1977 No. 312

EDUCATION

Students Awards Regulations (Northern Ireland) 1977

Made . . . . . 28*th October* 1977

Coming into operation in accordance with regulation 1(2) . . . 28*th October* 1977

ARRANGEMENT OF REGULATIONS

1. Citation and commencement.
2. Regulations revoked.
3. Definitions.
4. Duty of boards to make awards.
5. Exceptions relating to attendance at previous courses.
6. Other exceptions.
7. Awards made at the discretion of boards.
8. Awards made by the Department.
9. Conditions.
10. Commencement of awards.
11. Tenure and transfer of awards.
12. Extension of awards.
13. Suspension or termination of awards.
14. Method of payment.
15. Applications for awards.
16. Provision of information by students, etc.
17. Payments.
18. Calculation of maintenance grant.
19. Sandwich courses.
20. Part-time courses.
21. Assisted students.
22. Students provided with free board and lodging.
23. Ordinary maintenance.
24. Supplementary maintenance.
25. Maintenance of dependants.
26. Older students.
27. Construction of regulations 23 to 26.
28. Student's income.
29. Parental contribution.
30. Gross income.
31. Deductions.
32. Spouse's contribution.
33. Widows, widowers, divorced persons, etc.

SCHEDULES

Schedule 1—Adult education colleges.
Schedule 2—Fees.
Schedule 3—Sandwich courses.

The Department(a) of Education (hereinafter referred to as "the Department") in exercise of the powers vested in it by Articles 39, 40 and 125 of the Education and Libraries (Northern Ireland) Order 1972(b) and by section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962(c) and of all other powers enabling it in that behalf and with the approval of the Department(a) of Finance so far as required by Article 40 hereby makes the following regulations:

Citation and commencement

1.—(1) These regulations may be cited as the Students Awards Regulations (Northern Ireland) 1977.

(2) These regulations shall come into operation on 28th October 1977 and when in operation shall have effect as if they had been in operation on and after 1st September 1977.

Regulations revoked

2. The following regulations are hereby revoked:

the Students Awards Regulations (Northern Ireland) 1975(d);

the Students Awards (Amendment) Regulations (Northern Ireland) 1976(e);

the Students Awards (Amendment No. 2) Regulations (Northern Ireland) 1976(f).

Definitions

3.—(1) In these regulations—

"academic authority" means governing body, or other body representing the governing body;

"award" means a scholarship within the meaning of the Education and Libraries (Northern Ireland) Order 1972 and 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;

"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*) attained the age of 25 before the beginning of the year for which payments in pursuance of his award fall to be made, or

(*b*) supported himself out of his earnings for any three years preceding the first year of his course, there being treated for the purposes of this provision as a period during which he so supported himself (subject to paragraph (2))—

(i) any period not exceeding six months during which the student was registered for employment as mentioned in section 11 of the Supplementary Benefits &c. Act (Northern Ireland) 1966(g) or in receipt of unemployment benefit under section 14(1)(*a*) of the Social Security (Northern Ireland) Act 1975(h);

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) S.I. 1972 No. 1263 (N.I. 12)
(c) 1962 c. 7 (N.I.)
(d) S.R. 1975 No. 314 (II, p. 1463)
(e) S.R. 1976 No. 254 (II, p. 1194)
(f) S.R. 1976 No. 399 (II, p. 2227)
(g) 1966 c. 28 (N.I.)
(h) 1975 c. 15 (N.I.)

(ii) any period during which the student held a Postgraduate Studentship or comparable postgraduate award;

(iii) 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

(iv) 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;

"institution" means a university, college of education, institution of further education or other approved educational establishment;

"maintenance grant" and "minimum maintenance payment" have the meanings respectively assigned to them by regulation 17;

"previous awards regulations" means the regulations revoked by regulation 2 and any regulations superseded by those regulations;

"sandwich course" and in relation to such a course, "prescribed proportion" and "sandwich year" have the meanings respectively assigned to them by paragraph 1 of Schedule 3;

"statutory award" means an award or any comparable 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;

"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 course shall be construed accordingly.

(2) The definition of "independent student" in paragraph (1) shall have effect as if any reference therein to an enactment contained in 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.

(3) 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 to live together, whether or not an order for their separation has been made by any court.

Duty of boards to make awards

4. Subject to and in accordance with these regulations, a board shall make an award to each person ordinarily resident in its area admitted to—

(*a*) an approved full-time or sandwich course provided by an institution in the United Kingdom for a first degree of a university or for the degree of Bachelor of Medicine or an equivalent degree;

(*b*) a full-time or sandwich course provided by an institution for a first degree of the Council for National Academic Awards;

(*c*) (i) a course provided by an institution in the United Kingdom for the Diploma of Higher Education;

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

(*d*) a full-time or sandwich course for the Higher Diploma, that is to say, a course provided by an institution in the United Kingdom 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");

(*e*) a full-time or sandwich course provided by an institution in the United Kingdom which is regarded by the Department as comparable to a first degree course: provided that the person, before the commencement of the course, has obtained passes at Advanced Level in two subjects in a General Certificate of Education examination or a standard of attainment which is regarded by the Department as equivalent.

Exceptions relating to attendance at previous courses

5.—(1) Subject to paragraph (5), a board may refuse to make an award to a person in respect of his attendance at a course if—

(*a*) (in the case of a person who has not attained the age of 25 before the year in which the course begins) he has previously attended a full-time course of further education of not less than two academic years' duration or successfully completed a part-time course of such education of equivalent duration or attended or, as the case may be, successfully completed a comparable course outside the United Kingdom; or

(*b*) (in the case of a person who has attained the age of 25 before the year in which the course begins) he has previously attended a full-time course of further education of not less than two academic years' duration or successfully completed a part-time course of such education of equivalent duration or attended or, as the case may be, successfully completed a comparable course outside the United Kingdom provided that in each case such course was—

(i) a course of postgraduate or post diploma instruction; or

(ii) a course in preparation for a degree, a Diploma of Higher Education, a Higher National Diploma, a Higher National Certificate, a Diploma in Management Studies, a Diploma in Art and Design or a final professional examination or an examination of a standard above that of the examination for the Ordinary National Certificate or the General Certificate of Education (Advanced Level); or

(iii) a course following an initial course of not less than one year's duration or equivalent length in preparation for an Advanced or Final Certificate or a Full Technological Certificate of the City and Guilds of London Institute or any other course for which the possession of such an Advanced or Final Certificate is a minimum qualification for entry.

(2) Paragraph (1) shall not apply where the course which the person previously attended, or, as the case may be, completed either—

(*a*) was a course of not more than two academic years' duration or a part-time course of equivalent duration, being one to which sub-paragraph (1)(*b*)(i), (ii) or (iii) applies; or

(*b*) was a course for a pass at Advanced Level in two subjects in the examination for the General Certificate of Education or for any other qualification which is regarded by the Department as equivalent for the purposes of this provision; or

(*c*) was provided by a college designated by Schedule 1 (colleges providing long-term residential courses of full-time education for adults).

(3) Subject to paragraph (5), a board may refuse to make an award to a person in respect of his attendance at a course specified in paragraph (*a*), (*b*) or (*e*) of regulation 4 if he has previously—

(*a*) attended such a course or a full-time course of initial training as a teacher or successfully completed a part-time course of such training; or

(*b*) attended a course specified in sub-paragraph (*c*)(ii) of regulation 4 in a case where after the commencement of the course he elected to study for a first degree.

(4) Subject to paragraph (5), a board may refuse to make an award to a person in respect of his attendance at a course specified in paragraph (*c*) or (*d*) of regulation 4 if he has previously—

(*a*) successfully completed a part-time course of initial training for teachers; or

(*b*) attended any other course specified in regulation 4 or sub-paragraph 2(*a*) of regulation 8.

(5) In the case of any course which began before 1st September 1977 the duty of a board to make an award to a person in respect thereof shall not be affected by paragraph (1), (3) or (4) by reason only of his having attended the course from its beginning.

(6) For the purposes of this regulation a person shall only be treated as having attended a course if he has attended that course for more than one term; and it is hereby declared that any reference to a person having attended or completed a course shall be construed as a reference to his having done so before or after the coming into operation of these regulations.

Other exceptions

6.—(1) A board may refuse to make an award in respect of his attendance at a course to a person who—

(*a*) (i) has not been ordinarily resident in the United Kingdom for the three years immediately preceding the first year of the course in question; and

(ii) has not been resident in its area on the last day of the month of June, October or February preceding the first year according as the course begins in the autumn, spring or summer respectively;

but the board shall not refuse to make an award in any case where it is satisfied that a person would have been so resident had he, his spouse or his parent not been employed for the time being outside the United Kingdom;

(*b*) has, in the opinion of the board, shown himself by his conduct to be unfitted to receive an award.

(2) A person shall not, for the purposes of this regulation, be regarded as ordinarily resident in the United Kingdom if he was so resident wholly or mainly for the purpose of attending a full-time course of education.