STATUTORY RULES OF NORTHERN IRELAND

2005 No. 466

EDUCATION

Students Awards (Amendment) Regulations (Northern Ireland) 2005

Made - - - -	*26th October 2005*
Coming into operation	*20th November 2005*

The Department for Employment and Learning(**1**), in exercise of the powers conferred by Articles 50(1) and (2) and 134(1)(**2**) of the Education and Libraries (Northern Ireland) Order 1986(**3**)and now vested in it(**4**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Students Awards (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 20th November 2005 and shall have effect on and from 1st September 2005.

2. In these Regulations, "the Principal Regulations" means the Students Awards Regulations (Northern Ireland) 2003(**5**).

Revocation

3. The following provisions of the Students Awards (Amendment) Regulations (Northern Ireland) 2004(**6**) are hereby revoked—

(a) regulation 7; 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**) As amended by S.I.1993/2810 (N.I. 12): Article 50 and Schedule 4 Part II
(**3**) S.I. 1986/594 (N.I. 3): Article 50(1) and (2) was repealed by Article 9 of, and the Schedule to, the Education (Student Support) (Northern Ireland) Order 1998, (S.I. 1998/1760 (N.I. 14)), subject to the transitional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))
(**4**) S.R. 1999 No. 481 Article 5(b) and Schedule 3 Part II
(**5**) S.R. 2003 No. 459 as amended by S.R. 2004 No. 395
(**6**) S.R. 2004 No. 395

Amendment of the Principal Regulations

4. The Principal Regulations shall be amended as provided by regulations 5 to 17.

5.—(1) Regulation 2 (Interpretation) shall be amended as provided by paragraphs (2) to (9).

(2) Before the definition of "academic authority" there shall be inserted—

""the 2005 Act" means the Education Act 2005(**7**);".

(3) After the definition of "British Islands" there shall be inserted—

""category 2 European Student" means a person who is a national of a member state of the European Community—

(a) who has been ordinarily resident in the British Islands throughout the three year period immediately preceding the start of the relevant designated course;

(b) who, where he is a national of the United Kingdom, has a right to be treated no less favourably than a national of another member state by virtue of having exercised a Community right of free movement; and

(c) who, in a case where his ordinary residence referred to in sub-paragraph (a) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the European Economic Area immediately prior to the period of ordinary residence referred to in sub-paragraph (a).".

(4) For paragraph (a) of the definition of "course of initial teacher training" there shall be substituted—

"(a) a full-time course for the initial teacher training of teachers (other than a course for the degree of Bachelor of Education) provided—

(aa) by a publicly funded institution; or

(bb) where a private institution is a training provider within the meaning of section 78 of the 2005 Act or an eligible institution within the meaning of section 86 of the 2005 Act, by a public institution in conjunction with such a private institution; or

(cc) by a private institution of the type referred to in sub-paragraph (bb);".

(5) For the definition of "European student" there shall be substituted—

""European student" means a person who is a national of a member state of the European Community or the child of such a national—

(a) who has not been ordinarily resident in the British Islands as described in regulation 6(1), whose residence in the British Islands has been wholly or mainly for the purposes of receiving full-time education as described in regulation 6(2) or who is not settled in the United Kingdom as described in paragraph 2(a) of Schedule 1; and

(b) who is not a category 2 European student;".

(6) In the definition of "institution" for "Part I of the Education Act 1994" there shall be substituted "Part 3 of the 2005 Act".

(7) In the definition of "new academic term" for "2004" there shall be substituted "2005".

(8) 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 and the Students Awards (Amendment) Regulations (Northern Ireland) 2005;".

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

(**7**) 2005 c. 18

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

6. In regulation 6 (Ordinarily resident) after paragraph (2) there shall be inserted—

"(2A) Paragraphs 5(1) and (2) shall not apply in the case of a category 2 European student.".

7. In regulation 9 (Terms and conditions) in paragraph (2)(a) and (b) for "2003" in each place where it occurs, there shall be substituted "2004".

8. In Schedule 1 (Persons) at the end of paragraph 2(a) the semi-colon shall be removed and there shall be added—

"or is a category 2 European student;"

9. In Schedule 3 (Terms and conditions) after paragraph 2(d) there shall be inserted the following paragraph—

"(dd) in the case of a category 2 European student who—

(i) started a designated course on or after 1st September 2004 but before 1st September 2005; and

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

where the application reaches the authority by 1st January 2006.".

10. In Schedule 5 (Fees) for paragraph (c)(iv)(**8**) there shall be substituted—

"(iv) in the case of a a course at the University of Buckingham, a first and second instalment of £692 and a third and fourth instalment of £693; in the case of a course at the Guildhall School of Music, a first instalment of £1,416 and a second and third instalment of £1,417; and in the case of a course at Heythrop College, a first and second instalment of £698 and a third instalment of £699;".

11.—(1) Schedule 6 (Requirements) shall be amended as provided by paragraphs (2) to (4).

(2) In paragraph 13(4)—

(a) in sub-paragraph (a), the words "and has not made an election under paragraph (3) of Schedule 4" shall be omitted;

(b) in sub-paragraph (b)—

(i) after "is" in the first place where it appears, there shall be inserted "not";

(ii) the words "and has not made an election under paragraph (3) of Schedule 4" shall be omitted.

(3) In paragraph 14—

(a) in sub-paragraph (1), the words "has not made an election under paragraph (3) of Schedule 8 and he" shall be omitted;

(b) in sub-paragraph (3) for "paragraph 13(2)" in the second and third places where those words appear, there shall be substituted "sub-paragraph (2)".

(4) Paragraph 18 shall be renumbered as 16.

12.—(1) Schedule 7 (Resources) shall be amended as provided by paragraphs (2) to (4).

(2) In paragraph 1—

(**8**) As amended by regulation 6 of S.R. 2004 No.395

(a) for sub-paragraph (1)(c) there shall be substituted—

"(c) any grant to facilitate teacher training paid to the student under Part 2 of the Education Act 2002 or section 78 of the 2005 Act, any payment made in respect of the student's training as a teacher by an institution to which grants, loans or other payments for that purpose are provided under section 78 or 86 of the 2005 Act or under section 65(3) of the Further and Higher Education Act 1992;";

(b) in sub-paragraph (3) after "European student", there shall be inserted "or a category 2 European student".

(3) For paragraph 4(2), there shall be substituted—

"(2) Where a contribution is ascertained in respect of more than one child of the student's parent the aggregate of the contributions shall not exceed the contribution that would be ascertained if only one child held such an award or, if that amount is different in respect of each child, the lower, or as the case may be, lowest such amount.

(2A) The amount or, where a contribution is ascertained in respect of more than one child of the student's parent, the aggregate amount of the parental contribution ascertained under this Part shall in no case exceed £7,250.".

(4) For paragraph 4(4) to (6), there shall be substituted—

"(4) Subject to sub-paragraphs (5) and (6), for any year in which a statutory award under these Regulations, the Education (Student Support) Regulations (Northern Ireland) 2005 or section 63 of the Health Services and Public Health Act 1968 (and no other statutory award) is held by more than one child of the student's parent, the parental contribution payable in respect of the student shall be an amount equal to the aggregate of the contributions ascertained in accordance with this Part divided by the number of children of his parent who hold a relevant statutory award.

(5) Subject to sub-paragraph (6), if, as a result of the apportionment under sub-paragraph (4), any part of the parental contribution ascertained in accordance with this Part would not be applied in respect of the student's statutory award, the remainder of the contribution shall be applied—

(a) first in relation to the smallest statutory award (or equally to each such award) to which the contribution may be applied; and

(b) then to the remaining statutory award to which the contribution may be applied or, if there is more than one remaining statutory award to which the contribution may be applied, equally to each such award.

(6) If, after apportioning the remaining parental contribution equally under sub-paragraph (5)(b)—

(a) any amount of the parental contribution ascertained under this Part still has not been applied; and

(b) there remains one or more statutory awards to which the contribution may be applied,

the balance of the contribution shall be applied to the remaining statutory award or awards, in increasing order of size, to which the contribution may be applied, until there remains no such statutory award to which the contribution has not been applied.".

13.—(1) Schedule 8 (Single students with dependants) shall be amended as provided by paragraphs (2) and (3).

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

"(2) In the case of such a student the sum to be disregarded under paragraph 1(1)(a) of Schedule 7 shall be £2,055 instead of £945.".

(3) Paragraph 3 shall be omitted.

14.—(1) Schedule 9 (Sandwich courses) shall be amended as provided by paragraphs (2) and (3).

(2) In paragraph 1(4) for "references to Schedules 6 and 7 are to be construed as references to those Schedules", there shall be substituted "references to Schedule 7 are to be construed as references to that Schedule".

(3) In paragraph 3(c) the words "except that where such a requirement falls to be increased under paragraph 16 it shall be increased by the prescribed proportion or the sum there specified" shall be omitted.

15. The figures in the third column of the table in Schedule 1 to these Regulations are substituted for the figures in the second column where they appear in the provisions of the Principal Regulations set out in the first column of the table.

16. The Principal Regulations are also amended in accordance with Schedule 2.

Modifications applying while the Civil Partnership Act 2004 is not in force

17. During such time as section 1 of the Civil Partnership Act 2004(**9**) is not in force, regulation 16 and Schedule 2 shall not have effect.

Sealed with the Official Seal of the Department for Employment and Learning on 26th October 2005.

David McAuley
A senior officer of the
Department for Employment and Learning

(**9**) 2004 c. 33