1978 No. 357

EDUCATION

Students Awards Regulations (Northern Ireland) 1978

Made . . . . . *24th November* 1978

Coming into operation in accordance with regulation 1(2) . . . *24th November* 1978

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The Department(a) of Education (hereinafter referred to as "the Department") in exercise of the powers vested in it by Articles 39 and 40 of the Education and Libraries (Northern Ireland) Order 1972(b) as substituted by Article 6 of the Education (Northern Ireland) Order 1978(c) and Article 125 of the Education and Libraries (Northern Ireland) Order 1972 and of all other powers 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) 1978.

(2) These regulations shall come into operation on 24th November 1978 and when in operation shall have effect as if they had been in operation on and after 1st September 1978.

Interpretation

2. In these regulations—

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

"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", "specified course", "sandwich course" and other qualified references to courses have the meanings respectively assigned to them by regulation 4;

"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" has the meaning assigned to it by regulation 3;

"institution" means a university or establishment of further education in the United Kingdom and establishment of further education includes a college of education and an institution of further education;

"maintenance grant" and "minimum maintenance payment" have the meanings respectively assigned to them by regulation 16;

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) S.I. 1972/1263 (N.I. 12)
(c) S.I. 1978/1040 (N.I. 10)

"period of experience", "prescribed proportion" and "sandwich year", in relation to a sandwich course, have the meanings respectively assigned to them by paragraph 1 of Schedule 8;

"previous awards regulations" means the regulations revoked by regulation 6 and any regulations superseded by those regulations;

"statutory award" means any award or grant paid by virtue of Articles 39 and 40 of the Education and Libraries (Northern Ireland) Order 1972 except a maintenance allowance payable under the Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1973(**d**) or an award under the Grammar School Pupils (Admissions, Grants and Allowances) Regulations (Northern Ireland) 1978(**e**) 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;

"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 relation to 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 in question begins in the spring, the summer or the autumn respectively; and references to the first year of a specified course shall be construed accordingly.

References to independent students

3.—(1) In these regulations "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.

(2) For the purposes of paragraph (1), a student shall be treated as having supported himself out of his earnings—

(*a*) for 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(**f**) or in receipt of unemployment benefit under Section 14(1)(*a*) of the Social Security (Northern Ireland) Act 1975(**g**);

(*b*) for any period during which the student held a Postgraduate Studentship or comparable award;

(*c*) for 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, for 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.

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

(3) Paragraph (2) shall have effect as if any reference therein to an enactment contained in the Supplementary Benefits (Northern Ireland) Order 1977 or the Social Security (Northern Ireland) Act 1975 included, in relation to a period before the coming into force of the enactment in question, a reference to the corresponding enactment then in force.

References to courses

4.—(1) In these regulations any reference to a specified course shall be construed as a reference to a course prescribed as such by or under regulation 8 and, in relation to any person, any reference to such a course (otherwise unqualified) shall, as the context requires, be construed as a reference to a specified course which the person in question 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.

(2) In these regulations any reference to a first degree course, a DipHE course, a course for the Higher Diploma or a course comparable to a first degree course shall be construed in accordance with regulation 8 and any reference to a course of training for teachers shall be construed in accordance with regulation 12.

(3) In these regulations any reference to a sandwich course shall be construed as a reference to such a course within the meaning of paragraph 1 of Schedule 8.

(4) In these regulations any reference to a course of advanced further education is a reference to a course such as is mentioned in Schedule 1.

General construction and interpretation

5.—(1) 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).

(2) For the purposes of these regulations 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.

Revocations

6. The Students Awards Regulations (Northern Ireland) 1977(**h**) are hereby revoked.

PART II

AWARDS

Duty of boards to make awards

7. Subject to and in accordance with these regulations, it shall be the duty of a board to make an award in respect of a person's attendance at a specified course during an academic year beginning after 31st August 1978 if—

(*a*) the person is ordinarily resident in the board's area, and

(**h**) S.R. 1977 No. 312 (II, p. 1683)

(*b*) an award has not already been made to him under these regulations or the previous awards regulations, by that or another board in respect of the course in question.

Specified courses

8.—(1) The following are prescribed as specified courses—

(*a*) a first degree course, that is to say—

(i) 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;

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

(*b*) a DipHE course, that is to say—

(i) a course provided by an institution for the Diploma of Higher Education;

(ii) a course provided by an institution for the Diploma of Higher Education or a first degree as the student may elect after the commencement of the course;

(*c*) a course for the Higher Diploma, that is to say, 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");

(*d*) a course comparable to a first degree course, that is to say—

(i) a course of at least 3 academic years' duration provided by a university for a certificate (except the University of Oxford Certificate in Fine Art) or diploma;

(ii) a course designated by the Department under Article 39(1) of the Order for the purposes of these regulations.

(2) In this regulation references to an institution do not include references to an institution which is neither maintained, nor assisted by recurrent grants out of public funds.

Exceptions relating to attendance at previous courses

9.—(1) A board shall not make an award to a person in respect of his attendance at a course if it is its duty under regulation 11 to transfer an award already made to him so that it is held in respect of his attendance at that course.

(2) In the case of a person who has not attained the age of 25 years before the first year of his course, subject to paragraph (7), a board shall not be under a duty to make an award if he has previously—

(*a*) attended a full-time course of further education of not less than two academic years' duration (ignoring, in the case of a sandwich course, periods of experience);

(*b*) successfully completed a part-time course of such education of equivalent duration; or

(*c*) attended a full-time, or successfully completed a part-time, course outside Northern Ireland comparable to such a full-time or part-time course,

unless the previous course was such as is mentioned in sub-paragraph (4)(*a*), (*b*) or (*c*).