
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 85

**The Education (Student Fees and Support) (Amendment)
(No.2) Regulations (Northern Ireland) 2021**

Amendment of Part 10

9. Part 10 (support for full-time distance learning courses) is amended as follows—

(a) in regulation 105(1) (eligible distance learning students)—

(i) for paragraph (2) substitute—

“(2) Subject to the following provisions of this regulation, a person is an eligible distance learning student in connection with a designated distance learning course if in assessing that person’s application for support the Department determines that the person falls within one of the categories set out—

(a) in paragraphs 2, 2A, 3, 4, 4A, 4B, 4C, 4D, 4E, 4F, 5, 6A, 6B, 7A, 8A, 9A, 9B, 9C, 9D, 10A, 11A, 12A and 13 in Part 2 of Schedule 2; or

(b) in paragraphs 6, 7, 8, 9, 10, 11 and 12 in Part 2 of Schedule 2 where paragraph (2A) applies.

(2A) This paragraph applies where—

(a) in connection with a designated distance learning course beginning before 1st August 2021, the Department—

(i) in assessing an application for support by a person (“A”) determined that A fell within one of the categories set out in paragraphs 6, 7, 8, 9, 10, 11 and 12 in Part 2 of Schedule 2 in relation to an academic year of the course beginning before 1st August 2021; or

(ii) would have so determined had A made an application for support in accordance with this Part in relation to an academic year of the course beginning before that date; and

(b) A applies for support in connection with that course or a designated distance learning course to which A’s status as an eligible distance learning student is transferred from that course in accordance with this Part.

(2B) In connection with a designated distance learning course beginning on or after 1st January 2028, paragraph (2) has effect as if paragraphs 8A, 9B and 9D were omitted.”;

(ii) after paragraph (12), insert—

“(12A) Where—

(a) the Department determined that, by virtue of being a person with protected rights with limited leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, a person (“A”) was an eligible distance learning student in connection with—

- (i) an application for support for an earlier year of the current distance learning course; or
 - (ii) an application for support in connection with a designated distance learning course or other designated course from which A's status as an eligible distance learning student or eligible student has been transferred to the current distance learning course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, A no longer has extant limited leave to enter or remain granted by virtue of residence scheme immigration rules and no further leave to enter or remain has been granted under those rules,

A's status as an eligible distance learning student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(12B) Where—

- (a) the Department determined, that by virtue of—
 - (i) falling within paragraph (a)(iii) of the definition of “person with protected rights”; or
 - (ii) meeting the conditions in paragraph 3(1)(a)(iii) in Part 2 of Schedule 2, a person (“A”) is an eligible distance learning student in connection with an application for support for an academic year of a designated distance learning course; and
- (b) as at the day before the academic year begins, A is not a person with protected rights,

A's status as an eligible distance learning student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(12C) Where—

- (a) the Department determined that, by virtue of—
 - (i) falling within paragraph (a)(iv) of the definition of “person with protected rights”; or
 - (ii) meeting the conditions in paragraph 3(1)(a)(iv) in Part 2 of Schedule 2, a person (“A”) is an eligible distance learning student in connection with an application for support for an academic year of a designated distance learning course, and
- (b) as at the day before the academic year begins, the relevant period has expired and A is not a person with protected rights,

A's status as an eligible distance learning student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (b) in regulation 106(2) (students becoming eligible during the course of a year) —
 - (i) in paragraph (1A) —
 - (aa) omit “(c)”;
 - (bb) for “or (m)”, substitute “, (m) or (n)”;
 - (ii) in paragraph (2) —
 - (aa) omit “(e)”;
 - (bb) for “or (m)”, substitute “, (m) or (n)”;

- (iii) in paragraph (3) —
 - (aa) omit “(e)”;
 - (bb) for “or (m)”, substitute “, (m) or (n)”;
- (iv) in paragraph (4)—
 - (aa) omit sub-paragraph (c);
 - (bb) for sub-paragraph (d) substitute—
 - “(d) a family member described in paragraph 9A(1)(a), 9C(1)(a) or 9D(1)(a) of Schedule 2;”;
 - (cc) omit sub-paragraph (e);
 - (dd) in sub-paragraph (g) after “described in” insert “paragraph 6A(1)(a) or 6B(1)(a) of Schedule 2 or, where regulation 105(2A)(a) applies, in”;
 - (ee) for sub-paragraph (h) substitute—
 - “(h) the student becomes a person described in paragraph 11A(a) of Schedule 2, or where regulation 105(2A)(a) applies, in paragraph 11 (a) of Schedule 2;”
 - (ff) for sub-paragraph (i) substitute—
 - “(i) where regulation 105(2A)(a) applies, the person becomes a person described in paragraph 12(a) of Schedule 2;”;
 - (gg) omit the “or” at the end of sub-paragraph (l);
 - (hh) at the end of sub-paragraph (m) insert “; or”;
 - (ii) after sub-paragraph (m), insert—
 - “(n) the student becomes a person described in paragraph 9B(1)(a) (ii) of Schedule 2;”.
- (c) in regulation 109(2) (support for distance learning courses), for the words from “in Part 2” to “paragraph 9” substitute “or paragraphs in Part 2 of Schedule 2 into which the student falls is one or more of paragraphs 2A, 9, 9A, 9C or 9D.”;
- (d) in regulation 112(2) (disabled distance learning students’ allowance), for the words from “in Part 2” to “paragraph 9” substitute “or paragraphs in Part 2 of Schedule 2 into which the student falls is one or more of paragraphs 2A, 9, 9A, 9C or 9D.”.