STATUTORY RULES OF NORTHERN IRELAND

1998 No. 460 (C. 22)

EDUCATION

The Education (Student Support) (Northern Ireland) Order 1998 (Commencement No. 2 and Transitional Provisions) Order (Northern Ireland) 1998

Made - - - - 31st December 1998

The Department of Education, in exercise of the powers conferred on it by Articles 1(3) and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(**1**) and of every other power enabling it in that behalf, hereby makes the following Order:

PART I

INTRODUCTORY AND COMMENCEMENT

Citation and interpretation

1.—(1) This Order may be cited as the Education (Student Support)(Northern Ireland) Order 1998 (Commencement No. 2 and Transitional Provisions) Order (Northern Ireland) 1998.

(2) In this Order—

"the 1986 Order" means the Education and Libraries (Northern Ireland)Order 1986(**2**);

"the 1998 Order" means the Education (Student Support) (Northern IrelAnd) Order 1998;

"the 1998 Regulations" means the Students Awards Regulations (Northern Ireland) 1998;

"award" means an award under the 1986 Order;

"course for the DipHE", "first degree course", "course for the HND" and "postgraduate course for the initial training of teachers" have the same meanings as in the Students Awards Regulations (Northern Ireland)1998(**3**);

course shall be considered to begin in the autumn rather than the summer;

"old award" means an award under Article 50(1) of the 1986 Order which is an old award within the meaning of the Students Awards Regulations (Northern Ireland) 1998.

(**1**) S.I.1998/1760 (N.I. 14)
(**2**) S.R. 1986 No. 594 (N.I. 3); as amended by S.I. 1993/2810 (N.I. 12)Art. 50(1) and Schedule 4
(**3**) S.R. 1998 No. 273 as amended by S.R. 1998 No. 300

(3) In this Order any reference to the first year of a course means the first period of 12 months of that course which begins on—

(a) in the case of a course beginning in the winter, 1st January;

(b) in the case of a course beginning in the spring, 1st April;

(c) in the case of a course beginning in the summer, 1st July; and

(d) in the case of a course beginning in the autumn, 1st September,

provided that if the student concerned is required to begin attending the course during August or September and to continue that attendance during the autumn that course shall be deemed to begin in the autumn.

(4) In this Order, other expressions which are also used in the 1998 Regulations have the same meaning as in those Regulations.

Provisions coming into operation

2. Subject to Part 11, the following provisions of the 1998 Order shall come into operation on 1st January 1999, that is to say the repeals in the Schedule relating to—

(a) Article 50(1) and (2) of the 1986 Order; and

(b) in Article 50(3) of the 1986 Order the word "other".

PART II

TRANSITIONAL AND SAVINGS PROVISIONS

Savings

3.—(1) Notwithstanding the repeal of the provisions of the 1998 Order brought into operation by Article 2, that Order, and any statutory instruments made thereunder, shall continue to have effect in relation to, or otherwise in connection with—

(a) awards made under the 1986 Order before 1st January 1999;

(b) the making of awards to or in respect of any student who attends any course referred to in Article 4; or

(c) awards made to or in respect of any such student,

as if this Order had not been made.

(2) Without prejudice to the generality of paragraph (1), the repeal of the provisions of the 1986 Order brought into operation by Article 2 shall not affect the continued operation of that Order insofar as it relates to the making of subordinate legislation.

Courses to which saved provisions apply

4. The courses referred to in Article 3(1)(b) are—

(a) a course the first year of which begins before 1st September 1999;

(b) a first degree course where—

(i) the student begins to attend the course immediately after ceasing to attend a course for the DipHE or a course for the HND(disregarding any intervening vacation), and

(ii) an award made to or in respect of him in relation to his attendance at the course for the DipHE or HND was an old award, or where no award was made an award would have been an old award if it had been made;