STATUTORY RULES OF NORTHERN IRELAND

2021 No. 50

EDUCATION

The Education (Student Support, etc.) (Amendment) Regulations (Northern Ireland) 2021

Made - - - -	*4th March 2021*
Coming into operation-	*25th March 2021*

The Department for the Economy(**1**) in exercise of the powers conferred by Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(**2**) and Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005(**3**) makes the following Regulations.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Support, etc.) (Amendment) Regulations (Northern Ireland) 2021.

(2) These Regulations come into operation on 25th March 2021.

(3) The following provisions apply in relation to the provision of support to a student in relation to an academic year which begins on or after 1st August 2021, whether or not anything done under these Regulations is done before, on or after that date—

(a) regulations 4 to 6, 9, 10 and 15 to 21,

(b) regulation 23 and Schedule.

(4) The following provisions apply in relation to the provision of support to a student in relation to a course which begins on or after 1st August 2021, whether or not anything done under these Regulations is done before, on or after that date—

(a) regulations 7, 8 and 11 to 14.

(5) In paragraph (3), 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 the course in question begins, according to whether the academic year of the course in question begins—

(**1**) 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)

(**2**) 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

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

(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.

Interpretation

2. In these Regulations "the 2009 Regulations" means the Education (Student Support) (No.2) Regulations (Northern Ireland) 2009(**4**).

Amendments in relation to notification of absence from courses

3. In Schedule 4(**5**) (information) to the 2009 Regulations—

(a) in paragraph 2—

(i) in the words before sub-paragraph (a)—

(aa) for "Every" substitute "An";

(bb) for "and eligible" substitute "or eligible"

(ii) for sub-paragraphs (a) to (g) substitute—

"(a) they withdraw from or abandon their course;

(b) they are expelled from their course;

(c) they transfer to another course (whether at the same institution or not);

(d) they are absent from their course for more than 60 days due to illness;

(e) they are suspended from their course (whether at their request or not);

(f) the month for the start or completion of their course changes;

(g) their home or term-time address or telephone number changes;

(h) they become, or cease to be, a prisoner.";

(b) after paragraph 2, insert—

"**2A.**—(1) An academic authority must forthwith inform the Department and provide the Department with particulars if an applicant, eligible student, eligible distance learning student, eligible part-time student or eligible Master's, etc. student—

(a) withdraws from or abandons their course;

(b) is expelled from their course;

(c) is absent from their course for more than 60 days due to illness;

(d) is suspended from their course (whether at their request or not).

(2) An academic authority is not required to provide under sub-paragraph (1) any information which it has already provided to the Department under regulation 99(5), 119A(4) 137A(4) or 163(5).

(**4**) S.R. 2009 No. 373, amended by S.R.s 2010 No. 383, 2012 Nos. 62 and 398, 2013 Nos. 128 and 223, 2014 Nos. 97 and 309, 2016 No. 21, 2017 Nos. 7 and 43, 2018 No. 35, 2019 Nos.35 and 102 and 2020 No. 79

(**5**) Schedule 4 to S.R. 2009 No. 373 was amended by S.R. 2017 No. 7

Amendments in relation to section 67 leave

4. In Schedule 1(**6**) to the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007, in paragraph 4A (persons granted section 67 leave)—

(a) at the end of sub-paragraph (a), insert "and";

(b) omit sub-paragraph (b);

(c) at the end of sub-paragraph (c) for "; and" substitute ".";

(d) omit sub-paragraph (d).

5. The 2009 Regulations are amended as follows—

(a) in regulation 5(**7**) (eligible students)—

(i) in paragraph 11A, in sub-paragraph (a)(ii)—

(aa) after "designated part-time" insert ", designated distance learning course";

(bb) after "eligible part-time student" insert ", eligible distance learning student";

(b) in regulation 105(**8**) (eligible distance learning students)—

(i) after paragraph 11, insert—

"(11A) Where—

(a) the Department determined that, by virtue of being a person granted section 67 leave, 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 course, designated part-time course or other designated distance learning course from which A's status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the current course; and

(b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted section 67 leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

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

(c) in regulation 122(**9**) (eligible part-time students)—

(i) in paragraph 10A, for sub-paragraph (a)(ii), substitute–

"(ii) an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which A's status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the current course; and";

(d) in regulation 149(**10**) (eligible master's, etc. students)—

(**6**) Schedule 1 to S.R. 2007 No. 328 was amended by Order 2011/1043. S.R.s 2007 No. 375, 2011 Nos. 70 and 376, 2013 No. 37 and 2019 No. 35

(**7**) Regulation 5 was amended by S.S.I 2007/503, S.R.s 2010 No. 383, 2013 No. 128, 2017 No. 7 and 2019 No. 35

(**8**) Regulation 105 was amended by S.S.I 2007/503, S.R.s 2010 No. 383, 2013 No. 128 and 2017 No. 7

(**9**) Regulation 122 was amended by S.Rs 2010 No. 383, 2017 No. 7 and 2019 No. 35

(**10**) Regulation 149 was amended by S.R.s 2017 No. 7 and 2018 No. 35

(i) in paragraph 8 for "(11) and (12)" substitute "(11), (11A), (11B), (11C), (11D) and (12)";

(ii) after paragraph 11 insert—

"(11A) Where—

(a) the Department determined that, by virtue of being a person granted section 67 leave, a person ("A") was an eligible Master's, etc. student in connection with–

(i) an application for support for an earlier year of the current Master's, etc. course; or

(ii) an application for support in connection with another designated Master's, etc. course from which A's status as an eligible Master's, etc. student has been transferred to the current Master's, etc. course; and

(b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted section 67 leave is allowed to stay in the United Kingdom has expired and no further leave has been granted,

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

6. In Part 2 of Schedule 2(**11**) to the 2009 Regulations (eligible students: categories) for paragraph 4A substitute—

"**Person granted section 67 leave**

4A. — A person granted section 67 leave who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.".

Amendments relating to persons granted Calais Leave

7. In Schedule 1 to the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007, after paragraph 4A, insert—

"**Persons granted Calais leave**

4B. — A person who—

(a) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and "leave in line" granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971;

(b) has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and

(c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.".

8. The 2009 Regulations are amended as follows—

(a) in regulation 2(1) (interpretation), after the definition of "periods of work experience" insert—

(**11**) Part 2 of Schedule 2 to S.R. 2009 No.373 was amended by Order 2011 No. 1043 and S.R.s 2017 No.7 and 2019 No.35

""person granted Calais leave" means a person who—

(a) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and "leave in line" granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971; and

(b) has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;";

(b) in regulation 5(**12**) (eligible students),

(i) after paragraph (11A) insert—

"(11B) Where—

(a) the Department determined that, by virtue of being a person granted Calais leave, a person ("A") was an eligible student in connection with—

(i) an application for support for an earlier year of the current course; or

(ii) an application for support in connection with a designated part-time course, designated distance learning or other designated course from which A's status as an eligible part-time student, eligible distance learning student or eligible student has been transferred to the current course; and

(b) as at the day before the academic year in respect of which A is applying for support begins, the period for which A is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

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

(c) in regulation 18(**13**) (events)–

(i) in sub-paragraph (h) omit "or";

(ii) in sub-paragraph (i) after "leave" for "." substitute ";";

(iii) after sub-paragraph (i), insert—

"(j) the student becomes a person granted Calais leave;";

(d) in regulation 74(2)(**14**) (students becoming eligible in the course of an academic year) –

(i) in sub-paragraph (g) omit "or";

(ii) in sub-paragraph (h) after "leave" for "." substitute ";";

(iii) after sub-paragraph (h), insert—

"(i) the student becomes a person granted Calais leave;";

(e) in regulation 83(2)(**15**) (students becoming eligible in the course of an academic year)-

(i) in sub-paragraph (h) after "leave" for "." substitute ";";

(ii) after sub-paragraph (h), insert—

"(i) the student becomes a person granted Calais leave;";

(f) in regulation 105 (eligible distance learning students)–

(i) after paragraph 11A (as inserted by these regulations) insert–

(**12**) Regulation 5 was amended by S.S.I 2007 No. 503 and S.R.s 2010 No. 383, 2013 No. 128 and 2017 No. 7
(**13**) Regulations 18 was amended by Order 2011/1043 and S.R. 2019 No. 35
(**14**) Regulation 74(2) was amended by Order 2011/1043 and S.R. 2019 No. 35
(**15**) Regulation 83(2) was amended by Order 2011/1043 and S.R. 2019 No. 35