
DRAFT STATUTORY INSTRUMENTS

2005 No.

The Higher Education (Northern Ireland) Order 2005

PART III

STUDENT SUPPORT

Effect of bankruptcy

11.—(1) In Article 3 of the 1998 Order (arrangements for giving financial support to students), after paragraph (3)(e) insert—

“(f) with respect to the effect of bankruptcy upon a borrower’s liability to make repayments in respect of such a loan (whether the repayments relate to sums which the borrower receives, or is entitled to receive, before or after the commencement of the bankruptcy).”

(2) Paragraph (3) has effect in relation to the [Education \(Student Loans\) \(Northern Ireland\) Order 1990 \(NI 11\)](#) to the extent that it continues in force by virtue of any savings made, in connection with its repeal by the 1998 Order, by an order under Article 1(3) of the 1998 Order.

(3) Schedule 2 to the [Education \(Student Loans\) \(Northern Ireland\) Order 1990 \(NI 11\)](#)(loans for students) is to have effect as if in paragraph 5(2) (liabilities relating to student loans not to be included in bankruptcy debts) the reference to “any such sum” were a reference to “any sums to which this paragraph applies”.

(4) Nothing in this Article affects any bankruptcy commencing before this Article comes into operation.

Other amendments to the 1998 Order

12.—(1) The 1998 Order (arrangements for giving financial support to students) is amended as follows.

(2) In Article 3(2)(i), for “which have previously made loans of any prescribed description to those persons” substitute “to which those persons are liable to make payments”.

(3) Article 3(7) (which provides that regulations made by virtue of paragraph (2)(b) of that Article are to be subject to approval in draft by the Assembly in certain circumstances) shall cease to have effect.

(4) In Article 8 (regulations) for paragraph (3) substitute—

“(3) Paragraph (1) also does not apply to any other regulations under Article 3 a draft of which has been laid before, and approved by resolution of, the Assembly.”.

Supply of information held by student support authority

13.—(1) Regulations may provide that a student support authority may supply student support information of a prescribed description to a prescribed person for a prescribed purpose.

(2) A person may not be prescribed under paragraph (1) unless the person—

(a) is the governing body of an institution with which eligible students (as defined for the purposes of the student support scheme) are undertaking courses, or

(b) is a person who appears to the Department to be exercising functions of a public nature.

(3) Regulations under paragraph (1) may not allow information to be supplied except with the consent of every individual to whom the information relates, given in such manner as may be prescribed.

(4) Paragraph (3) does not apply to the supply of information for the purposes of any civil or criminal proceedings arising out of the student support scheme.

(5) Regulations under paragraph (1) may provide that information may be supplied under such regulations only if prescribed conditions are met.

(6) This Article does not limit the circumstances in which information may be supplied apart from this Article.

(7) In this Article—

“student support authority” means—

(a) the Department;

(b) any board or governing body by which any function of the Department is for the time being exercisable to any extent by virtue of Article 4(1) of the 1998 Order;

(c) any person or body acting on behalf of the Department to any extent by virtue of Article 4(3) of the 1998 Order;

“student support scheme” means the provisions of regulations under Article 3 of the 1998 Order;

“student support information”, in relation to a student support authority, means any information which the student support authority holds in connection with, or in consequence of, the exercise of any function relating to the operation of the student support scheme.