STATUTORY RULES OF NORTHERN IRELAND

1998 No. 58

EDUCATION

The Education (Student Loans) Regulations (Northern Ireland) 1998

Made - - - -	*1st March 1998*
Coming into operation	*1st March 1998*

The Department of Education, in exercise of the powers conferred on it by Article 3(2), of and paragraphs 1 and 2 of Schedule 2 to, the Education (Student Loans) (Northern Ireland) Order 1990(**1**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Part I

General

Citation and commencement

1. These Regulations may be cited as the Education (Student Loans) Regulations (Northern Ireland) 1998 and shall come into operation on 1st March 1998.

Revocations

2. The Education (Student Loans) Regulations (Northern Ireland) 1997(**2**) and the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 1998(**3**) are hereby revoked.

Interpretation

3.—(1) In these Regulations—

"accelerated course" means a course which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere) for a period of at least 40 weeks in the final year, being a course of two academic years' duration or a

(**1**) 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
(**2**) S.R. 1997 No. 350
(**3**) S.R. 1998 No. 22

course for the degree of BA (Honours) with Qualified Teacher Status awarded by St. Martin's College, Lancaster;

"borrower" means a person to whom a loan has been made;

"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(**4**) as adjusted by the Protocol signed at Brussels on 17th March 1993(**5**);

"EEA migrant worker" has the meaning assigned to it in paragraph (6);

"European Community" means the territory comprised by the member States of the European Community as constituted from time to time;

"European Economic Area" means the European Community and subject to the conditions laid down in the EEA Agreement the area comprised by the Republic of Iceland, the Kingdom of Norway and the principality of Liechtenstein;

"eligible" means eligible for the purposes of Article 3 of the Order;

"full-time course" has the meaning assigned to it in paragraph (3);

"lender" means any person or body who makes a loan;

"loan" means a loan (whether made before or after the coming into operation of these Regulations) towards a student's maintenance out of money made available by the Department for that purpose pursuant to arrangements made by the Department by virtue of Article 3 of the Order including the interest accrued on the loan and the amount of the loan from time to time outstanding;

"periods of work experience" means periods of industrial, professional or commercial experience associated with full-time study at an institution but at a place outside the institution;

"refugee" means a person who is recognised by Her Majesty's Government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951(**6**) as extended by the Protocol thereto which entered into force on 4th October 1967(**7**);

"sandwich course" means a course consisting of alternate periods of full-time study in an institution and periods of work experience so organised that, taking the course as a whole, the student attends the periods of full-time study for an average of not less than 19 weeks in each year; and for the purpose of calculating his attendance the course shall be treated as beginning with the first period of full-time study and ending with the last such period;

"the Islands" means the Channel Islands and the Isle of Man;

"the Order" means the Education (Student Loans) (Northern Ireland) Order 1990.

(2) For the purposes of these Regulations an academic year which begins in the month of July in any year shall be deemed to begin in the month of August immediately following that month.

(3) In these Regulations a reference to a "full-time course" is a reference to a sandwich course or a course—

(a) which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere)—

(i) in the case of a course of one academic year's duration, for a period of at least 24 weeks; and

(**4**) Cmnd. 2073
(**5**) Cmnd. 2183
(**6**) Cmnd. 9171
(**7**) Cmnd. 3906 (Out of print: photocopies are available, free of charge, from Student Support Branch, Department of Education, Rathgael House, Balloo Road, Bangor, Co Down BT19 7PR)

(ii) in the case of a course of two or more academic years' duration, for a period of at least 24 weeks in each academic year except the final year and of at least eight weeks in the final year; and

(b) the nature of which is such that a person undertaking it would normally require to undertake periods of study, tuition or work experience which together amount in each academic year to an average of at least 21 hours a week as respects the periods of attendance mentioned in sub-paragraph (*a*) for the year;

(4) For the purposes of these Regulations a person shall be treated as ordinarily resident in the United Kingdom and Islands or in the European Economic Area if he would have been so resident but for the fact that he, his spouse or his parent, guardian or any other person having parental responsibility for him, or any person having care of him when he is a child is, or was, temporarily employed outside the United Kingdom and Islands, or as the case may be, outside the European Economic Area and paragraph 7(*b*) of Schedule 1 shall not apply in the case of such a person.

(5) For the purposes of these Regulations an area which—

(a) was previously not part of the European Community or the European Economic Area, but

(b) at any time before or after these Regulations come into operation has become part of one or other or both of those areas

shall be considered to have always been part of the European Economic Area.

(6) In these Regulations a reference to an EEA migrant worker is a reference to a person who is a national of a member State of the European Economic Area who has taken up an activity as an employed person in the United Kingdom—

(a) under Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community, as extended by the EEA Agreement(**8**); or

(b) in circumstances where as a national of the United Kingdom he has an enforceable Community right to be treated no less favourably than a national of another member State in relation to matters which are the subject of the above-mentioned Council Regulation.

(7) Where in these Regulations a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

Part II

Eligibility for Loans

Conditions of eligibility

4.—(1) Subject to paragraph (2), a student shall be eligible for a loan in relation to an academic year if he—

(a) is attending a course which is—

(i) a full-time course; or

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

(b) is a person mentioned in Schedule 1; and

(c) has entered into an agreement for the loan before the 1st August immediately following the beginning of the academic year.

(**8**) O.J. No. L257, 19.10.68, p. 2 (O.J./S.E. 1968 (II) p. 457)

(2) A student shall not be eligible for a loan in relation to an academic year if he—

(a) has attained the age of 50 years before the first day of the course;

(b) has received another loan in relation to the same academic year;

(c) has received another loan in relation to another academic year which began during the same period 1st August to the following 31st July during which the academic year began;

(d) is eligible in respect of that year to receive any payment under a bursary or award of similar description bestowed on him under Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(**9**) the amount of which is not calculated by reference to his income;

(e) is in breach of any obligation contained in any agreement for a loan; or

(f) has not ratified any agreement for a loan made with him when he was under the age of 18.

(3) For the purposes of paragraph (2)(*b*), (*c*), (*e*) and (*f*) "loan" includes a loan made under the Education (Student Loans) Act 1990(**10**).

Part III

Designation of Courses

Designation of courses by the Department

5. For the purposes of Article 3 of the Order the Department may designate courses of higher education at institutions other than institutions receiving support from public funds.

Part IV

Loans: Amounts and Terms

Amounts of loans

6.—(1) Subject to paragraphs (3) to (5), in the case of a student attending a course at the University of London or at any institution within the area comprising the City of London and the metropolitan police district, the maximum amount of the loan in relation to any academic year shall be—

(a) where the year is the final year of the course, £945 where he resides at his parents' home, and £1,520 where he does not so reside; and

(b) where the year is any other year of the course, £1,290 where he resides at his parents' home, and £2,085 where he does not so reside.

(2) Subject to paragraphs (3) to (5), in the case of any student attending a course other than a course mentioned in paragraph (1) the maximum amount of the loan in relation to any academic year shall be—

(a) where the year is the final year of the course, £945 where he resides at his parents' home, and £1,230 where he does not so reside; and

(**9**) S.I. 1972/1265 (N.I. 14)

(**10**) 1990 c. 6, amended by the Further and Higher Education Act 1992 (c. 13), Schedule 8, paragraph 67; by the Further and Higher Education (Scotland) Act 1992 (c. 37), Schedule 9, paragraphs 12(2) and (3); by the Education Act 1994 (c. 30), Schedule 2, paragraph 9; by the Education (Student Loans) Act 1996 (c. 9), Section 1(1) and the Schedule; by the Education Act 1996 (c. 56), Schedule 37, paragraph 98 and Schedule 38, and by the Education (Student Loans) Act 1998 (c. 1), sections 1 to 3

(b) where the year is any other year of the course, £1,290 where he resides at his parents' home, and £1,685 where he does not so reside.

(3) Where a student's course includes a period of residence in a country other than the United Kingdom throughout an academic year, the maximum amount of the loan in relation to that academic year shall be £1,230 where the year is the final year of the course and £1,685 if it is not.

(4) Where a student's course is an accelerated course, paragraph (1)(*a*) shall have effect as if for £945 and £1,520 there were substituted £1,290 and £2,085 respectively and paragraph (2)(*a*) shall have effect as if for £945 and £1,230 there were substituted £1,290 and £1,685 respectively.

(5) For the purposes of paragraphs (1) to (3), where a postgraduate course of initial training for teachers is of only one academic year's duration that year shall not be treated as a final year, and for the purposes of paragraphs (1) and (2) a student's place of residence is his place of residence on the date a certificate is given in respect of him pursuant to regulation 8.

Terms of loans

7.—(1) Every agreement for a loan made before or after these Regulations come into operation shall include the terms set out in Part I of Schedule 2.

(2) Every agreement for a loan made before these Regulations come into operation shall in addition include the terms set out in Part II of Schedule 2.

Part V

Higher Education Institutions: Duties

Duties of governing bodies in relation to loans

8.—(1) This regulation prescribes the steps to be taken by the governing body of each institution at which eligible students are attending courses for the purposes of, or in connection with, applications for loans.

(2) Where an eligible student attends a course at more than one institution the governing bodies of the institutions may agree in writing that one governing body shall take the steps prescribed by this regulation, in which case that governing body, and not the other governing bodies, shall be required to take those steps.

(3) An agreement under paragraph (2) may be made in respect of a particular student or in respect of any class or description of students.

(4) The governing body shall as soon as practicable after the commencement of each academic year—

(a) issue to any student who requests it to certify his eligibility for a loan an eligibility questionnaire provided by the lender;

(b) in respect of each eligibility questionnaire completed by a student and returned to it, take such steps as are reasonably practicable to verify the particulars inserted in the questionnaire by the student relating to his eligibility for a loan;

(c) if the student's eligibility cannot be determined solely by verifying the particulars on the questionnaire, take such other steps as are reasonably practicable for that purpose;

(d) issue to each student in relation to whom it has taken the steps required by sub-paragraphs (*a*) to (*c*) and whom it considers to be eligible an eligibility form provided by the lender for completion by the student and return to it;