STATUTORY RULES OF NORTHERN IRELAND

# 2019 No. 35

# EDUCATION

## The Education (Student Support (No.2), etc.) (Amendment) Regulations (Northern Ireland) 2019

*Made - - - - 8th March 2019*

*Coming into operation in accordance with regulation 1*

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.

## PART 1

## GENERAL

### Citation and commencement

**1.**—(1) These Regulations may be cited as The Education (Student Support (No.2), etc.) (Amendment) Regulations (Northern Ireland) 2019.

(2) Regulation 33 comes into operation on 6th April 2019.

(3) All other provisions of these Regulations come into operation on 1st April 2019.

(4) Subject to paragraph (5), these Regulations apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st August 2019, whether anything done under these Regulations is done before, on or after that date or whether a course begins before, on or after that date.

(5) Regulations 18 to 29, 31 and 32 apply in relation to the provision of support to students in relation to a course which begins on or after 1st August 2019 whether anything done under these Regulations is done before, on or after that date.

(**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) for definitions of "the Department", "prescribed" and "regulations".

# 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(**4**) are amended in accordance with regulations 3 to 30.

### Amendment of regulation 2

**3.** In regulation 2(1) (interpretation)—

(a) after the definition of "the 1998 Act", insert—

""the 2017 Act" means the Higher Education and Research Act 2017(**5**);";

(b) for the definition of "accelerated course", substitute—

""accelerated course" means—

(a) where the course begins before 1st August 2019, a course which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere) for a period of at least 40 weeks in the final year, being a course of two academic years' duration; or

(b) where the course begins on or after 1st August 2019, a higher education course where the number of academic years applicable to the course is at least one fewer than would normally be the case for that course or a course of equivalent content leading to the grant of the same or an equivalent academic award;";

(c) after the definition of "accelerated course", insert—

""accredited institution" means an institution accredited by the Secretary of State for Education in England under regulation 11 of the Education (School Teachers' Qualifications) (England) Regulations 2003(**6**);";

(d) after the definition of "accredited institution", insert—

""approved provider" and "approved (fee cap) provider" mean registered providers in England included in the approved and approved (fee cap) categories of the register respectively;";

(e) in the definition of "authority-funded", omit sub-paragraph (b);

(f) after the definition of "healthcare bursary", insert—

""high level quality rating" has the meaning given by paragraph 2(3) of Schedule 2 to the 2017 Act;";

(g) after the definition of "institute", insert—

""institution" in relation to England includes an English higher education provider as defined by section 83(1) of the 2017 Act";

(**4**) 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 and No.43 and S.R. 2018 No. 35.
(**5**) 2017 c. 29.
(**6**) S.I. 2003/1662, as amended by paragraph 2 of Schedule 5 to the Education Act 2005 (c. 18), S.I. 2012/431 and S.I. 2016/1123.

(h) after the definition of "non-regulated institution", insert—

""OfS" means the Office for Students, as established by section 1 of the 2017 Act;";

(i) after the definition of "refugee", insert—

""register" means the register established and maintained by the OfS under section 3 of the 2017 Act;";

(j) after the definition of "regulated institution", insert—

""registered provider" means an English higher education provider which is included in the register and "unregistered provider" is to be construed accordingly;".

**Amendment of regulation 6**

**4.** In regulation 6 (designated courses)—

(a) for paragraph (1)(e), substitute—

"(e) either—

(i) wholly provided by an authority-funded institution in Northern Ireland, Scotland or in Wales where the course began before 1st September 2017;

(ii) provided by a registered provider on behalf of an authority-funded institution in Northern Ireland or Scotland, or in Wales where the course began before 1st September 2017;

(iii) provided by an institution situated in Northern Ireland, Scotland or Wales on behalf of an approved (fee cap) provider in England, or on behalf of an authority-funded institution in Northern Ireland, Scotland, or in Wales where the course began before 1st September 2017;

(iv) provided by an authority-funded institution in Northern Ireland or Scotland, or in Wales where the course began before 1st September 2017, in conjunction with an institution which is situated outside the United Kingdom;

(v) provided by a publicly funded institution in Northern Ireland, Scotland or Wales on behalf of a regulated institution in Wales where the course began on or after 1st September 2017;

(vi) wholly provided by an approved (fee cap) provider, or provided by a registered or unregistered provider on behalf of an approved (fee cap) provider in England;

(vii) provided by a registered provider on behalf of a regulated institution in Wales where the course began on or after 1st September 2017;

(viii) provided by an approved (fee cap) provider in England in conjunction with an institution which is situated outside the United Kingdom;

(ix) provided by a regulated institution in Wales or a regulated institution in Wales in conjunction with an institution which is situated outside the United Kingdom, where that course begins on or after 1st September 2017; or

(x) provided by a relevant institution of higher education in the Republic of Ireland or by a relevant institution of higher education in the Republic of Ireland in conjunction with an institution outside of the Republic of Ireland".

(b) in paragraph (6)(d), after "a private institution", insert "in Northern Ireland, Scotland, or Wales, or by a private institution which is an unregistered provider in England".

**Amendment of Regulation 8**

**5.** In regulation 8(2) (transfer of status)—

(a) for sub-paragraph (a)(i), substitute—

"(i) on the recommendation of the academic authority A ceases one course and starts to attend or undertake another designated course which is not an accelerated course;".

(b) for sub-paragraph (b)(i), substitute—

"(i) A starts to attend or undertake a designated course which is not an accelerated course at another institution;".

**Amendment of regulation 13**

**6.** In regulation 13 (previous course)—

(a) in paragraph (2)—

(i) for sub-paragraph (a), substitute—

"(a) the course was provided by an institution which was a registered provider in England or by a publicly funded institution in the United Kingdom for some or all of the academic years during which the student attended or undertook the course;";

(ii) before sub-paragraph (b), insert—

"(aa) the course was provided by an accredited institution which was an unregistered provider for some or all of the academic years during which the student attended or undertook the course; or".

(b) in paragraph (3)—

(i) in sub-paragraph (a)—

(aa) before "a publicly funded institution", insert "a registered provider or";

(bb) after "United Kingdom", insert "or a regulated institution";

(cc) after "undertook the course", omit "or";

(ii) before sub-paragraph (b), insert—

"(aa) the course was provided by an accredited institution which was an unregistered provider for some or all of the academic years during which the student attended or undertook the course; or".

**Amendment of regulation 17**

**7.** In regulation 17(a) (students becoming eligible in the course of an academic year), before "the relevant event", insert ", with the exception of an event mentioned in paragraph (a) of that regulation,".

**Amendment of regulation 25**

**8.** In regulation 25(**7**) (amount of the fee loan)—

(**7**) Regulation 25 (2C) and (2D) were inserted by S.R. 2017 No. 43.

(a) in paragraph 2C, for sub-paragraph (a), substitute –

"(a) provided by or on behalf of a publicly funded institution in Northern Ireland or Scotland or by an approved (fee cap) provider in England;".

(b) in paragraph 2D, for sub-paragraph (a), substitute –

"(a) provided by a private institution (other than a publicly funded institution) in Northern Ireland or Scotland or by an approved provider in England."

(c) after paragraph (12), insert—

"(13) Where the current course is a course for the initial training of teachers provided by an accredited institution which is an unregistered provider, the amount of a fee loan must not exceed the lesser of-

(a) £9,250; and

(b) The fees payable by the student in connection with that year.

(14) Where—

(a) the current course is an accelerated course provided by or on behalf of an approved (fee cap) provider in England, which begins on or after 1st August 2019, the amount of a fee loan must not exceed the lesser of-—

(i) £11,100; and

(ii) The fees payable by the student in connection with that year.".

(b) the current course is an accelerated course provided by or on behalf of an approved provider in England, which begins on or after 1st August 2019, the amount of a fee loan must not exceed the lesser of—

(i) £4,275; and

(ii) The fees payable by the student in connection with that year.".

**Amendment of regulation 71**

**9.** In regulation 71 (quarters in respect of which the loan for living costs is payable)—

(a) in the shoulder note, for "the loan for living costs is", substitute "the loan for living costs and the long courses loan are".

(b) for paragraph (1), substitute—

"(1) Subject to regulation 74, the loan for living costs is payable in respect of three quarters of the academic year and the long courses loan is payable in respect of four quarters of the academic year.".

(c) omit paragraph (3).

**Amendment of regulation 72**

**10.** In regulation 72(d) (students falling into more than one category), for "third", substitute "fourth".

**Amendment of regulation 74**

**11.** In regulation 74(7) (students becoming eligible in the course of an academic year), for "third", substitute "fourth".