STATUTORY RULES OF NORTHERN IRELAND

1991 No. 508

EDUCATION

Students Awards Regulations (Northern Ireland) 1991

Made - - - -	*27th November 1991*
Coming into operation	*30th December 1991*

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(**1**) 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) 1991.

(2) These Regulations shall come into operation on 30th December 1991 and shall have effect on and from 1st September 1991.

Revocations

2. The Students Awards (No. 2) Regulations (Northern Ireland) 1990(**2**) and the Students Awards (No. 2) (Amendment) Regulations (Northern Ireland) 1991(**3**) 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 includes a person acting with the authority of that governing body or other body:

"area" means the area of a board;

(**1**) S.I. 1986/594 (N.I. 3)
(**2**) S.R. 1990 No. 427
(**3**) S.R. 1991 No. 191

"award" includes an award made under previous awards regulations, and either a fees only award or a full award bestowed 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(**4**);

"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 b> 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 Technician 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(**5**); 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;

"dependent" means wholly or mainly financially dependent;

"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 the references to employment include references 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 has been ordinarily resident within the European Community (excluding the British Islands) 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 bestowed only in respect of fees described in Schedule 6;

"first degree course" means—

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

(b) a course provided by an institution for a first degree of the Council for National Academic Awards;

(**4**) OJ No. L257, 19.10.68, p. 2 (OJ/SE 1968 (II) p.475)
(**5**) S.I. 1989/2406 (N.I. 20)

(c) a course provided either by the Cranfield Institute of Technology or by the Information Technology Institute for a first degree of the former;

"full award" means an award bestowed in respect of both fees described in Schedule 6 and a maintenance grant:

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

"higher-cost country" means Australia, Austria, Belgium, Iceland, the Republic of Ireland, France, the Federal Republic of Germany, the Netherlands and the Republic of Korea;

"high-cost country" means Canada, Hong Kong, Indonesia, Italy, Luxembourg, New Zealand, the USSR and the United States of America;

"independent student" means a student who—

(a) has attained the age of 2.5 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 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 an establishment of higher education in the United Kingdom maintained or assisted by recurrent grants out of public funds or a university or establishment of higher education in the Republic of Ireland providing a full-time course approved by the Department to be a course comparable to one listed in paragraphs 1, 2, 3 or 4 of Schedule 3;

"international course" means a course provided by an institution in the United Kingdom in conjunction with a university, college or other establishment in another country for a first degree of a university or of the Council for National Academic Awards;

"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;

"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;

  (ii) unpaid service with a public body 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;

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

  (iv) teaching practice;

  (v) unpaid research in an institution or, in the case of a student attending an international course, unpaid research in a university, college or other educational institution outside the United Kingdom;

  (vi) such experience falling wholly within the terms at the institution in any year which do not comprise paid service or employment and which do not aggregate more than

either 6 weeks during the year or 12 weeks during that and some other year taken together where a period in that other year has not already been taken into account for the purposes hereof;

(vii) unpaid service with a health authority (within the meaning of section 128(1) of the National Health Service Act 1977(**6**));

(viii) unpaid service with a health board constituted under section 2 of the National Health Service (Scotland) Act 1978(**7**); or

(ix) unpaid service with a health and social services board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**8**);

(b) in the case of a student studying modern languages, whose course includes periods of residence in a country whose language is a main language of that course, any such period of residence for which he is in gainful employment;

"prescribed proportion" means the proportion which the number of weeks in a sandwich year during which the student attends the institution for full-time study bears to 30, except that, where that proportion is greater than the whole, it means the whole;

"previous awards regulations" means the Regulations revoked by regulation 2 and any regulations superseded by those Regulations;

"refugee" means a person 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(**9**) as extended by the Protocol thereto which entered into force on 4th October 1967(**10**) or a person who, though not so recognised, enjoys asylum in the United Kingdom in pursuance of a decision of Her Majesty's government and any reference to the child of a refugee includes a reference to a person adopted in pursuance of adoption proceedings, a step-child and an illegitimate child of whom the refugee is the mother or in whose case the refugee has admitted paternity or been adjudged the putative father;

"relevant day" means—

(a) except in the case mentioned in sub-paragraph (b), the last day of the month of October, February, April or June (according as the academic year of the course begins in the winter, spring, summer or autumn respectively) preceding the beginning of the course;

(b) in the case of a refugee, or the spouse or child of a refugee, or a person mentioned in paragraph (4)(a) or (4)(b)(i) of regulation 7, who has entered the United Kingdom on or after a relevant day as defined in sub-paragraph (a), where—

(i) he has entered the United Kingdom before the day one month earlier than that of the beginning of the term in which he commences his course, the said day or the day on which he applies for an award, whichever of those two days is the earlier;

(ii) he has not so entered the United Kingdom, the day of the beginning of the term in which he commences his course or the day on which he applies for an award, whichever of those two days is the earlier;

"sandwich course" means a course consisting of alternate periods of full-time study at an institution and periods of 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 of the course; 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;

(**6**) 1977 c. 49, amended by paragraph 11 of Schedule 3 to the Health and Social Security Act 1984 (c. 48)
(**7**) 1978 c. 29
(**8**) S.I. 1972/1265 (N.I. 14)
(**9**) Cmnd. 9171
(**10**) 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 2PR)

"sandwich year" means, as respects any student, a year of a sandwich course which includes both attendance at full-time study at an institution and periods of experience;

"specified course" means a course of a type listed in Schedule 3; and in relation to any person any reference (otherwise unqualified) to a specified course shall, as the context requires, be construed as a reference to a specified course which the person attends or has applied to attend and any reference to a specified course shall be construed as a reference to either a course of full-time study or a sandwich course;

"statutory award" means any award or grant paid by virtue of Article 50 (except a maintenance allowance payable under the Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1991(**11**)) or Article 51 and includes any comparable award or grant which is paid out of moneys provided by Parliament;

"student" means a person to whom an award has been made under these Regulations or previous awards regulations:

"the Tax Acts" has the same meaning as in Schedule 1 to the Interpretation Act 1978(**12**);

"term"in respect of a course, means any of the periods appointed by an institution for instruction and study at that institution;

"university" means a university in the United Kingdom and the Republic of Ireland and includes a university college and a constituent college, school or hall of a university;

"year" in respect of a course, means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according as the academic year of the course begins in the winter, spring, summer or autumn respectively: and any references to the first year of a course shall be construed accordingly.

(2) In paragraph (1) "parent" shall have the same meaning as in Part II of Schedule 8.

(3) A period during which a student has supported himself out of his earnings includes any period or periods during which—

(a) the student was in receipt of training in pursuance of a programme of the type described in Schedule 1;

(b) the student was in receipt of unemployment benefit under section 14(1)(a) of the Social Security (Northern Ireland) Act 1975(**13**);

(c) before 24th November 1980 (when Schedule 2 to the Social Security (Northern Ireland) Order 1980(**14**) came into force), the student was registered for unemployment;

(d) on or after 24th November 1980 but before 18th October 1982, the student was registered and available for employment;

(e) on or after 18th October 1982, the student was available for employment and, if under the age of 18 years, registered for employment;

(f) the student held a post-graduate studentship or comparable award;

(g) the student received sickness benefit, invalidity pension, maternity allowance or severe disablement allowance under section 14(1)(b), 15(1)(b), 22(1) or 36(1) of the Social Security (Northern Ireland) Act 1975 as originally enacted or amended(**15**) or statutory

(**11**) S.R. 1991 No. 390
(**12**) 1978 c. 30; definition of "Tax Acts" substituted by 1987 c. 16, section 71, Schedule 15, paragraph 12
(**13**) 1975 c. 15
(**14**) S.I. 1980/870 (N.I. 8)
(**15**) Section 15(1)(b) was amended by paragraph 5(1) of Schedule 1 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)). Section 22 was substituted by paragraph 13 of Schedule 4 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and section 36 was substituted by Article 5 of the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8))