1995 No. 279

EDUCATION

The Education (Student Loans) Regulations (Northern Ireland) 1995

Made . . . . . *10th July 1995*

Coming into operation . . *1st August 1995*

The Department of Education, in exercise of the powers conferred on it by Article 3(2) and paragraphs 1(1), (3) and (4) and 2(1) and 3(4) of Schedule 2 to the Education (Student Loans) (Northern Ireland) Order 1990(**a**), and of every other power enabling it in that behalf, hereby makes the following Regulations:

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

1. Citation and commencement.
2. Revocation.
3. Interpretation.

PART II

ELIGIBILITY FOR LOANS

4. Conditions of eligibility.

PART III

DESIGNATION OF COURSES

5. Designation of courses by the Department.

PART IV

LOANS: PRINCIPAL, INTEREST AND REPAYMENTS

6. Amounts of loans.

(**a**) S.I. 1990/1506 (N.I. 11)

7. Interest.
8. Time and manner of repayments.
9. Discretion of loans administrator.
10. Repayment by disabled borrowers.
11. Deferment.
12. Cancellation.

PART V

HIGHER EDUCATION INSTITUTIONS: DUTIES

13. Duties of governing bodies in relation to loans.

SCHEDULE

Conditions of Eligibility.

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Education (Student Loans) Regulations (Northern Ireland) 1995 and shall come into operation on 1st August 1995.

Revocation

2.—(1) The Education (Student Loans) Regulations (Northern Ireland) 1994(**a**) 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 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 (Northern Ireland)1992(**b**) or the Social Security Contributions and Benefits (Northern Ireland) Act

(**a**) S.R. 1994 No. 230
(**b**) 1992 c. 4 ("the Great Britain Act"); amended by the Social Security (Incapacity for Work) Act 1994 (c. 18), sections 1 to 3, 5, 6, 8 to 11 and Schedules 1 and 2

1992(**a**) known as long term incapacity benefit(**b**), short term incapacity benefit payable at the higher rate(**c**), severe disablement allowance(**d**), disability living allowance(**e**) and industrial injuries benefit(**f**);

(*b*) where income support is payable to the borrower under the Income Support (General) Regulations 1987(**g**) or the Income Support (General) Regulations (Northern Ireland) 1987(**h**), 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

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(**a**) 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

(**b**) *See* Sections 30A(5) and 30B(6) of the Great Britain Act and sections 30A(5) and 30B(6) of the Northern Ireland Act

(**c**) *See* Sections 30A(1) and 30B(2) of the Great Britain Act; Sections 30A and 30B were inserted by c. 18 sections 1(1) and 2(1). *See also* Sections 30A(1) and 30B(2) of the Northern Ireland Act; Sections 30A and 30B were inserted by S.I. 1994/1898 (N.I. 12) Articles 3(1) and 4(1)

(**d**) *See* Sections 63(*b*) and 68 of the Great Britain Act; Section 68 is amended by S.I. 1994/2556 and Section 9(2) and (3) of, and paragraph 18 of Schedule 1 to, the Social Security (Incapacity of Work) Act 1994. *See also* Sections 63(*b*) and 68 of the Northern Ireland Act; Section 68 is amended by S.R. 1994 No. 370 and Article 11(2) and (3) of, and paragraph 18 of Schedule 1 to, the Social Security (Incapacity of Work) (Northern Ireland) Order 1994

(**e**) *See* Sections 63(*d*) and 71 of the Great Britain Act and Sections 63(*d*) and 71 of the Northern Ireland Act

(**f**) *See* Section 94(1) and (2) of the Great Britain Act and Section 94(1) and (2) of the Northern Ireland Act

(**g**) S.I. 1987/1967; *see* Parts III and IV of Schedule 2, the relevant amending instruments are S.I. 1988/663, 1445 and 2022, S.I. 1989/534 and 1678, S.I. 1990/547 and 1776, S.I. 1991/236, 387, 1559 and 2742; S.I. 1992/468, S.I. 1993/1150, S.I. 1994/3061 and S.I. 1995/482, 516 and 559

(**h**) S.R. 1987 No. 459; *see* Parts III and IV of Schedule 2, the relevant amending regulations are S.R. 1988 Nos. 146, 318 and 431, S.R. 1989 Nos. 139 and 395, S.R. 1990 Nos. 346 and 387, S.R. 1991 No. 338, S.R. 1992 Nos. 6 and 147, S.R. 1993 Nos. 218 and 373, S.R. 1994 Nos. 327 and 474 and S.R. 1995 Nos. 67, 71 and 86. *See* also S.R. 1991 No. 474

(*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 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(**a**) as extended by the Protocol thereto which entered into force on 4th October 1967(**b**) 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; and

(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 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 1995 if—

(**a**) Cmnd. 9171

(**b**) 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)

(*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 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 (5)(*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—

(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 (5)(*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*) is attending a course leading to registration on Part 12, 13, 14 or 15 of the register maintained by the United Kingdom Central council for Nursing, Midwifery and Health Visiting under section 10 of the Nurses, Midwives and Health Visitors Act 1979(**a**) and is eligible to receive payment of a bursary or salary out of funds paid by the Secretary of State under section 97 of National Health Service Act 1977(**b**) or section 85(1) of the National Health Service (Scotland) Act 1978(**c**) or by the Department of Health and Social Services(**d**) under Articles 44 or 87 of the Health and Personal Social Services (Northern Ireland) Order 1972(**e**); or

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(**a**) 1979 c. 36
(**b**) 1977 c. 49: substituted by section 6 of the Health Services Act 1980 (c. 53)
(**c**) 1978 c. 29: substituted by section 6 of the Health Services Act 1980 (c. 53)
(**d**) *See* the definition of "Ministry" as read with paragraph 8(1) of Schedule 5 to the Northern Ireland Constitution Act 1973 (c. 36)
(**e**) S.I. 1972/1265 (N.I. 14)