
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 195

**The Education (Student Support)
Regulations (Northern Ireland) 2007**

PART 12

SUPPORT FOR POSTGRADUATE STUDENTS WITH DISABILITIES

Eligible postgraduate students

125.—(1) An eligible postgraduate student qualifies, subject to and in accordance with this Part, for a grant to assist with the additional expenditure which the Department is satisfied he is obliged to incur by reason of a disability to which he is subject in respect of his undertaking a designated postgraduate course.

(2) Subject to paragraph (4), a person is an eligible postgraduate student in connection with a designated postgraduate course if in assessing his application for support the Department determines that he satisfies the conditions in paragraph (3).

(3) The conditions are—

- (a) the person falls within one of the categories set out in Part 2 of Schedule 2; and
- (b) by reason of a disability to which he is subject, he will be obliged to incur additional expenditure in respect of his undertaking the course.

(4) A person is not an eligible postgraduate student if—

- (a) there has been made to him or paid to him in connection with the course—
 - (i) a healthcare bursary;
 - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 1992⁽¹⁾;
 - (iii) any allowance, bursary or award of similar description made by a Research Council;
 - (iv) any allowance, bursary or award of similar description made by his institution which includes any payment for the purpose of meeting additional expenditure incurred by the student by reason of his disability; or
 - (v) any allowance, bursary or award of similar description made under section 14 (4) (a) of the Health and Personal Social Services Act (Northern Ireland) 2001⁽²⁾ which includes payment for meeting additional expenditure incurred by the student by reason of his disability;
- (b) he is in breach of an obligation to repay any loan;
- (c) he has reached the age of 18 and has not ratified any agreement for a loan made with him when he was under the age of 18; or

⁽¹⁾ S.I. 1992/580, amended by S.S.I. 2002/423, S.S.I. 2003/401 and S.S.I. 2006/323

⁽²⁾ 2001 c. 3 (N.I.)

- (d) he has, in the opinion of the Department, shown himself by his conduct to be unfitted to receive support.
- (5) For the purposes of paragraphs (4)(b) and (4)(c), “loan” means a loan made under the student loans legislation.
- (6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (4)(c) 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 he had no curator.
- (7) An eligible postgraduate student does not qualify for a grant under this Part if the only paragraph in Part 2 of Schedule 2 into which he falls is paragraph 9.
- (8) An eligible postgraduate student does not qualify for a grant under this Part unless the Department considers that he is undertaking his course in the United Kingdom.
- (9) Despite paragraphs (3)(a) and (4), and subject to paragraphs (12) to (14) a person is an eligible postgraduate student for the purposes of this Part if he satisfies the conditions in paragraph (3)(b) and in paragraph (10) or (11).
- (10) The conditions are—
 - (a) the person qualified as an eligible postgraduate student in connection with an earlier academic year of the current designated postgraduate course pursuant to regulations made by the Department under Article 3 of the Order; and
 - (b) the person’s status as an eligible postgraduate student has not terminated.
- (11) The conditions are—
 - (a) the Department has previously determined that the person is an eligible postgraduate student in connection with a designated postgraduate course other than the current designated postgraduate course;
 - (b) the student’s status as an eligible postgraduate student in connection with the course referred to in sub-paragraph (a) has been transferred from that course to the current designated postgraduate 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 postgraduate student has not terminated.
- (12) 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 postgraduate student in connection with an application for support for an earlier year of the current postgraduate course or an application for support in connection with another designated postgraduate course from which his status as an eligible postgraduate student has been transferred to the current postgraduate 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 his spouse, civil partner, parent or step-parent 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 postgraduate student terminates immediately before the first day of the academic year in respect of which he is applying for support.
- (13) 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 postgraduate student in connection with an application for support for an earlier

year of the current postgraduate course or an application for support in connection with another designated postgraduate course from which his status as an eligible postgraduate student has been transferred to the current postgraduate course; and

- (b) as at the day before the academic year in respect of which A is applying for support, 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 postgraduate student terminates immediately before the first day of the academic year in respect of which he is applying for support.

(14) Paragraphs (12) and (13) do not apply where the student began the course in connection with which the Department determined that he was an eligible postgraduate student before 1st September 2007.

- (15) An eligible postgraduate student may not, at any one time, qualify for support for—
 - (a) more than one designated postgraduate course;
 - (b) a designated postgraduate course and a designated course;
 - (c) a designated postgraduate course and a designated part-time course.