STATUTORY RULES OF NORTHERN IRELAND

1998 No. 306 (C. 14)

EDUCATION

The Education (Student Support) (Northern Ireland) Order 1998 (Commencement and Transitional Provisions) Order (Northern Ireland) 1998

Made - - - - 27th August 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 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 1990 Order" means the Education (Student Loans) (Northern Ireland) Order 1990(**3**);

"the 1996 Order" means the Education (Student Loans) (Northern Ireland) Order 1996(**4**);

"the 1998 Order" means the Education (Student Loans) (Northern Ireland) Order 1998(**5**);

"the 1998 Regulations" means the Students Awards Regulations (Northern Ireland) 1998(**6**); and

"Schedule 1 course" means any other course which is referred to in Schedule 1 to the 1990 Order.

(**1**) S.I. 1998/1760 (N.I. 14)
(**2**) 1986 No. 594 (N.I. 3); as amended by S.I. 1993/2810 (N.I. 12)Art. 50(1) and Schedule 4
(**3**) 1990 No. 1506 (N.I. 11)
(**4**) 1996 No. 1918 (N.I. 15)
(**5**) 1998 No. 258 (N.I. 1)
(**6**) S.R. 1998 No. 273 as amended by S.R. 1998 No. 300

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

(4) For the purposes of Article 4(*d*), a course is similar to another course if the subject matter of one course is in part the same as the subject matter of the other course and, where the offer of a place was on a course which is still offered, the other course is at the same institution.

Provisions coming into operation

2. Subject to Part II, the following provisions of the Education (Student Support) (Northern Ireland) Order 1998 shall come into operation on 1st September 1998, that is to say Article 9 and in the Schedule the repeals relating to—

(a) the 1990 Order;

(b) the 1996 Order; and

(c) the 1998 Order.

Part II

Transitional and Savings Provisions

Savings

3.—(1) Notwithstanding the repeals of the 1990, 1996 and 1998 Orders brought into operation by Article 2, those Orders, and any statutory instruments made thereunder, shall continue to have effect in relation to, or otherwise in connection with—

(a) loans made under the 1990 Order before the 1st September 1998;

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

(c) loans made to any such student,

as if this Order had not been made.

(2) Without prejudice to the generality of paragraph (1), the repeals of the 1990, 1996 and 1998 Orders brought into operation by Article 2 shall not affect the continued operation of those Orders insofar as they make provision for—

(a) the making of subordinate legislation;

(b) the assignment of public sector loans under Article 3A of the 1990 Order(**7**);

(c) the making of arrangements (including arrangements which provide for the making of payments of any specified description) in connection with such an assignment.

Courses to which saved provisions apply

4. Subject to Article 6, the courses referred to in Article 3(1)(*b*) are—

(a) any course in respect of the attendance at which the student concerned holds an old award under Article 50(1) of the 1986 Order or would be eligible for such an award if he made an application therefor;

(b) any Schedule 1 course the first year of which began before 1st September 1998;

(c) any Schedule 1 course the first year of which begins on or after 1st September 1998 but before 1st September 1999, where the student concerned had on or before 1st August 1997

(**7**) As amended by Article 3 of 1998 No. 258 (N.I. 1)