STATUTORY RULES OF NORTHERN IRELAND

2007 No. 336

EDUCATION

Students Awards (Amendment) Regulations (Northern Ireland) 2007

Made - - - -	*18th July 2007*
Coming into operation-	*20th August 2007*

The Department for Employment and Learning(**1**) makes the following Regulations in exercise of the powers conferred by Articles 50(1) and (2) and 134(1) of the Education and Libraries (Northern Ireland) Order 1986(**2**) and now vested in it(**3**).

Citation, commencement and interpretation

1. These Regulations may be cited as the Students Awards (Amendment) Regulations (Northern Ireland) 2007.

2.—(1) Except as provided for by paragraph (2) these Regulations shall come into operation on 20th August 2007.

(2) Regulations 4, 10 and 13 shall come into operation on 1st September 2007.

3. In these Regulations, "the principal Regulations" means the Students Awards Regulations (Northern Ireland) 2003(**4**).

Revocations

4. The following provisions of the Students Awards (Amendment) Regulations (Northern Ireland) 2006(**5**) are revoked—

(a) regulation 15; and

(b) the Schedule.

(**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(**2**) S.I. 1986/594 (N.I. 3): Article 50(1) and (2) was repealed by Article 9 of, and the Schedule to, the Education (Student Support) (Northern Ireland) Order 1998, (S.I. 1998/1760 (N.I. 14)), subject to the transitional and saving provisions in Part II of the Education (Student Support) (Northern Ireland) Order 1998 (Commencement No. 2 and Transitional Provisions) Order (Northern Ireland) 1998, (S.R. 1998 No. 460 (c. 22))

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

(**4**) S.R. 2003 No. 459 as amended by S.R. 2004 No. 395, S.R. 2005 No. 466 and S.R. 2006 No. 378

(**5**) S.R. 2006 No. 378

Amendment of the principal Regulations

5. The principal Regulations shall be amended as provided by regulations 6 to 13.

6.—(1) Regulation 2 (Interpretation) shall be amended as provided by paragraphs (2) to (6).

(2) After the definition of "Certificate in Education", there shall be inserted—

""child of a Turkish worker" means a person who falls within paragraph 12 of Schedule 10;".

(3) In the definition of "new academic term" for "2006" there shall be substituted "2007".

(4) For the definition of "new payment" there shall be substituted—

""new payment" means a payment made under these Regulations as amended by the Students Awards (Amendment) Regulations (Northern Ireland) 2004, the Students Awards (Amendment) Regulations (Northern Ireland) 2005, the Students Awards (Amendment) Regulations (Northern Ireland) 2006; and the Students Awards (Amendment) Regulations (Northern Ireland) 2007".

(5) For the definition of "old payment" there shall be substituted—

""old payment" means a payment which would have been made under these Regulations, as amended by the Student Awards (Amendment) Regulations (Northern Ireland) 2004, the Students Awards (Amendment) Regulations (Northern Ireland) 2005, and the Student Awards (Amendment) Regulations (Northern Ireland) 2006, if they had not been amended by the Students Awards (Amendment) Regulations (Northern Ireland) 2007;".

(6) After the definition of "Switzerland Agreement" there shall be inserted—

""Turkish worker" means a Turkish national who—

(a) is ordinarily resident in the British Islands; and

(b) is, or has been, lawfully employed in the United Kingdom;".

7. In regulation 9 (Terms and Conditions) in paragraph (2)(a) and (b) for "2005" in each place where it occurs, there shall be substituted "2006".

8.—(1) Regulation 16 (Reduced entitlement to payments) shall be amended as provided by paragraphs (2) to (6).

(2) In paragraph (5)(a)(iv), there shall be omitted "or".

(3) After paragraph (5)(a)(iv) there shall be inserted—

"(v) the child of a Turkish worker; or".

(4) In paragraph (7)(a) (iv), there shall be omitted "or".

(5) In paragraph (7) (a) (v), after the word national there shall be inserted "; or".

(6) After paragraph (7) (a) (v) there shall be inserted—

"(vi) the student became the child of a Turkish worker".

9.—(1) Schedule 3 (Terms and Conditions) shall be amended as provided by paragraphs (2) to (4).

(2) In paragraph 2 (dg) (iii) there shall be omitted "or".

(3) In paragraph 2 (dg) (iv) after the word national there shall be inserted "; or".

(4) After paragraph 2 (dg) (iv) there shall be inserted—

"(v) becomes the child of a Turkish worker".

(5) After paragraph 2 (dg) there shall be inserted—

in the case of a Turkish worker who—

(i) started a designated course on or after 1st September 2006 but before 1st September 2007; and

(ii) is applying for an award in respect of that course,

where the application reaches the board by 20th December 2007;".

10. In Schedule 5 (Fees), for paragraph (iv) there shall be substituted—

"(iv) in the case of a course at the University of Buckingham, £2,905 payable in four instalments of £726, £726, £726 and £727;".

11.—(1) Schedule 7 (Resources) shall be amended as provided by paragraphs (2) and (3).

(2) In paragraph 1(3) of Part 1 for "or a Directive student", there shall be substituted ", a Directive student or a child of a Turkish worker".

(3) In paragraph 4(4) of Part II for "the Education (Student Support) Regulations (Northern Ireland) 2006", there shall be substituted "the Education (Student Support) Regulations (Northern Ireland) 2007(**6**)".

12.—(1) Schedule 10(**7**) (Eligible Students) shall be amended as provided by paragraphs (2) to (4).

(2) For paragraph 1(3) there shall be substituted—

"(3) For the purposes of this Schedule, a person is to be treated as ordinarily resident in the British Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey if he would have been so resident but for the fact that—

(a) he;

(b) his spouse or civil partner;

(c) his parent; or

(d) in the case of a dependent relative in the ascending line, his child or child's spouse or civil partner,

is or was temporarily employed outside that area.".

(3) For paragraph 1(4) there shall be substituted—

"(4) For the purposes of sub-paragraph (3), temporary employment outside the British Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey includes—

(a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the British Islands as members of such forces;

(b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the European Economic Area and Switzerland as members of such forces; and

(c) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.".

(4) After paragraph 11 there shall be inserted—

"**Children of Turkish workers**

12. A person who—

(**6**) S.R. 2007 No.195, as amended by S.R. 2007 No. 293

(**7**) Schedule 10 was inserted by regulation 14 of S.R. 2006 No. 378