

2005 No. 435

EDUCATION

**The Education (Student Loans) (Amendment) (No.2)
Regulations (Northern Ireland) 2005**

Made - - - - - *29th September 2005*

Coming into operation - - - - - *24th October 2005*

The Department for Employment and Learning(a), in exercise of the powers conferred by Article 3(5) of and paragraph 1(1) of Schedule 2 to the Education (Student Loans) (Northern Ireland) Order 1990(b) and now vested in it(c) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Education (Student Loans) (Amendment) (No.2) Regulations (Northern Ireland) 2005 and shall come into operation on 24th October 2005.

2. In these Regulations “the Principal Regulations” means the Education (Student Loans) Regulations (Northern Ireland) 1998(d).

Amendment of the Principal Regulations

3. The Principal Regulations shall be amended as provided by regulations 4 to 8.

4. In regulation 3 (Interpretation) in paragraph (1) after the definition of “metropolitan police district”, there shall be inserted—

““new academic year” means an academic year beginning on or after 1st August 2005 but before 1st July 2006;.

“old academic year” means an academic year beginning on or after 1st August 2004 but before 1st July 2005;

“old loan” means a loan the maximum amount of which is the maximum amount of loan that would have been payable under these Regulations had they not been amended

(a) Formerly the Department of Higher and Further Education, Training and Employment; see S.I. 1999/283 (N.I.1) and the Department for Employment and Learning Act (Northern Ireland) 2001 (c.15)
(b) S.I. 1990/1506 (N.I.11); as amended by S.I. 1996/274 (N.I.1) Article 43 and Schedule 5 Part II, S.I. 1996/1918 (N.I. 15), Article 3 and the Schedule and S.I. 1998/258 (N.I.1), Articles 3 to 6. The entire Order was repealed by the Education (Student Support) (Northern Ireland) Order 1998 (N.I.14), Article 9 and the Schedule. This repeal is subject to transitional and saving provisions in the Education (Student Support) (Northern Ireland) Order 1998 (Commencement and Transitional Provisions) Order (Northern Ireland) 1998 (c.14). The saving provisions include provision for making subordinate legislation after the date of repeal
(c) S.R. 1999 No. 481, Article 5(b) and Schedule 3 Part II
(d) S.R. 1998 No. 58 as amended by S.R. 1998 No.262, S.R. 1998 No.303, S.R. 1999 No.343, S.R. 2000 No. 244, S.R. 2001 No. 276, S.R. 2002 No. 241, S.R. 2004 No. 305 and S.R. 2005 No. 351

by the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 2005(a);”.

5.—(1) Regulation 4 (Conditions of eligibility) shall be amended as provided by paragraph (2).

(2) After paragraph (1), there shall be inserted—

“(1A) Subject to paragraphs (1C) and (2), a person shall be eligible for an old loan in relation to an old academic year if—

(a) he attended throughout that academic year—

(i) a full-time course; or

(ii) a full-time or a part-time course for the initial training of teachers which is designated by the Department;

(b) in a new academic year, he—

(i) continues to attend the course referred to in sub-paragraph (a); or

(ii) is attending a further course of study which is a full-time or a part-time course for the initial training of teachers which is designated by the Department;

(c) he is a person mentioned in paragraph 6A of Schedule 1; and

(d) he has entered into an agreement for the loan before 1st August 2006.

(1B) For the purposes of paragraph (1A)(c), the reference to “the course” in paragraph 6A of Schedule 1 is to be treated as a reference to the course referred to in paragraph (1A)(a)(i) or (ii).

(1C) Paragraph (1A) shall not apply to a person who would have been eligible for a loan under paragraph (1) had he applied for that loan before 1st August 2005.”.

6.—(1) Regulation 6(b) (Amounts of loans) shall be amended as provided by paragraph (2).

(2) In paragraphs (1) to (4) for the figure “1,1575” in each place where it appears there shall be substituted “1,575”.

7. In Schedule 1 (Eligible Students) after paragraph 6 there shall be inserted the following paragraph—

“**6A.** A person who is a national of a member State of the European Community—

(a) who has been ordinarily resident throughout the three-year period preceding the first day of the course in the United Kingdom and Islands;

(b) who, were he is a national of the United Kingdom, has a right to be treated no less favourably than a national of another member State by virtue of having exercised a Community right of free movement; and

(c) who, in a case where his ordinary residence in sub-paragraph (a) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the European Economic Area immediately prior to the period of ordinary residence in sub-paragraph (a).”.

8.—(1) Schedule 2 (Terms of Loans) shall be amended as provided by paragraphs (2) to (5).

(2) In paragraph 1 after the definition of “lender”, there shall be inserted—

““old loan” and “new academic year” have the meaning given in regulation 3(1) of the Education (Student Loans) Regulations (Northern Ireland) 1998;”.

(3) In paragraph 4 for “the borrower” in the first place it occurs, there shall be substituted—

“Subject to paragraph 4A, the borrower”.

(4) After paragraph 4, there shall be inserted—

(a) S.R. 2005 No. 351

(b) Regulation 6 was amended by S.R. 2005 No. 351 regulation 4

“4A. If the loan which is the subject of the loan agreement is an old loan and the borrower had completed the course in respect of which he applied for that loan before he entered into the loan agreement, the borrower must make the first repayment in April 2007 unless—

- (a) the borrower defers repayment under paragraph 9;
- (b) the lender cancels the borrower’s loan under paragraph 12; or
- (c) paragraph 13 or 13A applies.”.

(5) After paragraph 13, there shall be inserted—

“13A. If when the borrower takes out an old loan, he has already entered into an agreement for a loan in relation to a further course of study for a new academic year, the lender will not ask him to make any or any more repayments under the loan agreement for the old loan until he begins to repay the loan taken out in relation to the further course of study. The number of repayments for the old loan will then be the same as for the new loan.”.

Sealed with the Official Seal of the Department for Employment and Learning on 29th September 2005



David McAuley
A senior officer of the Department of Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Loans) Regulations (Northern Ireland) 1998 (the “1998 Regulations”) by creating a new category of students who are eligible for loans under those Regulations. The 1998 Regulations, made under the Education (Student Loans) (Northern Ireland) Order 1990, govern mortgage style repayment loans. These loans are, for the most part, only available to those students who started their courses before 1st August 1998 or who are attending a further course immediately after having completed a course they commenced prior to 1st August 1998.

Regulation 5 sets out the time limit for applying for loans under the 1998 Regulations in respect of an academic year beginning on or after 1st August 2004 but before 1st July 2005. Regulation 7 expands the scope of the definition of “eligible student”. Regulation 8 amends the terms of loans taken out on or after 31st August 2005.

Regulation 6 corrects a drafting error.

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