a); and
- (b) the fees payable by the student in connection with that year;

minus any grant paid under regulation 109(1)(a) in connection with that year.

(9) Where an eligible distance learning student has applied for a distance learning fee loan of less than the maximum amount available in relation to an academic year, that student may apply to borrow an additional amount which when added to the amount already applied for does not exceed the maximum amount calculated in accordance with paragraph (2) or determined in accordance with paragraphs (5) or (8), whichever is applicable.”

12. In regulation 113 (Applications for support), after paragraph (6)(a), insert—

- “(aa) the applicant is applying for an additional amount of the distance learning fee loan under regulation 110A(3) or (9), in which case the application must reach the Department not later than one month before the end of the academic year to which the application relates;”

13. After regulation 113 (Applications for support), insert—

“Requirement to enter into a contract for a distance learning fee loan

113A.—(1) To receive a distance learning fee loan, a student must enter into a contract with the Department.

(2) Where the Department requires a contract to be signed by a student, an electronic signature in such form as the Department may specify satisfies such a requirement.”

- 14.** In regulation 114(3) (Declarations provided by academic authorities)—
- (a) in sub-paragraph (a), for “support”, substitute “assistance under regulation 109(1)(a) or (b)”;
 - (b) in sub-paragraph (b)—
 - (i) for “in any other case”, substitute “where the applicant is applying for assistance under regulation 109(1)(a) or (b), other than for the first time”; and
 - (ii) substitute the full stop with a semi-colon; and
 - (c) after sub-paragraph (b), add—
 - “(c) where the applicant is applying for a distance learning fee loan in connection with any academic year of the designated distance learning course, a statement that—
 - (i) provides the course information; and
 - (ii) confirms that the applicant has undertaken at least two weeks of the designated distance learning course.”.
- 15.** After regulation 115 (Information), insert—

“Information requirements

115A.—(1) The Department may at any time request from an applicant or eligible distance learning student information that the Department considers is required to recover a distance learning fee loan.

(2) The Department may at any time require an applicant or eligible distance learning student to enter into an agreement to repay a distance learning fee loan by a particular method.

(3) The Department may at any time request from an applicant or eligible distance learning student sight of their valid national identity card, valid passport issued by the state of which they are a national, or their birth certificate.

(4) Where the Department has requested information under this regulation, the Department may withhold any payment of a distance learning fee loan until the person provides what has been requested, or provides a satisfactory explanation for not complying with the request.

(5) Where the Department has required an agreement as to the method of repayment under this regulation, the Department may withhold any payment of distance learning fee loan until the person provides what has been required.”.

- 16.** In regulation 116 (Transfer of status), after paragraph (6), add—

“(7) Where an eligible distance learning student transfers under paragraph (1) after the Department has assessed the student’s distance learning fee loan in connection with the academic year of the course from which the student is transferring but before the student completes that year, the eligible distance learning student may not, in connection with the academic year of the course to which the student transfers, apply for another distance learning fee loan of a kind already applied for under this Part in connection with the academic year of the course from which the student is transferring, unless otherwise provided.”.

- 17.** In regulation 117 (Conversion of status – eligible students transferring to designated distance learning courses)

- (a) in paragraph (1), after “which”, insert “the”;
- (b) after paragraph (3), add—

“(4) This paragraph makes provision for fee loan and distance learning fee loan where a student (“A”) transfers under paragraph (1)—

- (a) no payment in respect of any fee loan must be made in respect of any instalment period beginning after the date on which A became an eligible distance learning student;
- (b) any fee loan to which A was entitled under Part 4 immediately before A became an eligible distance learning student is ignored in determining the amount of distance learning fee loan to which A may be entitled in respect of that year under this Part;
- (c) where the designated distance learning course into which A transfers continues in the same quarter of the same academic year of the designated course from which A transferred, the maximum amount of distance learning fee loan to which A would, apart from this regulation, be entitled to borrow in connection with undertaking a designated distance learning course in respect of that academic year is reduced by one third where A became an eligible distance learning student in the second quarter of the academic year and by two thirds where A became such a student in a later quarter of the academic year; and
- (d) where the academic year of the designated distance learning course into which A transfers begins on a later date than the academic year of the designated course from which A is transferring, the maximum amount of distance learning fee loan to which A would be entitled to borrow in connection with that academic year, provided that the student qualifies for a distance learning fee loan in respect of that year, is the lesser of –
 - (i) £3,022.50; and
 - (ii) the fees payable by the student in connection with that year, minus any grant paid under regulation 109(1)(a) in connection with that year.”.

18. In regulation 118 (Conversion of status – eligible distance learning students transferring to designated courses), after paragraph (2), add—

“(3) This paragraph makes provision for distance learning fee loan and fee loan where a student (“A”) transfers under paragraph (1)—

- (a) no payment in respect of any distance learning fee loan must be made in respect of any instalment period beginning after the date on which A became an eligible student;
- (b) where the designated course into which A transfers continues in the same quarter of the same academic year of the designated distance learning course from which A transferred, the maximum amount of fee loan to which A would, apart from this regulation, be entitled to borrow in connection with that academic year of the designated course is reduced by one third where A became an eligible student in the second quarter of the academic year and by two thirds where A became such a student in a later quarter of the academic year;
- (c) where the academic year of the designated course into which A transfers begins on a later date than the academic year of the designated distance learning course from which A is transferring, the maximum amount of fee loan to which A would be entitled to borrow in respect of that academic year, provided that A qualifies for a fee loan in respect of that year, is the lesser of—
 - (i) the amount specified in regulation 25(1)(a), (2)(a), (2A)(a) or (2B)(a) as the case may be; and
 - (ii) the fees payable by the student in connection with that year.”.

19. After regulation 118 (Conversion of status – eligible distance learning students transferring to designated courses), insert—

“Provision of United Kingdom national insurance number

118A.—(1) The Department may make it a condition of entitlement to payment of the distance learning fee loan or any instalment of the distance learning fee loan that the

eligible distance learning student must provide the Department with the student's United Kingdom national insurance number.

(2) Where the Department has imposed a condition under paragraph (1), the Department must not make any payment of the distance learning fee loan or any instalment of the distance learning fee loan to the eligible distance learning student before the Department is satisfied that the student has complied with that condition.

(3) Despite paragraph (2), the Department may make a payment of distance learning fee loan to an eligible distance learning student if the Department is satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible distance learning student having complied with the condition imposed under paragraph (1).”.

20. After regulation 119 (Payment of grants for fees), insert—

“Payment of distance learning fee loan

119A.—(1) The Department must pay the distance learning fee loan for which an eligible distance learning student qualifies to an institution to which the student is liable to make payment.

(2) The Department may pay the distance learning fee loan in instalments.

(3) The Department must not pay the distance learning fee loan or first instalment of the distance learning fee loan before the Department has received from the academic authority—

- (a) a request for payment; and
- (b) confirmation (in such form and at such times as may be required by the Department) of the student's undertaking the designated distance learning course for the period to which the instalment relates.

(4) The academic authority must inform the Department when a student ceases to undertake the designated distance learning course during the academic year.

(5) No payment of distance learning fee loan or instalment of distance learning fee loan can be made in respect of a designated distance learning course once the academic authority has informed the Department that the student has ceased to undertake the course during the academic year.

(6) In this regulation, “*confirmation of the student's undertaking*” means confirmation from the academic authority that the student—

- (a) has enrolled for the academic year and has begun to undertake the course for that academic year, where the confirmation relates to payment of the distance learning fee loan or the first instalment of the distance learning fee loan for the academic year; or
- (b) remains enrolled and continues to undertake the course, where the confirmation relates to payment of an instalment of the distance learning fee loan other than the first instalment.”.

21. In regulation 121 (Overpayments), for the heading, substitute—

“Overpayment of grants and allowances”.

22. After regulation 121 (Overpayments), insert—

“Overpayment of distance learning fee loan

121A.—(1) Any overpayment of distance learning fee loan is recoverable by the Department from—

- (a) the academic authority; or

(b) the student in respect of whom the payment of distance learning fee loan was made.

(2) A student must, if so required by the Department, repay any amount of distance learning fee loan paid in respect of the student which for whatever reason exceeds the amount of distance learning fee loan to which the student is entitled.

(3) An overpayment of a distance learning fee loan may be recovered from a student under paragraph (1)(b) in whichever one or more of the following ways the Department considers appropriate in all the circumstances—

- (a) by subtracting the overpayment from any amount on the distance learning fee loan which remains to be paid;
- (b) by subtracting the overpayment from any kind of grant or loan payable to or in respect of the student from time to time pursuant to regulations made by the Department under Article 3 of the Order;
- (c) by requiring the student to repay the distance learning fee loan in accordance with regulations made by the Department under Article 3 of the Order;
- (d) by taking such other action for the recovery of an overpayment as is available to the Department.”.

23. In regulation 122(13) (Eligible part-time students)—

- (a) in sub-paragraph (d), substitute the full stop with a semi-colon; and
- (b) after sub-paragraph (d), add—
“(e) a designated part-time course and a designated Master’s, etc. course.”.

24. In regulation 123 (Students becoming eligible in the course of the academic year), after paragraph (1), insert—

“(1A) Where one of the events listed in sub-paragraphs (a), (b), (c), (d), (f), (g), (h) or (i) of paragraph (3) occurs in the course of an academic year—

- (a) a student may qualify for a part-time fee loan in respect of that academic year in accordance with this Part provided that the relevant event occurred within the first three months of the academic year; and
- (b) a part-time fee loan is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.”.

25. In regulation 124 (Designated part-time courses)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (c), for “twice” substitute “four times”; and
 - (ii) after sub-paragraph (d), insert—
“(da) it is substantially provided in the United Kingdom;”; and
- (b) in paragraph (5)—
 - (i) in sub-paragraph (d), substitute the full stop with a semi-colon; and
 - (ii) after sub-paragraph (d), add—
“(e) a course is substantially provided in the United Kingdom where at least half of the teaching and supervision which comprise the course is provided in the United Kingdom.”.

26. In regulation 125(8) (Period of Eligibility), in sub-paragraph (c), after “regulation 138”, insert “or 138A”.

27. In regulation 126 (Assistance for part-time courses)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (a)(ii), omit the “and”;

- (ii) after sub-paragraph (a), insert the following sub-paragraph—
 - “(aa) a part-time fee loan, where—
 - (i) the fees charged by the academic authority in respect of an academic year of the designated part-time course exceed the grant mentioned in sub-paragraph (a), the amount of which has been determined in accordance with regulation 127; or
 - (ii) it has been determined in accordance with regulation 127 that no grant is payable under sub-paragraph (a); or
 - (iii) the eligible part-time student does not apply for the grant mentioned in sub-paragraph (a); and”;
- (b) after paragraph (1), insert—

“(1A) A part-time fee loan is administered in accordance with regulation 127A.”.
- (c) after paragraph (2), insert—

“(2A) An eligible part-time student does not qualify for assistance under paragraph (1)(a) or (b) unless it is ordinarily possible to complete the designated part-time course in no more than twice the period ordinarily required to complete the full-time equivalent.”;
- (d) for paragraph (3), substitute—

“(3) An eligible part-time student qualifies for assistance under paragraph (1) in respect of a course (other than a distance learning course) if the Department considers that the student is undertaking the designated part-time course in the United Kingdom.”.
- (e) in paragraph (4), for “under this regulation”, substitute “under paragraphs (1)(a) or (b)”;
- (f) after paragraph (5), insert—

“(5A) An eligible part-time student does not qualify for a part-time fee loan under paragraph (1)(aa) if—

 - (a) the student has undertaken one or more part-time courses for sixteen years in aggregate; and
 - (b) the student received in respect of each of those academic years a loan or a grant of the kind described in paragraph (5).
 (5B) An eligible part-time student does not qualify for a part-time fee loan if the intensity of study during the academic year for which support is claimed is less than 25% of a full-time equivalent course.”; and
- (g) after paragraph (8), add—

“(9) For the purposes of this regulation “full-time equivalent” and “period ordinarily required to complete the full time equivalent” is to be interpreted in accordance with regulation 124(6).”.

28. In regulation 127 (Amount of Assistance), for the heading, substitute—

“Amount of grant under regulation 126(1)(a) and (b)”.

29. After regulation 127 (Amount of assistance), insert—

“Amount of the part-time fee loan under regulation 126(1)(aa)

127A.—(1) The maximum amount of part-time fee loan in respect of an academic year of a designated part-time course must not exceed the lesser of—

- (a) £3,022.50; and
- (b) the fees payable by the student in connection with that year.

(2) Subject to paragraphs (3) and (6), the part-time fee loan to which an eligible part-time student is entitled is calculated as follows—

FC – FG

where

FC is the amount determined in accordance with paragraph (1);

FG is the grant paid under regulation 126(1)(a), if any.

(3) If a student's status as an eligible part-time student is transferred from one designated part-time course to another under this Part and the circumstances in paragraph (4) apply, the student may apply to the Department to borrow an additional amount by way of part-time fee loan in respect of the academic year of the course to which that student transfers.

(4) The circumstances are—

- (a) the fees payable in respect of the academic year of the course to which the eligible part-time student transfers exceed the fees payable in respect of the academic year of the course from which the student is transferring; and
- (b) the academic year of the course to which the eligible part time student transfers does not begin on a later date than the academic year of the course from which the student is transferring.

(5) Where the circumstances in paragraph (4) apply, the maximum additional amount that the eligible part-time student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for a part-time fee loan in respect of that year, is determined by deducting the amount of any part-time fee loan the student has taken out under this Part in respect of the academic year from which the student is transferring from the lesser of—

- (a) the amount specified in paragraph (1)(a); and
- (b) the fees payable by the student in respect of the academic year to which the student is transferring,

minus any grant paid under regulation 126(1)(a) in respect of the academic year from which the student is transferring.

(6) If a student's status as an eligible part-time student is transferred from one designated part-time course to another under this Part and the circumstances in paragraph (7) apply, the student may apply to the Department for a part-time fee loan in respect of the academic year of the course to which the student transfers.

(7) The circumstances are that the academic year of the course to which the student transfers begins on a later date than the academic year of the course from which that student is transferring.

(8) Where paragraph (7) applies, the maximum amount of part-time fee loan that the eligible student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for a part-time fee loan in respect of that year, is the lesser of—

- (a) the amount specified in paragraph (1)(a); and
- (b) the fees payable by the student in connection with that year,

minus any grant paid under regulation 126(1)(a) in connection with that year.

(9) Where an eligible part-time student has applied for a part-time fee loan of less than the maximum amount available in relation to an academic year, that student may apply to borrow an additional amount which when added to the amount already applied for does not exceed the maximum amount calculated in accordance with paragraph (2), or determined in accordance with paragraphs (5) or (8), whichever is applicable.”.

30. Omit regulation 129.

31. In regulation 130 (Disabled part-time students' allowance),

- (a) after paragraph (3), insert—

“(3A) An eligible part-time student does not qualify for a grant under this regulation unless it is ordinarily possible to complete the designated part-time course in no more than four times the period ordinarily required to complete the full-time equivalent.”; and

(b) after paragraph (7) add—

“(8) For the purposes of paragraph (3A) “full-time equivalent” and “period ordinarily required to complete the full time equivalent” is to be interpreted in accordance with regulation 124(6).”.

32. In regulation 131 (Applications for support), after paragraph (6)(a), insert—

“(aa) the applicant is applying for an additional amount of the part-time fee loan under regulation 127A(3) or (9), in which case the application must reach the Department not later than one month before the end of the academic year to which the application relates;”.

33. After regulation 131 (Applications for support), insert—

“Requirement to enter into a contract for a part-time fee loan

131A.—(1) To receive a part-time fee loan, a student must enter into a contract with the Department.

(2) Where the Department requires a contract to be signed by a student, an electronic signature in such form as the Department may specify satisfies such a requirement.”.

34. In regulation 132 (Declarations provided by academic authorities)—

(a) in paragraph (3)—

(i) in sub-paragraph (a) for “support”, substitute “assistance under regulation 126(1)(a) or (b)”;

(ii) in sub-paragraph (b)—

(aa) for “in any other case”, substitute “where the applicant is applying for assistance under regulation 126(1)(a) or (b) other than for the first time”; and

(bb) substitute the full stop with a semi-colon;

(iii) after sub-paragraph (b), add—

“(c) where the applicant is applying for a part-time fee loan in connection with any academic year of the designated part-time course, a statement that—

(i) provides the course information; and

(ii) confirms that the applicant has undertaken at least two weeks of the designated part time course.”; and

(b) after paragraph (4), insert—

“(4A) “The intensity of study” in paragraph (4)(b) means—

(a) confirmation by the academic authority that the intensity of study during the academic year for which support is claimed is not less than 25% of an equivalent full time course; and

(b) the actual intensity to be undertaken by the eligible part-time student.”.

35. After regulation 133 (Information), insert—

“Information requirements

133A.—(1) The Department may at any time request from an applicant or eligible part-time student information that the Department considers is required to recover a part-time fee loan.

(2) The Department may at any time require an applicant or eligible part-time student to enter into an agreement to repay a part-time fee loan by a particular method.

(3) The Department may at any time request from an applicant or eligible part-time student sight of their valid national identity card, valid passport issued by the state of which they are a national, or their birth certificate.

(4) Where the Department has requested information under this regulation, the Department may withhold any payment of a part-time fee loan until the person provides what has been requested, or provides a satisfactory explanation for not complying with the request.

(5) Where the Department has required an agreement as to the method of repayment under this regulation, the Department may withhold any payment of a part-time fee loan until the person provides what has been required.”.

36. In regulation 134 (Transfer of status)—

- (a) in paragraph (5), after “An eligible”, insert “part-time”;
- (b) in paragraph (6), for “a student”, substitute “an eligible part-time student”; and
- (c) after paragraph (6), add—

“(7) Where an eligible part-time student transfers under paragraph (1) after the Department has assessed the student’s part-time fee loan in connection with the academic year of the course from which the student is transferring but before the student completes that year, the eligible part-time student may not, in connection with the academic year of the course to which A transfers, apply for another part-time fee loan of a kind already applied for under this Part in connection with the academic year of the course from which A is transferring, unless otherwise provided.”.

37. In regulation 135 (Conversion of status)—

- (a) in paragraph (2) for “twice”, substitute “four times”;
- (b) after paragraph (4), insert—

“(4A) This paragraph makes provision for fee loan and part-time fee loan where a student (“A”) transfers under paragraph (1) –

- (a) no payment in respect of any fee loan must be made in respect of any instalment period beginning after the date on which A became an eligible part-time student;
- (b) any fee loan to which A was entitled under Part 4 immediately before A became an eligible part-time student is ignored in determining the amount of part-time fee loan to which A may be entitled in respect of that year under this Part;
- (c) where the designated part-time course into which A transfers continues in the same quarter of the same academic year of the designated course from which A transferred, the maximum amount of part-time fee loan to which A would, apart from this regulation, be entitled to borrow in connection with undertaking a designated part-time course in respect of that academic year is reduced by one third where A became an eligible part-time student in the second quarter of the academic year and by two thirds where A became such a student in a later quarter of the academic year; and
- (d) where the academic year of the designated part-time course into which A transfers begins on a later date than the academic year of the designated course from which A is transferring, the maximum amount of part-time fee loan to which A would be entitled to borrow in respect of that academic year, provided that A qualifies for a part-time fee loan in respect of that year, is the lesser of –
 - (i) £3,022.50; and
 - (ii) the fees payable by the student in connection with that year, minus any grant paid under regulation 126(1)(a) in connection with that year.”;
- (e) in paragraph (6), for “twice”, substitute “four times”;
- (d) in paragraph (7), after “paragraph (5)”, insert “into the same academic year”;
- (e) in paragraph (9)—

- (i) after “paragraph (5)”, insert “into the same academic year”;—
- (ii) in sub-paragraph (b), substitute the full stop with a semi-colon and add “and”; and
- (iii) after sub-paragraph (b), add—
 - “(c) may not apply for a part-time fee loan under regulation 126(1)(aa) if the student has already applied for a distance learning fee loan under regulation 109(1)(aa) in respect of the academic year from which the student transfers.”;
- (f) in paragraph (10) after “paragraph (5)”, insert “into the same academic year”; and
- (g) after paragraph (10) insert—
 - “(10A) Paragraphs (7), (9) and (10) do not apply where the academic year of the designated part-time course into which the student (“A”) transfers under paragraph (5) begins on a later date than the academic year of the course from which A is transferring.
 - (10B) Where paragraph (10A) applies—
 - (a) the maximum amount of part-time fee loan to which A would be entitled to borrow in respect of that academic year, provided that A qualifies for a part-time fee loan in respect of that year, is the lesser of—
 - (i) £3,022.50; and
 - (ii) the fees payable by the student in connection with that year, minus any grant paid under regulation 126(1)(a) in connection with that year;
 - (b) A may apply for a grant under regulation 126(1)(b) in respect of that year; and
 - (c) A may apply for a grant under regulation 130 in respect of that year.”;
- (h) after paragraph (12), insert—
 - “(12A) This paragraph makes provision for part-time fee loan and fee loan where a student (“A”) transfers under paragraph (11)—
 - (a) no payment in respect of any part-time fee loan must be made in respect of any instalment period beginning after the date on which A became an eligible student;
 - (b) where the designated course into which A transfers continues in the same quarter of the same academic year of the designated part-time course from which A transferred, the maximum amount of fee loan to which A would, apart from this regulation, be entitled to borrow in connection with that academic year of the designated course is reduced by one third where A became an eligible student in the second quarter of the academic year and by two thirds where A became such a student in a later quarter of the academic year;
 - (c) where the academic year of the designated course into which A transfers begins on a later date than the academic year of the designated part-time course from which A is transferring, the maximum amount of fee loan to which A would be entitled to borrow in respect of that academic year, provided that A qualifies for a fee loan in respect of that year, is the lesser of—
 - (i) the amount specified in regulation 25(1)(a), (2)(a), (2A)(a) or (2B)(a) as the case may be; and
 - (ii) the fees payable by the student in connection with that year.”;
- (i) in paragraph (14) after “paragraph (13)”, insert “into the same academic year”;
- (j) in paragraph (16)—
 - (i) after “paragraph (13)”, insert “into the same academic year”;
 - (ii) in sub-paragraph (b) substitute the full stop with a semi-colon and add “and”; and
 - (iii) after sub-paragraph (b), add—
 - “(c) may not apply for a distance learning fee loan under regulation 109(1)(aa) if the student has already applied for a part-time fee loan under regulation 126(1)(aa) in respect of the academic year from which the student transfers.”;

- (k) in paragraph (17) after “paragraph (13)”, insert “into the same academic year”; and
(l) after paragraph (17) add—

“(18) Paragraphs (14), (16) and (17) do not apply where the academic year of the designated distance learning course into which the student (“A”) transfers under paragraph (13) begins on a later date than the academic year of the course from which A is transferring.

(19) Where paragraph (18) applies—

- (a) the maximum amount of distance learning fee loan to which A would be entitled to borrow in respect of that academic year, provided that A qualifies for a distance learning fee loan in respect of that year is the lesser of—
- (i) £3,022.50; and
 - (ii) the fees payable by the student in connection with that year, minus any grant paid under regulation 109(1)(a) in connection with that year;
- (b) A may apply for a grant under regulation 109(1)(b) in respect of that year; and
(c) A may apply for a grant under regulation 112 in respect of that year.”.

38. After regulation 135 (Conversion of status) insert—

“Provision of United Kingdom national insurance number

135A.—(1) The Department may make it a condition of entitlement to payment of the part-time fee loan or any instalment of the part-time fee loan that the eligible part-time student must provide the Department with the student’s United Kingdom national insurance number.

(2) Where the Department has imposed a condition under paragraph (1), the Department must not make any payment of the part-time fee loan or any instalment of the part-time fee loan to the eligible part-time student before the Department is satisfied that the student has complied with that condition.

(3) Despite paragraph (2), the Department may make a payment of part-time fee loan to an eligible part-time student if the Department is satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible part-time student having complied with the condition imposed under paragraph (1).”.

39. After regulation 137 (Payment of grants for fees), insert—

“Payment of Part-time fee loan

137A.—(1) The Department must pay the part-time fee loan for which an eligible part-time student qualifies to an institution to which the student is liable to make payment.

(2) The Department may pay the part-time fee loan in instalments.

(3) The Department must not pay the part-time fee loan or first instalment of the part-time fee loan before the Department has received from the academic authority—

- (a) a request for payment; and
- (b) confirmation (in such form and at such times as may be required by the Department) of the student’s attendance on the designated part-time course for the period to which the instalment relates.

(4) The academic authority must inform the Department when a student’s intensity of study drops below 25% or where the student ceases to attend or undertake the designated part-time course during the academic year.

(5) No payment of part-time fee loan or instalment of part-time fee loan can be made in respect of a designated part time course once the academic authority has informed the

Department that the student has ceased to attend or undertake the course during the academic year.

(6) In this regulation, “*confirmation of the student’s attendance*” means confirmation from the academic authority that the student—

- (a) has enrolled for the academic year and has begun to attend (or in the case of a distance learning course undertake) the course for that academic year, where the confirmation relates to payment of the part-time fee loan or the first instalment of the part-time fee loan for the academic year; or
- (b) remains enrolled and continues to attend (or in the case of a distance learning course undertake) the course, where the confirmation relates to payment of an instalment of the part-time fee loan other than the first instalment.”.

40. In regulation 138 (Overpayments), for the heading, substitute—

“Overpayment of grants and allowances”.

41. After regulation 138 (Overpayment of grants and allowances), insert—

“Overpayment of Part-time fee loan

138A.—(1) Any overpayment of part-time fee loan is recoverable by the Department from—

- (a) the academic authority; or
- (b) the student in respect of whom the payment of part-time fee loan was made.

(2) A student must, if so required by the Department, repay any amount of part-time fee loan paid in respect of the student which for whatever reason exceeds the amount of part-time fee loan to which the student is entitled.

(3) An overpayment of a part-time fee loan may be recovered from a student under paragraph (1)(b) in whichever one or more of the following ways the Department considers appropriate in all the circumstances—

- (a) by subtracting the overpayment from any amount on the part-time fee loan which remains to be paid;
- (b) by subtracting the overpayment from any kind of grant or loan payable to or in respect of the student from time to time pursuant to regulations made by the Department under Article 3 of the Order;
- (c) by requiring the student to repay the part-time fee loan in accordance with regulations made by the Department under Article 3 of the Order;
- (d) by taking such other action for the recovery of an overpayment as is available to the Department.”.

42. In regulation 141(1)(b) (Designated postgraduate courses)—

- (a) for head (i) substitute, “(i) mentioned in Schedule 3A; and”; and
- (b) in head (ii) for “twice”, substitute “three times”.

43. After “Part 12 (Support for postgraduate students with disabilities)”, insert “Part 13 (Support for Master’s, etc courses)” which appears in Schedule 1 to these Regulations.

44. In Schedule 2 (EC nationals), at paragraph 9(1)(b)(ii)—

- (a) after “compressed degree course,” insert “designated distance learning course,”; and
- (b) for “or a designated postgraduate course”, substitute “, a designated postgraduate course, or a designated Master’s, etc. course”.

45. After Schedule 3 (Designated Courses), insert “Schedule 3A (Designated postgraduate courses)” and “Schedule 3B (Designated Master’s, etc. courses)”, which appear in Schedule 2 to these Regulations.

46. In Schedule 4 (Information)—

- (a) in the shoulder note, for “and 145”, substitute “, 145 and 162”;
- (b) in paragraph 1 for, “and eligible postgraduate student”, substitute “, eligible postgraduate student and eligible Master’s, etc. student; and
- (c) in paragraph 2—
 - (i) for, “and eligible postgraduate student”, substitute “, eligible postgraduate student and eligible Master’s, etc. student;
 - (ii) in sub-paragraph (f) substitute the full stop with a semi-colon; and
 - (iii) after sub-paragraph (f), add—

“(g) the applicant or student becomes, or ceases to be, a prisoner.”.

Amendment of the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009

47. The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009(a) are amended in accordance with regulations 48 to 50.

48. In regulation 3 (Interpretation)—

- (a) for the definition of “Department”, substitute—

““Department” means the Department for the Economy (b) ;”; and
- (b) after the definition of “the 2007 Act”, insert –

““the 2009 Regulations” means the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (c);”.

49. In regulation 6(1) (Interpretation)—

- (a) after the definition of “date of receipt”, insert—

““designated course” has the same meaning as in the 2009 Regulations;

“designated distance learning course” has the same meaning as in the 2009 Regulations;

“designated part-time course” has the same meaning as in the 2009 Regulations;”;
- (b) after the definition of “disability-related benefit”, insert—

““distance learning fee loan” means a loan for fees made to an eligible distance learning student pursuant to the 2009 Regulations made by the Department under Article 3 of the Order;”;
- (c) after the definition of “end-on course”, insert—

““part-time fee loan” means a loan for fees made to an eligible part-time student pursuant to the 2009 Regulations made by the Department under Article 3 of the Order;”.

50. In regulation 11 (Timing of payments: general)—

- (a) in paragraph (2), for “A”, substitute “Subject to paragraphs (2A) to (2D), a”; and
- (b) after paragraph (2), insert—

(a) S.R. 2009 No. 128, amended by S.R. 2010 No. 91, S.R. 2011 No. 137, S.R. 2012 No. 136, S.R. 2013 No. 68 and S.R. 2014 No. 87.

(b) See the Departments Act (Northern Ireland) 2016, 2016 c.5 (N.I.)

(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, and S.R. 2016 No.21.

“(2A) Where a borrower obtains a student loan which is a distance learning fee loan or a part-time fee loan, the borrower is not required to repay any part of that student loan until the earlier of—

- (a) the start of the following tax year commencing on 6th April after the borrower ceases to be eligible for financial support under regulations made pursuant to Article 3 of the Order whether by reason of having completed that course or otherwise; or
- (b) the start of the following tax year commencing on 6th April after the fourth anniversary of the course start date.

(2B) Subject to paragraphs (2C) and (2D), a borrower who obtains a student loan and who changes their mode of study between full-time, (other than a designated distance learning course), and part-time study is required to repay—

- (a) where there is a change from a full-time course to a part-time course, in accordance with paragraph (2A);
- (b) where there is a change from a part-time course to a full-time course before the requirement to repay under paragraph (2A) applies, in accordance with paragraph (2);
- (c) where there is a change from a part-time course to a full-time course and the requirement to repay under paragraph (2A) applies, in accordance with paragraph (2A).

(2C) A borrower who obtains a student loan and who changes their mode of study between a designated distance learning course and a designated part-time course is required to repay in accordance with paragraph (2A).

(2D) A borrower who obtains a student loan and who changes their mode of study, in accordance with the 2009 Regulations, between a designated course, (which is not a designated distance learning course), and a designated distance learning course is required to repay—

- (a) where there is a change from a designated course into a designated distance learning course, in accordance with paragraph (2A);
- (b) where there is a change from a designated distance learning course into a designated course before the requirement to repay under paragraph (2A) applies, in accordance with paragraph (2);
- (c) where there is a change from a designated distance learning course into a designated course and the requirement to repay under paragraph (2A) applies, in accordance with paragraph (2A).

(2E) Paragraphs (2) to (2D) have effect notwithstanding the fact that a borrower may become eligible for further financial support under regulations made pursuant to Article 3 of the Order.”.

Sealed with the Official Seal of the Department for the Economy on 13th January 2017.



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

“PART 13

MASTER’S, ETC. FEE LOAN

Eligible Master’s, etc. Students

149.—(1) An eligible Master’s, etc. student qualifies for a Master’s, etc. fee loan in connection with a designated Master’s, etc. course subject to and in accordance with this Part.

(2) Subject to paragraphs (3) to (16), a person is an eligible Master’s, etc. student in connection with a designated Master’s, etc. course if in assessing that person’s application for a Master’s, etc. fee loan 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 Master’s, etc. student if—

- (a) A is in breach of any obligation to repay any loan;
- (b) 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;
- (c) A has, in the opinion of the Department, shown by A’s conduct that A is unfitted to receive support;
- (d) subject to paragraph (7), A is a prisoner;
- (e) A is already enrolled on a designated Master’s, etc. course and is in receipt of a Master’s, etc. fee loan under this Part for such a course;
- (f) subject to paragraph (16), A has previously received a Master’s, etc. fee loan under this Part.

(4) A person (“A”) is not an eligible Master’s, etc. student if A is enrolled on a course which is—

- (a) a designated course under regulation 6,
- (b) a designated distance learning course under regulation 107, or
- (c) a designated part-time course under regulation 124,

and is receiving support under these Regulations for such a course.

(5) For the purposes of paragraphs (3)(a) and (3)(b), “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)(b) 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) Paragraph (3)(d) does not apply in respect of an academic year during which the student enters prison or is released from prison.

(8) Subject to paragraphs (11) and (12), if a person satisfies the conditions in paragraph (9) or (10)—

- (a) paragraphs (2) and (3) do not apply to that person; and
- (b) the person is an eligible Master's, etc. student for the purposes of this Part.

(9) The conditions in this paragraph are—

- (a) the person qualified as an eligible Master's, etc. student in connection with an earlier academic year of the current designated Master's, etc. course pursuant to regulations made by the Department under Article 3 of the Order; and
- (b) the person's status as an eligible Master's, etc. student has not terminated.

(10) The conditions in this paragraph are—

- (a) the Department has previously determined that the person is an eligible Master's, etc. student in connection with a designated Master's, etc. course other than the current designated Master's, etc. course;
- (b) the student's status as an eligible Master's, etc. student in connection with the course referred to in sub-paragraph (a) has been transferred from that course to the current designated Master's, etc. course as a result of one or more transfers in accordance with regulations made by the Department under Article 3 of the Order; and
- (c) the person's status as an eligible Master's, etc. student has not terminated.

(11) 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 Master's, etc. student in connection with an application for support for an earlier year of the current Master's, etc. course or an application for support in connection with another designated Master's, etc. course from which A's status as an eligible Master's, etc. student has been transferred to the current Master's, etc. 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 Master's, etc. student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(12) 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 Master's, etc. student in connection with an application for support for an earlier year of the current Master's, etc. course or an application for support in connection with another designated Master's, etc. course from which A's status as an eligible Master's, etc. student has been transferred to the current Master's, etc. 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 Master's, etc. student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(13) Where the eligible Master's, etc. student is undertaking a designated Master's, etc. course which is a distance learning course, the student does not qualify for a Master's, etc. fee loan in respect of that course unless the Department considers that the student is undertaking the course in Northern Ireland on the first day of the designated Master's, etc. course, whether the course is a designated Master's, etc. course at that date or is designated on a later date during the academic school year.

(14) A student who is an eligible Master's, etc. student for a Master's, etc. fee loan in respect of a distance learning course will no longer be eligible for a Master's, etc. fee loan in respect of that course, if the Department considers that the student is undertaking the course outside the United Kingdom.

(15) The Department may deem a person who has previously received a Master's, etc. fee loan under these Regulations in relation to a designated Master's, etc. course, to be an eligible Master's, etc. student where the Department is of the view that the person had not been able to complete the designated Master's, etc. course to which the previous Master's, etc. fee loan related due to compelling personal reasons.

(16) The Department may only exercise its discretion to award a subsequent Master's, etc. fee loan to a particular person under paragraph (15) once in respect of a particular student.

Students becoming eligible during the course of the academic year

150. Where one of the events listed in regulation 151 occurs in the course of an academic year—

- (a) a student may qualify for a Master's, etc. fee loan in respect of that academic year in accordance with this Part provided that the relevant event occurred within the first three months of the academic year; and
- (b) a Master's, etc. fee loan is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

Events

151. The events are—

- (a) the student's course becomes a designated Master's, etc. course;
- (b) the student or the student's spouse, civil partner or parent is recognised as a refugee or becomes a person with leave to enter or remain;
- (c) a state accedes to the European Community and the student is a national of that state or a family member (as defined in Part 1 of Schedule 2) of a national of that state;
- (d) the student becomes a family member (as defined in Part 1 of Schedule 2) of an EC national;
- (e) the student acquires the right of permanent residence;
- (f) the student becomes the child of a Turkish worker;
- (g) the student becomes a person described in paragraph 6(1)(a) of Schedule 2; or
- (h) the student becomes the child of a Swiss national.

Designated Master's, etc. courses

152.—(1) Subject to paragraph (7), a course is a designated Master's, etc. course for the purposes of Article 3(1) of the Order and regulation 149 if it is —

- (a) a course mentioned in Schedule 3B and which falls within paragraph (2);
- (b) a course entry to which a first degree (or equivalent qualification) or higher is normally required;
- (c) 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; and
 - (d) substantially provided in the United Kingdom.
- (2) For the purposes of paragraph (1)(a) the course must be either—
- (a) of one academic year’s duration or where the course falls within paragraph 3, 4 or 5 of Schedule 3B less than one academic year’s duration; or
 - (b) completed within two academic years; or
 - (c) completed within three academic years.
- (3) For the purposes of paragraph (1)(c) and (d)—
- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;
 - (b) a university and any constituent college or institution in the nature of a college of a university is to be regarded as authority-funded if either the university or the constituent college or institution is authority-funded;
 - (c) an institution is not to be regarded as publicly funded or authority-funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(a);
 - (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; and
 - (e) a course is substantially provided in the United Kingdom where at least half of the teaching and supervision which comprise the course is provided in the United Kingdom.
- (4) A Master’s degree undertaken as an integral part of a Postgraduate Doctoral Degree is not a designated Master’s, etc. course for the purposes of Master’s, etc. fee loan.
- (5) A postgraduate doctoral degree is not a designated Master’s, etc. course for the purposes of the Master’s, etc. fee loan.
- (6) The designated Master’s, etc. course may, but need not, be a distance learning course.
- (7) A course cannot be a designated Master’s, etc. course if it is a designated course for the purposes of regulation 6.
- (8) For the purposes of Article 3 of the Order and regulation 149 the Department may designate courses of higher education which are not designated by paragraph (1).
- (9) The Department may revoke or suspend the designation of a course which is designated under paragraph (8).

Period of eligibility

- 153.**—(1) A student’s status as an eligible Master’s, etc. student is retained in connection with a designated Master’s, etc. course until the status terminates in accordance with this regulation or regulation 149.
- (2) The period for which an eligible Master’s, etc. student’s status is retained is the “period of eligibility”.
- (3) Subject to the following paragraphs and regulation 149, the period of eligibility terminates at the end of the academic year in which the eligible Master’s, etc. student completes the designated Master’s, etc. course.
- (4) The period of eligibility terminates when the eligible Master’s, etc. student (“A”)—

(a) 1992 c.13

- (a) withdraws from A's designated Master's, etc. course in circumstances where the Department is not obliged under regulation 154 to transfer the student's status as an eligible Master's, etc. student to another course; or
 - (b) abandons or is expelled from the designated Master's, etc. course.
- (5) The Department may terminate the period of eligibility where the eligible Master's, etc. student ("A") has shown by A's conduct that A is unfitted to receive support.
- (6) If the Department is satisfied that an eligible Master's, etc. student has failed to comply with any requirement to provide information under this Part or has provided information which is inaccurate in a material particular, the Department may take such of the following actions as the Department considers appropriate in the circumstances—
- (a) terminate the period of eligibility;
 - (b) determine that the student no longer qualifies for a Master's, etc. fee loan;
 - (c) treat any Master's, etc. fee loan paid to the student as an overpayment which may be recovered under regulation 164 .
- (7) Where the period of eligibility terminates before the end of the academic year in which the eligible Master's, etc. student completes the designated Master's, etc. course the Department may, at any time, renew or extend the period of eligibility for such period as the Department determines.
- (8) A student who has lost the status of eligible Master's, etc. student remains liable to repay any instalment he or she has received and ceases to be eligible for further instalments of the Master's, etc. fee loan.

Transfer of status

154.—(1) Where an eligible Master's, etc. student, "A", transfers to another Master's, etc. course, the Department must transfer the student's status as an eligible Master's, etc. student to that course where—

- (a) the Department receives a request from A to do so;
 - (b) the Department is satisfied that one or more of the grounds for transfer in paragraph (2) applies; and
 - (c) the period of eligibility has not terminated.
- (2) The grounds for transfer are—
- (a) on the recommendation of the academic authority A ceases one designated Master's, etc. course and starts to study another designated Master's, etc. course at the same institution; or
 - (b) A starts to study a designated Master's, etc. course at another institution.
- (3) Subject to paragraph (4) , where A transfers under paragraph (1), A is entitled to receive in connection with the academic year of the course to which A transfers the remainder of Master's, etc. fee loan in respect of the academic year of the course from which A transfers.
- (4) The Department may re-assess the amount of Master's, etc. fee loan after the transfer.
- (5) Where A transfers under paragraph (1) after the Department has determined A's Master's, etc. fee loan in connection with the academic year of the course from which the student is transferring but before the student completes that year, A may not, in connection with the academic year of the course to which A transfers, apply for another loan of a kind that A has already applied for under this Part in connection with the academic year of the course to which A is transferring, unless otherwise provided.

Availability of Master's, etc. fee loan to eligible Master's, etc. students

155.—(1) An eligible Master's, etc. student ("A") qualifies for a Master's, etc. fee loan in connection with A's undertaking a designated Master's, etc. course in accordance with paragraph (2).

(2) Where the designated Master's, etc. course falls within—

- (a) regulation 152(2)(a), a Master's, etc. fee loan is available in respect of one academic year, in accordance with regulation 156(1).
- (b) regulation 152(2)(b), a Master's, etc. fee loan is available in respect of the two academic years required to complete the course, in accordance with regulation 156(2).
- (c) regulation 152(2)(c), a Master's, etc. fee loan is available in respect of the three academic years required to complete the course, in accordance with regulation 156(3).

Amount of Master's, etc. fee loan

156.—(1) Where sub-paragraph (a) of regulation 155(2) applies, the amount of the Master's, etc. fee loan in respect of the academic year of the designated Master's, etc. course must not exceed the lesser of—

- (a) £5,500, (the yearly cap); and
- (b) the fees charged to the student in respect of the academic year of the designated Master's, etc. course.

(2) Where sub-paragraph (b) of regulation 155(2) applies, the amount of the Master's, etc. fee loan available in respect of each academic year of the designated Master's, etc. course must not exceed the lesser of—

- (a) £2,750.00, (the yearly cap); and
- (b) the fees charged to the student in respect of each academic year of the designated Master's, etc. course.

(3) Where sub-paragraph (c) of regulation 155(2) applies the amount of a Master's, etc. fee loan in respect of each academic year of the designated Master's, etc. must not exceed the lesser of —

- (a) £1,834, (the yearly cap); and
- (b) the fees charged to the student in respect of each academic year of the designated Master's, etc. course.

(4) If a student's status as an eligible Master's, etc. student is transferred from one designated Master's, etc. course to another under this Part and the circumstances in paragraph (5) apply, the student may apply to the Department to borrow an additional amount of Master's etc. fee loan in respect of the designated Master's, etc. course to which that student transfers.

(5) The circumstances are that the fees payable in respect of the designated Master's, etc. course to which the eligible Master's, etc. student transfers exceed the fees payable in respect of the designated Master's, etc. course from which the student is transferring.

(6) Where the circumstances in paragraph (5) apply, the maximum additional amount that the Master's, etc. student may borrow in respect of the academic year of the designated Master's, etc. course to which that student transfers, provided that the student qualifies for a Master's, etc. fee loan in respect of that year, is determined by deducting the amount of any Master's, etc. fee loan the student has taken out under this Part in respect of the designated Master's, etc. course from which the student is transferring from the lesser of—

- (a) £5,500.00; and
- (b) the fees charged to the student in respect of the academic year to which the student is transferring.

(7) If a student's status as eligible Master's etc. student is transferred from one designated Master's etc. course to another under this Part and the circumstances in paragraph (8) apply, the yearly cap set out at paragraph (2)(a) or (3)(a) (whichever is applicable), does not apply and any remaining Master's, etc. fee loan to which an eligible Master's, etc. student may be entitled in any subsequent academic years of the designated Master's, etc. course is determined in accordance with paragraph (9).

(8) The circumstances are the eligible Master's, etc. student transfers from a designated Master's, etc. course of a kind mentioned at—

- (a) regulation 152(2)(a) to a designated Master's, etc. course of a kind mentioned at regulation 152(2)(b) or (c); or
- (b) regulation 152(2)(b) to a designated Master's, etc. course of a kind mentioned at regulation 152(2)(c).

(9) Where the circumstances in paragraph (8) apply any remaining Master's, etc. fee loan to which an eligible Master's, etc. student may be entitled for any subsequent academic years of the designated Master's, etc. course is determined by—

- (a) deducting the amount of Master's, etc. fee loan the student has obtained under this Part from £5,500.00 and
- (b) dividing that amount by the number of remaining academic years of the designated Master's, etc. course.

(10) At no time can the amount of Master's, etc. fee loan in respect of the entire designated Master's, etc. course exceed £5,500.

(11) Where in respect of an academic year of a designated Master's, etc. course an eligible Master's, etc. student has obtained a Master's, etc. fee loan of less than the relevant maximum, that student may apply to borrow an additional amount which when added to the amount already applied for does not exceed the relevant maximum applicable in that student's case.

(12) Where an eligible Master's, etc. student has not obtained a Master's, etc. fee loan in respect of an earlier academic year that student cannot request the unclaimed amount in a later academic year.

(13) For the purposes of paragraph (11) "relevant maximum" means the lesser of—

- (a) £5,500 and the fees charged to the student in respect of that academic year, where the designated Master's, etc. course falls within regulation 152(2)(a);
- (b) £2,750 and the fees charged to the student in respect of that academic year, where the designated Master's, etc. course falls within regulation 152(2)(b);
- (c) £1,834 and the fees charged to the student in respect of that academic year, where the designated Master's, etc. course falls within regulation 152(2)(c).

Applications for support

157.—(1) A person (the "applicant") must apply for a Master's, etc. fee loan in connection with each academic year of a designated Master's, etc. course by completing and submitting to the Department an application in such form and accompanied by such documentation as the Department may require.

(2) The application must be accompanied by—

- (a) a declaration under regulation 158 completed by the academic authority; and
- (b) such additional documentation as the Department may require.

(3) The Department may take such steps and make such inquiries as it considers necessary to determine whether the applicant is an eligible Master's, etc. student, whether the applicant qualifies for a Master's, etc. fee loan and the amount payable, if any.

(4) The Department must notify the applicant of whether the applicant qualifies for a Master's etc. fee loan and, if the applicant does qualify, the amount payable in respect of the academic year, if any.

Declarations provided by academic authorities

158.—(1) Subject to paragraph (2), the academic authority must, on the request of the applicant, complete a declaration in such form as may be required by the Department to accompany the application for a Master's, etc. fee loan.

(2) An academic authority is not required to complete a declaration if it is unable to give the confirmation required.

(3) In this Part, "*declaration*" means—

- (a) where the applicant is applying for a Master's, etc. fee loan in connection with the designated Master's, etc. course in respect of the first or only academic year, a statement that—
 - (i) provides the course information; and
 - (ii) confirms that the applicant has enrolled and has undertaken at least two weeks of the designated Master's, etc. course;
- (b) in any other academic year, a statement that—
 - (i) provides the course information; and
 - (ii) confirms that the applicant remains enrolled and continues to undertake the remaining academic year of the designated Master's, etc. course in respect of which the applicant is applying for a Master's, etc. fee loan.

(4) In this regulation, "*course information*" means—

- (a) the amount of fees being charged in respect of the academic year in respect of which the applicant is applying for a Master's, etc. fee loan;
- (b) whether the course falls within sub-paragraph (a), (b) or (c) of regulation 152(2);
- (c) certification by the academic authority that it considers—
 - (i) the course to be a designated Master's, etc. course;
 - (ii) that it will be possible for the applicant to complete the course within the period specified in regulation 152(2).
 - (iii) in the case of a designated Master's, etc. course which is a distance learning course, that the applicant is undertaking the course in Northern Ireland;

(5) For the purposes of paragraph (4)(c)(ii), the academic authority must have regard to—

- (a) any increase in intensity of study that would be required for the applicant to complete the course within the period specified in regulation 152(2); and
- (b) any parts of the course which the applicant has been required to repeat.

Time limits

159.—(1) The general rule is that the application must reach the Department no later than the end of the ninth month beginning with the first day of the academic year of the course in respect of which it is submitted.

(2) The general rule does not apply where—

- (a) one of the events listed in regulation 151 occurs after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the Department not later than the end of the ninth month beginning with the day on which the relevant event occurred;
- (b) the applicant is applying for an additional amount of the Master's, etc. fee loan under regulation 156(4) or (11), in which case the application must reach the

Department no later than one month before the end of the academic year of the designated Master's, etc. course to which the application relates;

- (c) the Department considers that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the Department not later than such date as it specifies.

Requirement to enter into a contract for a Master's, etc. fee loan

160.—(1) To receive a Master's, etc. fee loan a student must enter into a contract with the Department.

(2) Where the Department requires a contract to be signed by a student, an electronic signature in such form as the Department may specify satisfies such a requirement.

Provision of United Kingdom national insurance number

161.—(1) The Department may make it a condition of entitlement to payment of the Master's, etc. fee loan or any instalment of the Master's, etc. fee loan that the eligible Master's, etc. student must provide the Department with the student's United Kingdom national insurance number.

(2) Where the Department has imposed a condition under paragraph (1), the Department must not make any payment of the Master's, etc. fee loan or any instalment of the Master's, etc. fee loan to or in respect of the eligible Master's, etc. student before the Department is satisfied that the student has complied with that condition.

(3) Despite paragraph (2), the Department may make a payment of the Master's, etc. fee loan to an eligible Master's, etc. student if the Department is satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible Master's, etc. student having complied with the condition imposed under paragraph (1).

Information requirements

162.—(1) Schedule 4 deals with the provision of information.

(2) The Department may at any time request from an applicant or eligible Master's, etc. student information that the Department considers is required to recover a Master's, etc. fee loan.

(3) The Department may at any time require an applicant or eligible Master's, etc. student to enter into an agreement to repay a Master's, etc. fee loan by a particular method.

(4) The Department may at any time request from an applicant or eligible Master's, etc. student sight of their valid national identity card, valid passport issued by the state of which they are a national or their birth certificate.

(5) Where the Department has requested information under this regulation, the Department may withhold any payment of a Master's, etc. fee loan until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

(6) Where the Department has required an agreement as to the method of repayment under this regulation, the Department may withhold any payment of a Master's, etc. fee loan until the person provides what has been required.

Payment of Master's, etc. fee loan

163.—(1) The Department must pay the Master's, etc. fee loan for which an eligible Master's, etc. student qualifies to an institution to which the student is liable to make payment.

(2) The Department may pay the Master's, etc. fee loan in instalments.

(3) The Department must not pay the Master's, etc. fee loan or instalment of Master's, etc. fee loan until the Department has received from the academic authority—

- (a) a request for payment; and
- (b) confirmation (in such form and at such times as may be required by the Department) of the student's attendance on the designated Master's, etc. course for the period to which the instalment relates.

(4) In this regulation, "*confirmation of the student's attendance*" means confirmation from the academic authority that the student—

- (a) has enrolled for the academic year and has begun to attend (or in the case of a distance learning course undertake) the course for that academic year, where the confirmation relates to payment of the Master's, etc. fee loan or the first instalment of the Master's, etc. fee loan for the academic year; or
- (b) remains enrolled and continues to attend (or in the case of a distance learning course undertake) the course, where the confirmation relates to payment of an instalment of the Master's, etc. fee loan other than the first instalment.

(5) The academic authority must forthwith inform the Department if a student withdraws, is suspended or is expelled from their course, or is otherwise absent.

Overpayments of Master's, etc. fee loan

164.—(1) Any overpayment of Master's, etc. fee loan is recoverable by the Department from—

- (a) the academic authority; or
- (b) the student in respect of whom the payment of Master's, etc. fee loan was made.

(2) A student must, if so required by the Department, repay any amount of Master's, etc. fee loan paid in respect of the student which for whatever reason exceeds the amount of Master's, etc. fee loan to which the student is entitled.

(3) An overpayment of a Master's, etc. fee loan may be recovered from a student under paragraph (1)(b) in whichever one or more of the following ways the Department considers appropriate in all the circumstances—

- (a) by subtracting the overpayment from any amount on the Master's, etc. fee loan which remains to be paid;
- (b) by subtracting the overpayment from any kind of grant or loan payable to or in respect of the student from time to time pursuant to regulations made by the Department under Article 3 of the Order;
- (c) by requiring the student to repay the Master's, etc. fee loan in accordance with regulations made by the Department under Article 3 of the Order;
- (d) by taking such other action for the recovery of an overpayment as is available to the Department.

Withdrawal, abandonment, expulsion, absence, etc. from course

165.—(1) If the Department receives notice under regulation 163(5) or paragraph (2)(a), (c) or (d) of Schedule 4 of an eligible Master's, etc. student's withdrawal, abandonment, expulsion, absence, etc. from the designated Master's, etc. course, the Department may not make any further payment of the Master's, etc. fee loan.

(2) If the eligible Master's, etc. student recommences the course the student must inform the Department and give full details of the length and cause of the preceding absence.

(3) If the student resumes their studies on the course within two years of the absence period commencing, the Department may resume further payments of the Master's, etc. fee loan under regulation 163, if in the opinion of the Department, it would be appropriate in all the circumstances for such payment to be made.

(4) If the student resumes their studies on the course after two years of the absence period commencing, the Department may resume further payments of the Master's, etc. fee loan under regulation 163 only if the Department deems that there were compelling personal reasons for the student's absence from the course."

SCHEDULE 2

Regulation 45

"SCHEDULE 3A

Regulation 141(1)(b)

DESIGNATED POSTGRADUATE COURSES (FOR THE PURPOSES OF DISABLED POSTGRADUATE STUDENTS' ALLOWANCE PAYABLE UNDER PART 12)

1. A Postgraduate Certificate
2. A Postgraduate Diploma
3. A Master's degree
4. A Doctoral degree
5. A course recognised by the Department for the purposes of converting a Postgraduate Certificate into either a Postgraduate Diploma, a Master's degree or a Doctoral degree.
6. A course recognised by the Department for the purposes of converting a Postgraduate Diploma into a Master's degree or a Doctoral degree.
7. A course recognised by the Department for the purposes of converting a Master's degree into a Doctoral degree.

SCHEDULE 3B

Regulation 152

DESIGNATED MASTER'S, ETC. COURSES

1. A Master's degree.
2. A Postgraduate Diploma.
3. A Postgraduate Certificate.
4. A course recognised by the Department for the purposes of converting a Postgraduate Certificate into a Postgraduate Diploma or a Master's degree.
5. A course recognised by the Department for the purposes of converting a Postgraduate Diploma into a Master's degree."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) (No.2) Regulations (Northern Ireland) 2009 (S.R. 2009 No. 373) (“the Principal Regulations”) and make consequential amendments to the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009, (“the Repayment Regulations”). The Principal 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 policy and technical changes to the Principal Regulations to introduce a package of tuition fee loans for part-time undergraduate, distance learning undergraduate and certain types of postgraduate students, referred to in these Regulations as eligible Master’s, etc. student. These changes are set out in the paragraphs below.

Regulation 3 amends regulation 2(1) of the Principal Regulations to provide various definitions, including, “Department”, “designated Master’s, etc. course”, “distance learning fee loan”, “eligible Master’s, etc. student”, “Master’s etc. fee loan”, and “part-time fee loan”.

Regulation 4 provides that students will not be entitled to both undergraduate support and the new Master’s, etc. fee loan simultaneously.

Regulation 5 clarifies that undergraduate support will continue to be available to medical, dentistry, veterinary and architecture students following any Master’s, etc. fee loan obtained during a postgraduate intercalation year(s).

Regulations 6 to 22 amend Part 10 of the Principal Regulations to make provision for the distance learning fee loan for designated distance learning courses.

In general terms the maximum distance learning fee loan in respect of an academic year is £3,022.50. The amount will be reduced if any grant has been paid to an eligible distance learning student under regulation 109(1)(a). Regulation 9 clarifies that a distance learning fee loan is available subject to a maximum period of 16 years in aggregate where the student has received, in respect of each of those academic years, relevant support under the Principal Regulations or relevant support from the other UK Jurisdictions as set out at regulation 109.

Regulations 23 to 41 amend Part 11 of the Principal Regulations to make provision for the part-time fee loan for designated part-time courses.

In general terms the maximum part-time fee loan in respect of an academic year is £3,022.50. The amount will be reduced if any grant has been paid to an eligible part-time student under regulation 126(1)(a).

Regulation 25 amends regulation 124 of the Principal Regulations to provide that designated part-time courses can be completed up to four times the period ordinarily required to complete the full time equivalent.

Regulation 27 amends regulation 126 of the Principal Regulations to clarify, inter alia, that an eligible part-time student does not qualify for a grant under regulation 126(1)(a) or (b) unless it is ordinarily possible to complete the designated part-time course in no more than twice the period ordinarily required to complete the full-time equivalent. In terms of the part-time fee loan, however, this is available to an eligible part-time student provided that the course can be completed in not more than four times the period ordinarily required to complete the full-time equivalent. Regulation 27 therefore clarifies that an eligible part-time student does not qualify for a part-time fee loan in an academic year where the intensity of study falls below 25% of the full-time equivalent course. Regulation 27 further clarifies that a part-time fee loan is available subject to a maximum period of 16 years in aggregate where the student has received, in respect of each of those academic years relevant support under the Principal Regulations or relevant support from the other UK Jurisdictions as set out at regulation 126.

Regulation 42 amends Part 12 of the Principal Regulations. The Disabled Postgraduate Students' Allowance will now be available to eligible postgraduate students undertaking designated postgraduate courses for up to three times the time taken to complete the full-time equivalent course. New Schedule 3A specifies the designated postgraduate courses.

Regulation 43 inserts a new Part 13 into the Principal Regulations, which makes provision for Master's, etc. fee loan for designated Master's, etc. courses. The Master's, etc. fee loan is non means tested. A designated Master's, etc. course can be no longer than three years in duration, the courses are specified at new Schedule 3B. The maximum Master's, etc. fee loan available in respect of the entire designated Master's, etc. course is £5,500.00. Where the designated Master's, etc. course is completed in a one year period, the entire Master's, etc. fee loan is payable in respect of that one year period, where it is completed within a two or three year period, the £5,500.00 is divided over the course of the two or three academic years, whichever is applicable.

Regulation 44 amends Schedule 2 to the Principal Regulations to make consequential provision to Paragraph 9, (EC nationals) for designated Master's, etc. courses. It also clarifies that support is available for designated distance learning courses.

Regulation 45 inserts into the Principal Regulations new Schedule 3A (Designated postgraduate courses) for the purpose of Disabled Postgraduate Students' Allowance and new Schedule 3B (Designated Master's, etc. courses) for the purpose of the Master's, etc. tuition fee loan.

Regulation 46 makes consequential amendments to Schedule 4 to the Principal Regulations in respect of information to be provided to the Department relating to eligible Master's, etc. students.

Regulations 47 to 50 make consequential amendments to the Repayment Regulations.

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.

© Crown copyright 2017

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£6.00

NI201701267 02/2017 19585

<http://www.legislation.gov.uk/id/nisr/2017/7>

ISBN 978-0-33-800720-9



9 780338 007209