STATUTORY RULES OF NORTHERN IRELAND

2013 No. 223

EDUCATION

The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) (No. 2) Regulations (Northern Ireland) 2013

Made - - - - 18th September 2013

Coming into operation- 22nd October 2013

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) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) (No. 2) Regulations (Northern Ireland) 2013 and come into operation on 22nd October 2013.

(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 2014 whether anything done under these Regulations is done before, on or after 1st September 2014.

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 as provided by regulations 3 to 17 and the Schedule.

3. In regulation 2(1)—

(a) after the definition of "accelerated course" insert—

""authority-funded" means—

(**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 Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, the Finance Act 2003, (c.14), s. 147(4) and by the Higher Education (Northern Ireland) Order 2005, (S.I. 2005/1116 (N.I. 5)), Articles 11 and 12

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

(**4**) S.R. 2009 No. 373 as amended by S.R. 2010 No. 383, S.R. 2012 No. 62, S.R. 2012 No. 398 and S.R. 2013 No. 128

(a) in relation to educational institutions in Northern Ireland, maintained or assisted by recurrent grants from the Department or the Department for Agriculture and Rural Development;

(b) in relation to educational institutions in England, maintained or assisted by recurrent grants from the Higher Education Funding Council for England;

(c) in relation to educational institutions in Wales, maintained or assisted by recurrent grants from the Higher Education Funding Councils for Wales; and

(d) in relation to educational institutions in Scotland, maintained or assisted by recurrent grants from the Scottish Funding Council;";

(b) in the definition of "current system student"(**5**) after paragraph (b)(iii) add "or" and insert —

"(iv) where the course mentioned in paragraph (iii) is an end-on course following on from a course that the student began before 1st September 2013 at any such institution;".

(c) for the definition of "Erasmus year" substitute—

""Erasmus year" means an academic year of a course where a student is participating in the action scheme of the EU for the mobility of university students known as ERASMUS and the student's course is a course referred to in regulation 6(1)(e) and—

(a) where the course began before 1st September 2012, all the periods of study or work placement during the academic year are attended at an institution or workplace outside the United Kingdom (as the case may be);

(b) where the course began on or after 1 st September 2012 and is provided by an institution in Northern Ireland or Scotland, all the periods of study or work placement during the academic year are attended at an institution or workplace outside the United Kingdom (as the case may be); or

(c) where the course began on or after 1 st September 2012 and is provided by an institution in England or Wales—

(i) at least one period of study or work placement is attended at an institution or workplace outside the United Kingdom (as the case may be); and

(ii) either—

(aa) in respect of that academic year the aggregate of any one or more periods of full-time study at the institution in the United Kingdom is less than 10 weeks; or

(bb) in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks;";

(d) in the definition of "ordinary duration"—

(i) omit the words "bursary years or Erasmus years"; and

(ii) after "are" insert—

"but does not include an academic year that is—

(**5**) The definition of "current system student" was substituted by regulation 3 of S.R. 2013 No. 128

(a) a bursary year;

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

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

(e) in the definition of "preliminary course" after the words "means a course" insert the words "or courses";

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

(i) omit the words "(other than an academic year that is a bursary year or an Erasmus year)"; and

(ii) after "student" insert—

"but does not include an academic year that is—

(a) a bursary year;

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

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

4. In regulation 6—

(a) for sub-paragraph (1)(e) substitute—

"(e) either—

(i) wholly provided by an authority-funded educational institution;

(ii) provided by a publicly funded institution in the United Kingdom or by a relevant institution of higher education in the Republic of Ireland on behalf of an authority-funded educational institution; or

(iii) provided by an authority-funded educational institution in conjunction with an institution outside the United Kingdom or Republic of Ireland; and;"

(b) in paragraph (6)—

(i) in sub-paragraph (b), for the words "publicly funded" substitute "authority-funded" in each place where they occur;

(ii) at the end of sub-paragraph (b), omit the word "and";

(iii) in sub-paragraph (c), after the words "publicly funded" insert "or authority-funded";

(iv) at the end of sub-paragraph (c), for the full stop substitute "; and"; and

(v) after sub-paragraph (c), insert—

"(d) a course is not to be regarded as provided on behalf of an authority-funded educational institution where a part of the course is provided by a private institution."

5. In regulation 20—

(a) in paragraph (3)(a), for "a bursary year or an Erasmus year", substitute—

"—

(i) a bursary year;

(ii) an Erasmus year of a course provided by an institution in Northern Ireland or Scotland; or

(iii) an Erasmus year of a course provided by an institution in England or Wales where the course began before 1st September 2012;";

(b) in paragraph (3)(b) for the words "the Business Education Initiative" substitute "Study USA";

(c) for paragraph (8), substitute—

"(8) In addition to the standard entitlement, a current system student who falls within regulation 23 and has failed to complete the most recent previous course because of compelling personal reasons qualifies for a fee loan in respect of the first academic year that the student takes of the designated course that is not—

(a) a bursary year;

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

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

(d) in paragraph (9), for "a bursary year or an Erasmus year" substitute—

"—

(a) a bursary year;

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

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

(e) after paragraph (13) add—

"(14) The amount of the relevant institution charge loan in respect of an academic year is determined in accordance with regulation 25A and may be nil."

6. In regulation 57(3)(a), after "Erasmus year" insert "in accordance with regulation 20(3)".

7. In regulation 59—

(a) in sub-paragraph (3)(a), after "Erasmus year" insert "in accordance with regulation 20(3)";

(b) in sub-paragraph (4)(**6**), for the word "regulation" substitute "paragraph".

8. In regulation 63(3)(a) for the words "the Business Education Initiative" substitute "Study USA"

9. In regulation 64(4)(a) for the words "the Business Education Initiative" substitute "Study USA"

10. In regulation 101(15) for paragraphs (a) and (b) substitute—

"(a) the Department must subtract from any amount of loan which remains to be paid under Part 6 such an amount as is necessary to ensure that the student does not borrow an amount of loan under Part 6 which is greater than that for which the student qualifies;

(b) if the amount to be subtracted is greater than the amount of loan remaining to be paid under Part 6, the amount of that loan remaining to be paid is reduced to nil;".

11. In regulation 104—

(**6**) Sub-paragraph (4) was inserted by S.R. 2012 No.398