1993 No. 439

EDUCATION

Students Awards Regulations (Northern Ireland) 1993

Made . . . . . *9th November 1993*
Coming into operation . . *9th December 1993*

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

1. Citation and commencement.
2. Revocations.
3. Interpretation.
4. Calculation of income.
5. Termination of marriage.

PART II

AWARDS

6. Specified persons.
7. Ordinarily resident.
8. Transitional provisions.
9. Previous attendance at a course.
10. Specified educational facilities.
11. Terms and conditions.

PART III

AMOUNT OF AWARDS

12. Payments by boards.
13. Calculation of maintenance grant.
14. Assessment of requirements and resources.
15. Sandwich courses.
16. Courses of teacher training.
17. Assisted students.

18. Method of payment.
19. Discretionary payments.
20. Withholding and reduction of payments.

SCHEDULES

Schedule 1. Training programmes.
Schedule 2. Specified persons and excluded persons.
Schedule 3. Specified courses.
Schedule 4. Terms and conditions.
Schedule 5. Colleges providing long-term residential courses of full-time education for adults.
Schedule 6. Fees.
Schedule 7. Maintenance requirements.
Schedule 8. Resources.
Schedule 9. Single students with dependants.
Schedule 10. Sandwich courses.

The Department of Education, in exercise of the powers conferred on it by Articles 50(1) and (2) and 134(1) of the Education and Libraries (Northern Ireland) Order 1986(**a**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

PART I

GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Students Awards Regulations (Northern Ireland) 1993 and shall come into operation in accordance with paragraph (2).

(2) These Regulations shall come into operation on 9th December 1993 and shall have effect from 1st September 1993.

Revocation

2. The Students Awards Regulations (Northern Ireland) 1992(**b**) are hereby revoked.

Interpretation

3.—(1) In these Regulations—

"academic authority" in relation to an institution means the governing body or other body having the functions of a governing body and

(**a**) S.I. 1986/594 (N.I. 3)
(**b**) S.R. 1992 No. 363

includes a person acting with the authority of that governing body or other body;

"area" means the area of a board;

"award" includes an award made under previous awards regulations, and either a fees only award or a full award made under these Regulations;

"British Islands" means the United Kingdom, the Channel Islands and the Isle of Man;

"the Council Regulation" means Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community(**a**);

"course comparable to a first degree course" means—

(*a*) a course of at least 3 academic years' duration provided by a university for a certificate, diploma or other academic award;

(*b*) an educational facility designated by the Department under Article 50(1);

"course for the Diploma of Higher Education" means a course provided by an institution for—

(*a*) the Diploma of Higher Education;

(*b*) the Diploma of Higher Education or a first degree as the student may elect after the commencement of the course;

"course for the Higher Diploma" means a course provided by an institution for the Higher National Diploma or the Higher National Diploma of the Business and Technology Education Council ("BTEC");

"course of higher education" means a course of a type listed in Schedule 7 to the Education Reform (Northern Ireland) Order 1989(**b**); and for the purposes of paragraph 2(*b*) of Schedule 2, includes a full-time course outside Northern Ireland which is comparable to a full-time course of higher education in Northern Ireland;

"course of initial teacher training" means—

(*a*) a course for the initial training of teachers (other than a course for the degree of Bachelor of Education) provided by an institution;

(*b*) a part-time course of teacher training, involving not less than 3 days' attendance per week during the course, for the time being specified for the purposes of this provision by the Department;

(*c*) any other course of teacher training, whether part-time or partly full-time and partly part-time, for the time being so specified.

"degree" means a degree awarded by a university, institution of higher education in the United Kingdom or the Republic of Ireland or the Council for National Academic Awards;

"dependent" means wholly or mainly financially dependent;

(**a**) O.J. No. L257, 19.10.68, p. 2 (O.J./SE 1968 (II) p. 475)
(**b**) S.I. 1989/2406 (N.I. 20)

"discretionary award" shall be construed in accordance with regulation 8(2);

"employment" means full-time employment or part-time employment which, in a normal week, involves a significant number of hours of work and "employed" shall be construed accordingly, and for the purposes hereof any reference to employment shall include a reference to the holding for gain of any office and to the following for gain of any occupation;

"establishment of further education" excludes a university but includes a college of education and an institution of further education which also provides higher education;

"European Community" means the area comprised by the member States of the European Community (including the United Kingdom) as constituted from time to time, and as respects any period prior to the unification of the Federal Republic of Germany with the former German Democratic Republic, that former Republic;

"European student" means a person who is a national of a member State of the European Community or the child of such a national and who has been ordinarily resident within the European Community throughout the period of 3 years before the commencement of his course, but who is not entitled to a full award by virtue of regulation 11(2);

"fees only award" means an award made only in respect of fees payable in respect of students as are described in Schedule 6;

"first degree course" means—

(*a*) a course provided by an institution for a first degree or for the degree of Bachelor of Medicine or an equivalent degree;

(*b*) a course provided by the University of Buckingham for a first degree of that university;

(*c*) an international course, that is to say a course provided by an institution in conjunction with an overseas institution for a first degree;

"full award" means an award made in respect of both fees payable in respect of students as are described in Schedule 6 and a maintenance grant;

"highest-cost country" means Denmark, Finland, Norway, Sweden, Switzerland and Taiwan;

"higher-cost country" means Austria, Belgium, Hong Kong, Iceland, France, Japan, the Federal Republic of Germany and the Republic of Korea;

"high-cost country" means Australia, Canada, Indonesia, the Republic of Ireland, Israel, Italy, Luxembourg, the Netherlands, countries of the former Soviet Union, Spain and the United States of America;

"independent student" means a student who—

(*a*) has attained the age of 25 years before the beginning of the year for which payments in pursuance of his award fall to be made; or

(*b*) has supported himself out of his earnings for periods (including any period mentioned in paragraph (3)), before the first year of his course aggregating not less than three years; or

(*c*) has been married for at least two years before the beginning of the year for which payments in pursuance of his award fall to be made whether or not the marriage is still subsisting; or

(*d*) has no parent living;

"institution" means a university or institution of higher education in the United Kingdom maintained or assisted by recurrent grants out of public funds or a university or institution of higher education in the Republic of Ireland providing a full-time course comparable to one listed in paragraphs 1, 2, 3 or 4 of Schedule 3;

"maintenance grant" means a grant calculated in accordance with regulation 13;

"modified proportion" means the proportion which the number of weeks in a sandwich year during which the student has no periods of experience bears to 52;

"Order" means the Education and Libraries (Northern Ireland) Order 1986; and a reference by number to an Article is a reference to the Article bearing that number in the Order;

"ordinary maintenance requirement" shall be construed in accordance with paragraph 1(1) of Schedule 7;

"overseas institution" means an educational institution in a country outside the United Kingdom providing further education or higher education or both;

"periods of experience" means—

(*a*) periods of industrial, professional or commercial experience associated with full-time study at an institution but at a place outside the institution, other than periods of—

(i) unpaid service in a hospital or in a public health service laboratory in the United Kingdom;

(ii) unpaid service with a public body in the United Kingdom acting in the exercise of its functions relating to health, welfare or the care of children and young persons or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom;

(iii) unpaid service in the prison, probation and aftercare service in the United Kingdom;

(iv) teaching practice;

(v) unpaid research in an institution or establishment of further education, in the case of a student attending an overseas institution as a necessary part of his course, in an overseas institution;

(vi) such experience falling wholly within the periods appointed by an institution as periods for instruction and study there at in