

EXPLANATORY MEMORANDUM TO
EDUCATION (STUDENT SUPPORT) (AMENDMENT) REGULATIONS
(NORTHERN IRELAND) 2018

S.R. No. 35

1. Introduction

- 1.1** This Explanatory memorandum has been prepared by the Department for the Economy (“the Department”) to accompany S.R. 2018 No. 35 which is laid before the Northern Ireland Assembly.
- 1.2** The Statutory Rule is made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998 and is subject to the negative resolution procedure.
- 1.3** The rule will come into operation in accordance with regulation 1.

2. Purpose

This rule provides support for students taking designated higher education courses in respect of the academic year beginning on or after 1 September 2018 and makes amendments to the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (“the 2009 Regulations”). The effect of the rule is to:

- a. increase the amounts of grants for tuition fees (for those students still eligible for such grants) and student loans for tuition fees in line with inflation for the 2018/19 academic year for full-time students;
- b. maintain grants and loans for living costs for academic year 2018/19 at 2017/18 levels for full-time students and freeze grants for fees, course grants and disabled students’ allowances for part-time and full-time distance learning students;
- c. increase student loans for tuition fees for part-time and distance learning students in line with inflation for the 2018/19 academic year;
- d. maintain disabled students’ allowances and tuition fee loans for postgraduate students for academic year 2018/19 at 2017/18 levels; and
- e. introduce minor policy and technical changes required to tighten up existing policy.

3. Background

The rule makes provision for support available in relation to an academic year beginning on or after 1st September 2018 and amends some of the provisions in the 2009 Regulations.

The policy and technical changes effected by this rule are:

3.1 Further clarification on the designation of full-time distance learning and part-time distance learning courses for the purposes of student financial support

These Regulations amend the 2009 Regulations to provide further clarification on the designation of full-time distance learning and part-time distance learning courses for student financial support. The purpose of the amendments is to clarify that the Department may designate full-time distance learning and part-time distance learning courses for student support if the student attends the institution or institutions for registration; enrolment; examinations; at the weekend; from time to time during the week; or, during the holidays.

3.2 Small residency change for members of the Armed Forces and their close family members who are posted outside Northern Ireland but within the United Kingdom and wishing to study distance learning courses

The 2009 Regulations currently require prospective students to be resident in Northern Ireland on the first day of a distance learning course. These amendments will ensure that a member of the armed forces (or their close family member) may still qualify for support for full-time distance learning undergraduate, part-time distance learning undergraduate and distance learning postgraduate courses if on the first day of the course they are undertaking it outside Northern Ireland but within the United Kingdom.

3.3 Small amendment in relation to previous study for Master's etc. fee loans

These amendments change previous study rules so a student who has already received a Postgraduate Master's loan paid from public funds in the United Kingdom, may not obtain another loan under these Regulations, unless that student has compelling personal reasons.

4. Consultation

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

5. Equality Impact Assessment

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

6. Regulatory Impact Assessment

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

7. Financial Implications

The financial implications of the student support package for academic year 2018/19 have been costed and take into account the financial restrictions in the current CSR period.

8. Section 24 of the Northern Ireland Act 1998

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

9. EU Implications

Not applicable.

10. Parity or Replicatory Measures

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

11. Contact

Linda Meldrum at the Department for the Economy, Tel: 028 90 257424 or email: linda.meldrum@economy-ni.gov.uk can answer any queries regarding this Rule.