EXPLANATORY MEMORANDUM TO

The Education (Student Support) (Amendment No.2) Regulations (Northern Ireland) 2026

S.R. 2026 No. 136

1. Introduction

1.1 This Explanatory memorandum has been prepared by the Department for the Economy ("the Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998 and Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005 and is subject to the negative resolution procedure.

2. Purpose

2.1 This Statutory Rule amends the following principal regulations - The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 ("the Student Support Regulations") and The Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007 ("the QCP Regulations").

3. Background

3.1 <u>Amending rules on overstayers and entitlement to student support and home fee status</u>

This Statutory Rule amends the Student Support Regulations to ensure that where a student is applying for further leave in line with the relevant provisions of paragraph SUI 13.1 of the Home Office Immigration Rules, their eligibility for student support would not be terminated for so long as the application falls within the scope of paragraph SUI 13.1 of the Immigration Rules. Accordingly, eligibility for support would continue unless a decision was ultimately made by the Home Office to refuse further leave to remain. It would also make corresponding changes to the QCP Regulations to ensure that this group of students, in such circumstances, continue to qualify for home fee status and, for undergraduate students, are 'qualifying persons' for the purposes of fee limits.

3.2 <u>Amending references to the Ukraine Schemes</u>

The Statutory Rule amends the Student Support Regulations and the QCP Regulations to update references to the Ukraine Schemes following amendments made to Home Office Immigration Rules. The proposed Statutory Rule would update regulations to reflect the latest paragraph

numbers within the Immigration Rules, ensuring consistency with other provisions which link particular schemes to the Home Office rules.

It also updates definitions of persons granted leave under the Ukraine Extension Scheme, and the Ukraine Family Scheme, to reflect that these schemes have been removed from the Home Office rules. The Ukraine Extension Scheme closed to most new applications on 16 May 2024 and closed in its entirety on 4 February 2025. The Ukraine Family Scheme closed to new applicants on 19 February 2024.

3.3 Student Support Regulations – calculation of maximum amounts of loans for current system students with full entitlement

This Statutory Rule updates regulation 66(4) of the Student Support Regulations in line with the 2.7% inflationary increase applied to maintenance grants and loans by way of S.R. 2026 No. 56, updating the calculation of the maximum amount of maintenance loan available to undergraduate students when the level of any maintenance grant awarded has been taken into account, and ensuring that this provision is offered in a manner consistent with prior years.

4. Consultation

There is no statutory requirement to consult on this Statutory Rule as it does not give effect to any major policy changes.

5. Equality Impact Assessment

An Equality screening exercise has been carried out in respect of these amendments and has found that the operational and technical changes in this amendment do not adversely impact any Section 75 categories.

6. Regulatory Impact Assessment

A Regulatory Impact Assessment has not been prepared for this Statutory Rule as it has no adverse impact on business, charities or voluntary bodies.

7. Financial Implications

The amendments made by this Statutory Rule are considered affordable within existing budgets.

8. Section 24 of the Northern Ireland Act 1998

The making of this Statutory Rule complies with Section 24 of the Northern Ireland Act 1998.

9. EU Implications

This Statutory Rule does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

10. Parity or Replicatory Measures

Historically, the Department's Regulations were made in broad parity with England and Wales but following the wholesale changes that were implemented in England and Wales from academic year 2012/13 as a result of the Browne Review this is no longer necessarily the case.

Regulatory provisions in respect of student support arrangements differ across administrations and changes to Home Office Immigration Rules do not always require similar amendments. Corresponding changes have been made in England in relation to overstayers and references to the Ukraine Schemes through the Education (Student Fees, Awards, Support and Loan Repayments) (Amendment) Regulations 2026.

11. Additional information

Further details regarding this Statutory Rule can be requested by contacting studentsupport@economy-ni.gov.uk.