STATUTORY RULES OF NORTHERN IRELAND

2021 No. 260

EDUCATION

The Education (Student Fees (Amounts), Loan Repayment and Support etc.)(Amendment) Regulations (Northern Ireland) 2021

Made - - - - 21st September 2021

Coming into operation in accordance with regulation 1

The Department for the Economy(**a**), in exercise of the powers conferred by Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005(**b**) and Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(**c**) makes the following Regulations.

In accordance with Article 4(11)(a)(i) and (b)(i) of the Higher Education (Northern Ireland) Order 2005 the Department is satisfied that the increases to the basic and higher amounts are no greater than are required to maintain the value of those amounts in real terms.

PART 1

GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Education (Student Fees (Amounts), Loan Repayment and Support etc.)(Amendment) Regulations (Northern Ireland) 2021.

(2) Regulations 2 to 4 come into operation on 1st September 2022.

(3) Regulations 5 to 12 come into operation on 21st September 2021.

PART 2

AMENDMENT OF THE STUDENT FEES (AMOUNTS) REGULATIONS (NORTHERN IRELAND) 2005

2. The Student Fees (Amounts) Regulations (Northern Ireland) 2005(**d**) shall be amended as provided by regulations 3 and 4.

(**a**) Formerly the Department for Employment and Learning; *see* Article 6(1)(c) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76)

(**b**) S.I. 2005/1116 (N.I. 5)

(**c**) S.I. 1998/1760 (N.I. 14). Article 3 was amended by the Learning and Skills Act 2000 (c.21), section 147(3)(a) and (b), the Student Loans (Amendment) Act (Northern Ireland) 2001, (c.2 (N.I.)), s.1(1), the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, the Finance Act 2003, (c.14), s. 147(4), the Higher Education (Northern Ireland) Order 2005, (S.I. 2005/1116 (N.I. 5)), Articles 11 and 12 and the Schedule, and by the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, (S.I. 2013/1881), Schedule 1.

(**d**) S.R. 2005 No. 290 as amended by S.R. 2006 No. 455, S.R. 2007 No. 442, S.R. 2008 No. 455, S.R. 2009 No. 400, S.R 2011

3. In regulation 3 (Prescribed basic and higher amounts)—

(a) for "£1,785" substitute "£1,825"; and

(b) for "£4,530" substitute "£4,630".

4. In regulation 4 (Prescribed basic and higher amounts for specified courses)—

(a) for "£870" substitute "£890"; and

(b) for "£2,250" substitute "£2,300".

PART 3

AMENDMENT OF THE EDUCATION (STUDENT SUPPORT) (No.2) REGULATIONS (NORTHERN IRELAND) 2009

5. The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009(**a**) shall be amended as provided by regulations 6 to 9.

Amendment of Regulation 18

6. In regulation 18(**b**) for the number "(1)" of the current sub-paragraph (1) substitute the letter "(l)".

Amendment of Part 5

7. In Part 5 (grants for living and other costs)—

(a) in regulation 39(7)(**c**) (general qualifying conditions for grants for living and other costs) for the words from "regulation" to "occurs" substitute "regulation 18 (a),(b),(e),(f),(g),(h),(i),(j),(k),(l) or (m) occurs";

(b) in regulation 42(6)(**d**) (amount of the disabled students' allowance) for the words from "regulation" to "occurs", where it first occurs, substitute "regulation 18 (a),(b),(e),(f),(g),(h),(i),(j),(k),(l) or (m) occurs";

(c) in regulation 46(11)(**e**) (childcare grant) for the words from "regulation" to "occurs", where it first occurs, where it first occurs, substitute "regulation 18 (a),(b),(e),(f),(g),(h),(i),(j),(k),(l) or (m) occurs";

(d) in regulation 50A(2)(**f**) (general) for the words from "regulation" to "occurs", where it first occurs, substitute "regulation 18 (a),(b),(e),(f),(g),(h),(i),(j),(k),(l) or (m) occurs";

(e) in regulation 57(5)(**g**) (qualifying conditions for the maintenance grant) for the words from "regulation" to "occurs", where it first occurs, substitute "regulation 18 (a),(b),(e),(f),(g),(h),(i),(j),(k),(l) or (m) occurs";

(f) in regulation 59(5)(**h**) (qualifying conditions for the special support grant) for the words from "regulation" to "occurs", where it first occurs, substitute "regulation 18 (a),(b),(e),(f),(g),(h),(i),(j),(k),(l) or (m) occurs";

Nos. 1 and 369, S.R. 2012 No. 184, S.R. 2013 No. 120, S.R. 2014 No. 116, S.R. 2015 No. 243, S.R. 2016 No. 354, S.R. 2017 No. 104, S.R. 2018 No. 105, S.R. 2019 No. 102 and S.R. 2020 No. 98.

(**a**) S.R. 2009 No. 373, amended by Order 2011/1043, Order 2013/235, S.R. 2010 No. 383, S.R. 2012 Nos. 62 and 398, S.R. 2013 Nos. 128 and 223, S.R. 2014 Nos. 97 and 309, S.R. 2016 Nos. 21 and 236, S.R. 2017 Nos. 7, 43 and 146, S.R. 2018 No. 35, S.R. 2019 Nos. 35 and 109, S.R. 2020 Nos. 79 and 295, S.R. 2021 No. 50 and S.R. 2021 No. 85.

(**b**) Regulation 18 was amended by Order 2011/ 1043, S.R. 2019 No. 35, S.R. 2020 No.295, S.R. 2021 No. 50 and S.R. 2021 No. 85.

(**c**) Regulations 39(7) was amended by S.R. 2012 No. 398 and S.R. 2021 No. 85.

(**d**) Regulation 42(6) was amended by S.R. 2021 No. 85.

(**e**) Regulation 46(11) was amended by S.R. 2021 No. 85.

(**f**) Regulations 50A(2) was amended by S.R. 2021 No. 85.

(**g**) Regulation 57(5) was amended by S.R. 2021 No. 85.

(**h**) Regulations 59(5) was amended by S.R. 2021 No.85.

Amendment of Part 6

8. In Part 6 (loans for living costs) —

(a) in regulation 78(**a**) (categories of student) before the words "In this part—", insert "Subject to regulation 78A,";

(b) after regulation 78, insert—

"**Application of category A in quarters ending on 30th June 2021 and 31st August 2021**

78A.--(1) This regulation applies in relation to the application of category A in respect of—

(a) the quarter beginning on 1st April 2021 and ending on 30th June 2021; and

(b) the quarter beginning on 1st July 2021 and ending on 31st August 2021.

(2) For the purposes of this Part, a student is not to be treated as falling into category A if, in respect of the quarter ending on 31st March 2021, they were paid the rate of loan for living costs and, where applicable, the long courses loan, payable to a student in category B or D.

(3) Paragraph (2) does not apply in relation to one or both of the quarters mentioned in paragraph (1), in the case of a student who applies to the Department to have their loan for living costs and, where applicable, the long courses loan, paid at the rate payable to a student in category A for that quarter or those quarters, as the case may be."

Amendment of Part 11

9. In Part 11 (support for part-time courses) in regulation 130(7)(**b**) (disabled part-time students' allowance) for the words from "regulation" to "occurs" , where it first occurs, substitute "regulation 123(3) (a),(b),(e),(f),(g),(h),(i),(j),(k),(l),(m) or (n) occurs".

PART 4

AMENDMENT OF THE EDUCATION (STUDENT LOANS) (REPAYMENT) REGULATIONS (NORTHERN IRELAND) 2009

10. The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009(**c**) shall be amended as provided by regulations 11 and 12.

Amendment of Regulation 36

11. In Regulation 36 (Interpretation)(**d**) before the definition of "combined amount", insert—

""approved method" means—

(a) in relation to the delivery of a return in accordance with this Part, the internet services or Electronic Data Interchange services provided through PAYE Online or PAYE Online for Agents;

(b) in relation to the making of a payment in accordance with this Part, the services known as Direct Debit, BACS Direct Credit (including telephone and internet banking), CHAPS, debit and credit card over the internet (known as "BillPay"),

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(**a**) Regulation 78 was amended by S.R. 2010 No. 383.
(**b**) Regulation 130(7) was inserted by S.R. 2012 No. 398 and amended by S.R. 2021 No. 85.
(**c**) S.R. 2009 No. 128, amended by Orders 2013/1881 and 2013/3021, S.R. 2010 No. 91, S.R. 2011 No. 137, S.R. 2012 No. 136, S.R. 2013 No. 68 , S.R. 2014 No. 87, S.R. 2016 No. 228, S.R. 2017 No. 7, S.R. 2019 No. 35 and S.R. 2021 No.50.
(**d**) Regulation 36 was amended by S.R. 2012 No. 136

Government Banking Service (formerly known as "Paymaster"), Bank Giro and payments made through the Post Office;".

12. In Regulation 71(**a**) (calculation of fixed instalment and applicable threshold) —

(a) Omit paragraph (5).

(b) In paragraph (6), at the beginning, insert "Where a price level index cannot be calculated under paragraph (3)".

Sealed with the Official Seal of the Department for the Economy on the 21st September 2021.

L.S.

Heather Cousins
A senior officer of the Department for the Economy

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 2 to 4 of these regulations amend the Student Fees (Amounts) Regulations (Northern Ireland) 2005 ("the 2005 Regulations") by increasing the basic and higher amounts prescribed in the 2005 Regulations. In each case the increases are by 2.3%, and will come into operation on 1st September 2022.

The 2005 Regulations prescribe the basic and higher amounts which higher education institutions in Northern Ireland may charge by way of tuition fees. Regulation 3 of the 2005 Regulations sets out the basic and higher amounts which ordinarily apply. Regulation 4 of the 2005 Regulations sets out the lower basic and higher amounts which apply in respect of an academic year of specified courses.

Regulations 6-9 amend the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (S.R. 2009 No.373) ("the 2009 Regulations").

Regulations 6 and 7 correct errors of omission which should have been included in the Education (Student Support, etc.) (Amendment) Regulations (Northern Ireland) 2021. Similarly Regulation 9 does the same for the Education (Student Fees and Support) (Amendment) (No.2) Regulations (Northern Ireland) 2021. These amendments update references to listed events to include new paragraphs added.

Regulation 8 amends the provision relating to categories of students entitled to loans for living costs and long courses loans for the quarters ending on 30th June 2021 and 31st August 2021. The amendment provides that full-time students attending designated courses who were paid the London or outside London rates of loan in the quarter ending on 31st March 2021 will not be treated as falling into category A, and paid the parental home rate, unless they request to be paid at that rate.

(**a**) Regulations 71 was amended by S.R.s 2011 No.137, 2012 No.136, 2013 No. 68 and 2014 No. 87.

Regulation 11 and 12 amend the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009 No. 128) ("the Repayment Regulations").

Regulation 11 inserts the definition for the term 'approved method' used in Part 4.

Regulation 12 amends regulation 71 of the 2009 Regulations so that the Department has a measure of discretion in determining the applicable threshold for borrowers who reside overseas but only in cases where the Department is unable to calculate the price level index for the borrower's country of residence.

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