STATUTORY RULES OF NORTHERN IRELAND

2004 No. 517

EDUCATION

The Education (Student Support) (Amendment) (No. 2) Regulations (Northern Ireland) 2004

Made - - - -	*20th December 2004*
Coming into operation	*15th January 2005*

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 every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Student Support) (Amendment) (No. 2) Regulations 2004 and shall come into operation on 15th January 2005.

2. In these Regulations, "the 2003 Regulations" means the Education (Student Support) Regulations (Northern Ireland) 2003(**4**).

3. In these Regulations, "the 2004 Regulations" means the Education (Student Support) (Amendment) Regulations (Northern Ireland) 2004(**5**).

Amendment of the 2003 Regulations

4. The 2003 Regulations are amended as provided by regulations 5 to 9.

5. For regulation (4)(2)(c)(i) there shall be substituted –

"(i) "a bursary or award of similar description under Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(**6**), (other than a bursary paid in respect of attendance on a degree in social work course at an educational institution in Northern Ireland, which the student commenced on or after 1st September 2004,) or section 63 of

(**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 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. 2003 No. 298, as amended by S.R. 2003 No. 339
(**5**) S.R. 2004 No. 254
(**6**) S.I. 1972/1265 (N.I. 14)

the Health Services and Public Health Act 1968(**7**) the amount of which is not calculated by reference to his income;".

6. In regulation 28 (as substituted by Schedule 1 to the 2004 Regulations) for paragraph (3) there shall be substituted –

"(3) A person shall not be eligible for assistance under regulation 30(1)(a) in connection with his undertaking a designated part-time course unless the course is undertaken in Northern Ireland.".

7. In regulation 29(1)(b) (as substituted by Schedule 1 to the 2004 Regulations) for the words "it exceeds" there shall be substituted "it equals or exceeds".

8. For regulation 40 there shall be substituted –

"**40.**—(1) In Northern Ireland –

(a) a bankrupt's estate shall not include nor shall there be claimed therefor under Article 280 or 283 of the Insolvency (Northern Ireland) Order 1989(**8**) any sum payable to an eligible student by way of a loan and which he receives or is entitled to receive after the commencement of the bankruptcy, whether his entitlement arises before or after the commencement of his bankruptcy; and

(b) there shall not be included in a person's bankruptcy debts any debt or liability to which he is or may become subject in respect of any sum payable to an eligible student by way of a loan and which he receives or is entitled to receive –

(i) in the case of a bankruptcy commencing before 15th January 2005, after the commencement of the bankruptcy; or

(ii) in the case of a bankruptcy commencing on or after 15th January 2005, before or after the commencement of the bankruptcy.

(2) In England and Wales –

(a) there shall not be treated as part of a bankrupt's estate or claimed for his estate under section 307 or 310 of the Insolvency Act 1986(**9**) any sum payable to an eligible student by way of a loan and which he receives or is entitled to receive after the commencement of the bankruptcy, whether his entitlement arises before or after the commencement of his bankruptcy; and

(b) there shall not be included in a person's bankruptcy debts any debt or liability to which he is or may become subject in respect of any sum payable to an eligible student by way of a loan and which he receives or is entitled to receive-

(i) in the case of a bankruptcy commencing before 15th January 2005, after the commencement of the bankruptcy; or

(**7**) 1968 c. 46; section 63 was amended by the National Health Services Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 124 and Schedule 5, the National Health Service Act 1977 (c. 49), Schedule 15, paragraph 45 and Schedule 16, the National Health Services (Scotland) Act 1978 (c. 29), Schedule 16, paragraph 26(2) and Schedule 17, the Health Services Act 1980 (c. 53), sections 1 and 2 and Schedule 1, Part 1, paragraph 19(3), the Local Government Act 1985 (c. 51), Schedule 17, the Family Practitioner Committees (Consequential Modifications) Order 1985 (S.I. 1985/39), Article 6(1), the Health and Medicines Act 1988 (c. 49), section 20, section 25(2) and Schedule 3, the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 74(1) and (2), the Health Authorities Act 1995 (c. 17), Schedule1, paragraph 95(1) and (2), the Local Government Reorganisation (Wales) (Consequential Amendments) (No. 2) Order 1996 (S.I. 1996/1008), the Schedule, paragraph 1, and the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 1(4)

(**8**) S.I. 1989/2405 (N.I. 19); Article 283 was amended by the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)), Schedule 1, paragraph 11

(**9**) 1986 c. 45: section 307 was amended by the Enterprise Act 2002 (c. 40), section 261. Section 310 was amended by the Pensions Act 1995 (c. 26), section 122 and Schedule 3, paragraph 15, the Welfare Reform and Pensions Act 1999 (c. 30), section 18 and Schedule 2, paragraph 2 and the Enterprise Act 2002, sections 259 and 278 and Schedule 26