STATUTORY RULES OF NORTHERN IRELAND

2016 No. 21

EDUCATION

The Education (Student Support) (Amendment) Regulations (Northern Ireland) 2016

Made - - - -	*22nd January 2016*
Coming into operation	*29th February 2016*

The Department for Employment and Learning (**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) (Amendment) Regulations (Northern Ireland) 2016.

(2) This regulation and regulations 3 to 12 come into operation on 29th February 2016.

(3) All other provisions of these Regulations—

(a) come into operation on 29th February 2016; and

(b) apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st September 2016 whether anything done under these Regulations is done before, on or after 1st September 2016.

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 14.

(**1**) Formerly known as the Department of Higher and Further Education, Training and Employment; *see* the Department for Employment and Learning Act (Northern Ireland) 2001 c.15

(**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. 1999 No. 481*see* Article 5(b) and Schedule 3 Part II

(**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 and S.R. 2014 Nos. 97 and 309

3. In regulation 8(4) (Transfer of Status), after "transfer" insert "provided that A qualifies for such support in connection with the academic year of the course to which A transfers".

4. For regulation 12 (Requirement to enter into a contract for a loan), substitute—

"**Requirement to enter into a contract for a loan**

12.—(1) To receive a 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 the requirement.".

5. In Regulation 46 (Childcare Grant)—

(a) in paragraph (2), after "paragraphs (3)" insert ", (3B)";

(b) after paragraph (3) insert—

"(3A) In this regulation, the terms "entitlement period" and "valid declaration of eligibility" have the same meanings as they have for the purposes of the Childcare Payments Act 2014(**5**) and regulations made thereunder.

(3B) A does not qualify for a childcare grant during any entitlement period for which A or A's partner has made a valid declaration of eligibility under the Childcare Payments Act 2014 in relation to any child.".

6. In Regulation 102 (Overpayments of fee support)—

(a) after paragraph (1) insert—

"(1A) A student must, if so required by the Department, repay any amount of fee support paid to the student, or in respect of the student, which for whatever reason exceeds the amount of fee support to which the student is entitled.";

(b) in paragraph (2), after sub-paragraph (a) insert—

"(aa) by subtracting the overpayment from any kind of grant or loan payable under Article 3 of the Order;".

7. In Regulation 103 (Overpayments of college fee loan)—

(a) after paragraph (1) insert—

"(1A) A student must, if so required by the Department, repay any amount of college fee loan paid to the student, or in respect of the student, which for whatever reason exceeds the amount of college fee loan to which the student is entitled.";

(b) in paragraph (2), after sub-paragraph (a) insert—

"(aa) by subtracting the overpayment from any kind of grant or loan payable under Article 3 of the Order;".

8. In regulation 104 (Overpayments of support payable under Part 5 or Part 6)—

(a) in paragraph (1), for "An eligible student", substitute "A student";

(b) in paragraph (3)(a), after "grant" insert "or loan";

(c) in paragraphs (7)(a) and (8)(a), omit the word "eligible";

(d) for paragraph (10), substitute—

"(10) Any overpayment of a loan for living costs or a long courses loan in respect of any academic year is recoverable by the Department from the student to whom the payment was made.";

(**5**) 2014 c.28

(e) for paragraph (11), substitute—

"(11) The methods of recovery are—

(a) subtracting the overpayment from any kind of grant or loan payable to the student from time to time pursuant to regulations made by the Department under Article 3 of the Order;

(b) requiring the student to repay the loan in accordance with regulations made under Article 3 of the Order;

(c) taking such other action for the recovery of an overpayment as is available to the Department.";

(f) omit paragraph (12).

9. In regulation 121 (Overpayments of Part 10 Support)—

(a) for paragraph (1), substitute—

"(1) Any overpayment of a grant in respect of fees is recoverable by the Department from—

(a) the academic authority; or

(b) the student in respect of whom the payment of a grant in respect of fees was made.";

(b) in paragraph (2)-

(i) for "An eligible", substitute "A"; and

(ii) after "paid to the student" insert ", or in respect of the student,";

(c) in paragraph (4)(a)-

(i) after "grant" insert "or loan"; and

(ii) after "student" insert ", or in respect of the student,"; and

(d) in paragraphs (8)(a) and (9)(a), omit the word "eligible".

10. In regulation 138 (Overpayments of Part 11 Support)—

(a) for paragraph (1), substitute—

"(1) Any overpayment of a grant in respect of fees is recoverable by the Department from—

(a) the academic authority; or

(b) the student in respect of whom the payment of a grant in respect of fees was made.";

(b) in paragraph (2)-

(i) for "An eligible", substitute "A"; and

(ii) after "paid to the student" insert ", or in respect of the student,";

(c) in paragraph (4)(a)-

(i) after "grant" insert "or loan"; and

(ii) after "student" insert ", or in respect of the student,"; and

(d) in paragraphs (8)(a) and (9)(a), omit the word "eligible".

11. In regulation 148 (Overpayments of Part 12 Support)—

(a) in paragraph (1)-

(i) for "An eligible", substitute "A"; and