STATUTORY RULES OF NORTHERN IRELAND

2012 No. 398

EDUCATION

The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) (No. 2) Regulations (Northern Ireland) 2012

Made - - - -	*1st November 2012*
Coming into operation-	*1st December 2012*

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) 2012 and come into operation on 1st December 2012.

(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 2013 whether anything done under these Regulations is done before, on or after 1st September 2013.

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 19 and the Schedule.

3. In regulation 2(1) for the definition of "flexible postgraduate course for the initial training of teachers", substitute—

(**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 and S.R. 2012 No. 62

""flexible postgraduate course for the initial training of teachers" means a graduate-entry or postgraduate-level course for the initial training of teachers, the length and pattern of which is determined by reference to the eligible student's experience and training requirements and which has been approved by—

(a) the Training and Development Agency for Schools (**5**) where the course began—

(i) before 1st September 2010; or

(ii) on or after 1st September 2010 but before 1st September 2012 where the student transfers to the current course pursuant to regulation 8 from a course for the initial training of teachers which began before 1st September 2010; or

(b) the Secretary of State for Business, Innovation and Skills, where the course began on or after 1st September 2012 and the student transfers to the current course pursuant to regulation 8 from a course for the initial training of teachers which began before 1st September 2010;".

4. In regulation 39(7) omit the words "all or".

5. After regulation 42(4) insert—

"(5) Subject to paragraph (6), the disabled students' allowance is payable in respect of the four quarters of the academic year, except where the allowance is used for expenditure on major items of specialist equipment.

(6) Subject to paragraph (7), where one of the events listed in regulation 18(a), (b), (c), (e), (f), (g) or (h) occurs in the course of an academic year, a student may qualify for the disabled students' allowance for the purposes specified in paragraphs (2)(a), (c) and (d) in respect of such quarters as begin after the relevant event occurs.

(7) Where the state of which the student is a national accedes to the EU the student may qualify for the disabled students' allowance only if the student has been ordinarily resident in the United Kingdom and Islands throughout the three year period immediately preceding the first day of the first academic year of the course.".

6. In regulation 43—

(a) in paragraph (1), after sub-paragraph (g) insert—

"(ga) "preceding financial year" means the financial year immediately preceding the relevant year;

(gb) "prior financial year" means the financial year immediately preceding the preceding financial year;

(gc) "relevant year" means the academic year of the course in respect of which the eligible student's dependants' income falls to be assessed;

(gd) "residual income" means taxable income after the application of paragraph (5) (in the case of an eligible student's partner) or paragraph (6) (in the case of an eligible student's adult dependants);

(ge) "taxable income" means, in respect of the prior financial year, a person's taxable income from all sources computed for the purposes of—

(i) the Income Tax Acts;

(ii) the income tax legislation of another Member State which applies to the person's income; or

(**5**) This body was originally established under section 1 of the Education Act 1994 (c. 30) as the Teacher Training Agency. By virtue of section 74 of the Education Act 2005 (c. 18) it became known instead as the Training and Development Agency for Schools. The body was abolished by the Education Act 2011 (c. 21) with effect from 1st April 2012.

(iii) where the legislation of more than one Member State applies to the period, the legislation under which the Department considers the person will pay the largest amount of tax in that period,

except that no account is taken of income referred to in paragraph (1A) paid to another party.";

(b) after paragraph (1), insert—

"(1A) The income referred to in this paragraph is any benefits under a pension arrangement pursuant to an order made under Article 25 of the Matrimonial Causes (Northern Ireland) Order 1978(**6**) which includes provision made by virtue of Articles 27B(4) and 27E(3) of that Order or pension benefits under Part 1 of Schedule 5 to the Civil Partnership Act 2004(**7**) which includes provision made by virtue of Parts 6 and 7 of that Schedule.";

(c) in paragraph (2)—

(i) omit the words "subject to paragraph (3)";

(ii) for "for the academic year in question" substitute "(for the relevant year for the purposes of regulation 45(2)(b) and for the prior financial year for the purposes of regulation 48(7))";

(d) in paragraph (3) for the words "net income is the net income calculated in accordance with paragraph (2)", substitute "residual income is";

(e) after paragraph (4), insert—

"(5) An eligible student's partner's residual income is determined in accordance with paragraph 6 of Schedule 5.

(6) An eligible student's adult dependants' residual income is determined in accordance with paragraph 5 of Schedule 5 (other than sub-paragraphs (8), (9) and (10) of paragraph 5), references to the parent being construed as references to the eligible student's adult dependants.".

7. In regulation 45(2)(b) after the words "net income" insert "for the relevant year".

8. In regulation 46(5) for "paragraph (6)" substitute "paragraphs (6) and (8)".

9. After regulation 46(7) insert—

"(8) Where A's application for a childcare grant does not identify a childcare provider, the Department may limit—

(a) the amount of grant paid to A to the amount specified in paragraph (9), and

(b) payment of the grant to one quarter of the academic year,

until A has submitted details of the childcare provider to the Department.

(9) In paragraph (8), the amount of childcare grant is 85 per cent of the prescribed childcare charges, subject to a maximum amount of £115 per week.

(10) Subject to paragraphs (8) and (11), a childcare grant is payable in respect of the four quarters of the academic year.

(11) Subject to paragraph (12), where one of the events listed in regulation 18(a), (b), (c), (e), (f), (g) or (h) occurs in the course of an academic year, a student may qualify for a childcare grant in respect of such quarters as begin after the relevant event occurs.

(**6**) 1978 N.I. 15
(**7**) 2004 c.33

(12) Where the state of which the student is a national accedes to the EU the student may qualify for the childcare grant only if the student has been ordinarily resident in the United Kingdom and Islands throughout the three year period immediately preceding the first day of the first academic year of the course.".

10. For regulation 48(7) substitute—

"(7) In this regulation—

A is the aggregate of—

(a) the residual income of the eligible student's partner for the prior financial year;

(b) the residual income of the eligible student's adult dependants for the prior financial year; and

(c) subject to paragraph (7B), (7C) or (7D), the net income of the eligible student's dependent children for the prior financial year".

Where the student begins the course before 1st September 2013, *B* is—

(a) £1,182 where the eligible student has no dependent child;

(b) £3,543 where the eligible student is not a lone parent and has one dependent child;

(c) £4,721 where the eligible student—

(i) is not a lone parent and has more than one dependent child; or

(ii) is a lone parent and has one dependent child;

(d) £5,910 where the eligible student is a lone parent and has more than one dependent child.

Where the student begins the course on or after 1st September 2013, *B* is—

(a) £6,182 where the eligible student has no dependent child;

(b) £8,543 where the eligible student is not a lone parent and has one dependent child;

(c) £9,721 where the eligible student—

(i) is not a lone parent and has more than one dependent child; or

(ii) is a lone parent and has one dependent child;

(d) £10,910 where the eligible student is a lone parent and has more than one dependent child.

(7A) For the purposes of paragraph (7), the current course is treated as beginning before 1st September 2013 in relation to a student "A" where A transfers to the current course pursuant to regulation 8 on or after 1st September 2013 from a designated course beginning before 1st September 2013.

(7B) Where the Department is satisfied that the net income of the eligible student's dependent children in the financial year beginning immediately before the relevant year ("the current financial year") is likely to be not more than 95 per cent of the sterling value of their net income in the prior financial year the Department may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the dependent children's net income for the current financial year.

(7C) In the event that paragraph (7B) or this paragraph is applied in the previous academic year of the current course and the Department is satisfied that the net income of the eligible student's dependent children in the financial year beginning immediately before the relevant year ("the current financial year") is likely to be not more than 95 per cent of the sterling value of their net income in the previous financial year the Department may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the dependent children's net income for the current financial year.