
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 58

**The Education (Student Loans)
Regulations (Northern Ireland) 1998**

Part I

General

Citation and commencement

1. These Regulations may be cited as the Education (Student Loans) Regulations (Northern Ireland) 1998 and shall come into operation on 1st March 1998.

Revocations

2. The Education (Student Loans) Regulations (Northern Ireland) 1997(1) and the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 1998(2) are hereby revoked.

Interpretation

3.—(1) In these Regulations—

“accelerated course” means a course which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere) for a period of at least 40 weeks in the final year, being a course of two academic years' duration or a course for the degree of BA (Honours) with Qualified Teacher Status awarded by St. Martin's College, Lancaster;

“borrower” means a person to whom a loan has been made;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(3) as adjusted by the Protocol signed at Brussels on 17th March 1993(4);

“EEA migrant worker” has the meaning assigned to it in paragraph (6);

“European Community” means the territory comprised by the member States of the European Community as constituted from time to time;

“European Economic Area” means the European Community and subject to the conditions laid down in the EEA Agreement the area comprised by the Republic of Iceland, the Kingdom of Norway and the principality of Liechtenstein;

“eligible” means eligible for the purposes of Article 3 of the Order;

“full-time course” has the meaning assigned to it in paragraph (3);

“lender” means any person or body who makes a loan;

(1) S.R. 1997 No. 350

(2) S.R. 1998 No. 22

(3) Cmnd. 2073

(4) Cmnd. 2183

“loan” means a loan (whether made before or after the coming into operation of these Regulations) towards a student’s maintenance out of money made available by the Department for that purpose pursuant to arrangements made by the Department by virtue of Article 3 of the Order including the interest accrued on the loan and the amount of the loan from time to time outstanding;

“periods of work experience” means periods of industrial, professional or commercial experience associated with full-time study at an institution but at a place outside the institution;

“refugee” means a person who is 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⁽⁵⁾ as extended by the Protocol thereto which entered into force on 4th October 1967⁽⁶⁾;

“sandwich course” means a course consisting of alternate periods of full-time study in an institution and periods of work experience so organised that, taking the course as a whole, the student attends the periods of full-time study for an average of not less than 19 weeks in each year; and for the purpose of calculating his attendance the course shall be treated as beginning with the first period of full-time study and ending with the last such period;

“the Islands” means the Channel Islands and the Isle of Man;

“the Order” means the Education (Student Loans) (Northern Ireland) Order 1990.

(2) For the purposes of these Regulations an academic year which begins in the month of July in any year shall be deemed to begin in the month of August immediately following that month.

(3) In these Regulations a reference to a “full-time course” is a reference to a sandwich course or a course—

(a) which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere)—

(i) in the case of a course of one academic year’s duration, for a period of at least 24 weeks; and

(ii) in the case of a course of two or more academic years' duration, for a period of at least 24 weeks in each academic year except the final year and of at least eight weeks in the final year; and

(b) the nature of which is such that a person undertaking it would normally require to undertake periods of study, tuition or work experience which together amount in each academic year to an average of at least 21 hours a week as respects the periods of attendance mentioned in sub-paragraph (a) for the year;

(4) For the purposes of these Regulations a person shall be treated as ordinarily resident in the United Kingdom and Islands or in the European Economic Area if he would have been so resident but for the fact that he, his spouse or his parent, guardian or any other person having parental responsibility for him, or any person having care of him when he is a child is, or was, temporarily employed outside the United Kingdom and Islands, or as the case may be, outside the European Economic Area and paragraph 7(b) of Schedule 1 shall not apply in the case of such a person.

(5) For the purposes of these Regulations an area which—

(a) was previously not part of the European Community or the European Economic Area, but

(b) at any time before or after these Regulations come into operation has become part of one or other or both of those areas

shall be considered to have always been part of the European Economic Area.

⁽⁵⁾ Cmnd. 9171

⁽⁶⁾ Cmnd. 3906 (Out of print: photocopies are available, free of charge, from Student Support Branch, Department of Education, Rathgael House, Balloo Road, Bangor, Co Down BT19 7PR)

(6) In these Regulations a reference to an EEA migrant worker is a reference to a person who is a national of a member State of the European Economic Area who has taken up an activity as an employed person in the United Kingdom—

- (a) under Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community, as extended by the EEA Agreement⁽⁷⁾; or
- (b) in circumstances where as a national of the United Kingdom he has an enforceable Community right to be treated no less favourably than a national of another member State in relation to matters which are the subject of the above-mentioned Council Regulation.

(7) Where in these Regulations a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

⁽⁷⁾ O.J. No. L257, 19.10.68, p. 2 (O.J./S.E. 1968 (II) p. 457)