STATUTORY RULES OF NORTHERN IRELAND

2017 No. 43

EDUCATION

The Education (Student Support) (Amendment) (No.2) Regulations (Northern Ireland) 2017

Made - - - - 27th February 2017

Coming into operation in accordance with regulation 1

The Department for the Economy 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(**1**) and now vested in it(**2**).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Support) (Amendment) (No.2) Regulations (Northern Ireland) 2017.

(2) Regulation 12 comes into operation on 28th April 2017.

(3) All other provisions of these Regulations come into operation on 20th March 2017.

(4) These Regulations, apart from this regulation and regulation 13, apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st September 2017 whether anything done under these Regulations is done before, on or after 1st September 2017.

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

2. The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009(**3**) are amended in accordance with regulations 3 to 15.

(**1**) 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

(**2**) See S.R. 1999 No. 481, Article 5(b) and Schedule 3 Part II, which transferred the functions from the Department of Education to the Department of Higher and Further Education, Training and Employment, which was renamed the Department for Employment and Learning, "DEL", by s.1 of 2001 c.15(N.I.). See S.R. 2016 No.76, Article 6(1)(c) which transferred the functions from DEL to the Department for the Economy.

(**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, and S.R. 2017 No. 7.

3. In regulation 2(1) (Interpretation)—

(a) in the definition of "Erasmus year"—

(i) in sub-paragraph (b), omit "or Scotland";

(ii) in sub-paragraph (c), for "or Wales", substitute ", Scotland or Wales";

(b) after the definition of "long courses loan", insert—

""non-regulated institution" means an institution in Wales that does not have a fee and access plan in force approved by the Higher Education Funding Council for Wales under section 7 of the Higher Education (Wales) Act 2015(**4**);";

(c) for the definition of "ordinary duration", substitute—

""ordinary duration" means the number of academic years that a standard student would take to complete the course excluding any academic years of the course that are—

(a) bursary years;

(b) Erasmus years of a course provided by an institution in Northern Ireland; or

(c) Erasmus years of a course provided by an institution in England, Scotland or Wales where the course began before 1st September 2012;

(d) Erasmus years of a course provided by an institution in Scotland where the course began on or after 1st September 2012 and where the Erasmus year begins before 1st August 2017;";

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

""regulated institution" means an institution that has a fee and access plan in force approved by the Higher Education Funding Council for Wales under section 7 of the Higher Education (Wales) Act 2015;";

(e) in the definition of "standard academic year"—

(i) in sub-paragraph (b), omit "or Scotland";

(ii) in sub-paragraph (c), for "or Wales", substitute ", Scotland or Wales";

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

"(d) an Erasmus year of a course provided by an institution in Scotland where the course began on or after 1st September 2012 and where the Erasmus year begins before 1st August 2017;".

4. In regulation 6(1) (Designated courses), for sub-paragraph (e), substitute—

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

(ii) provided by a publicly funded institution in the United Kingdom on behalf of an authority-funded institution in Northern Ireland, England, or Scotland, or in Wales where the course begins before 1st September 2017;

(iii) provided by an authority-funded institution in Northern Ireland, England, or Scotland, or in Wales where the course begins before 1st September 2017, in conjunction with an institution outside the United Kingdom;

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

(**4**) 2015 anaw. 1.

(v) 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 the Republic of Ireland."".

5. In regulation 20 (Availability of fee loans to current system students)—

(a) in paragraph (3)(a)(ii), omit "or Scotland";

(b) in paragraph (3)(a)(iii), for "or Wales", substitute ", Wales or Scotland";

(c) in paragraph (8)(b), omit "or Scotland";

(d) in paragraph (8)(c), for "or Wales", substitute ", Wales or Scotland";

(e) in paragraph (8A), omit "or Scotland";

(f) in paragraph (9)(b), omit "or Scotland";

(g) in paragraph (9)(c), for "or Wales", substitute ", Wales or Scotland";

(h) in paragraph (9A), omit "or Scotland".

6. In regulation 25 (Amount of the fee loan)—

(a) in paragraph (1), for "provided by or on behalf of a publicly funded institution" substitute "mentioned in paragraph (2C)";

(b) in paragraph (2), for "provided by or on behalf of a publicly funded institution" substitute "mentioned in paragraph (2C)";

(c) in paragraph (2A), for "provided by a private institution (other than on behalf of a publicly funded institution)" substitute "mentioned in paragraph (2D)";

(d) in paragraph (2B), for "provided by a private institution (other than on behalf of a publicly funded institution)" substitute "mentioned in paragraph (2D)";

(e) after paragraph (2B), insert-

"(2C) The designated courses for the purposes of paragraphs (1) and (2) are designated courses:-

(a) provided by or on behalf of a publicly funded institution in Northern Ireland, England or Scotland;

(b) provided by or on behalf of a publicly funded institution in Wales, where the course began before 1st September 2017;

(c) provided by or on behalf of a regulated institution in Wales, where the course begins on or after 1st September 2017.

(2D) The designated courses for the purposes of paragraphs (2A) and (2B) are designated courses:-

(a) provided by a private institution (other than on behalf of a publicly funded institution) in Northern Ireland, England or Scotland;

(b) provided by a private institution (other than on behalf of a publicly funded institution) in Wales, where the course began before 1st September 2017;

(c) provided by a non-regulated institution (other than on behalf of a regulated institution) in Wales, where the course begins on or after 1st September 2017."

(f) after paragraph (10), insert—

"(11) Where the circumstances in paragraph (12) apply, the amount of a fee loan must not exceed the lesser of—

(a) £1,385; and