

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2003 No. 298**

**Education (Student Support)  
Regulations (Northern Ireland) 2003**

**PART III**

**GRANTS FOR FEES**

**Eligibility for grants for fees**

**10.**—(1) Subject to the following paragraphs and regulation 11 an eligible student shall in respect of each academic year be eligible for a grant for fees equal to the aggregate of any fees payable by him in respect of, or otherwise in connection with, his attendance on the course (“the present course”), including admission, registration, tuition and graduation fees, but excluding –

- (a) fees payable to an institution for awarding or accrediting any qualification where the institution does not provide the whole or part of the course and is not a publicly-funded institution;
- (b) fees payable for board and lodging;
- (c) fees payable for field trips (including any tuition element of such fees);
- (d) fees payable for attending any graduation or other ceremony; and
- (e) fees which are prescribed under paragraph (e) of the definition of fees in Article 2(2) of the Order.

(2) Subject to paragraph (3) an eligible student shall not be eligible for a grant under this regulation if he has previously attended any full-time higher education course (“the previous course”) provided by –

- (a) an institution in the United Kingdom which was at or before the time the course was provided maintained or assisted by recurrent grants out of public funds; or
- (b) an institution in the United Kingdom or a university or relevant institution of higher education or a private institution in the Republic of Ireland in respect of his attendance at which a scholarship, exhibition, bursary, grant, allowance or award of any description which was available to defray fees mentioned in paragraph (1) was paid out of public funds or funds attributable to public funds, by any person or body, public or private.

(3) For the purposes of this regulation a course is not a previous course if it is –

- (a) the present course; or
- (b) any course in connection with his attendance at which the eligible student was determined to be eligible for support and that eligibility was transferred as a result of one or more transfers under regulation 7 to the present course.

(4) Paragraph (2) shall not apply where:

- (a) the present course is a course for the initial training of teachers referred to in paragraph 4 of Schedule 2 the duration of which does not exceed two years (a part-time course being

treated as its full-time equivalent), and the eligible student has not previously attended a course referred to in paragraph (2) the successful completion of which results in the person completing it being a qualified teacher within the meaning of section 218(2)(a) of the Education Reform Act 1988(1), or eligible to be employed as a teacher under Article 70(1) of the 1986 Order, except where the previous course was a course –

- (i) leading to a first degree within paragraph 4 of Schedule 2, or
- (ii) for the initial training of teachers referred to in paragraph 4 of Schedule 2 the duration of which does not exceed two years (a part-time course being treated as its full-time equivalent)

and the eligible student did not successfully complete it; or

- (b) the eligible student has previously attended –
  - (i) only one course referred to in paragraph (2); and
  - (ii) the period of attendance for that course did not exceed one academic year; or
- (c) the aggregate duration of the previous course (not being an accelerated course leading to a first degree unless the first academic year of the present course began before 1st September 2000) or courses did not exceed two academic years; or
- (d) the Department has determined, having regard to the circumstances of the particular case, that the student did not complete the previous course for compelling personal reasons; or
- (e) the eligible student has previously attended a course, which was part of a foundation degree pilot programme in conjunction with the University of Ulster, which he began on or after 1st September 2001 and before 1st September 2002, the duration of which exceeded two academic years.

(5) Where paragraph (4)(c) applies the Department may determine that the eligible student shall not be eligible for grant for fees in respect of any academic year of the present course other than –

- (a) a year which is the only year of the course;
- (b) the final year of a course of two or three years' duration; or
- (c) the number of final years of a course which is two years less than its duration.

(6) Where paragraph (4)(e) applies the eligible student shall be eligible for grant for fees where the present course he is undertaking is appropriate progression from the foundation degree course run in conjunction with the University of Ulster.

(7) In this regulation any reference to the duration of a course is a reference to the period ordinarily required for its completion by a student who is not excused part of the course on account of his having attended a previous course, in the case of a sandwich course ignoring periods of work experience; but for the purposes of paragraph (4)(c) if a student on the recommendation or, as the case may be, with the consent of the academic authority –

- (a) ceases to attend one course without completing it; and
- (b) starts to attend another course at the same or another institution,

the duration of the course shall be treated as the aggregate of the period spent following the first course and the period which the student in question would ordinarily require for the completion of the second course, in the case of either course being a sandwich course ignoring any periods of work experience.

(8) An eligible student shall not be eligible for a grant for fees in respect of an academic year if –

- (a) in relation to that year he is eligible to receive any payment under a bursary or award of similar description made to him under Article 44 of the Health and Personal Social

Services (Northern Ireland) Order 1972 or section 63 of the Health Services and Public Health Act 1968 the amount of which is calculated by reference to his income; or

- (b) he is attending a course leading to a qualification in a healthcare profession, other than as a medical doctor or dentist and in relation to that year he is eligible to receive an allowance paid to him under sections 73(f) and 74(1) of the Education (Scotland) Act 1980<sup>(2)</sup> the amount of which is calculated by reference to his income; or
- (c) he is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS<sup>(3)</sup> and –
  - (i) his course is a course referred to in regulation 5(1)(d); and
  - (ii) all the periods of study during the academic year are at an institution outside the United Kingdom; or
- (d) he is undertaking a flexible postgraduate course for the initial training of teachers, and for the purposes of this sub-paragraph “flexible postgraduate course for the initial training of teachers” means a course of initial teacher training, which has been approved by the Teacher Training Agency<sup>(4)</sup> the length and pattern of which is determined by the eligible student’s experience and training requirements.

(9) Where an eligible student repeats –

- (a) the first year or part of the first year of his course more than once; or
- (b) any part of his course other than the first year or part of the first year of his course,

the Department may determine that he shall not be eligible for grant for fees in respect of the academic year during which the student repeats.

(10) Where the eligibility of an eligible student is transferred under regulation 7(1)(a) or (b) and –

- (a) the necessary recommendation or consent to the transfer is given after the first day on which students were ordinarily required to start attending the second academic year of the first course in respect of which he was determined to be an eligible student (“the first course”);
- (b) the Department is satisfied after consulting the relevant academic authority that the recommendation or consent was given after the expiry of the period mentioned not only because the student was required to apply through a clearing admission system; and
- (c) the Department is satisfied after consulting the relevant academic authority that the period from the beginning of the first academic year of the first course to the end of the final academic year of the course which he now attends (“the current course”) exceeds the duration of the first course, the current course or any intervening course in respect of which he was an eligible student, whichever of these courses lasts longest,

the student shall not be eligible for grant for fees in respect of the number of academic years which is the difference between the period mentioned in sub-paragraph (c) and the duration of such longest lasting course.

(11) For the purposes of paragraph (10) –

- (a) the final academic year of the current course shall be the academic year during which the student is expected to complete the course;
- (b) in determining the period referred to in paragraph (10)(c) there shall be included vacations, but not periods of work experience which form part of a sandwich course, nor, where the

---

(2) 1980 c. 44; section 74(1) was amended by paragraph 8(17) of Schedule 10 to the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39)

(3) ERASMUS is part of the European Community Action Programme SOCRATES, O.J. No. L87, 20.4.95, p. 10

(4) The Teacher Training Agency was established under section 1 of the Education Act 1994 (c. 30)

student has only once repeated the first year or part of the first year of any course described in paragraph (10)(c), that repeated or part repeated first year;

- (c) the duration of a course shall be the period ordinarily required for its completion by a student who is not excused part of the course on account of his having attended a previous course in the case of a sandwich course ignoring periods of work experience; and
- (d) a difference which is less than a whole academic year shall be treated as a whole academic year.

(12) The academic years in respect of which the eligible student shall not be eligible for grant for fees in accordance with paragraph (10) shall be the first academic year or years of the current course which the student attends.

(13) An eligible student shall be eligible for a grant for fees in respect of –

- (a) any academic year before the expiry of three months from the beginning of which –
  - (i) his course becomes a designated course;
  - (ii) he or his spouse or parent is recognised as a refugee or is granted leave to enter or remain as mentioned in paragraph 3 of Schedule 1; or
  - (iii) he becomes a student mentioned in paragraph 7 of Schedule 1 as a result of the accession of the State of which he is a national to the European Community; and
- (b) any academic year which begins after the events referred to in paragraph (a),

but shall not be eligible for a grant for fees in respect of any other academic year.