STATUTORY RULES OF NORTHERN IRELAND

1997 No. 350

EDUCATION

The Education (Student Loans) Regulations (Northern Ireland) 1997

Made - - - -	*29th July 1997*
Coming into operation	*1st August 1997*

The Department of Education, in exercise of the powers conferred on it by Article 3(2) of and paragraphs 1(1), (3) and (4), 2(1) and 3(4) 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) 1997 and shall come into operation on 1st August 1997.

Revocations

2. The Education (Student Loans) Regulations (Northern Ireland) 1996(**2**) and the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 1996(**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

(**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
(**2**) S.R. 1996 No. 349
(**3**) S.R. 1996 No. 490

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

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

"disability-related benefits" means—

(a) the benefits or allowances payable pursuant to the Social Security Contributions and Benefits Act 1992(**4**) or the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**5**) known as long term incapacity benefit(**6**), short term incapacity benefit payable at the higher rate(**7**), severe disablement allowance(**8**), disability living allowance(**9**) and industrial injuries benefit(**10**);

(b) where income support is payable to the borrower under the Income Support (General) Regulations 1987(**11**) or the Income Support (General) Regulations (Northern Ireland) 1987(**12**), the amount of any disability premium and severe disability premium included in the applicable amount in calculating the income support payable, which amount shall for the purposes of regulations 10(1) and 11(5) be considered to be received, paid or likely to be paid, as the case may be; and

(c) disability working allowance payable under sections 123(1)(*c*) and 129 of the Social Security Contributions and Benefits Act 1992 or sections 122(1)(*c*) and 128 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

"eligible" means eligible for the purposes of Article 3 of the Order read with regulation 4 and the Schedule;

"full-time course" means 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

(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;

"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

(**4**) 1992 c. 4 ("the Great Britain Act"); amended by Social Security (Incapacity for Work) Act 1994 (c. 18), sections 1 to 3, 5, 6, 8 to 11 and Schedules 1 and 2

(**5**) 1992 c. 7 ("the Northern Ireland Act"); amended by the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) Articles 3 to 5 7, 8, 10 to 12 and Schedules 1 and 2

(**6**) *See* Sections 30A(5) and 30B(6) of the Great Britain Act and sections 30A(5) and 30B(6) of the Northern Ireland Act; Sections 30A and 30B of the Northern Ireland Act were inserted by S.I. 1994/1898 (N.I. 12) Articles 3(1) and 4(1)

(**7**) *See* sections 30A(1) and 30B(2) of the Great Britain Act; Sections 30A and 30B were inserted by 1994 c. 18 sections 1(1) and 2(1). *See* also sections 30A(1) and 30B(2) of the Northern Ireland Act

(**8**) *See* sections 63(*b*) and 68 of the Great Britain Act; section 68 is amended by S.I. 1994/2556 and 1994 c. 18 section 9(2) and (3), and paragraph 18 of Schedule 1. *See* also Sections 63(*b*) and 68 of the Northern Ireland Act; Section 68 is amended by S.R. 1994 No. 370 and S.I. 1994/1898 (N.I. 12) Article 11(2) and (3) and paragraph 18 of Schedule 1

(**9**) *See* sections 63(*d*) and 71 of the Great Britain Act and sections 63(*d*) and 71 of the Northern Ireland Act

(**10**) *See* section 94(1) and (2) of the Great Britain Act and section 94(1) and (2) of the Northern Ireland Act

(**11**) S.I. 1987/1967; *see* Parts III and IV of Schedule 2, relevant amending instruments are S.I. 1988/663 and 2022, S.I. 1989/1678, S.I. 1991/2742, S.I. 1993/1150 and 2119, S.I. 1994/2139 and 3061, S.I. 1995/482, 516 and 2303 and S.I. 1997/543

(**12**) S.R. 1987 No. 459; *see* Parts III and IV of Schedule 2, the relevant amending regulations are S.R. 1988 Nos. 146 and 431, S.R. 1989 No. 395, S.R. 1990 No. 387, S.R. 1992 No. 6, S.R. 1993 Nos. 218 and 373, S.R. 1994 Nos. 327 and 474, S.R. 1995 Nos. 67, 86 and 367 and S.R. 1997 No. 113

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;

"loans administrator" means any person or body for the time being exercising functions in relation to loans under arrangements made with the Department pursuant to paragraph 3 of Schedule 2 to the Order;

"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;

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

"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(**13**) as extended by the Protocol thereto which entered into force on 4th October 1967(**14**) and any reference to the child of a refugee includes a reference to a person adopted in pursuance of adoption proceedings and a step-child; and

"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.

(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.

Part II

Eligibility for loans

Conditions of eligibility

4.—(1) A student attending a course of higher education of at least one academic year's duration shall be eligible for a loan in relation to an academic year which begins on or after 1st August 1997 if—

(a) his course of study during that academic year forms part or all of—

(i) a full-time course; or

(ii) a course (whether or not full-time) for the initial training of teachers for the time being so designated; and

(b) (i) he satisfies the conditions prescribed in the Schedule; or

(ii) before the commencement of or at any time during that academic year he is a person, or the spouse or child of a person, who has been recognised as a refugee and who from the time of such recognition has been ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man; and

(c) the loans administrator has received the certified eligibility form referred to in regulation 13(4)(*g*) or (6)(*d*) in connection with his application for the loan; and

(d) he has agreed with the loans administrator to notify the latter promptly in writing if he ceases to attend his course—

(**13**) Cmnd. 9171

(**14**) 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)

(i) because he has completed it on a date earlier than that specified by him in the eligibility form referred to in regulation 13(4)(*d*) or (6)(*a*); or

(ii) otherwise than because he has completed it; and

(e) he has agreed with the loans administrator to accept payment of the loan by direct credit to his bank or building society account and has provided the loans administrator with a signed direct debiting instruction in favour of the loans administrator in respect of repayments of the loan from that account; and

(f) he has entered into an agreement for the loan not later than the end of the period of 12 months beginning on 1st August in which that academic year begins; and

(g) he is not a person to whom paragraph (2) applies.

(2) This paragraph applies to a person who—

(a) before the date on which the course begins has attained the age of fifty years; or

(b) in respect of the academic year in question is eligible to receive any payment in pursuance of any bursary or award of similar description bestowed on him in pursuance of Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(**15**) the amount of which is not calculated by reference to his income; or

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

(d) was under the age of 18 when any agreement for a loan was made with him and who has not ratified that agreement after attaining that age.

(3) A student shall not be eligible for more than one loan in relation to any one academic year.

(4) A student shall not be eligible for a loan in relation to—

(a) more than one academic year; or

(b) more than one course,

beginning in any period of twelve months beginning on 1st August in any year.

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: Principal, interest and repayments

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—

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

(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

(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 13.

Interest

7.—(1) Notwithstanding the revocation of the Education (Student Loans) Regulations (Northern Ireland) 1996 loans shall bear interest in respect of the period consisting of the month of August 1997 at the rate specified in regulation 7 of those Regulations.

(2) Loans shall bear interest in respect of any period commencing on or after 1st September 1997 at the rate specified in paragraphs (3) and (4), being the rate appearing to the Department to be requisite for maintaining the value of the loans in real terms.

(3) That rate is the rate of interest per day which, in relation to a loan made on or after 1st September 1997, taking account of the addition of interest to the outstanding amount of the loan in accordance with regulation 8, will result in an annual percentage rate of charge determined in accordance with the Consumer Credit (Total Charge for Credit) Regulations 1980(**16**) which is equal to the percentage specified in paragraph (4).

(4) That percentage is the percentage increase between the retail prices index published by the Central Statistical Office for March 1996 and the retail prices index so published for March 1997.

Time and manner of repayments

8.—(1) Subject to paragraphs (2) and (3) and regulations 9 to 12 a borrower shall commence repayment of his loan on such day in the month of April next following the date on which he ceased to attend the course as the loans administrator may determine in his case (referred to in this regulation as "the determined date").

(2) Where a borrower ceases to attend his course without completing it and on the first day thereafter on which it is reasonably practicable for him to do so begins to attend at the same institution another course which satisfies the requirements of regulation 4(1), paragraph (1) shall apply only in relation to the latter course.

(**16**) S.I. 1980/51; amended by S.I. 1985/1192 and 1989/596