1981 No. 246

EDUCATION

Students Awards Regulations (Northern Ireland) 1981

Made . . . . . *20th July 1981*

Coming into operation . . . *1st September 1981*

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The Department(**a**) of Education, in exercise of the powers conferred on it by Articles 39(1) and (2) and 40(2)(**b**) and Article 125(1) of the Education and Libraries (Northern Ireland) Order 1972(**c**) 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) 1981.

(2) These Regulations shall come into operation on 1st September 1981.

Revocations

2. The Students Awards Regulations (Northern Ireland) 1980(**d**) and the Students Awards (Amendment) Regulations (Northern Ireland) 1980(**e**) 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;

"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;

"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 39(1);

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

(**a**) Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1)
(**b**) As substituted by S.I. 1978/1040 (N.I. 10) Art. 6(1), and as amended by S.I. 1980/1958 (N.I. 16) Art. 7
(**c**) S.I. 1972/1263 (N.I. 12)
(**d**) S.R. 1980 No. 253
(**e**) S.R. 1980 No. 392

(*a*) the Diploma of Higher Education ("DipHE course");

(*b*) a Dip HE course or a first degree course 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, the Higher Diploma of the Technician Education Council ("TEC") or the Higher National Diploma of the Business Education Council ("BEC");

"course of advanced further education" means a course of a type listed in Schedule 1;

"dependent" means wholly or mainly financially dependent;

"employment" includes the holding for gain of any office and 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;

"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 by the Cranfield Institute of Technology for a first degree of that Institute;

"independent student" means a student who either—

(*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;

"institution" means a university or an establishment of further education in the United Kingdom maintained or assisted by recurrent grants out of public funds;

"international course" means—

(*a*) 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

(*b*) a course so provided comparable to a first degree course;

being in either case an educational facility designated by the Department under Article 39(1);

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

"minimum maintenance payment" means the amount of £410;

"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 1972(**a**); 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**) As amended by S.I. 1978/1040 (N.I. 10) and S.I. 1980/1958 (N.I. 16)

(*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;

(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) teaching practice;

(iv) unpaid research in an institution; or

(v) such experience which fall wholly within the terms at the institution, aggregate not more than six weeks in each year and do not comprise paid service or employment;

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

"relevant day" means—

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

(*b*) in the case of a refugee 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;

"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 39 (except a maintenance allowance payable under the Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1973(**a**) or an award under the Grammar School Pupils (Admissions, Grants and Allowances) Regulations (Northern Ireland) 1978(**b**)) or Article 40 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;

"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 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 or 1st September according as the academic year of the course begins in the spring, the summer or the autumn respectively; and any references to the first year of a course shall be construed accordingly.

(2) A period during which a student has supported himself out of his earnings includes—

(*a*) any period or periods, not exceeding twelve months in the aggregate, during which the student was registered for employment and (on and after the coming into force of Schedule 2 to the Social Security (Northern Ireland) Order 1980(**c**)) was available for employment as mentioned in Article 7 of the Supplementary Benefits (Northern Ireland) Order 1977(**d**) or was in receipt of unemployment benefit under Section 14(1)(*a*) of the Social Security (Northern Ireland) Act 1975(**e**);

(*b*) any period during which the student held a postgraduate studentship or comparable award;

(*c*) any period during which the student received sickness benefit, invalidity pension or maternity allowance under Section 14(1)(*b*), 15(1)(*b*), 22(1) or 36(1) of the Social Security (Northern Ireland) Act 1975; or

(*d*) in the case of a student who is or has been married, any period during which he could not reasonably have been expected to support himself out of his earnings because he had the care of his dependent children.

Calculation of income

4. In calculating a person's income for any year, any reduction for income tax is to be made by calculating the tax payable on the income received in that year as if the year were a year of assessment within the meaning of the Income Tax Acts (the necessary apportionment being made in any case where the relevant provisions of those Acts change during the year).

(**a**) S.R. & O. (N.I.) 1973 No. 426
(**b**) S.R. 1978 No. 217
(**c**) S.I. 1980/870 (N.I. 8)
(**d**) S.I. 1977/2156 (N.I. 27)
(**e**) 1975 c. 15