1975 No. 314

EDUCATION

Students Awards Regulations (Northern Ireland) 1975

Made . . . . . *7th November* 1975

Coming into operation . . *7th November* 1975

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) 1975.

(2) These regulations shall come into operation on 7th November 1975 and shall be deemed to have effect from 1st September 1975.

Regulations revoked

2. The following regulations are hereby revoked:

the University and Further Education Awards Regulations (Northern Ireland) 1974(d);

the Training of Teachers (Scholarships) Regulations (Northern Ireland) 1974(e).

Definitions

3.—(1) In these regulations—

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

"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, Luxembourg, Netherlands, Norway, Sweden, Switzerland or the United States of America;

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

"sandwich course" has the meaning assigned to it by paragraph 1 of the schedule;

(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. 1974 No. 235
(e) S.R. 1974 No. 236

"sandwich year" has the meaning assigned to it by paragraph 1 of the schedule;

"student" means a person to whom an award has been made under these regulations or the 1974 regulations;

"the 1974 regulations" means the University and Further Education Awards Regulations (Northern Ireland) 1974 and the Training of Teachers (Scholarships) Regulations (Northern Ireland) 1974;

"year" as regards any course means the period of 12 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.

(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 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 the provisions of these regulations a board shall make an award to each person ordinarily resident in its area admitted to—

(*a*) a full-time or sandwich first degree course provided by a university in the United Kingdom;

(*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 ("a Dip HE course"); or

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

(*d*) a full-time or sandwich course provided by an institution in the United Kingdom for the Higher National Diploma ("an HND course"); or

(*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) A board may refuse to make an award to a person 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 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 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 postdiploma 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 for the Diploma of Higher Education, the Higher National Diploma, a pass at Advanced Level in two subjects in the examination for the General Certificate of Education or was any other qualification which is regarded by the Department as equivalent for the purposes of this provision; or

(*b*) was an approved long-term residential course of full-time education for adults.

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

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

(*b*) attended any other course specified in regulations 4 and 8 of these regulations;

or has before the commencement of these regulations attended a course for the Diploma of Higher Education or the Higher National Diploma:

provided that nothing in this paragraph shall affect the duty of a board to make an award to a person in respect of his attendance at a course for the Diploma of Higher Education or the Higher National Diploma beginning before 1st September 1975 which he was attending immediately before that date.

(5) For the purposes of this regulation a person shall be deemed to have attended a course if he has attended any part of that course.

Other exceptions

6.—(1) A board may refuse to make an award to a person who—

(*a*) (i) has not been ordinarily resident in the United Kingdom for at least three years immediately preceding the date on which the course in respect of which the award is sought is due to begin; and

(ii) has not been resident in its area on the last day of the month of June, October or February preceding the beginning of the course 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.

Awards made at the discretion of boards

7.—(1) Subject to the provisions of paragraph (2) a board may make an award to a person admitted to—

(*a*) a course at a university outside the United Kingdom provided that in the case of a full-time first degree course 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;

(*b*) a course specified in regulation 4 although the person is not eligible for an award under the provisions of that regulation;

(*c*) an approved full-time, part-time or sandwich course.

(2) A board shall not make awards for courses in respect of which the Department is responsible for making awards under these regulations or under the Postgraduate Awards Regulations (Northern Ireland) 1969(f).

Awards made by the Department

8. Subject to the provisions of these regulations the Department may make an award to each person admitted to—

(*a*) an approved course of initial teacher training in Northern Ireland;

(*b*) an approved full-time course in Northern Ireland for the postgraduate Certificate in Education (or a comparable qualification) or for the Art Teacher's Certificate or Diploma (or a comparable qualification);

(*c*) any one-year full-time course of approved initial teacher training not within sub-paragraph (*b*) above unless he has for more than three years held an award in respect of his attendance at a full-time course of advanced further education; or

(f) S.R. & O. (N.I.) 1969 No. 108 (p. 438)

(*d*) any other approved course of teacher training at an institution in the United Kingdom.

Conditions

9. An award-making body may require an applicant to give a written undertaking that he will attend regularly at the institution and complete the course for which the award is tenable and that where any sum is paid, whether as a provisional payment or not, in pursuance of the award before the end of the year in respect of which the sum is payable he will if requested by the award-making body repay the amount by which the sums paid during the year exceed (for whatever reason) the grant payable in respect of that year.

Commencement of awards

10. A student shall commence the course in the year in which the award is made unless the award-making body otherwise approves.

Tenure and transfer of awards

11.—(1) Each award shall, subject to satisfactory attendance, conduct and progress be tenable to the end of the period normally required for the completion of the course in respect of which the award was made.

(2) Where a student holding an award specified in regulation 4 is recommended before the expiry of two months after the end of the first year of the course by the academic authority to transfer to another course specified in regulation 4 at the same institution or with the consent of the academic authorities of both bodies concerned, given on educational grounds before the expiry of two months after the end of the first year, commences to attend a course specified in regulation 4 at another institution, then the award shall be continued by the award-making body or if two award-making bodies are concerned by arrangement between them for the period normally required to complete the new course. Where such transfer occurs in the case of an award made at the discretion of the award-making body the award may be continued in like manner by the award-making body concerned.

(3) An award shall be transferred by an award-making body so as to be held in respect of attendance at a course other than that in respect of which it was made in any case where, on completion of a Diploma of Higher Education course, the student is admitted to a course prescribed in paragraph (*a*), (*b*) or (*e*) of regulation 4 whether or not the second course is provided by the same establishment as the first.

(4) An award-making body may, after consultation with the academic authority, refuse to transfer an award under paragraph (2) if it is satisfied that when the student applied for the award he did not intend to complete the course to which the application related.

Extension of awards

12. An award-making body may extend the normal period of an award—

(*a*) to enable a student to follow an associated course of study during or at the end of the principal course; or

(*b*) to enable a student on account of illness or for other reason acceptable to the award-making body to repeat any part of a course.