1979 No. 291

EDUCATION

Students Awards Regulations (Northern Ireland) 1979

Made	*22nd August* 1979
Coming into operation . .	*1st September* 1979

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

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

PART II

AWARDS

6. Specified persons.
7. Ordinarily resident.
8. Attendance at a non-specified course.
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. Students provided with free board and lodging.
18. Method of payment.
19. Discretionary payments.
20. Withholding and reduction of payments.

SCHEDULES

Schedule 1. Courses of advanced further education.
Schedule 2. Persons.
Schedule 3. Specified courses.
Schedule 4. Terms and conditions.
Schedule 5. Educational qualifications.
Schedule 6. Colleges providing long-term residential courses of full-time education for adults.
Schedule 7. Fees.
Schedule 8. Requirements.
Schedule 9. Resources.
Schedule 10. Widows, widowers, divorced persons, etc.
Schedule 11. Sandwich courses.

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) 1979.

(2) These Regulations shall come into operation on 1st September 1979.

Revocation

2. The Students Awards Regulations (Northern Ireland) 1978(**d**) are hereby revoked.

Interpretation

3. In these Regulations—

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

(*b*) an educational facility designated by the Department under Article 39(1);

(**a**) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(**b**) As substituted by S.I. 1978/1040 (N.I. 10) Art. 6(1)
(**c**) S.I. 1972/1263 (N.I. 12)
(**d**) S.R. 1978 No. 357 (II, p. 1303)

"course for the Diploma of Higher Education" means—

(*a*) a course provided by an institution for the Diploma of Higher Education ("Dip HE 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;

"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;

"high-cost country" means Austria, Belgium, Denmark, Federal Republic of Germany, France, Japan, Luxembourg, Netherlands, Norway, Sweden, Switzerland or the United States of America;

"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;

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

"minimum maintenance payment" means the amount of £335;

"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(e); and a reference by number to an Article is a reference to the Article bearing that number in the Order;

"periods of experience" means 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—

(*a*) unpaid service in a hospital;

(e) As amended by S.I. 1978/1040 (N.I. 10)

(*b*) 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;

(*c*) teaching practice;

(*d*) unpaid research in an institution; or

(*e*) periods of 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;

"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;

"relevant day" means 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;

"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(**f**) or an award under the Grammar School Pupils (Admissions, Grants and Allowances) Regulations (Northern Ireland) 1978(**g**)) 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;

"supported himself out of his earnings", in respect of a student, includes—

(*a*) any period or periods, not exceeding six months in the aggregate, during which the student was registered for employment as mentioned in Article 7 of the Supplementary Benefits (Northern Ireland) Order 1977(**h**) or in receipt of unemployment benefit under Section 14(1)(*a*) of the Social Security (Northern Ireland) Act 1975(**i**);

(**f**) S.R. & O. (N.I.) 1973 No. 426 (II, p. 2581)
(**g**) S.R. 1978 No. 217 (I, p. 705)
(**h**) S.I. 1977/2156 (N.I. 27)
(**i**) 1975 c. 15

(*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;

"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.

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).

Termination of marriage

5. A person's marriage is to be treated as having been terminated not only by the death of the other spouse or the annulment or dissolution of the marriage by an order of a court of competent jurisdiction but also by virtue of the parties to the marriage ceasing ordinarily to live together, whether or not an order for their separation has been made by any court.

PART II

AWARDS

Specified persons

6.—(1) Persons described in Part 1 of Schedule 2, with the exception of persons described in Part 2 of that Schedule, are specified by the Department for the purposes of Article 39(1).

(2) Persons described in Part 3 of Schedule 2 are specified by the Department for the purposes of Article 40(1).

Ordinarily resident

7.—(1) If a board is satisfied that a person was not ordinarily resident in the United Kingdom during the three years immediately preceding the first year of the specified course or was not resident in a board's area on the relevant day only because that person, his spouse or parent was, at the relevant time,