STATUTORY RULES OF NORTHERN IRELAND

2004 No. 254

EDUCATION

The Education (Student Support) (Amendment) Regulations (Northern Ireland) 2004

Made - - - -	*3rd June 2004*
Coming into operation	*7th July 2004*

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) Regulations (Northern Ireland) 2004 and shall come into operation on 7th July 2004.

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

Amendment of the 2003 Regulations

2. The 2003 Regulations shall be amended as provided by regulations 3 to 24.

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

(2) In paragraph (1) –

(a) in the definition of "eligible student" for the figure "35" there shall be substituted "34";

(b) in the definition of "eligible part-time student" for the words "34 or 35" there shall be substituted "33 or 34";

(c) after the definition of "support" there shall be inserted the following definition –

> ""Switzerland Agreement" means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation,

(**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

of the other, on the Free Movement of Persons signed at Luxembourg on 21st June 1999(**5**) and which came into force on 1st June 2002;".

(3) In paragraph (3) after "European Economic Area" there shall be inserted in both instances "or Switzerland".

(4) In paragraph (5) after "European Economic Area" insert "or Switzerland" and in sub-paragraph (a) after "EEA Agreement" there shall be inserted ", or the Switzerland Agreement".

4. In regulation 3 (Revocations and transitional provisions) paragraph (6) shall be omitted.

5. In regulation 5 (Designated courses) for sub-paragraph (d) of paragraph (1) there shall be substituted –

"(d) wholly provided by an institution or institutions in the United Kingdom or by a relevant institution or institutions of higher education in the Republic of Ireland which (in either case) are maintained or assisted by recurrent grants out of public funds or provided by such institution or institutions in conjunction with an institution or institutions outside the United Kingdom."

6. In regulation 6 (Applications for financial support) in paragraph (2) for "four" in each place where it occurs there shall be substituted "nine".

7.—(1) Regulation 10 (Eligibility for grants for fees) shall be amended as provided by paragraphs (2) to (4).

(2) For sub-paragraph (d) of paragraph (4) there shall be substituted –

"(d) the Department has determined, having regard to all the circumstances of the particular case, that, where a student has attended one or more previous courses, he did not complete for compelling personal reasons that previous course ("the latest course") which he began to attend subsequent to attending any other previous course."

(3) After paragraph (7) there shall be inserted –

"(7A) Paragraph (4)(d) shall only apply where the latest course is a course in relation to which the eligible student was determined to be eligible for support under this Part."

(4) In paragraph (10) (a) for the words "the first day on which students were ordinarily required to start attending" there shall be substituted "the first day on which the student was required to start attending".

8.—(1) Regulation 11 (Maximum amounts of grants) shall be amended as provided by paragraphs (2) to (5).

(2) In paragraph (1) for sub-paragraph (a) there shall be substituted –

"(a) in the case of a course not covered by any other sub-paragraph, £1,150;".

(3) In paragraph (1)(h) the words "subject to sub-paragraph (i)," shall be omitted.

(4) Paragraph (1)(i) shall be omitted.

(5) In paragraph (2) for the words "a course at an institution" there shall be substituted "a course at an institution in the United Kingdom".

9.—(1) Regulation 13 (Bursaries for low-income students) shall be amended as provided by paragraphs (2) and (3).

(2) In paragraph (1) for the words "residual income of the student and his parents or spouse, where appropriate," there shall be substituted "household income".

(**5**) Cm. 4904

(3) For paragraphs (2) and (3) there shall be substituted –

"(2) For the purposes of paragraph (1), an eligible student's household income shall be calculated pursuant to Schedule 3.

(3) The amount of bursary payable in respect of any academic year shall be determined by reference to the household income ascertained under paragraph (2) in accordance with the following table –

Household Income (£)	*Bursary (£)*
Up to 10,250	2,000
10,251 to 11,000	1,855
11,001 to 12,000	1,660
12,001 to 13,000	1,465
13,001 to 14,000	1,270
14,001 to 15,000	1,075
15,001 to 16,000	900
16,001 to 17,000	735
17,001 to 18,000	570
18,001 to 19,000	410
19,001 to 20,000	245
20,001 to 20,500	165
20,501 and over	0"

10.—(1) Regulation 15 (Grants for students who have left care) shall be amended as provided by paragraphs (2) and (3).

(2) For paragraph (1)(b) there shall be substituted –

"(b) who falls within paragraph 2(1)(f) of Schedule 3; and".

(3) For paragraph (1)(c) there shall be substituted –

"(c) who, in the opinion of the Department, is subject to greater financial hardship by virtue of falling within paragraph (2)(1)(f) of Schedule 3 than he would otherwise have been".

11.—(1) Regulation 16 (Grants for dependants) shall be amended as provided by paragraphs (2) and (3).

(2) For paragraph (4) there shall be substituted –

"(4) An eligible student shall be eligible under paragraphs (1) to (3) –

(a) for the maximum amount of grant payable only if he maintains a dependent who ordinarily resides in the United Kingdom for six months or more of the academic year in respect of which the eligible student applies for assistance under paragraph (1); and

(b) for no grant in any other case."

(3) In paragraph (11), for the words "paragraph 3(1)(a) of Part II" there shall be substituted the words "paragraph 2(1)(a)".

12.—(1) The words "wholly or partly" shall be inserted after the words "at a site" in the following provisions:

(i) regulation 20(1)(b)(i)(b);

(ii) regulation 20(2)(b)(i)(b);

(iii) regulation 20(11)(b)(i)(b);

(iv) regulation 24(6)(b)(i)(b); and

(v) regulation 24(7)(b)(i)(b).

(2) The words "wholly or partly" shall be inserted after the words "at a site or sites" in the following provisions:

(i) regulation 20(1)(b)(i)(c);

(ii) regulation 20(2)(b)(i)(c);

(iii) regulation 20(11)(b)(i)(c);

(iv) regulation 24(6)(b)(i)(c); and

(v) regulation 24(7)(b)(i)(c).

13.—(1) Regulation 20 (Maximum amounts of loans) shall be amended as provided by paragraphs (2) to (6).

(2) Paragraph (4) shall be omitted.

(3) For paragraphs (6) and (7) there shall be substituted –

"(6) Subject to paragraph (7) the maximum loan for living costs shall, in respect of each quarter, be calculated in accordance with whichever of paragraphs (1)(a), (1)(b)(i), (ii), (iii) or (iv), (2)(a) or (2)(b)(i), (ii), (iii) or (iv) applies in relation to one half or more of that quarter, or, where any two such paragraphs apply for one half of any quarter each, in accordance with that paragraph which would result in a higher rate of support being payable.

(7) Paragraph (6) shall apply in relation to paragraph (1)(b)(ii) or paragraph (2)(b)(ii) so that the rate of loan specified in those sub-paragraphs is payable only in respect of a quarter where the student is attending an overseas institution for at least one half of that quarter.".

(4) For paragraph (8) there shall be substituted –

"(8) The maximum amount of any loan for living costs shall, in respect of an academic year, be the sum of the amounts calculated in respect of each quarter of that year in accordance with paragraph (6)."

(5) For the table in paragraph (15) there shall be substituted –

"Column 1	*Column 2*
3,240	1,535
5,050	2,480
5,000	2,005
4,095	2,005
2,830	1,125
4,380	1,810
4,350	1,465
3,555	1,465"

(6) For the table in paragraph (16) there shall be substituted –

"Column 1	*Column 2*
3,240	1,535
5,050	2,480
5,000	2,460
4,095	2,005
2,830	1,125
4,380	1,810
4,350	1,795
3,555	1,465"

14. Regulation 22 (Hardship loans) shall be omitted.

15. In regulation 23 (Calculation of contribution) for paragraph (1) there shall be substituted –

"(1) An eligible student's contribution in respect of an academic year shall, if any, be the amount calculated under paragraph 8 of Schedule 3.".

16.—(1) Regulation 24 (Application of contribution) shall be amended as provided by paragraphs (2) to (4).

(2) In paragraph (1)(d), the words "3(6) or" shall be omitted.

(3) In paragraph (8), for the words "different rates shall apply" there shall be substituted "different rates apply".

(4) In paragraph (9), after the word "rate" there shall be inserted "which is".

17. In regulation 25 (Payment of grants for fees) for paragraph (2) there shall be substituted –

"(2) Where assessment of the student's contribution or other matters has delayed the final calculation of the amount of grant for which the student is eligible, the Department shall make a provisional assessment of the contribution."

18.—(1) Regulation 26 (Payment of grants and loans for living costs) shall be amended as provided by paragraphs (2) and (3).

(2) For paragraph (1) there shall be substituted –

"(1) Subject to the following paragraphs, the Department shall pay assistance under Part IV or Part V in such instalments (if any) and at such times as it considers appropriate, and in the exercise of its functions under this paragraph it shall, where a final assessment cannot be made on the basis of the information provided by the student under regulation 6, make a provisional assessment of the assistance payable."

(3) In paragraphs (2) and (10), the words "other than a loan under regulation 22" shall be omitted in each place where they occur.

19. For Part VIII of the 2003 Regulations there shall be substituted the Part VIII set out in Schedule 1.

20. In regulation 39 (Interest) in paragraph (1) –

(a) for the words "September 2003" there shall be substituted "September 2004";

(b) for the words "March 2002" there shall be substituted "March 2003"; and