1990 No. 427

EDUCATION

Students Awards (No. 2) Regulations (Northern Ireland) 1990

Made . . . . . 6th December 1990
Coming into operation . . 9th January 1991

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 provision.
9. Previous attendance at a course.
10. Specified educational facilities.
11. Terms and conditions.

PART III

AMOUNT OF AWARDS

12. Payments by award-making bodies.
13. Calculation of maintenance grant.
14. Assessment of requirements and resources.
15. Sandwich courses.
16. Assisted students.
17. Method of payment.
18. Discretionary payments.
19. Withholding and reduction of payments.

SCHEDULES

Schedule 1. Training bursaries.
Schedule 2. 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. Requirements.
Schedule 8. Resources.
Schedule 9. Single students with dependants.
Schedule 10. Sandwich courses.
Schedule 11. Training programmes.

The Department of Education, in exercise of the powers conferred on it by Articles 50(1) and (2), 51(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 (No. 2) Regulations (Northern Ireland) 1990.

(2) These Regulations shall come into operation on 9th January 1991 and shall have effect on and from 1st September 1990.

Revocations

2. The Students Awards Regulations (Northern Ireland) 1990(**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 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;

(**a**) S.I. 1986/594 (N.I. 3)
(**b**) S.R. 1990 No. 23

"award-making body" means the Department where an award is made by the Department or a board where an award is made by a board;

"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 Technician Education Council ("BTEC");

"course of higher education" means—

(*a*) in the case of a student who began his course before the commencement of these Regulations, a course of a type listed in Schedule 1 to the Regulations set out in regulation 2;

(*b*) in the case of a student who begins his course after the commencement of these Regulations, 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;

"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;

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

"European Community" means the area comprised by the member states of the European Community (including the United Kingdom) as constituted from time to time;

"first degree course" means—

(*a*) a course (other than one for the degree of Bachelor of Education) 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;

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

"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, and the Netherlands;

"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 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 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;

"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 probation and aftercare service;

(iv) teaching practice;

(v) unpaid research in an institution;

(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(**a**));

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

(*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(**d**) as extended by the Protocol thereto which entered into force on 4th

(**a**) 1977 c. 49, amended by paragraph 11 of Schedule 3 to the Health and Social Security Act 1984 (c. 48)
(**b**) 1978 c. 29
(**c**) S.I. 1972/1265 (N.I. 14)
(**d**) Cmnd. 9171