STATUTORY RULES OF NORTHERN IRELAND

2006 No. 252

EDUCATION

The Education (Student Support) (2005 Regulations) (Amendment) Regulations (Northern Ireland) 2006

Made - - - -	*6th June 2006*
Coming into operation-	*29th June 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**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Student Support) (2005 Regulations) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 29th June 2006.

Interpretation

2. In these Regulations—

"the 2005 Regulations" means the Education (Student Support) Regulations (Northern Ireland) 2005(**4**) as amended by the Education (Student Support) (2005 Regulations) (Amendment) Regulations (Northern Ireland) 2005(**5**);

Amendments to the 2005 Regulations

3. The 2005 Regulations shall be amended as provided by regulations 4 to 19.

4.—(1) Regulation 2 (Interpretation) shall be amended as provided by paragraphs (2) to (4).

(2) The following definitions shall be omitted—

(a) "EEA Agreement";

(b) "EEA migrant worker";

(**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) as amended by the Learning and Skills Act 2000 (c. 21), section 147(3)(a) and (b)
(**3**) S.R. 1999 No. 481*see* Article 5(b) and Schedule 3 Part II
(**4**) S.R. 2005 No. 340
(**5**) S.R. 2005 No. 445

(c) "European Economic Area";

(d) "student loan account number"; and

(e) "Switzerland Agreement".

(3) The definition of "refugee", the words "and any reference to the child of a refugee includes a reference to a step-child" shall be omitted.

(4) Paragraphs (2), (3), (4) and (5) shall be omitted.

5. In regulation 3 (Revocation, savings and transitional provisions) paragraph (9) shall be omitted.

6. In regulation 4 (Eligible students) in sub-paragraph (a) of paragraph (2), for "is mentioned in Schedule 2" there shall be substituted "falls within one of the categories set out in Part 2 of Schedule 2".

7. In regulation 9 (Time limits) for sub-paragraphs (a), (b) and (c) of paragraph (2), there shall be substituted—

"(a) one of the events listed in regulation 11(17) occurs after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the Department within a period of nine months beginning with the day on which the relevant event occurred;".

8. In regulation 11 (Qualifying conditions for grants for fees) for paragraphs (16) and (17) there shall be substituted—

"(16) Where one of the events listed in paragraph (17) occurs in the course of an academic year—

(a) a student may qualify for fee support in accordance with this Part in respect of that academic year provided that the relevant event occurred within the first three months of the academic year; and

(b) fee support is not available in respect of any academic year beginning before the academic year in respect of which the relevant event occurred.

(17) The events are—

(a) the student's course becomes a designated course;

(b) the student, his spouse, his civil partner or his parent is recognised as a refugee or becomes a person with leave to enter or remain (as defined in Part 1 of Schedule 2);

(c) a state accedes to the European Community where the student is a national of that state or the family member (as defined in Part 1 of Schedule 2) of a national of that state;

(d) the student becomes a family member (as defined in Part 1 of Schedule 2) of an EC national;

(e) the student acquires the right of permanent residence (as defined in Part 1 of Schedule 2);

(f) the student becomes a person described in paragraph 6(a) of Schedule 2; or

(g) the student becomes the child of a Swiss national.".

9.—(1) Regulation 13 (General qualifying conditions for grants for living costs) shall be amended as provided by paragraphs (2) and (3).

(2) For paragraph (2)(a) there shall be substituted—

"(a) a bursary or grant for living costs if the only paragraph in Part 2 of Schedule 2 into which he falls is paragraph 9;".

(3) For paragraphs (7) and (8) there shall be substituted—

"(7) Where one of the events listed in paragraph (8) occurs in the course of an academic year, a student may qualify for a grant in accordance with this Part in respect of all or part of that academic year but he does not qualify for a grant for living costs in respect of any academic year beginning before the relevant event occurred.

(8) The events are—

(a) the student's course becomes a designated course;

(b) the student, his spouse, his civil partner or his parent is recognised as a refugee or becomes a person with leave to enter or remain (as defined in Part 1 of Schedule 2);

(c) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;

(d) the student acquires the right of permanent residence (as defined in Part 1 of Schedule 2);

(e) the student becomes a person described in paragraph 6(a) of Schedule 2; or

(f) the student becomes the child of a Swiss national.".

10.—(1) Regulation 17 (Grants for dependants – adult dependants' grant) shall be amended as provided by paragraphs (2) and (3).

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

"(2) The adult dependants' grant is available in respect of a dependant of an eligible student who is either—

(a) the eligible student's partner; or

(b) an adult dependant whose net income does not exceed £3,445.".

(3) For paragraph (5) there shall be substituted—

"(5) The amount of adult dependants' grant calculated under regulation 20 in respect of an adult dependant shall be reduced by one half where—

(a) the eligible student's partner—

(i) is an eligible student; or

(ii) holds a statutory award; and

(b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which he is entitled under the statutory award.".

11. In regulation 19 (Grants for dependants – parents' learning allowance) for paragraph (1) there shall be substituted—

"(1) An eligible student shall qualify in connection with his attendance on a designated course for the parents' learning allowance if he has one or more dependants who are dependent children.".

12. In regulation 24 (Qualifying conditions for loans for living costs) for paragraphs (3), (4) and (5) of the 2005 Regulations, there shall be substituted—

"(3) An eligible student shall not qualify for a loan for living costs—

(a) if—

(i) he is absent from absent from his course for the duration of one academic year; and

(ii) he is in receipt of funding from the Department to participate in a management development programme known as the Business Education Initiative; or

(b) if the only paragraph in Part 2 of Schedule 2 into which he falls is paragraph 9.

(4) Where one of the events listed in paragraph (5) occurs in the course of an academic year—

(a) a student may qualify for a loan for living costs in respect of such quarters of that academic year as are specified in regulation 25(8) provided that he meets the conditions in paragraph (1); and

(b) a student shall not qualify for a loan for living costs in respect of any academic year beginning before the academic year in which the relevant event occurred.

(5) The events are—

(a) the student's course becomes a designated course;

(b) the student, his spouse, his civil partner or his parent is recognised as a refugee or becomes a person with leave to enter or remain (as defined in Part 1 of Schedule 2);

(c) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three year-period immediately preceding the first day of the first academic year of the course;

(d) the student acquires the right of permanent residence (as defined in Part 1 of Schedule 2);

(e) the student becomes a person described in paragraph 6(a) of Schedule 2; or

(f) the student becomes the child of a Swiss national.".

13.—(1) Regulation 34 (Eligible part-time students) shall be substituted as provided by paragraphs (2) to (4).

(2) In sub-paragraph (a) of paragraph (2) for "is mentioned in Schedule 2" there shall be substituted "falls within one of the categories set out in Part 2 of Schedule 2".

(3) For paragraph (7) of there shall be substituted—

"(7) An eligible part-time student shall not qualify for support under regulation 37(1)(b) or regulation 38 if the only paragraph in Part 2 of Schedule 2 into which he falls is paragraph 9.".

(4) For paragraphs (13) and (14) there shall be substituted—

"(13) Where one of the events listed in paragraph (14A) occurs in the course of an academic year—

(a) a student may qualify for a grant in respect of fees in respect of that academic year in accordance with this Part provided that the relevant event occurred within the first three months of the academic year; and

(b) a grant in respect of fees is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(14) Where one of the events listed in sub-paragraphs (a), (b), (e), (f), (g) or (h) of paragraph (14A) occurs in the course of an academic year—

(a) a student may qualify for support under regulation 37(1)(b) in respect of that academic year in accordance with this Part provided that the relevant event occurred within the first three months of the academic year; and

(b) support of the kind referred to in regulation 37(1)(b) is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(14A) The events are—

(a) the student's course becomes a designated part-time course;

(b) the student, his spouse, his civil partner or his parent is recognised as a refugee or becomes a person with leave to enter or remain (as defined in Part 1 of Schedule 2);

(c) a state accedes to the European Community where the student is a national of that state or a family member (as defined in Part 1 of Schedule 2) of a national of that state;

(d) the student becomes a family member (as defined in Part 1 of Schedule 2) of an EC national;

(e) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three year-period immediately preceding the first day of the first academic year of the course;

(f) the student acquires the right of permanent residence (as defined in Part 1 of Schedule 2);

(g) the student becomes a person described in paragraph 6(a) of Schedule 2; or

(h) the student becomes the child of a Swiss national.".

14. In regulation 39 (Applications for support) for sub-paragraphs (a) and (b) of paragraph (3) there shall be substituted—

"(a) one of the events listed in regulation 34(14A) occurs after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the Department within a period of six months beginning with the day on which the relevant event occurred.".

15.—(1) Regulation 46 (Eligible postgraduate students) shall be amended as provided by paragraphs (2) to (4).

(2) In sub-paragraph (a) of paragraph (3) for "mentioned in Schedule 2" there shall be substituted "falls within one of the categories set out in Part 2 of Schedule 2".

(3) For paragraph (5) there shall be substituted—

"(5) An eligible postgraduate student shall not qualify for a grant under this Part if the only paragraph in Part 2 of Schedule 2 into which he falls is paragraph 9.".

(4) After paragraph (7) there shall be added—

"(8) Where one of the events listed in paragraph (9) occurs in the course of an academic year—

(a) a student may qualify for a grant under this Part in respect of that academic year in accordance with this Part; and

(b) a grant of the kind available under this Part is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.