STATUTORY RULES OF NORTHERN IRELAND

2009 No. 37

EDUCATION

The Education (Student Support) Regulations (Northern Ireland) 2009

Made - - - -	*5th February 2009*
Coming into operation-	*12th March 2009*

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**).

PART 1

GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Education (Student Support) Regulations (Northern Ireland) 2009.

(2) Subject to paragraph (3), regulation 3 and Schedule 1 come into operation on the 22nd day after these Regulations are laid before the Assembly.

(3) The remaining provisions of these Regulations come into operation on 12th March 2009.

(4) These Regulations, except regulation 3 and Schedule 1, apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st September 2009 whether anything done under these Regulations is done before, on or after 1st September 2009.

Interpretation

2.—(1) In these Regulations—

"the Order" means the Education (Student Support) (Northern Ireland) Order 1998;

(**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

"the 1986 Order" means the Education and Libraries (Northern Ireland) Order 1986(**4**);

"the 2005 Order" means the Higher Education (Northern Ireland) Order 2005(**5**);

"the 1998 Act" means the Teaching and Higher Education Act 1998(**6**);

"the 1998 Regulations" means the Education (Student Support) Regulations (Northern Ireland) 1998(**7**);

"the 1999 Regulations" means the Education (Student Support) Regulations (Northern Ireland) 1999(**8**);

"the 2000 Regulations" means the Education (Student Support) Regulations (Northern Ireland) 2000(**9**);

"the 2001 Regulations" means the Education (Student Support) Regulations (Northern Ireland) 2001(**10**);

"the 2002 Regulations" means the Education (Student Support) Regulations (Northern Ireland) 2002(**11**);

"the 2003 Regulations" means the Education (Student Support) Regulations (Northern Ireland) 2003(**12**);

"the 2004 Regulations" means the 2003 Regulations as amended by the Education (Student Support) (Amendment) Regulations (Northern Ireland) 2004(**13**), the Education (Student Support) (Amendment) (No. 2) Regulations (Northern Ireland) 2004(**14**), the Education (Student Support) (Amendment) Regulations (Northern Ireland) 2005(**15**) and the Education (Student Support) (Amendment) (No. 2) Regulations (Northern Ireland) 2005(**16**);

"the 2005 Regulations" means the Education (Student Support) Regulations (Northern Ireland) 2005(**17**);

"the 2006 Regulations" means the Education (Student Support) Regulations (Northern Ireland) 2006(**18**);

"the 2007 Regulations" means the Education (Student Support) Regulations (Northern Ireland) 2007(**19**)

"the 2008 Regulations" means the Education (Student Support) Regulations (Northern Ireland) 2008(**20**)

"academic authority" means, in relation to an institution, the governing body or other body having the functions of a governing body and includes a person acting with the authority of that body;

(**4**) 1986/594 (N.I. 3)
(**5**) S.I. 2005/1116 (N.I. 5)
(**6**) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11; the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6; the Finance Act 2003 (c. 14), section 147 and the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7. See section 43(1) of the 1998 Act for the definition of "prescribed"
(**7**) S.R. 1998 No. 298
(**8**) S.R. 1999 No. 192, as amended by S.R. 1999 No. 370 and S.R. 2000 No. 175
(**9**) S.R. 2000 No. 213, as amended by S.R. 2000 No. 254, S.R. 2000 No. 296 and S.R. 2001 No. 77
(**10**) S.R. 2001 No. 277
(**11**) S.R. 2002 No. 224, as amended by S.R. 2003 No. 121
(**12**) S.R. 2003 No. 298, as amended by S.R. 2003 No. 339
(**13**) S.R. 2004 No. 254
(**14**) S.R. 2004 No. 517
(**15**) S.R. 2005 No. 298
(**16**) S.R. 2005 No. 323
(**17**) S.R. 2005 No. 340, as amended by S.R. 2005 No. 445 and S.R. 2006 No. 252
(**18**) S.R. 2006 No. 312, as amended by S.R. 2006 No. 383
(**19**) S.R. 2007 No. 195, as amended by S.R. 2007 No. 293 and S.R. 2007 No.363
(**20**) S.R. 2008 No. 250

"academic year" means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of the course in question begins according to whether that academic year begins on or after 1st January and before 1st April, on or after 1st April and before 1st July, on or after 1st July and before 1st August or on or after 1st August and on or before 31st December, respectively;

"accelerated course" means a course which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere) for a period of at least 40 weeks in the final year, being a course of two academic years' duration;

"additional amount of loan for living costs" means a additional amount of loan for living costs pursuant to regulation 71;

"borrower" means a person to whom a loan has been made;

"bursary year" means an academic year of a course—

(a) in relation to which the student is eligible to receive any payment under a healthcare bursary the amount of which is calculated by reference to that student's income; or

(b) in relation to which the student is eligible to receive a Scottish healthcare allowance the amount of which is calculated by reference to that student's income;

"college fee loan" means a loan for college fees payable to a qualifying student pursuant to regulations made by the Department under Article 3 of the Order;

"compressed degree course" means a course determined in accordance with paragraph (2) to be a compressed degree course;

"compressed degree student" means an eligible student who—

(a) is undertaking a compressed degree course in the United Kingdom (the "course");

(b) either—

  (i) began the course on or after 1st September 2006 and is continuing on that course after 31st August 2009; or

  (ii) begins the course on or after 1st September 2009; and

(c) either—

  (i) is required to be in attendance on the course for part of the academic year for which the student is applying for support; or

  (ii) is a disabled student who is not required to be in attendance on the course because the student is unable to attend for a reason which relates to that student's disability;

"contribution" means an eligible student's contribution calculated pursuant to regulation 90 and Schedule 5;

"course for the initial training of teachers" includes such a course leading to a first degree unless otherwise indicated but excludes an employment-based teacher training scheme;

"current course" means the designated course in respect of which a person is applying for support;

"current distance learning course" means the designated distance learning course in respect of which a person is applying for support;

"current part-time course" means the designated part-time course in respect of which a person is applying for support;

"current postgraduate course" means the designated postgraduate course in respect of which a person is applying for support;

"current system student" means an eligible student who—

(a) is not an old system student; and

(b) either—

(i) began the current course on or after 1st September 2006 and is continuing on that course after 31st August 2009; or

(ii) begins the current course on or after 1st September 2009;

"Department" means the Department for Employment and Learning;

"designated course" means a course designated by regulation 6 or by the Department under regulation 6;

"designated distance learning course" means a course designated by the Department under regulation 110;

"designated part-time course" means a course designated by regulation 127 or by the Department under regulation 127;

"designated postgraduate course" means a course designated by regulation 144 or by the Department under regulation 144;

"disabled distance learning students' allowance" means the grant payable under regulation 115;

"disabled part-time students' allowance" means the grant payable under regulation 133;

"disabled students' allowance" means the grant payable under regulation 41;

"Directive 2004/38" means Directive 2004/38 of the European Parliament and of the Council of 29th April 2004(**21**) on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

"EC national" means a national of a Member State of the European Community;

"electronic signature" is so much of anything in electronic form as—

(a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and

(b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both;

"eligible distance learning student" has the meaning given in regulation 108;

"eligible part-time student" has the meaning given in regulation 125;

"eligible postgraduate student" has the meaning given in regulation 142;

"eligible student" has the meaning given in paragraph (3);

"employment-based teacher training scheme" means—

(a) a scheme established by the Secretary of State for Innovation, Universities and Skills whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a school or other educational institution except a pupil referral unit; or

(b) a scheme established by the National Assembly for Wales or the Welsh Ministers whereby persons who are or who have been employed in a school or other educational institution except a pupil referral unit may become qualified teachers;

"end-on course" means—

(a) a full-time first degree course (other than a first degree course for the initial training of teachers) beginning before 1st September 2009 which, disregarding any intervening vacation, a student begins immediately after ceasing to attend a full-time course mentioned in paragraph 2 or 3 of Schedule 3 for which the student received or was entitled

(**21**) OJ L158, 30.4.2004, p77-123

to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 or 2008 Regulations;

(b) a full-time honours degree course beginning on or after 1st September 2006 but before 1st September 2009 which, disregarding any intervening vacation, a student begins immediately after ceasing to attend a full-time foundation degree course and for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 or 2008 Regulations;

(c) a course for the initial training of teachers beginning before 1st September 2006 the duration of which does not exceed two years (the duration of a part-time course being expressed as its full-time equivalent) which, disregarding any intervening vacation, a student begins immediately after ceasing to attend a first degree course for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004 or 2005 Regulations;

(d) a full-time first degree course beginning on or after 1st September 2009, (other than a first degree course for the initial training of teachers) which, disregarding any intervening vacation, a student begins immediately after ceasing to attend a lower level full-time or part-time higher education course, or undertake a compressed degree course or a designated distance learning course.

"equivalent or lower qualification" means a qualification determined in accordance with paragraph (5) to be an equivalent or lower qualification;

"Erasmus year" means an academic year of a course during which a student is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS(**22**) and where the student's course is a course referred to in regulation 6(1)(e) and all the periods of study during the academic year are at an institution outside the United Kingdom;

"European Community" means the territory comprised by the Member States of the European Community as constituted from time to time;

"fee contribution loan" means a loan for fees made to an old system student pursuant to regulations made by the Department under Article 3 of the Order;

"fee loan" means a loan for fees made to a current system student pursuant to regulations made by the Department under Article 3 of the Order;

"fees" has the meaning given in Article 3(1) of the 2005 Order except in references to college fees;

"fee support" means a grant for fees pursuant to regulations made by the Department under Article 3 of the Order, a fee contribution loan or a fee loan;

"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 the Training and Development Agency for Schools(**23**);

"former Metropolitan Police District" means—

(a) Greater London, excluding the City of London, the Inner Temple and the Middle Temple;

(b) in the county of Essex, in the district of Epping Forest—

(**22**) ERASMUS is part of the European Community action programme SOCRATES; OJ No L28, 3.2.2000, p1

(**23**) 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 continues in existence but is known instead as the Training and Development Agency for Schools