STATUTORY RULES OF NORTHERN IRELAND

2010 No. 383

EDUCATION

The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*25th November 2010*
Coming into operation-	*23rd December 2010*

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) 2010 and come into operation on 23rd December 2010.

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 28 and the Schedule.

3. In regulation 2(1), for the definition of ""bursary year"" substitute—

> ""bursary year" means an academic year of a course in relation to which the student is eligible to apply for a healthcare bursary or a Scottish healthcare allowance, the amount of which is calculated by reference to that student's income whether or not the calculation results in a nil amount;".

(**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

4. In regulation 2(1), within sub-paragraph (d) of the definition of ""end-on course"", for "lower level full-time or part-time higher education course, or undertake a compressed degree course or a designated distance learning course" substitute—

"full-time or part-time higher education course, or undertake a designated distance learning course mentioned in paragraph 2, 3, or 4 of Schedule 3 or a foundation degree course having achieved a qualification".

5. In regulation 2(1) within the definition of ""Erasmus year"", for "and all the periods of study during the academic year are at an institution outside the United Kingdom" substitute—

"and—

(a) all the periods of study during the academic year are attended at an institution outside the United Kingdom; or

(b) all the periods of work placement during the academic year are attended at a workplace outside the United Kingdom".

6. In regulation 2(1), for the definition of ""preliminary course"", substitute—

""preliminary course" means a course mentioned in paragraph 2, 3 or 4 of Schedule 3, or overseas equivalent, that is taken before a full-time degree course (other than a first degree course for the initial training of teachers) or a foundation degree course, or overseas equivalent, taken before a full-time honours degree course, as the case may be;".

7. In regulation 2(5)(b), after "sub-paragraph (a)" insert "is an honours degree from an institution in the United Kingdom or".

8. In regulation 2(10)(a)(i), after "teachers" insert "or an academic year of a designated course that is an Erasmus year".

9. In regulation 5(3)(c), for "there has been made to, or paid to, A" substitute "A is eligible to apply for".

10. For regulation 24(2)(b)(i), substitute—

"(i) has completed a course mentioned in paragraph 2, 3 or 4 of Schedule 3 or overseas equivalent, or a foundation degree course or overseas equivalent, on a full-time, part-time or full-time distance learning basis having achieved a qualification;".

11. In regulation 40(2) after sub-paragraph (a), insert—

"(aa) a student on a period of study or period of overseas work placement in an Erasmus year; or".

12. In regulation 49(a), after "period of study" insert "or period of overseas work placement in an Erasmus year".

13. In regulation 49(b), after "Institute" insert "or overseas workplace in an Erasmus year".

14. In regulation 50(b), after "Institute" insert "or overseas workplace in an Erasmus year".

15. In regulation 53, after "Institute" add "or overseas workplace in an Erasmus year".

16. For regulation 63(2)(c), substitute—

"(c) the current system student is eligible to apply for a healthcare bursary or a Scottish healthcare allowance, the amount of which is calculated by reference to that student's income whether or not the calculation results in a nil amount in respect of any academic year of the course; or".

17. In regulation 75(2) after sub-paragraph (a), insert—

"(aa) a student on a period of study or period of overseas work placement in an Erasmus year;".

18. In regulation 78(c)(i), omit "or".

19. In regulation 78(c)(ii), after "Institute;" insert—

"or

(iii) attends an overseas work placement in an Erasmus year;".

20. In regulation 105(3)(a), for "subject to paragraph (4), there has been made to, or paid to, A" substitute "A is eligible to apply for,".

21. Regulations 105(4), 109(3) and 112(3) are omitted.

22. In regulation 122(3)(a), for "there has been made to, or paid to, A" substitute "A is eligible to apply for,".

23. In regulation 139(4)(a), for "there has been made to, or paid to, A" substitute "A is eligible to apply for,".

24. In regulation 146(2) for "£10,260 substitute "£10,469".

25. In paragraph 1(1) of Schedule 2, within the definition of ""family member"", for (a)(ii) substitute—

"(ii) direct descendants of the person or of the person's spouse or civil partner who are—

(aa) under the age of 21; or

(bb) dependants of the person or the person's spouse or civil partner; or".

26. After paragraph 5(3) of Schedule 5, insert—

"(3A) In the event that sub-paragraph (3) or this sub-paragraph was applied in the previous academic year of the current course and the Department is satisfied that the residual income of A 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 A's residual income in the previous financial year the Department may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain A's residual income for the current financial year.".

27. In paragraph 5(4) of Schedule 5, after "sub-paragraph (3)" insert "and, where applicable under sub-paragraph (3A)".

New payment rates for fee loans, grants for fees and fee contribution loans for the academic year beginning on or after 1st September 2011.

28. The Schedule—

(a) applies in relation to an academic year which begins on or after 1st September 2011; and

(b) has effect to substitute the figures in the third column of the table for the figures in the second column where they appear in the regulations of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 set out in the first column.