STATUTORY RULES OF NORTHERN IRELAND

2001 No. 77

EDUCATION

Education (Student Support) (Amendment No. 3) Regulations (Northern Ireland) 2001

Made . . . . . 23rd February 2001

Coming into operation . . 2nd April 2001

The Department of Higher and Further Education, Training and Employment, in exercise of the powers conferred by Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(**a**) and now vested in it(**b**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Student Support) (Amendment No. 3) Regulations (Northern Ireland) 2001 and shall come into operation on 2nd April 2001.

Amendment of the Education (Student Support) Regulations (Northern Ireland) 2000

2.—(1) The Education (Student Support) Regulations (Northern Ireland) 2000(**c**) shall be amended in accordance with paragraphs (2) to (13).

(2) In regulation 2—

(*a*) in paragraph (1)—

(i) in the definition of "eligible part-time student" substitute for the words "attendance at" the word "undertaking";

(ii) in the definition of "statutory award" substitute for the words "attendance at" the word "undertaking";

(*b*) in paragraph (2) substitute for the word "attending" (in each place where it appears) the word "undertaking";

(*c*) in paragraph (6)—

(i) delete the word "attending" (where it first appears);

(ii) substitute for the word "attending" (where it appears for the second time) the word "it".

(3) In regulation 3(2) substitute for the words "attendance at" the word "undertaking".

(**a**) S.I. 1998/1760 (N.I. 14)
(**b**) S.R. 1999 No. 481; Article 5(*b*) and Part II of Schedule 3
(**c**) S.R. 2000 No. 213, amended by S.R. 2000 No. 254 and S.R. 2000 No. 296

(4) In regulation 9(2)(*c*)—

(*a*) substitute for the word “attend” the word “undertake”;

(*b*) substitute for the word “return” the words “continue it”.

(5) In regulation 18(1)(*b*) substitute for the word “attending” the word “undertaking”.

(6) In regulation 27—

(*a*) in paragraph (1) substitute for the words “attendance at” the word “undertaking”;

(*b*) in paragraph (2)—

(i) in sub-paragraph (*b*) substitute for the words “attendance on” the word “undertaking”;

(ii) delete sub-paragraph (*c*).

(7) In regulation 29—

(*a*) in paragraph (1)—

(i) in sub-paragraph (*b*) substitute for the word “attending” the word “undertaking”;

(ii) add after sub-paragraph (*b*)—

“and

(*c*) in respect of the second and any subsequent year of his part-time course, he is ordinarily resident in Northern Ireland on the first day of the academic year.”;

(*b*) for paragraph (2) substitute—

“(2) An eligible part-time student shall not be eligible for a loan if—

(*a*) he holds a first degree from an educational institution in the United Kingdom or a comparable qualification from an educational institution outside the United Kingdom; or

(*b*) there have been paid to him 6 loans in connection with his undertaking one or more designated part-time courses.”;

(*c*) after paragraph (3) insert—

“(3A) Subject to paragraph (3B), an eligible part-time student shall not be eligible for a loan if he is a prisoner serving a custodial sentence.

(3B) Paragraph (3A) shall not apply in respect of an academic year during which the student enters prison to serve a custodial sentence or is released from prison having served such a sentence.”;

(*d*) in paragraph (8) substitute (in the appropriate places) for the definitions of “child”, “dependent” and “spouse” the following definitions—

“ “child” in relation to an eligible part-time student includes a step-child and any child for whom the student has parental responsibility and, in the case of an eligible part-time student aged

25 or over on the first day of the academic year in respect of which his eligibility for a loan is being assessed, any child of his partner;

"dependent" means wholly or mainly financially dependent;

"partner" means a woman ordinarily living with a man part-time student as his wife or a man ordinarily living with a woman part-time student as her husband;

"spouse" includes, in the case of an eligible part-time student aged 25 or over on the first day of the academic year in respect of which his eligibility for a loan is being assessed, a partner. It does not include a spouse of an eligible part-time student where they have ceased ordinarily to live together, in the case of a married part-time student whether or not an order for their separation has been made by any court, or where the spouse is ordinarily living outside the United Kingdom and is not maintained by him.".

(8) In regulation 31—

(*a*) in paragraph (1) substitute for the words "attendance on" the word "undertaking";

(*b*) in paragraph (6)(*a*) substitute for the words "attendance at" the word "undertaking".

(9) In regulation 32—

(*a*) renumber the existing provisions of the regulation as paragraph (1);

(*b*) insert at the beginning of paragraph (1) the words "Subject to paragraphs (2) and (3)," and substitute for the words "attendance at" (where they first appear) the word "undertaking"; and

(*c*) add after paragraph (1)—

"(2) An eligible part-time student shall be eligible for grant under this regulation if, in respect of the second and any subsequent year of his part-time course, he is ordinarily resident in Northern Ireland on the first day of the academic year.

(3) Subject to paragraph (4), an eligible part-time student shall not be eligible for grant under this regulation if he is a prisoner serving a custodial sentence.

(4) Paragraph (3) shall not apply in respect of an academic year during which the student enters prison to serve a custodial sentence or is released from prison having served such a sentence.".

(10) In regulation 33—

(*a*) in paragraph (1)(*a*) and (*b*) substitute for the word "attend" the word "undertake";

(*b*) in paragraph (2) substitute for the words "attendance at" the word "undertaking".

(11) In regulation 34—

(*a*) in paragraph (1)(*a*) and (*b*) substitute for the word "attend" (where it appears for the second time) the word "undertake";

(*b*) in paragraph (2) substitute for the words “attendance at” the word “undertaking”;

(*c*) in paragraph (6)—

(i) in sub-paragraph (*b*) substitute for the words “attendance at” the word “undertaking”;

(ii) in sub-paragraph (*d*)—

(A) insert after the words “regulation 20” (where they first appear) the words “, or had not applied for the maximum amount or increased maximum for which he was entitled under regulation 20”;

(B) insert after the word “loan” (where it appears for the second time) the words “or such additional amount of loan”;

(C) insert after the word “maximum” the words “or increased maximum”;

(*d*) in paragraph (7)—

(i) substitute for the words “the maximum amount of loan” (where they first appear) the words “the maximum amount or increased maximum amount of loan (as the case may be)”;

(ii) substitute for the words “the maximum amount of loan” (where they appear for the second time) the words “that amount”.

(*e*) in paragraph (8)(*a*) and (*b*) substitute for the word “attend” (where it first appears) the word “undertake”.

(12) In regulation 35(2) substitute for the word “attend” the word “undertake”.

(13) In paragraph 1(1)(*d*) of Schedule 3 insert at the end the words “or under section 65(3) of the Further and Higher Education Act 1992(**a**)”.

Sealed with the Official Seal of the Department of Higher and Further Education, Training and Employment on 23rd February 2001.

(L.S.)

Dr. Robson Davison

A senior officer of the Department of Higher and Further Education, Training and Employment

(**a**) 1992 c 13

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which come into operation on 2nd April 2001, further amend the Education (Student Support) Regulations (Northern Ireland) 2000 ("the Student Support Regulations").

Following amendment of Articles 2(2), 3, 4 and 7 of the Education Student Support (Northern Ireland) Order 1998 by the Learning and Skills Act 2000, the Regulations provide for support for students undertaking part-time designated courses whether they attend the course or whether they pursue the course through open learning. Part VIII of the Student Support Regulations and the definition of "eligible part-time student" are amended accordingly (*regulation 2(2)(a)(i) and (6) to (12)*).

Consequential amendments are made at regulations 3 to 5 as the provisions amended apply in respect of support for both designated courses and designated part-time courses.

Students must still attend designated courses (which are full-time courses, sandwich courses or part-time courses for the initial training of teachers designated under regulation 5 of the Student Support Regulations) in order to be eligible for full-time support. No change is made to the Student Support Regulations in this respect.

Regulations 27(2)(*c*) and 29(2) of the Student Support Regulations are amended so that the exclusion from eligibility of a part-time student who has been paid 6 loans in connection with his undertaking one or more designated part-time courses applies only in respect of his eligibility for a loan, not for grants for living costs in respect of a disability to which he is subject (*regulation 2(6)(b)(ii) and (7)(b)*).

Regulations 29(1) and 32 of the Student Support Regulations are amended to include an additional eligibility criterion in respect of support (loans and grants for disabled part-time students' living costs) for students undertaking designated part-time courses (*regulation 2(7)(a)(ii) and 7(b)*). Eligible part-time students must be ordinarily resident in Northern Ireland on the first day of each academic year (not just at the start of the course).

Regulations 29 and 32 of the Student Support Regulations are also amended to exclude prisoners serving custodial sentences from eligibility for loans and grants for disabled part-time students' living costs, except in respect of an academic year in which they enter prison to serve such a sentence or are released from prison having served such a sentence (*regulation 2(7)(c) and (9)(c)*).

Regulation 2(7)(d) amends the definitions of "child", "dependent" and "spouse" at regulation 29(8) of the Student Support Regulations.

Regulation 34(6)(*d*) and (7) of the Student Support Regulations is amended so that where the student has already made an application for a loan after his eligibility has been converted from that of an eligible student under Part II of the Student Support Regulations, he may apply further for the maximum amount of loan or increased maximum to which he was entitled under regulation 20 of the Student Support Regulations (*regulation 2(11)(c)(ii) and (d)*).

Paragraph 1(1)(*d*) of Schedule 3 to the Student Support Regulations is amended to extend the disregard of grants to students to facilitate teacher training, in calculating their income, to payments in respect of such training by institutions which receive funding under section 65(3) of the Further and Higher Education Act 1992 (*regulation 2(13)*).

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