1990 No. 310

EDUCATION

The Education (Student Loans) Regulations (Northern Ireland) 1990

Made . . . . . *20th August 1990*

Coming into operation . . *1st October 1990*

To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974.

The Department of Education, in exercise of the powers conferred on it by Articles 2(2)(**a**) and 3(2) of 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(**b**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

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

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CONDITIONS OF ELIGIBILITY

PART I

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Loans) Regulations (Northern Ireland) 1990 and shall come into operation on 1st October 1990.

(2) These Regulations apply in relation to any academic year beginning on or after 1st August 1990.

Interpretation

2.—(1) In these Regulations—

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

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

"eligible" means eligible for the purposes of Article 3 of the Order read with regulation 3 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) for periods of at least 24 weeks in each academic year of the course; 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*) above for the year;

"loan" means a loan 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 and includes 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 the institution but at a place outside the institution;

"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**) or a person who enjoys asylum in the United Kingdom in pursuance of a decision of Her Majesty's government though not so recognised, 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

3.—(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 1990 if—

(a) Cmnd. 9171

(b) Cmnd. 3906 (Out of print: photocopies are available, free of charge, from Scholarships Branch, Department of Education, Rathgael House, Balloo Road, Bangor, Co. Down BT19 2PR)

(*a*) the course of study during that academic year forms part or all of a full-time course or of a part-time course for the initial training of teachers; and

(*b*) the student—

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

(ii) on the first day of that academic year, is a refugee and has been ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man and has not ceased to be so since he was first recognised as a refugee or was awarded asylum; or

(iii) on the first day of that academic year, is the spouse or child of a person referred to in head (ii); and

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

(*d*) the student 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 undertaking a course of education 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 the 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 Article 87 of the Health and Personal Social Services (Northern Ireland) Order 1972(**e**); or

(*c*) is studying for the Postgraduate Certificate in Education as a participant in arrangements made by a local education authority in England or Wales for the training of teachers known as the "Articled Teachers Scheme"; or

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

(*e*) was a minor when any agreement for a loan was made with him and who has not ratified that agreement after attaining his majority.

(3) A student shall not be eligible for a loan in relation to more than one academic year beginning in any period of twelve months beginning on 1st August in any year.

(**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)

PART III

DESIGNATION OF COURSES

Designation of courses by the Department

4. 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

5.—(1) Subject to paragraphs (3) and (4), 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—

(*a*) where the year is the final year of the course, £240 where he resides at his parents' home, and £340 where he does not so reside; and

(*b*) in any other case, £330 where he resides at his parents' home, and £460 where he does not so reside.

(2) Subject to paragraphs (3) and (4), in the case of any student attending a course other than the 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, £240 where he resides at his parents' home, and £310 where he does not so reside; and

(*b*) in any other case, £330 where he resides at his parents' home, and £420 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 £310 where the year is the final year of the course and £420 in any other case.

(4) For the purposes of paragraphs (1) and (2) a year of a course for the Postgraduate Certificate in Education shall not be treated as a final year, and a person's place of residence is his place of residence on the date a certificate is given in respect of him pursuant to regulation 11.

Interest

6.—(1) Loans shall bear interest at the percentage per annum specified in paragraph (2) being the rate appearing to the Department to be requisite for maintaining the value of the amount of the loans in real terms.

(2) That percentage is the percentage increase between the retail prices index published by the Central Statistical Office of the Chancellor of the Exchequer for June 1989 and the retail prices index so published for June 1990.