1980 No. 392

EDUCATION

Students Awards (Amendment) Regulations (Northern Ireland) 1980

Made . . . . . *4th November 1980*

Coming into operation . . . . *4th December 1980*

The Department(**a**) of Education, in exercise of the powers conferred on it by Articles 39(1)(**b**) and (2)(**b**), 40(2)(**b**) and 125(1) of the Education and Libraries (Northern Ireland) Order 1972(**c**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

PART I

GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Students Awards (Amendment) Regulations (Northern Ireland) 1980.

(2) These Regulations shall come into operation on 4th December 1980 and shall have effect—

(*a*) for the purposes of Part II thereof, on and from 1st September 1980;

(*b*) for the purposes of Part III thereof, on and from 15th September 1980;

(*c*) for the purposes of Part IV thereof, on and from 1st January 1981.

Interpretation

2.—(1) In these Regulations a reference to the principal Regulations is a reference to the Students Awards Regulations (Northern Ireland) 1980(**d**).

(2) References in these Regulations to a numbered Regulation or Schedule are references to the Regulation or Schedule so numbered in the principal Regulations.

PART II

AMENDMENTS TAKING EFFECT ON AND FROM 1st SEPTEMBER 1980

Parental contribution

3.—(1) In paragraph 2(1) (Parental contribution—definitions and construction) of Part 2 of Schedule 9 in the definition of "child" for 'and "parent" shall be construed accordingly;' there shall be substituted 'and, except as otherwise provided by paragraph 5, "parent" shall be construed accordingly;'.

(2) At the end of paragraph 5 (Gross income) of Part 2 of Schedule 9 there shall be added:

> "(10) Where the student has a parent and a step-parent, the parental contribution shall be ascertained by reference to the income of the parent.".

(**a**) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(**b**) As substituted by S.I. 1978/1040 (N.I. 10) Art. 6(1)
(**c**) S.I. 1972/1263 (N.I. 12)
(**d**) S.R. 1980 No. 253

Sandwich courses

4. At the end of paragraph 1 of Schedule 11 (Sandwich courses) there shall be added:

"(3) In the application of this Schedule to a student who is attending a course provided by the University of Oxford or the University of Cambridge the provisions of this Schedule shall have effect as if—

(*a*) in the definition of "prescribed proportion" in Regulation 3(1) for the number "30" there were substituted the number "25", and

(*b*) in sub-paragraphs (*a*) and (*b*) of paragraph 3 of this Schedule for "30 weeks 3 days" there were substituted "25 weeks 3 days".

PART III

AMENDMENTS TAKING EFFECT ON AND FROM 15th SEPTEMBER 1980

Amendment of definitions in principal regulations

5.—(1) In Regulation 3(1) (Interpretation) after the definition of "previous awards regulations" there shall be inserted the following definition—

"'refugee' means a person recognised by Her Majesty's government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951 as extended by the Protocol thereto which entered into force on 4th October 1967;'.

(2) In Regulation 3(1) for the definition of "relevant day" there shall be substituted—

"'relevant day' means—

(*a*) except in the case mentioned in sub-paragraph (*b*), the last day of the month of October, February or June (according as the academic year of the course begins in the spring, the summer or the autumn respectively) preceding the beginning of the course;

(*b*) in the case of a refugee who has entered the United Kingdom on or after a relevant day as defined in sub-paragraph (*a*), where—

(i) he has entered the United Kingdom before the day one month earlier than that of the beginning of the term in which he commences his course, the said day or the day on which he applies for an award, whichever of those two days is the earlier;

(ii) he has not so entered the United Kingdom, the day of the beginning of the term in which he commences his course or the day on which he applies for an award, whichever of those two days is the earlier;'.

Ordinarily resident

6. At the end of Regulation 7 (Ordinarily resident) there shall be added:

"(3) In the case of a refugee who has not been ordinarily resident outside the British Islands, other than the Republic of Ireland, since he was recognised as a refugee, for the purposes of Regulation 6(1) it shall not be necessary for that refugee to comply with the requirements of paragraph 1(*b*)(i) of Schedule 2.".

PART IV

AMENDMENT TAKING EFFECT ON AND FROM 1st JANUARY 1981

Fees

7. In the proviso to sub-paragraph (*a*) of Schedule 7 (Fees) after "Provided that" there shall be inserted "the said maximum shall be £990 in the case of a course at the University College at Buckingham and".

Sealed with the Official Seal of the Department of Education for Northern Ireland on 4th November 1980.

(L.S.) *R. T. Holmes*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Students Awards Regulations (Northern Ireland) 1980 (''the principal Regulations'').

The principal Regulations introduced a change from previous Students Awards Regulations by providing that a step-parent's income should be taken into account for the purpose of calculating the parental contribution. These Regulations restore the former position and provide that only the income of the other (i.e., the natural) parent should be taken into account for that purpose (*Regulation 3*).

The Regulations amend the provisions of the principal Regulations relating to sandwich courses in the case of a sandwich course at Oxford University or Cambridge University, so as to take account of the fact that terms at those universities are of shorter duration than those at other universities (*Regulation 4*).

The Regulations introduce new provisions relating to refugees which are effective from 15th September 1980. Refugees are defined by reference to the United Nations Convention relating to the Status of Refugees (*Regulation 5(1)*). Refugees are relieved of meeting the requirement of paragraph 1(*b*) of Schedule 2 that a person must (among other things) have been ordinarily resident in the British Islands, other than the Republic of Ireland, for a period of three years before the start of the course to qualify as a specified person for an award from a Board (*Regulation 6*). Under that paragraph a person must also be resident on the ''relevant day'' in the area of a board to qualify as a specified person for an award from that board. A refugee could not therefore qualify if he entered Northern Ireland after the ''relevant day'' as defined in the principal Regulations. The Regulations amend that definition so that such a refugee can qualify (*Regulation 5(2)*).

Under the principal Regulations, an award normally includes grant not exceeding £740 towards tuition and certain other ancillary fees. With effect from 1st January 1981 these Regulations raise this maximum to £990 in the case of a course at the University College at Buckingham (which has four, instead of the usual three, terms each year).