

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations, which come into operation on 20th May 2000, provide for support for students attending higher education courses in respect of academic years beginning on or after 1st September 2000.

While the text of the Regulations do not repeat exactly the provision made in England and Wales, the Regulations maintain parity with provision of support for Northern Ireland students with their English and Welsh counterparts. Changes of substance made by these Regulations other than the changes in the rates of fees, grants and loans are described below.

A number of minor changes are made. The definitions of “high cost country”, “higher cost country” and “Metropolitan Police District” are amended in regulation 2(1) and a definition of “grant-aided school” is introduced. Regulation 2(3) is amended so as to provide expressly that members of the armed forces are treated as falling within the temporary employment abroad exemption from the residence conditions in paragraph 8 of Schedule 1 to the Regulations.

Regulation 4(5) prohibits a student in respect of whom the first academic year of the course begins on or after 1st September 2000 from receiving support at any one time for more than one designated course or for a designated course and a designated part-time course. The definition of a full-time course is removed. Regulation 6(2) is amended so that a student who has not applied for support in respect of his attendance at a designated course in the first academic year of his course now has the opportunity to do so in a subsequent academic year. The requirement for the production of specified documents is removed, but the student must provide such evidence as the Department may require under regulation 6(3).

The student’s eligibility in respect of grants and loans for living costs, and in respect of grants for fees for repeat study for which the student remains eligible under regulation 10(8), now terminates at the end of the academic year in which the student completes the course (*regulation 8(1)*). There are minor amendments (in regulation 10(4)) to the exceptions to the provision that a student is not generally eligible for support where he has previously attended a publicly funded full-time course at an institution in the United Kingdom or Republic of Ireland. Regulation 10(9) is amended to clarify the support for which a student is eligible where his eligibility has been transferred more than once under regulation 7(1)(a) or (b). A different rate of support for fees is paid to institutions which are not maintained or assisted out of public funds and regulation 11 is amended to make clear that this applies in all circumstances other than in the case of designated courses at the 4 institutions specified in regulation 11(2). A new rate of fees is set for courses at the Colleges of Theology in Belfast in line with the rate set for courses at institutions which are neither maintained nor assisted out of public funds. The definition of “spouse” is amended at regulation 15(10) in respect of dependants’ grants to include a person of the opposite sex ordinarily living with the student as his spouse.

A new grant is available under regulation 16 for a student who is entitled to receive a dependant’s grant in respect of a dependent child. The student is eligible for a grant as specified in regulation 16(2) if the child attends a school in respect of which grants are made under the 1986 Order. The student is not eligible for the grant if the dependent child already receives a school meal free of charge under arrangements approved by the Department of Education (*regulation 16(3)*).

A new provision has been included to preclude students who are in receipt of funding from the Department to take part in a management development programme, from accessing loans (*regulation 18 (2)*).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Where a student applies for less than his maximum loan entitlement, he may now apply more than once to borrow an additional amount, which shall not exceed the relevant maximum applicable in his case (*regulation 20(7)*). At regulation 23 the application of the student's contribution is amended and provision is included to apply the student's contribution to fees payable where the student repeats study or transfers to another course at a higher education institution in the Republic of Ireland (*regulation 10(8) or (9)*).

In calculating an eligible student's income for the purposes of determining his contribution, payments made to him for the maintenance of his child are to be disregarded (*paragraph 1(1)(u) of Schedule 3*). Where neither a parental contribution under paragraph 3(1) of Schedule 3, nor a spouse's contribution under Part III of Schedule 3, applies in respect of the student, a new income disregard is applied under paragraph 1(1)(v) of Schedule 3, in place of the disregards that otherwise apply under paragraphs 1(1)(a) and 1(1)(r). There are other minor amendments to the calculation of the student's income under paragraph 1. Payments for the maintenance of an eligible student's child or former spouse or person who lived with him as his spouse are to be deducted in calculating the student's income (*paragraph 1(4) of Schedule 3*). The determination of the contribution for an eligible student, parent or spouse pursuant to regulation 22 and Schedule 3 is now termed the financial assessment.

The provision on the deductions to be made from a parent's gross income for the purpose of determining his residual income is amended (*paragraph 6(2) of Schedule 3*). The provisions for determining the spouse's contribution are amended for a student in respect of whom the first academic year of the course begins on or after 1<sup>st</sup> September 2000 and who is aged 25 or over on the first day of the academic year in respect of which the contribution applies. The spouse's contribution in this case now also applies in respect of a person of the opposite sex ordinarily living with the student as his spouse (*Part III of Schedule 3*).

A new Part VIII is introduced, making provision for the support of students attending part-time higher education courses which are designated by or under regulation 28. The general criteria for eligibility for such support, which are broadly similar to those for support for full-time study, are set out in regulation 27.

Part-time students, whose financial resources (his and his spouse's gross income, disregarding £2,000 in respect of his spouse, £2,000 in respect of his only or eldest child and £1,000 in respect of each other child) do not exceed £13,000 or who are entitled to any of the benefits set out in regulation 29(4)(a) and who meet the additional eligibility requirements in regulation 29(1) and (2) are eligible for a loan of £500 in respect of each academic year of the course.

Disabled part-time students are eligible for grant to meet the additional cost of attendance on their courses by reason of their disability on the same basis as full-time students, save that the maximum amount of grant for a non-medical personal helper is reduced to £7,879, and the maximum amount of additional grant is reduced to £1,039 (*regulation 32*).

Part-time students have six months from the beginning of the academic year in which to apply for support (*regulation 31*) and may apply to transfer their eligibility to another part-time course on the same basis on which full-time students may transfer their eligibility (*regulation 33*).

Provision is also made for the conversion of eligibility for support for a full-time course to support for a part-time course and vice versa (*regulation 34*). Where a full-time student converts to part-time status in the course of an academic year, and the student has not at that time applied for a loan for living costs under Part V, provision is made for the student to continue to be able to do so in respect of the period before he became a part-time student. Provision is also made to reduce the maximum amount of grant for a disabled part-time student for the period during which he is studying part-time (*regulation 34(6)*). Where a part-time student becomes a full-time student in the course of an academic year, provision is made to reduce the maximum amount of support to which he is entitled for the period during which he is a full-time student (*regulation 34(12)*).

A part-time student's eligibility terminates at the end of the academic year in which he completes his course or where he abandons, ceases to attend or is expelled from his course or the Department

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

determines that by reason of his conduct he is unfit to continue to receive support (*regulation 35*). Loans are to be paid in one instalment but otherwise support may be paid at such times and in such manner as the Department decides (*regulation 36*). Without prejudice to the Department's power to take action to recover overpayments through the courts, overpayments of loans for part-time study may be subtracted from payments of such loans in respect of any other academic year and overpayments of disabled person's grant may be subtracted from such grants in respect of other academic years or, where the student converts to full-time status, from other grants, except grants for dependants, under Part IV (*regulation 37*).