STATUTORY RULES OF NORTHERN IRELAND

2017 No. 7

EDUCATION

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

Made - - - -	*13th January 2017*
Coming into operation	*28th April 2017*

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**) and now vested in it(**3**).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Support) (No.2) (Amendment) and Education (Student Loan) (Repayment) (Amendment) Regulations (Northern Ireland) 2017 and come into operation on 28th April 2017.

(2) These Regulations 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(**4**) are amended in accordance with regulations 3 to 46.

(**1**) See the Departments Act (Northern Ireland) 2016, 2016 c.5 (N.I.).

(**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**) 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.

(**4**) S.R. 2009 No. 373, as 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, and S.R. 2016 No.21.

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

(a) for the definition of "Department", substitute—

""Department" means the Department for the Economy;";

(b) after the definition of "designated distance learning course", insert—

""designated Master's, etc. course" means a course designated by regulation 152 or by the Department under regulation 152;";

(c) after the definition of "disabled part-time students' allowance", insert-

""disabled postgraduate students' allowance" means the grant payable under Part 12;";

(d) after the definition of "disabled students' allowance", insert-

""distance learning fee loan" means a loan for fees made to an eligible distance learning student pursuant to regulations made by the Department under Article 3 of the Order;";

(e) after the definition of "eligible distance learning student", insert—

""eligible Master's, etc. student" has the meaning given in regulation 149;";

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

""Master's, etc. fee loan" means a loan for fees made to an eligible Master's, etc. student pursuant to regulations made by the Department under Article 3 of the Order;";

(g) after the definition of "ordinary duration", insert—

""part-time fee loan" means a loan for fees made to an eligible part-time student pursuant to regulations made by the Department under Article 3 of the Order;"; and

(h) in the definition of "period of eligibility", for "and" until the end of the definition, substitute—

", in regulation 142 in relation to an eligible postgraduate student and in regulation 153 in relation to an eligible Master's, etc. student;".

4. In regulation 5(6) (Eligible students)—

(a) in sub-paragraph (d), substitute the full stop with a semi-colon; and

(b) after sub-paragraph (d), add—

"(e) a designated course and a designated Master's, etc. course. ".

5. In regulation 14 (Miscellaneous), after paragraph (5), insert—

"(5A) Where the current course is considered to be a single course because of regulation 6(7) and (8)—

(a) any Master's, etc. fee loan which an eligible student obtained under Part 13 for the purposes of obtaining the degree or qualification first mentioned in regulation 6(7)(a); and

(b) any academic year(s) in which that Master's, etc. fee loan was obtained,

is ignored when determining an eligible student's entitlement under Parts 4 to 6 in respect of the single course which confers the final degree or equivalent qualification.".

6. In regulation 105(14) (Eligible distance learning students)—

(a) in sub-paragraph (d), substitute the full stop with a semi-colon; and

(b) after sub-paragraph (d), add—

"(e) a designated distance learning course and a designated Master's, etc. course.".

7. In regulation 106 (Students becoming eligible during the course of the academic year), after paragraph (1), insert—

"(1A) Where one of the events listed in sub-paragraphs (a), (b), (c), (d), (f), (g), (h) or (i) of paragraph (4) occurs in the course of an academic year—

(a) a student may qualify for a distance learning fee loan in respect of that academic year in accordance with this Part, provided that the relevant event occurred within the first three months of the academic year; and

(b) a distance learning fee loan is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.".

8. In regulation 108(6) (Period of Eligibility), in sub-paragraph (c), after "regulation 121", insert "or 121A".

9. In regulation 109 (Support for distance learning courses)—

(a) in paragraph (1)—

(i) in sub-paragraph (a)(ii), omit the "and";

(ii) after sub-paragraph (a), insert the following sub-paragraph—

"(aa) a distance learning fee loan, where—

(i) the fees charged by the academic authority in respect of an academic year of the designated distance learning course exceed the grant mentioned in sub-paragraph (a), the amount of which has been determined in accordance with regulation 110; or

(ii) it has been determined in accordance with regulation 110 that no grant is payable under sub-paragraph (a); or

(iii) the eligible distance learning student does not apply for the grant mentioned in sub-paragraph (a); and";

(b) after paragraph (1), insert—

"(1A) A distance learning fee loan is administered in accordance with regulation 110A.";

(c) in paragraph (5), for "under this regulation", substitute "under paragraphs (1)(a) or (b)"; and

(d) after paragraph (6), insert—

"(6A) An eligible distance learning student does not qualify for a distance learning fee loan under paragraph (1)(aa) if—

(a) the student has undertaken one or more distance learning courses for sixteen years in aggregate; and

(b) the student received in respect of each of those academic years a loan or a grant of the kind described in paragraph (6).".

10. In regulation 110 (Amount of support), for the heading, substitute "**Amount of grant under regulation 109(1)(a) and (b)**".

11. After regulation 110 (Amount of support), insert—

"**Amount of the distance learning fee loan under regulation 109(1)(aa)**

110A.—(1) The maximum amount of distance learning fee loan in respect of an academic year of a designated distance learning course must not exceed the lesser of—

(a) £3,022.50; and

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

(2) Subject to paragraphs (3) and (6), the distance learning fee loan to which an eligible distance learning student is entitled is calculated as follows—

$$DFC - DFG$$

where

DFC is the amount determined in accordance with paragraph (1);

DFG is the grant paid under regulation 109(1)(a), if any.

(3) If a student's status as an eligible distance learning student is transferred from one designated distance learning course to another under this Part and the circumstances in paragraph (4) apply, the student may apply to the Department to borrow an additional amount by way of distance learning fee loan in respect of the academic year of the course to which that student transfers.

(4) The circumstances are—

(a) the fees payable in respect of the academic year of the course to which the eligible distance learning student transfers exceed the fees payable in respect of the academic year of the course from which the student is transferring; and

(b) the academic year of the course to which the eligible distance learning student transfers does not begin on a later date than the academic year of the course from which the student is transferring.

(5) Where the circumstances in paragraph (4) apply, the maximum additional amount that the eligible distance learning student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for a distance learning fee loan in respect of that year, is determined by deducting the amount of any distance learning fee loan the student has taken out under this Part in respect of the academic year from which the student is transferring from the lesser of—

(a) the amount specified in paragraph (1)(a); and

(b) the fees payable by the student in respect of the academic year to which the student is transferring,

minus any grant paid under regulation 109(1)(a) in respect of the academic year from which the student is transferring.

(6) If a student's status as an eligible distance learning student is transferred from one designated distance learning course to another under this Part and the circumstances in paragraph (7) apply, the student may apply to the Department for a distance learning fee loan in respect of the academic year of the course to which the student transfers.

(7) The circumstances are that the academic year of the course to which the student transfers begins on a later date than the academic year of the course from which that student is transferring.

(8) Where the circumstances in paragraph (7) apply, the maximum amount of distance learning fee loan that the eligible student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for a distance learning fee loan in respect of that year, is the lesser of—

(a) the amount specified in paragraph (1)(a); and

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

minus any grant paid under regulation 109(1)(a) in connection with that year.

(9) Where an eligible distance learning student has applied for a distance learning fee loan of less than the maximum amount available in relation to an academic year, that student may apply to borrow an additional amount which when added to the amount already applied for does not exceed the maximum amount calculated in accordance with paragraph (2) or determined in accordance with paragraphs (5) or (8), whichever is applicable.".

12. In regulation 113 (Applications for support), after paragraph (6)(a), insert—

"(aa) the applicant is applying for an additional amount of the distance learning fee loan under regulation 110A(3) or (9), in which case the application must reach the Department not later than one month before the end of the academic year to which the application relates;".

13. After regulation 113 (Applications for support), insert—

"**Requirement to enter into a contract for a distance learning fee loan**

113A.—(1) To receive a distance learning fee loan, a student must enter into a contract with the Department.

(2) Where the Department requires a contract to be signed by a student, an electronic signature in such form as the Department may specify satisfies such a requirement.".

14. In regulation 114(3) (Declarations provided by academic authorities)—

(a) in sub-paragraph (a), for "support", substitute "assistance under regulation 109(1)(a) or (b)";

(b) in sub-paragraph (b)—

(i) for "in any other case", substitute "where the applicant is applying for assistance under regulation 109(1)(a) or (b), other than for the first time"; and

(ii) substitute the full stop with a semi-colon; and

(c) after sub-paragraph (b), add—

"(c) where the applicant is applying for a distance learning fee loan in connection with any academic year of the designated distance learning course, a statement that—

(i) provides the course information; and

(ii) confirms that the applicant has undertaken at least two weeks of the designated distance learning course.".

15. After regulation 115 (Information), insert—

"**Information requirements**

115A.—(1) The Department may at any time request from an applicant or eligible distance learning student information that the Department considers is required to recover a distance learning fee loan.

(2) The Department may at any time require an applicant or eligible distance learning student to enter into an agreement to repay a distance learning fee loan by a particular method.