STATUTORY RULES OF NORTHERN IRELAND

2006 No. 312

EDUCATION

The Education (Student Support) Regulations (Northern Ireland) 2006

Made - - - -	*18th July 2006*
Coming into operation	*1st September 2006*

The Department for Employment and Learning(**1**) 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**) makes the following Regulations:

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Education (Student Support) Regulations (Northern Ireland) 2006 and shall come into operation on XXXXXXX 2006.

Interpretation

2.—(1) In these Regulations—

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

"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**)

(**1**) Formerly known as the Department of Higher and Further Education, Training and Employment; *see*S.I. 1999/283 (N.I. 1) and the Department for Employment and Learning Act (Northern Ireland) 2001 c. 15

(**2**) S.I. 1998/1760 (N.I. 14) as amended by the Learning and Skills Act 2000 (c. 21), section 147(3)(a) and (b) and the Higher Education (Northern Ireland) Order 2005 (S.I. 2005/1116 (N.I. 5))

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

(**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

"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**) as amended by the Education (Student Support) (2005 Regulations) (Amendment) Regulations (Northern Ireland) 2005(**18**) and the Education (Student Support) (2005 Regulations) (Amendment) Regulations (Northern Ireland) 2006(**19**);

"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;

"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;

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

"college fee loan" means a loan pursuant to regulations made by the Department under Article 3 of the Order in respect of the college fees payable by a student to a college or permanent private hall of the University of Oxford or to a college of the University of Cambridge;

(**7**) S.R. 1998 No. 298
(**8**) S.R. 1999 No. 192, as amended by S.R. 1999 No. 370
(**9**) S.R. 2000 No. 213, as amended by S.R. 2000 No. 254 and S.R. 2000 No. 296
(**10**) S.R. 2001 No. 277
(**11**) S.R. 2002, as amended by S.R. 2003 No. 121
(**12**) S.R. 2003 No. 298, as amended by S.R. 2003 No. 239
(**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
(**18**) S.R. 2005 No. 445
(**19**) S.R. 2006 No. 252

"contribution" means an eligible student's contribution calculated pursuant to regulation 74 and Schedule 4;

"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;

"Department" means the Department for Employment and Learning;

"designated course" means a course designated by regulation 5 or by the Department under regulation 5;

"designated part-time course" means a course designated by regulation 86 or by the Department under regulation 86;

"designated postgraduate course" means a course designated by regulation 102 or by the Department under regulation 102;

"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 part-time student" has the meaning given in regulation 85;

"eligible postgraduate student" has the meaning given in regulation 101;

"eligible student" has the meaning given in regulation 4;

"employment-based teacher training scheme" means—

(a) a scheme established by the Secretary of State for Education 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, city college, Academy, independent school or other institution except a pupil referral unit; or

(b) a scheme established by the National Assembly for Wales 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) 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 2 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;

(b) a full-time honours degree course beginning on or after 1st September 2006 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 or 2005 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;

"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(**20**) and his course is a course referred to in regulation 5(1)(d) 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 new 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 the case of 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(**21**);

"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—

the area of the former urban district of Chigwell,

the parish of Waltham Abbey;

(c) in the county of Hertfordshire—

in the borough of Broxbourne, the area of the former urban district of Cheshunt,

the district of Hertsmere,

in the district of Welwyn Hatfield, the parish of Northaw; and

(d) in the county of Surrey—

in the borough of Elmbridge, the area of the former urban district of Esher,

the boroughs of Epsom and Ewell and Spelthorne,

in the district of Reigate and Banstead, the area of the former urban district of Banstead;

"gap year student" has the meaning given in paragraph (2);

"higher education course" means a course referred to in Schedule 2 or a postgraduate or other course the standard of which is higher than the standard of a first degree course;

"household income" has the meaning given in Schedule 4;

"Islands" means the Channel Islands and the Isle of Man;

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

(**21**) 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

"loan", except where otherwise indicated, means a loan pursuant to regulations made by the Department under Article 3 of the Order, including the interest accrued on the loan and any penalties or charges incurred in connection with it;

"loan for living costs" means a loan for living costs pursuant to regulations made by the Department under Article 3 of the Order;

"new system student" means an eligible student who begins the current course on or after 1st September 2006 and who is not an old system student;

"old award" is an award within the meaning of the Education (Students Awards) Regulations (Northern Ireland) 2003(**22**);

"old system student" means an eligible student who—

(a) began the current course before 1st September 2006 and who is continuing on that course after 31st August 2006;

(b) is a gap year student in relation to the current course;

(c) began the current course on or after 1st September 2006 where that course is an end-on course (other than one of the kind referred to in paragraph (c) of the definition of "end-on course" in this regulation) following on from—

(i) a course that he began before 1st September 2006; or

(ii) a course that he began before 1st September 2007 and in relation to which he was a gap year student; or

(d) began the current course on or after 1st September 2006 having had his status as an eligible student transferred to that course as a result of one or more transfers of that status by the Department pursuant to regulations made under Article 3 of the Order from a designated course in connection with which the Department determined him to be an eligible student and which he began—

(i) before 1st September 2006; or

(ii) before 1st September 2007 and in relation to which he was a gap year student; or

(e) began the current course on or after 1st September 2006 at a relevant institution of higher education in the Republic of Ireland;

"period of eligibility" has the meaning given respectively in regulation 6 in relation to an eligible student, in regulation 86 in relation to an eligible part-time student and in regulation 102 in relation to an eligible postgraduate student;

"periods of work experience" means—

(a) periods of industrial, professional or commercial experience associated with full-time study at an institution but at a place outside that institution;

(b) periods during which a student is employed and residing in a country whose language is one that he is studying for his course (provided that the period of residence in that country is a requirement of his course and the study of one or more modern languages accounts for not less than one half of the total time spent studying on the course);

"previous regulations" means regulations made in accordance with Article 50(1) of the 1986 Order or the 1998, 1999, 2000, 2001, 2002, 2003, 2004 or 2005 Regulations;

"private institution" means an institution which is not maintained or assisted by recurrent grants out of public funds;

"publicly-funded", means maintained or assisted by recurrent grants out of public funds and related expressions are to be interpreted accordingly;

(**22**) S.R. 2003 No. 459, as amended by S.R. 2004 No. 395