
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 340

**The Education (Student Support)
Regulations (Northern Ireland) 2005**

PART 4

GRANTS FOR FEES

Qualifying conditions for grants for fees

11.—(1) An eligible student shall, in respect of an academic year, qualify in accordance with this regulation for a grant in respect of the fees⁽¹⁾ payable by him in respect of, or otherwise in connection with, his attendance on a designated course (“the present course”).

(2) The amount of the grant for fees in respect of an academic year shall be determined in accordance with regulation 12.

(3) The general rule is that an eligible student who has attended a previous course does not qualify for a grant for fees in connection with his attendance on the present course.

(4) A previous course is any course which the student attended before the present course and which meets the conditions in paragraph (5) other than a course in connection with which the student was an eligible student and from which his status as an eligible student was transferred to the present course as a result of one or more transfers of that status in accordance with Regulations made under Article 3 of the Order.

(5) The conditions referred to in paragraph (4) are that the course was a full-time higher education course provided by an institution in the United Kingdom or Republic of Ireland and—

- (a) that institution was publicly funded at or before the time the course was provided; or
- (b) any scholarship, exhibition, bursary, grant, allowance or award of any description which was available in respect of the student’s attendance on the course to defray fees was paid out of public funds or funds attributable to public funds by any person or body, public or private.

(6) The general rule in paragraph (3) does not apply where—

- (a) the following conditions are met—
 - (i) the present course is a course referred to in paragraph 4 of Schedule 3;
 - (ii) the duration of the present course does not exceed two years (the duration of a part-time course being expressed as its full-time equivalent); and
 - (iii) the eligible student is not eligible to teach within the meaning of the Teachers' (Eligibility) Regulations (Northern Ireland) 1997⁽²⁾;
- (b) the eligible student has attended only one previous course and his period of attendance on that course did not exceed one academic year (a period of attendance on a course to

(1) “fees” is defined in Article 2(1) of the Education (Student Support) (Northern Ireland) Order 1998

(2) [S.R. 1997 No. 312](#)

which the student transferred from the previous course being treated as a continuation of the previous course);

- (c) the following conditions are met—
 - (i) the eligible student has previously attended one or more previous courses the aggregate duration of which did not exceed two academic years; and
 - (ii) unless the first academic year of the present course began before 1st September 2000, none of the previous courses was an accelerated course leading to a first degree; or
- (d) the Department is satisfied that—
 - (i) having regard to all the circumstances of the particular case, where a student has attended one or more previous courses, he did not complete for compelling personal reasons that previous course (“the latest course”) which he began to attend subsequent to attending any other previous course; and
 - (ii) a grant for fees was paid in connection with the student’s attendance on the latest course under Regulations made in accordance with Article 3 of the Order or would have been paid if the contribution in respect of the student had been lower or nil; or
- (e) the eligible student has previously attended a course, which was part of a foundation degree pilot programme run 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.

(7) Where paragraph (6)(c) applies, the Department may determine that the eligible student does not qualify for a 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 final two years of a course of four or more years' duration.

(8) For the purposes of paragraph (6)(c), where a student ceases to attend one previous course without completing it and—

- (a) transfers to another course at the same institution on the recommendation of the academic authority; or
- (b) transfers to another course at another institution with the consent of the academic authority of that institution,

the courses to and from which the student transfers shall be treated as one course the duration of which is 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.

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

(10) An eligible student shall not qualify 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 not calculated by reference to his income;
- (b) in relation to that year he is eligible to receive a Scottish healthcare allowance the amount of which is calculated by reference to his income;

- (c) he is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS(3) 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 ITT course.
- (11) Where the 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 shall determine whether the student qualifies for a grant for fees in respect of the academic year during which he repeats.
- (12) This paragraph applies where—
- (a) the student’s status as an eligible student is transferred as the result of one or more transfers of that status in accordance with Regulations made under Article 3 of the Order—
 - (i) from a designated course to the present designated course at the same institution, the most recent transfer being on the recommendation of the academic authority; or
 - (ii) from a designated course at one institution to the present designated course at another institution, with the consent of the academic authority of that institution;
 - (b) the necessary recommendation or consent to the transfer to the present course is given after the first day on which the student was required to start attending the second academic year of the first of the courses in sub-paragraph (a) in respect of which he was determined to be an eligible student (“the first course”);
 - (c) the Department is satisfied after consulting the relevant academic authority that the reason the recommendation or consent was given after the expiry of the period mentioned in sub-paragraph (b) is not solely due to the fact that the student was required to apply through a clearing admission system; and
 - (d) the Department is satisfied after consulting the relevant academic authority that A exceeds B.
- (13) For the purposes of paragraph (12)—
- (a) A is the period from the beginning of the first academic year of the first course to the end of the final academic year of the present course;
 - (b) in determining the value of A and B—
 - (i) vacations are included;
 - (ii) periods of work experience which form part of a sandwich course are not included;
 - (iii) where the student has only once repeated the first year or part of the first year of any course referred to in sub-paragraph (c), the repeated year or the part of the year which is repeated is not included;
 - (c) B is the duration of whichever of the following courses is the longest—
 - (i) the first course;
 - (ii) the present course;
 - (iii) any intervening course;
 - (d) the final academic year of the present course is the academic year during which the student is expected to complete the course;

- (e) a difference which is less than a whole academic year shall be treated as a whole academic year.
- (14) Where paragraph (12) applies, the eligible student shall not qualify for a grant for fees in respect of the number of academic years by which A exceeds B.
- (15) The academic years in respect of which the eligible student shall not qualify for grant for fees in accordance with paragraph (14) shall be the earliest academic year or years of the present course.
- (16) Where a student becomes an eligible student during the course of an academic year as a result of one of the events listed in paragraph (17)—
 - (a) the student may qualify for a grant for fees in respect of that academic year provided that he is not excluded by any of the other paragraphs of this regulation and that the relevant event occurred within the first three months of the academic year; and
 - (b) the student shall not qualify for a grant for fees in respect of any academic year beginning before the academic year in which the relevant event occurred.
- (17) The events referred to in paragraph (16) are—
 - (a) the student's course becomes a designated course;
 - (b) the student, his spouse, his civil partner or his parent is recognised as a refugee or is granted leave to enter or remain as mentioned in paragraph 3 of Schedule 2; or
 - (c) the student becomes a person mentioned in paragraph 7 of Schedule 2 as a result of the accession of the state of which he is a national to the European Community.
- (18) Subject to paragraph (8), any reference in this regulation to the duration of a course is a reference to the period ordinarily required for its completion by a student who is not excused from 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.