STATUTORY RULES OF NORTHERN IRELAND

# 2018 No. 35

# EDUCATION

## The Education (Student Support) (Amendment) Regulations (Northern Ireland) 2018

*Made - - - - 27th February 2018*

*Coming into operation 23rd March 2018*

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

**Citation and commencement**

**1.**—(1) These Regulations may be cited as the Education (Student Support) (Amendment) Regulations (Northern Ireland) 2018 and shall come into operation on 23rd March 2018.

(2) These Regulations, apart from this regulation and regulations 3 and 6, apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st September 2018 whether anything done under these Regulations is done before, on or after 1st September 2018.

**Amendment of Education (Student Support) (No.2) Regulations (Northern Ireland) 2009**

**2.** The Education (Student Support) (No.2) Regulations (Northern Ireland) 2009(**3**)shall be amended as provided by regulations 3 to 9.

**3.** In regulation 107 (Designated distance learning courses), at paragraph (3)(b) after "weekend" insert ", from time to time during the week".

**4.** In regulation 109 (Support for distance learning courses) after paragraph (4B) insert—

"(4C) For the purposes of paragraph (4), a person ("A") is to be treated as undertaking the designated distance learning course in Northern Ireland on the first day of the first academic

(**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.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 S.R. 2017 No.43

year if on the first day of the first academic year A would have been so resident but for the fact that-

(a) A,

(b) A's spouse or civil partner,

(c) A's parent, or

(d) in the case of a dependent direct relative in the ascending line, A's child or child's spouse or civil partner,

is or was temporarily employed in England, Scotland or Wales as a member of the regular naval, military or air forces of the crown.".

**5.** In regulation 112 (Disabled distance learning students' allowance) after paragraph (4B) insert—

"(4C) For the purposes of paragraph (4), a person ("A") is to be treated as undertaking the designated distance learning course in Northern Ireland on the first day of the first academic year if on the first day of the first academic year A would have been so resident but for the fact that-

(a) A,

(b) A's spouse or civil partner,

(c) A's parent, or

(d) in the case of a dependent direct relative in the ascending line, A's child or child's spouse or civil partner,

is or was temporarily employed in England, Scotland or Wales as a member of the regular naval, military or air forces of the crown.".

**6.** In regulation 124 (Designated part-time courses), after paragraph (7) insert-

"(8) In designating a part-time course studied through distance learning, the Department may disregard-

(a) any requirement imposed by the institution or institutions providing the course to attend any institution for the purposes of-

(i) registration or enrolment;

(ii) an examination;

(b) any requirement imposed by the institution or institutions providing the course to attend any institution on a weekend, from time to time during the week or during any vacation;

(c) any period of attendance at the institution or institutions providing the course which a student may but is not required to complete by that institution or those institutions."

**7.** In regulation 126 (Assistance for part-time courses) after paragraph (3C) insert—

"(3D) For the purposes of paragraph (3A), a person ("A") is to be treated as undertaking the designated part-time distance learning course in Northern Ireland on the first day of the first academic year if on the first day of the first academic year A would have been so resident but for the fact that-

(a) A,

(b) A's spouse or civil partner,

(c) A's parent, or

(d) in the case of a dependent direct relative in the ascending line, A's child or child's spouse or civil partner,

is or was temporarily employed in England, Scotland or Wales as a member of the regular naval, military or air forces of the crown.".

**8.** In regulation 149 (Eligible Master's, etc. Students)-

(a) After paragraph (3)(f) insert-

"(g) Subject to paragraph (15), A has previously received a Postgraduate Master's Degree loan other than under these Regulations in respect of a course, where that loan was paid out of funds provided by a government authority within the United Kingdom.".

(b) After paragraph (14A) insert—

"(14B) For the purposes of paragraph (13), a person ("A") is to be treated as undertaking the designated Master's, etc. distance learning course in Northern Ireland on the first day if on the first day A would have been so resident but for the fact that-

(c) A,

(d) A's spouse or civil partner,

(e) A's parent, or

(f) in the case of a dependent direct relative in the ascending line, A's child or child's spouse or civil partner,

is or was temporarily employed in England, Scotland or Wales as a member of the regular naval, military or air forces of the crown.".

(c) For paragraph (15), substitute-

"(15) The Department may deem a person who has previously received a-

(i) Master's, etc. fee loan under these Regulations in relation to a designated Master's, etc. course, or

(ii) Postgraduate Master's Degree loan other than under these Regulations, in relation to a designated Postgraduate Master's Degree course, where that loan was paid out of funds provided by a government authority within the United Kingdom

to be an eligible Master's, etc. student where the Department is of the view that the person had not been able to complete the previous Master's, etc. course or Postgraduate Master's Degree course due to compelling personal reasons.".

**9.** The Schedule to these Regulations has effect to substitute the figure in the third column of the table for the figure in the second column where that figure appears in the regulation of the Education (Student Support) (No.2) Regulations (Northern Ireland) 2009 set out in the first column.