STATUTORY RULES OF NORTHERN IRELAND

2012 No. 62

EDUCATION

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

Made - - - -	*22nd February 2012*
Coming into operation-	*21st March 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 and commencement

1. These Regulations may be cited as the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) Regulations (Northern Ireland) 2011 and come into operation on 21st March 2012.

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 14 and the Schedule.

3. Regulation 14(6) is omitted.

4.—(1) Regulation 25 is amended as provided by paragraphs (2) to (6).

(2) In paragraph (1), after the word "course" insert "provided by or on behalf of a publicly funded institution";

(**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

(3) In paragraph (2), after the word "course" insert "provided by or on behalf of a publicly funded institution";

(4) After paragraph (2)(b) insert—

"(2A) Unless one of the cases set out in paragraph (3) applies, the amount of a fee loan in respect of an academic year of a designated course provided by a private institution (other than on behalf of a publicly funded institution) must not exceed the lesser of—

(a) £3,465; and

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

(2B) In the cases set out in paragraph (3), the amount of a fee loan in respect of an academic year of a designated course provided by a private institution (other than on behalf of a publicly funded institution) must not exceed the lesser of—

(a) £1,725; and

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

(5) For paragraph (8)(a) substitute—

"(a) the amount specified in paragraph (1)(a), (2)(a), (2A)(a) or (2B)(a) as the case may be; and"

(6) For paragraph (9)(a) substitute—

"(a) the amount specified in paragraph (1)(a), (2)(a), (2A)(a) or (2B)(a) as the case may be; and"

5. For regulation 99 substitute—

"**Payment of fee loans**

99.—(1) The Department must pay the fee loan for which an eligible student qualifies to an institution to which the student is liable to make payment.

(2) The Department may pay the fee loan in instalments.

(3) The Department must not pay the fee loan or instalment of fee loan until the Department has received from the academic authority—

(a) a request for payment; and

(b) confirmation (in such form as may be required by the Department) of the student's attendance on the course for the period to which the instalment relates.

(4) In this regulation, "confirmation of the student's attendance" means confirmation from the academic authority that the student–

(a) has enrolled for the academic year and has begun to attend the course for that academic year, where the confirmation relates to payment of the fee loan or the first instalment of the fee loan for the academic year; or

(b) remains enrolled and continues to attend the course, where the confirmation relates to payment of an instalment of the fee loan other than the first instalment.

(5) The academic authority must inform the Department if a student ceases to attend the designated course during the academic year."

6. After regulation 99 insert—

"**Payment of fee contribution loans**

99A.—(1) The Department must pay the fee contribution loan for which an eligible student qualifies to an institution to which the student is liable to make payment.

(2) The Department may pay the fee contribution loan in instalments.

(3) The Department must not pay the fee contribution loan before—

(a) the Department has received a request for payment from the academic authority; and

(b) a period of three months beginning with the first day of the academic year has expired.

(4) Where assessment of an old system student's contribution or other matters have delayed the final calculation of the amount of fee contribution loan for which the student qualifies, the Department may make a provisional assessment and payment.

(5) No payment of fee contribution loan can be made in respect of a designated course if–

(a) before the expiry of a period of three months beginning with the first day of the academic year the eligible student ceases to attend or, in the case of a student treated as in attendance under regulation 19, undertake the course; and

(b) the academic authority has determined or agreed that the student will not begin attending or, as the case may be, undertaking in the United Kingdom or the Republic of Ireland the course again during the academic year in respect of which the fees are payable or at all."

7. For regulation 102 substitute—

"**Overpayments of fee support**

102.—(1) Any overpayment of fee support is recoverable by the Department from—

(a) the academic authority; or

(b) the student in respect of whom the payment of fee support was made.

(2) An overpayment of a fee loan may be recovered from a student under paragraph (1)(b) in whichever one or more of the following ways the Department considers appropriate in all the circumstances,—

(a) by subtracting the overpayment from any amount on the fee loan which remains to be paid;

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

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

8. For regulation 103 substitute—

"**Overpayments of college fee loan**

103.—(1) Any overpayment of college fee loan is recoverable by the Department from—

(a) the college or permanent private hall; or

(b) the student in respect of whom the payment of college fee loan was made.

(2) An overpayment of college fee loan may be recovered from a student under paragraph (1)(b) in whichever one or more of the following ways the Department considers appropriate in all the circumstances,—

(a) by subtracting the overpayment from any amount of college fee loan which remains to be paid;