

2020 No. 79

EDUCATION

**The Education (Student Support) (Amendment) Regulations
(Northern Ireland) 2020**

Made - - - - *12th May 2020*

Coming into operation - *4th June 2020*

The Department for the Economy (a) in exercise of the powers conferred by Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(b) and Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005(c) makes the following Regulations.

PART 1

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Support) (Amendment) Regulations (Northern Ireland) 2020 and come into operation on 4th June 2020.

(2) The following regulations apply in relation to the provision of support to a student in relation to an academic year which begins on or after 1st August 2020, whether or not anything done under these regulations is done before, on, or after that date—

- (a) regulation 13, 14 and 15 (removal of the yearly cap)
- (b) regulation 18 and the Schedule (new payments relating to student support).

(3) The following regulations apply in relation to the provision of support to a student in relation to a course which begins on or after 1st August 2020 (the “current course”), whether or not anything done under these regulations is done before, on, or after that date—

- (a) regulation 11 (qualification for childcare grant)
- (b) regulation 12 (master’s degree students who have previously received a grant from the Welsh Government).

(4) In paragraph (2), an “academic year” is the period of twelve months beginning with 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of

(a) Formerly the Department for Employment and Learning; see Article 6(1)(c) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76)

(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) S.I. 2005/1116 see Article (2) for definitions of “the Department”, “prescribed” and “regulations”.

the course in question begins, according to whether the academic year of the course in question begins—

- (a) on or after 1st January and before 1st April;
- (b) on or after 1st April and before 1st July;
- (c) on or after 1st July and before 1st August; or
- (d) on or after 1st August and on or before 31st December.

PART 2

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

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

2. The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009(a) are amended in accordance with regulations 3 to 18.

Amendments relating to accelerated courses

- 3.** In regulation 8(2)(b) (grounds for transfer of eligible status)—
- (a) in sub-paragraph (a)(i) omit “which is not an accelerated course”;
 - (b) in sub-paragraph (b)(i) omit “which is not an accelerated course”.

Amendments relating to assessment of the residual income

4. In regulation 43(6)(c) (interpretation of chapter 4: calculation of eligible student’s adult dependants’ residual income), for “(8), (9) and (10)” substitute “(3)(b) and (c), (3A)(b) and (c), (8), (9) and (10)”.

5. In Schedule 5(d) (financial assessment)—

- (a) in paragraph 1(1)(n) (definition of “taxable income”)—
 - (i) for “(3), (4) and (5)” substitute “(3) to (4A)”;
 - (ii) after “prior financial year” insert “and in relation to paragraph 7, in respect (subject to sub-paragraphs (2) to (5) of paragraph 7) of the prior financial year”;
- (b) in paragraph 5 (calculation of parent’s residual income)—
 - (i) for sub-paragraphs (3), (3A) and (4) substitute—

“(3) The Department may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain A’s residual income for the financial year beginning immediately before the relevant year (“the current financial year”) if the Department is satisfied that—

 - (a) where the eligible student’s household income is determined by reference to the residual income of A alone, the residual income of A in the current financial year is likely to be not more than 95% of the sterling value of A’s residual income in the prior financial year;

(a) S.R. 2009 No. 373, amended by S.R. 2010 No. 383, S.R. 2012 Nos. 62 and 398, S.R. 2013 Nos. 128 and 223, S.R. 2014 Nos. 97 and 309, S.R. 2016 No. 21, S.R. 2017 No. 7, S.R. 2017 No.43, S.R. 2018 No. 35, S.R. 2019 No.35 and S.R 2019 No. 102.

(b) Regulation 8(2) was amended by S.R. 2019 No.35.

(c) Regulation 43(6) was inserted by S.R. 2012 No. 398.

(d) Schedule 5 was amended by S.R.s 2010 No. 383, 2014 No. 309, 2016 No. 21 and 2017 No. 43.

- (b) where the eligible student’s household income is determined by reference to the residual income of both parents, the aggregate of the residual incomes of A and the other parent in the current financial year is likely to be not more than 95% of the sterling value of the aggregate of the residual incomes of A and the other parent in the prior financial year; or
- (c) where the eligible student’s household income is determined by reference to the residual income of A and A’s partner, the aggregate of the residual incomes of A and A’s partner in the current financial year is likely to be not more than 95% of the sterling value of the aggregate of—
 - (i) the residual income of A in the prior financial year applicable to A; and
 - (ii) the residual income of A’s partner in the prior financial year applicable to A’s partner.

(3A) In the event that sub-paragraph (3) or this paragraph was applied in the previous academic year of the current course, the Department may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain A’s residual income for the current financial year if the Department is satisfied that—

- (a) where the eligible student’s household income is determined by reference to the residual income of A alone, the residual income of A in the current financial year is likely to be not more than 95% of the sterling value of A’s residual income in the previous financial year;
- (b) where the eligible student’s household income is determined by reference to the residual income of both parents, the aggregate of the residual incomes of A and the other parent in the current financial year is likely to be not more than 95% of the sterling value of the aggregate of the residual incomes of A and the other parent in the previous financial year; or
- (c) where the eligible student’s household income is determined by reference to the residual income of A and A’s partner, the aggregate of the residual incomes of A and A’s partner in the current financial year is likely to be not more than 95% of the sterling value of the aggregate of the residual incomes of A and A’s partner in the previous financial year.

(4) In an academic year immediately following one in which the Department has ascertained A’s residual income for the current financial year under sub-paragraph (3) or, where applicable, under sub-paragraph (3A), the Department must ascertain A’s residual income in the preceding financial year.

(4A) In an academic year immediately following one in which the Department has ascertained A’s residual income for the previous financial year under sub-paragraph (4), the Department must ascertain A’s residual income in the prior financial year.”;

- (ii) in sub-paragraph (5), for “prior financial year”, in the second place it occurs, substitute “financial year immediately preceding the preceding financial year”;

(c) in paragraph 6 (calculation of eligible student’s partner’s residual income)—

- (i) in sub-paragraph (1)—
 - (aa) for “(2), (3) and (4)” substitute “(2) and (3)”;
 - (bb) before “income” insert “residual”;
 - (cc) for “(8), (9) and (10)” substitute “(3)(b) and (c), (3A)(b) and (c), (8), (9) and (10)”;
- (ii) in sub-paragraph (2), before “income” in the first place it occurs, insert “residual”;
- (iii) in sub-paragraph (3), before “income” in each place it occurs, insert “residual”;
- (iv) omit sub-paragraph (4);

(d) for paragraph 7 (calculation of parent’s partner’s residual income) substitute—

“Calculation of parent’s partner’s residual income

7.—(1) For the purposes of determining the residual income of an eligible student’s parent’s partner (“P”), there is deducted from the taxable income of P the aggregate of any amounts falling within any of the following sub-paragraphs (unless already deducted in determining a person’s taxable income)—

- (a) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given under section 188 of the Finance Act 2004(a), or where the income is computed for the purposes of the income tax legislation of another Member State, the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;
- (b) in any case where income is computed for the purposes of the Income Tax Acts by virtue of sub-paragraph (7), any sums equivalent to the deduction mentioned in paragraph (a) of this sub-paragraph, provided that any sums deducted do not exceed the deductions which would be made if the whole of P’s income were in fact income for the purposes of the Income Tax Acts;
- (c) where P is a parent student or P holds a statutory award, £1,153.

(2) The Department may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain P’s residual income for the financial year beginning immediately before the relevant year (“the current financial year”) if the Department is satisfied that the aggregate of the residual incomes of P and the eligible student’s parent in the current financial year is likely to be not more than 95% of the sterling value of the aggregate of—

- (a) the residual income of P in the prior financial year applicable to P; and
- (b) the residual income of the eligible student’s parent in the prior financial year applicable to the parent.

(3) In the event that sub-paragraph (2) or this paragraph was applied in the previous academic year of the current course, the Department may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain P’s residual income for the current financial year if the Department is satisfied that the aggregate of the residual incomes of P and the eligible student’s parent in the current financial year is likely to be not more than 95% of the sterling value of the aggregate of the residual incomes of P and the eligible student’s parent in the previous financial year.

(4) In an academic year immediately following one in which the Department has ascertained P’s residual income for the current financial year under sub-paragraph (2) or, where applicable, under sub-paragraph (3), the Department must ascertain P’s residual income in the preceding financial year.

(5) In an academic year immediately following one in which the Department has ascertained P’s residual income for the previous financial year under sub-paragraph (4), the Department must ascertain P’s residual income in the prior financial year.

(6) Where P satisfies the Department that P’s income is wholly or mainly derived from the profits of a business or profession carried on by P then any reference in this Schedule to a prior financial year in relation to P means the earliest period of twelve months which ends after the start of the financial year immediately preceding the preceding financial year and in respect of which accounts are kept relating to that business or profession.

(7) Where P is in receipt of any income which does not form part of P’s income for the purpose of the Income Tax Acts or the income tax legislation of another Member State by reason only that—

(a) 2004 c. 12. Section 188 was amended by paragraph 2 of Schedule 18 to, and paragraph 1 of Schedule 27 to, the Finance Act 2007 (c. 11), section 52 of the finance Act 2013 (c. 29), paragraph 13 of Schedule 7 to the Finance Act 2014 (c. 26)

- (a) P is not resident or domiciled in the United Kingdom, or where P's income is computed as for the purposes of the income tax legislation of another Member State, not so resident or domiciled in that Member State;
- (b) the income does not arise in the United Kingdom, or where P's income is computed for the purposes of the income tax legislation of another Member State, does not arise in that Member State; or
- (c) the income arises from an office, service or employment, income for which is exempt from tax in pursuance of any legislation,

P's taxable income for the purposes of this Schedule is computed as though the income under this sub-paragraph were part of P's income for the purpose of the Income Tax Acts or the income tax legislation of another Member State, as the case may be.

(8) Where P's income is computed as for the purposes of the income tax legislation of another Member State, it is computed under the provisions of this Schedule in the currency of that Member State and P's income for the purposes of this Schedule is the sterling value of that income determined in accordance with the average rate published by Her Majesty's Revenue and Customs for the calendar year which ends before the end of the prior financial year.

(9) Where the Department determines that P and the eligible student's parent are separated for the duration of the relevant year, P's residual income is not taken into account in determining the household income.

(10) Where the Department determines that P and the eligible student's parent have separated in the course of the relevant year, P's residual income is determined by reference to P's residual income under sub-paragraph (1) divided by 52 and multiplied by the number of complete weeks in the relevant year for which the Department determines that P and the eligible student's parent are not separated."

Amendments relating to the power to de-designate courses

- 6.** In regulation 6(a) (Designated courses), after paragraph (9), insert
“(10) The Department may revoke or suspend the designation of a course which is designated under this regulation.”
- 7.** In regulation 107(b) (Designated distance learning courses), after paragraph (5), insert
“(6) The Department may revoke or suspend the designation of a course which is designated under this regulation.”
- 8.** In regulation 124(c) (Designated part-time courses), after paragraph (8), insert
“(9) The Department may revoke or suspend the designation of a course which is designated under this regulation.”
- 9.** In regulation 141(d) (Designated postgraduate courses), after paragraph (4), insert
“(5) The Department may revoke or suspend the designation of a course which is designated under this regulation.”
- 10.** In regulation 152(e) (Designated Master's, etc. courses), for paragraph (9), substitute
“(9) The Department may revoke or suspend the designation of a course which is designated under this regulation.”

(a) Regulation 6 was amended by S.R.s 2013 No. 223, 2019 No. 35 and 2019 No. 102.
 (b) Regulation 107 was amended by S.R. 2018 No. 35
 (c) Regulation 124 was amended by S.R.s 2013 No. 223, 2017 No. 7, 2018 No. 35 2019 No. 35 and 2019 No. 102
 (d) Regulation 141 was amended by S.R.s 2013 No. 223, 2017 No. 7, 2019 No. 35 and 2019 No. 102.
 (e) Regulation 152(9) was inserted by S.R. 2017 No. 7

Amendments relating to qualification for the childcare grant

11. In regulation 46 (Childcare grant) for sub-paragraph (3)(a) substitute—

“A does not qualify for a childcare grant if—

- (a) A or A’s partner has elected to receive the childcare element of the working tax credit under Part I of the Tax Credits Act 2002;
- (b) A or A’s partner is entitled to an award of universal credit, the calculation of which includes and amount under regulation 32 (childcare costs element) of the Universal Credit Regulations (Northern Ireland) 2016; or
- (c) A’s partner has elected to receive financial support for childcare under a healthcare bursary or Scottish healthcare allowance.”

Amendments relating to fee support for master’s degree students who have previously received a grant from the Welsh Government

12. In regulation 149(b) (Eligible Master’s, etc. students)

(a) In paragraph (3) for sub-paragraph (g) substitute—

“(g) subject to paragraph (15), A has previously received—

- (i) a Postgraduate Master’s Degree loan other than under these Regulations in respect of a course, where that loan was paid out of funds provided by a government authority within the United Kingdom.; or
- (ii) a grant under regulation 33(1) of the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019 (base grant or contribution to costs grant).”

(b) In paragraph (15) –

- (i) In head (ii) after “Kingdom”, add “,or”; and
- (ii) After head (ii), add –
 - (aa) “(iii) a grant under regulation 33(1) of the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019 (base grant or contribution to costs grant).”

Amendments relating to the removal of the yearly cap

13. Omit regulation 155(c) (Availability of Master’s, etc. fee loan to eligible Master’s, etc. students).

14. For regulation 156(d) (Amount of Master’s, etc. fee loan) substitute

“156. —Amount of Master’s, etc. fee loan

(1) The amount of the Master’s, etc fee loan in respect of a designated Master’s, etc course, or courses where the circumstances under paragraph (2) apply, must not exceed, in total, the lesser of -

- (a) £5,500; and
- (b) the fees charged to the student in respect of the designated Master’s, etc. course/s.

(2) 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 (3) apply, the student may apply to the Department to borrow an additional

(a) Regulation 46(3) was substituted by S.R 2016 No. 236.

(b) Regulation 149 was inserted by S.R. 2017 No. 7 and subsequently amended by S.R.s 2017 No. 43 and 2018 No. 35

(c) Regulation 155 was inserted by S.R. 2017 No. 7.

(d) Regulation 156 was inserted by S.R. 2017 No. 7.

amount of Master's, etc. fee loan in respect of the designated Master's, etc. course to which that student transfers.

(3) 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.

(4) Where the circumstances in paragraph (3) apply, the maximum additional amount that the Master's, etc. student may borrow in respect of the designated Master's, etc. course to which that student transfers, provided that the student qualifies for a Master's, etc. fee loan, 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 in respect of the course to which the student is transferring.”

15. In regulation 159(a) (Time Limits), in paragraph (2), in sub-paragraph (b) omit “or 11”.

Amendment relating to Relevant Institutions of Higher Education in the Republic of Ireland

16. In regulation 6(1)(b) (Designated Courses), in head (x) of sub-paragraph (e)

- (a) omit “.”; and
- (b) after “Republic of Ireland” in the final place it occurs insert, “and is a designated undergraduate course in the Republic of Ireland.”

17. In Schedule 6(c) (Relevant Institutions of Higher Education in the Republic of Ireland) omit “Kimmage Development Studies Centre, Kimmage Manor, Dublin”.

Amendments relating to new payment rates for student support

18. The Schedule to these Regulations has effect to substitute the figure in the third column of the table for the figure in the second column where that figure appears in the provision of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 set out in the first column.

Sealed with the Official Seal of the Department for the Economy on 12th May 2020.



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

(a) Regulation 159 was inserted by S.R. 2017 No. 7.
(b) Regulation 6 (1) was amended by S.R. 2018 No. 35 and 2019 No. 102.
(c) Schedule 6 was amended by S.R. 2013 No. 223, 2014 No. 309, 2016 No. 21, 2017 No. 43 and 2019 No.35.

SCHEDULE

Regulation 18

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

<i>Provision in the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009</i>	<i>Existing figure</i>	<i>New figure</i>
Regulation 25		
25(2A)(a)	£4,275	£4,395
25(2B)(a)	£2,125	£2,185
Regulation 32		
32(1)(a)	£1,690	£1,735
32(2)(a)	£825	£845
Regulation 33		
33(1)	£1,690	£1,735
33(2)	£825	£845
Regulation 36		
36(2)(a)	£1,690	£1,735
36(2)(a)	£825	£845
Regulation 89		
89(5)	£1,690	£1,735
Regulation 110A		
110A(1)(a)	£3,206.25	£3,296.25
Regulation 117		
117(4)(d)(i)	£3,206.25	£3,296.25
Regulation 127A		
127A(1)(a)	£3,206.25	£3,296.25
Regulation 135		
135(4A)(d)(i)	£3,206.25	£3,296.25
135(10B)(a)(i)	£3,206.25	£3,296.25
135(19)(a)(i)	£3,206.25	£3,296.25

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amends the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009/373 (“the Student Support Regulations”).

Regulation 3 amends regulation 8 of the Student Support Regulations to provide that a student who transfers from a full-time course which started before 1st August 2019 to an accelerated course in England which started on or after 1st August 2019 will be entitled to apply for a fee loan for their accelerated course in England up to the higher limits that apply for an accelerated course starting on or after 1st August 2019 and grants and loans for living and other costs. The Department will be able to reassess the amount of support payable to the student after the transfer and the student may be able to apply to the Department to borrow an additional amount of loan in respect of the course to which the student transfers.

Regulation 4, and 5(c) make corrections to regulation 43(6) and Schedule 5 which are a consequence of Regulation 5’s amendment to Schedule 5. Regulation 5(c)(iv) omits sub-paragraph 4 of paragraph 6 of Schedule 5

Regulation 5 amends Schedule 5 to the Student Support Regulations and makes provision in circumstances where a student’s household income is based on the incomes of both parents, or a student’s parent and the parent’s partner. In these circumstances, where the parents’, or parent and partner’s, income falls by 5% or more compared to either the “prior financial year” (as defined in the Student Support Regulations), or the previous financial year, the Department may assess the parent’s, or parent’s partner’s, income for the current financial year.

Regulation 5(b)(ii) corrects the definition of “prior financial year” in paragraph 6 of Schedule 5.

Regulations 6 to 10 insert de-designation powers to course designation provisions in the Student Support Regulations.

Regulation 11 corrects an error which was made in paragraph (3) of regulation 46.

Regulation 12 amends regulation 149 in relation to a course which begins on or after 1st August 2020, to provide that a student who has previously received a grant under regulation 33(1) of the Education (Student Support) Postgraduate Master’s Degrees (Wales) Regulations 2019 is not eligible for a master’s degree loan.

Regulation 13 removes regulation 155 and Regulation 14 substitutes regulation 156 in order to facilitate the removal of the yearly cap on tuition fee loan amounts for Master’s, etc. students and limits the amount of loan instead on the basis of the whole course.

Regulation 15 removes a reference to a provision removed by Regulation 13.

Regulation 16 clarifies that only those undergraduate courses designated for support in the Republic of Ireland will be designated for support in Northern Ireland. Regulation 17 then amends Schedule 6 to the 2009 Regulations, which lists the Republic of Ireland institutions that have courses designated for student support.

Regulation 18 and the Schedule to these Regulations amend the Student Support Regulations to update the payment rates for student support in relation to an academic year which begins on or after 1st August 2020.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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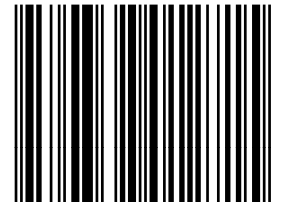
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