STATUTORY RULES OF NORTHERN IRELAND

2005 No. 435

EDUCATION

The Education (Student Loans) (Amendment) (No.2) Regulations (Northern Ireland) 2005

Made - - - -	*29th September 2005*
Coming into operation	*24th October 2005*

The Department for Employment and Learning(**1**), 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**) 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 Education (Student Loans) (Amendment) (No.2) Regulations (Northern Ireland) 2005 and shall come into operation on 24th October 2005.

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

Amendment of the Principal Regulations

3. The Principal Regulations shall be amended as provided by regulations 4 to 8.

4. In regulation 3 (Interpretation) in paragraph (1) after the definition of "metropolitan police district", there shall be inserted—

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

(**1**) Formerly 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. 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 The entire Order was repealed by the Education (Student Support) (Northern Ireland) Order 1998 (N.I.14), Article 9 and the Schedule.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 (c. 14). The saving provisions include provision for making subordinate legislation after the date of repeal

(**3**) S.R. 1999 No. 481, 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. 2004 No. 305 and S.R. 2005 No. 351

"old academic year" means an academic year beginning on or after 1st August 2004 but before 1st July 2005;

"old loan" means a loan the maximum amount of which is the maximum amount of loan that would have been payable under these Regulations had they not been amended by the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 2005(**5**);".

5.—(1) Regulation 4 (Conditions of eligibility) shall be amended as provided by paragraph (2).

(2) After paragraph (1), there shall be inserted—

"(1A) Subject to paragraphs (1C) and (2), a person shall be eligible for an old loan in relation to an old academic year if—

(a) he attended throughout that academic year—

(i) a full-time course; or

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

(b) in a new academic year, he—

(i) continues to attend the course referred to in sub-paragraph (a); or

(ii) is attending 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;

(c) he is a person mentioned in paragraph 6A of Schedule 1; and

(d) he has entered into an agreement for the loan before 1st August 2006.

(1B) For the purposes of paragraph (1A)(c), the reference to "the course" in paragraph 6A of Schedule 1 is to be treated as a reference to the course referred to in paragraph (1A)(a)(i) or (ii).

(1C) Paragraph (1A) shall not apply to a person who would have been eligible for a loan under paragraph (1) had he applied for that loan before 1st August 2005.".

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

(2) In paragraphs (1) to (4) for the figure "1,1575" in each place where it appears there shall be substituted "1,575".

7. In Schedule 1 (Eligible Students) after paragraph 6 there shall be inserted the following paragraph—

"**6A.** A person who is a national of a member State of the European Community—

(a) who has been ordinarily resident throughout the three-year period preceding the first day of the course in the United Kingdom and Islands;

(b) who, were 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 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 in sub-paragraph (a).".

(**5**) S.R. 2005 No. 351

(**6**) Regulation 6 was amended by S.R. 2005 No. 351 regulation 4