STATUTORY RULES OF NORTHERN IRELAND

2007 No. 329

EDUCATION

The Education (Student Loans) (Amendment) Regulations (Northern Ireland) 2007

Made - - - -	*10th July 2007*
Coming into operation-	*1st August 2007*

The Department for Employment and Learning(**1**) makes the following Regulations in exercise of the powers conferred by Article 3(5) of and paragraph 1(1) of Schedule 2 to the Education (Student Loans) (Northern Ireland) Order 1990(**2**) and now vested in it(**3**).

Citation, commencement and interpretation

1. These Regulations may be cited as the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 2007 and come into operation on 1st August 2007.

2. In these Regulations "the principal Regulations" means the Education (Student Loans) Regulations (Northern Ireland) 1998(**4**).

Revocation

3. Regulation 8 of the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 2006 is revoked(**5**).

Amendment of the principal Regulations

4. The principal Regulations shall be amended as provided by regulations 5 to 10.

(**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. 1990/1506 (N.I. 11); as amended by S.I. 1996/274 (N.I. 1), Article 43 and Schedule 5 Part II, S.I. 1996/1918 (N.I. 15), Article 3 and the Schedule and S.I. 1998/258 (N.I. 1), Articles 3 to 6. The entire Order was repealed by the Education (Student Support) (Northern Ireland) Order 1998 S.I. 1998/1760 (N.I. 14), Article 9 and the Schedule. This repeal is subject to transitional and saving provisions in the Education (Student Support) (Northern Ireland) Order 1998 (Commencement and Transitional Provisions) Order (Northern Ireland) 1998 S.R. 1998 No. 306. The saving provisions include provision for making subordinate legislation after the date of repeal.

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

(**4**) S.R. 1998 No. 58 as amended by S.R. 1998 No. 262, S.R. 1998 No. 303, S.R. 1999 No. 343, S.R. 2000 No. 244, S.R. 2001 No.276, S.R. 2002 No. 241, S.R. 2003 No. 340, S.R. 2004 No. 305, S.R. 2005 No. 351, S.R. 2005 No. 435, S.R. 2006 No. 307 and S.R. 2006 No.329

(**5**) S.R. 2006 No. 307

5.—(1) Regulation 3 (Interpretation) shall be amended as provided by paragraphs (2) to (6).

(2) For the definition of "2005 loan", there shall be substituted—

""2005 loan" means a loan the maximum amount of which is the maximum amount that would have been payable under these Regulations had they not been amended by the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 2006 and the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 2007;".

(3) After the definition of "2005 loan", there shall be inserted—

""2006 loan" means a loan the maximum amount of which is the maximum amount that would have been payable under these Regulations had they not been amended by the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 2007;".

(4) Before the definition of "2006 academic year", there shall be inserted—

""2005 academic year" means an academic year beginning on or after 1st August 2005 but before 1st July 2006;".

(5) After the definition of "2006 academic year", there shall be inserted—

""2007 academic year" means an academic year beginning on or after 1st August 2007 but before 1st July 2008;".

(6) The definition of "new academic year" shall be omitted.

6.—(1) Regulation 4 (Conditions of Eligibility) shall be amended as provided by paragraphs (2) and (3).

(2) In paragraphs (1A) and (1D) for "a new academic year" wherever it appears, there shall be substituted "the 2005 academic year".

(3) For paragraphs (1E) to (1G), there shall be substituted—

"(1E) Subject to paragraphs (1I) and (2), a person shall be eligible for a 2006 loan in relation to the 2006 academic year if he—

(a) is either attending, or attended throughout the 2006 academic year, a course which is—

(i) a full-time course; or

(ii) a full-time or a part-time course for the initial training of teachers which is for the time being designated by the Department;

(b) falls within paragraph 11 of Part 2 of Schedule 1; and

(c) has entered into an agreement for a loan—

(i) in the case of a person who will—

(aa) complete the course referred to in sub-paragraph (a) during the 2006 academic year; and

(bb) not attend a further course of study in the 2007 academic year,

before the final day of the course referred to in sub-paragraph (a); or

(ii) in the case of a person who will—

(aa) continue to attend the course referred to in sub-paragraph (a) in the 2007 academic year; or

(bb) attend a further course of study in the 2007 academic year,

before 1st August 2008.

(1F) For the purposes of paragraph (1D)(b) and (1E)(b), the references to "the course" in the relevant paragraphs of Part 2 of Schedule 1 are to be treated as references to the course referred to in paragraph (1D)(a)(i) or (ii) or (1E)(a)(i) or (ii).

(1G) For the purposes of paragraph (1D)(c)(i)(bb), (1D)(c)(ii)(bb), (1E)(c)(i)(bb) and (1E)(c)(ii)(bb), "further course of study" means a further course of study which is a full-time or a part-time course for the initial training of teachers which is designated by the Department.

(1H) Paragraph (1D) shall not apply in the case of a person who would have been eligible for a loan under paragraph (1) before 30th April 2006.

(1I) Paragraph (1E) shall not apply in the case of a person who would have been eligible for a loan under paragraph (1) before 1st August 2007.".

7.—(1) Regulation 6 (Amounts of loans) shall be amended as provided by paragraph (2).

(2) In paragraphs (1) to (4), for each of the figures in the first column, wherever it appears, substitute the corresponding figure in the second column below—

First column (£)	*Second column (£)*
1,185	1,215
1,900	1,940
1,615	1,655
2,605	2,665
1,540	1,575
2,105	2,155

8. For regulation 7(1) (Terms of loans), there shall be substituted—

"(1) Every agreement for a loan made on or after 1st August 2007 shall include the terms set out in Part 1 of Schedule 2.".

9.—(1) Schedule 1 (Eligible students) shall be amended as provided by paragraphs (2) to (5).

(2) After the definition of "Switzerland Agreement" in paragraph 1(1), there shall be inserted—

""Turkish worker" means a Turkish national who—

(a) is ordinarily resident in the United Kingdom and Islands; and

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

(3) 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 United Kingdom and 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 direct relative in the ascending line, his child or child's spouse or civil partner,

is or was temporarily employed outside the relevant area."