
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 378

EDUCATION

**Students Awards (Amendment)
Regulations (Northern Ireland) 2006**

Made - - - - 15th September 2006

Coming into operation in accordance with regulation 2

The Department for Employment and Learning⁽¹⁾, in exercise of the powers conferred by Articles 50(1) and (2) and 134(1)(2) of the Education and Libraries (Northern Ireland) Order 1986⁽³⁾ and now vested in it⁽⁴⁾ makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Students Awards (Amendment) Regulations (Northern Ireland) 2006.

2.—(1) Except as provided for by paragraph (2) these Regulations shall come into operation on 30th April 2006.

(2) Regulations 4(b), (e), (g) and (h), 6(8) to (10), 11 and 14 shall come into operation on 1st September 2006.

3. In these Regulations, “the principal Regulations” means the Students Awards Regulations (Northern Ireland) 2003⁽⁵⁾.

Revocations

4. The following provisions of the Students Awards (Amendment) Regulations (Northern Ireland) 2005⁽⁶⁾ are revoked—

(a) regulation 5(3) and (5);

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- (1) Formerly known as the Department of Higher and Further Education, Training and Employment, *see* the Department for Employment and Learning Act (Northern Ireland) 2001 (c. 15)
- (2) As amended by S.I. 1993/2810 (N.I. 12); Article 50 and Schedule 4 Part II
- (3) S.I. 1986/594 (N.I. 3): Article 50(1) and (2) was repealed by Article 9 of, and the Schedule to, the Education (Student Support) (Northern Ireland) Order 1998, (S.I. 1998/1760 (N.I. 14)), subject to the transitional and saving provisions in Part II of the Education (Student Support) (Northern Ireland) Order 1998 (Commencement No. 2 and Transitional Provisions) Order (Northern Ireland) 1998, (S.R. 1998 No. 460 (c. 22))
- (4) S.R. 1999 No. 481 Article 5(b) and Schedule 3 Part II
- (5) S.R. 2003 No. 459 as amended by S.R. 2004 No. 395 and S.R. 2005 No. 466
- (6) S.R. 2005 No. 466

- (b) regulation 5(7) to (9);
- (c) regulation 6;
- (d) regulation 7;
- (e) regulation 10;
- (f) regulation 12(2)(b);
- (g) regulation 15; and
- (h) Schedule 1.

Amendment of the principal Regulations

5. The principal Regulations shall be amended as provided by regulations 6 to 15.
- 6.—(1) Regulation 2 (Interpretation) shall be amended as provided by paragraphs (2) to (11).
 - (2) For the definition of “category 2 European Student” there shall be substituted—

““category 2 European student” means a person who falls within paragraph 10 of Part 2 of Schedule 10;”.
 - (3) After the definition of “Certificate in Education” there shall be inserted—

““Community Right student” means—

 - (a) a person who falls within paragraph 6 of Part 2 of Schedule 10 by virtue of being—
 - (i) an EEA self-employed person, an EEA frontier worker or an EEA frontier self-employed person;
 - (ii) a family member of a person mentioned in paragraph (i);
 - (iii) a dependent relative in the ascending line of an EEA migrant worker or the spouse or civil partner of such a worker;
 - (iv) a Swiss self-employed person, a Swiss frontier employed person or a Swiss frontier self-employed person; or
 - (v) a family member of a person mentioned in paragraph (iv);
 - (b) a person who falls within paragraph 11 of Part 2 of Schedule 10; or
 - (c) a person who falls within paragraph 8 of Part 2 of Schedule 10;”.
 - (4) After the definition of “dependent” there shall be inserted—

““Directive student” means—

 - (a) a person who falls within paragraph 3 of Part 2 of Schedule 10; or
 - (b) a person who is a European student by virtue of being a family member of an EC national;”.
 - (5) The definition of “EEA migrant worker” shall be omitted.
 - (6) In the definition of “European Economic Area” the words from “provided that any area” to the end of the definition shall be omitted.
 - (7) For the definition of “European student” there shall be substituted—

““European student” means a person who falls within paragraph 9 of Part 2 of Schedule 10 and not within any other paragraph of that Part of Schedule 10;”.
 - (8) In the definition of “new academic term” for “2005” there shall be substituted “2006”.
 - (9) For the definition of “new payment” there shall be substituted—

““new payment” means a payment made under these Regulations as amended by the Students Awards (Amendment) Regulations (Northern Ireland) 2004, the Students Awards (Amendment) Regulations (Northern Ireland) 2005 and the Students Awards (Amendment) Regulations (Northern Ireland) 2006;”.

(10) For the definition of “old payment” there shall be substituted—

““old payment” means a payment which would have been made under these Regulations, as amended by the Student Awards (Amendment) Regulations (Northern Ireland) 2004 and the Students Awards (Amendment) Regulations (Northern Ireland) 2005, if they had not been amended by the Students Awards (Amendment) Regulations (Northern Ireland) 2006;”.

(11) In the definition of “refugee” the words from “and any reference” to the end of the definition shall be omitted.

7.—(1) Regulation 6 (Ordinarily resident) shall be amended as provided by paragraphs (2) and (3).

(2) Paragraph (1) shall be omitted

(3) For paragraphs (2), (4) and (5) there shall be substituted—

“(2) A board is not under a duty to make an award in respect of a person’s attendance at a course if in the opinion of the board—

- (a) that person does not fall within one of the categories in Part 2 of Schedule 10; or
- (b) that person has shown himself by his conduct to be unfitted to receive an award.”

8. In regulation 9 (Terms and Conditions) in paragraph (2)(a) and (b) for “2004” in each place where it occurs, there shall be substituted “2005”.

9.—(1) Regulation 16 (Reduced entitlement to payments) shall be amended as provided by paragraphs (2) and (3).

(2) For paragraph (5) there shall be substituted—

“(5) Where a board has come under a duty to make an award to a person during an academic year because—

- (a) he has become—
 - (i) a European student as a result of—
 - (aa) the accession of the State of which he is a national, or as the case may be, of which his family member (within the meaning of Part 1 of Schedule 10) is a national, to the European Community; or
 - (bb) becoming the family member (within the meaning of Part 1 of Schedule 10) of an EC national;
 - (ii) a refugee or the spouse, civil partner, child or a refugee;
 - (iii) a person described in paragraph 6(1)(a) of Part 2 of Schedule 10;
 - (iv) the child of a Swiss national; or
- (b) he has acquired the right of permanent residence within the meaning of Part 1 of Schedule 10,

it shall deduct from the sums and grant payable in respect of that year in pursuance of the award under regulation 10 the amounts referred to in paragraph (7).”

(3) For paragraph (7)(a) there shall be substituted—

“(a) from the sum payable in respect of fees under regulation 10 any amount payable before the date on which—

- (i) the student became a European student;
- (ii) the relevant person was recognised as a refugee;
- (iii) the student acquired the right of permanent residence;
- (iv) the student became a person described in paragraph 6(1)(a) of Part 2 of Schedule 10;
or
- (v) the student became the child of a Swiss national;”.

10.—(1) Schedule 1 (Persons) shall be amended as provided by paragraphs (2) and (3).

(2) For sub-paragraph (b) of paragraph 1 of Part I there shall be substituted—

“(b) who falls within one of the categories in Part 2 of Schedule 10; and”

(3) In paragraph 2 of Part II sub-paragraphs (a) and (b) shall be omitted and sub-paragraphs (c) and (d) shall be re-numbered accordingly.

11.—(1) In Schedule 3 (Terms and Conditions), after paragraph 2(2)(dd) there shall be inserted—

“(de) in the case of a Directive student who—

- (i) started a designated course on or before 30th April 2006; and
- (ii) is applying for an award in respect of that course,

where the application reaches the board by 15th January 2007;

(df) in the case of a Community Right Student who—

- (i) started a designated course on or after 1st September 2005 but on or before 30th April 2006; and
- (ii) is applying for an award in respect of that course,

where the application reaches the board by 15th January 2007;

(dg) in the case of a person who—

- (i) acquires the right of permanent residence as defined in Part 1 of Schedule 10;
- (ii) becomes a person described in paragraph 6(1)(a) of Part 2 of Schedule 10;
- (iii) becomes a family member of an EC national; or
- (iv) becomes the child of a Swiss national,

where the application reaches the board not later than four months after the date on which he acquired that right or status;”.

12. In Schedule 5 (Fees), for paragraph (iv) there shall be substituted—

“(iv) in the case of a course at the University of Buckingham, £2,840 payable in four equal instalments of £710; in the case of a course at the Guildhall School of Music, £4,355 payable in three instalments of £1,452, £1,452 and £1,451; and in the case of a course at Heythrop College, £2,415 payable in three equal instalments of £715;”.

13.—(1) Schedule 7 (Resources) shall be amended as provided by paragraphs (2) and (3).

(2) In paragraph 1(3) of Part 1 for “or a category 2 European student”, there shall be substituted “, a category 2 European student, a Community right student or a Directive student”.

(3) In paragraph 4(4) of Part II for “the Education (Student Support) Regulations (Northern Ireland) 2005”, there shall be substituted “the Education (Student Support) Regulations (Northern Ireland) 2006(7)”.

14. After Schedule 9, there shall be added—

“SCHEDULE 10

Regulations 6 and 16 and Schedule 1

ELIGIBLE STUDENTS

PART 1

Interpretation

1.—(1) For the purposes of this Schedule—

“Directive 2004/38” means Directive [2004/38/EC](#) of the European Parliament and of the Council of 29th April 2004⁽⁸⁾ on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

“EC national” means a national of a Member State of the European Community;

“EEA frontier self-employed person” means an EEA national who—

- (a) is self-employed in Northern Ireland; and
- (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to his residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“EEA frontier worker” means an EEA national who—

- (a) is a worker in Northern Ireland; and
- (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to his residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“EEA migrant worker” means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

“EEA national” means a national of an EEA State other than the United Kingdom;

“EEA self-employed person” means an EEA national who is a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

“EEA State” means a Member State of the European Economic Area;

“employed person” means an employed person within the meaning of Annex 1 to the Switzerland Agreement;

“family member” means—

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person or an EEA self-employed person—
 - (i) his spouse or civil partner;
 - (ii) his child or the child of his spouse or civil partner; or
 - (iii) dependent direct relatives in his ascending line or that of his spouse or civil partner;
- (b) in relation to a Swiss employed person, a Swiss frontier employed person, a Swiss frontier self-employed person or a Swiss self-employed person—
 - (i) his spouse or civil partner; or

(8) OJ L158, 30.04.2004, p77-123.

- (ii) his child or the child of his spouse or civil partner;
- (c) in relation to an EC national who is not self-sufficient—
 - (i) his spouse or civil partner; or
 - (ii) direct descendants of his or his spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of his or of his spouse or civil partner;
- (d) in relation to an EC national who is self-sufficient—
 - (i) his spouse or civil partner;
 - (ii) direct descendants of his or his spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of his or of his spouse or civil partner;
 - (iii) dependent direct relatives in his ascending line or that of his spouse or civil partner;
- (e) in relation to a United Kingdom national, for the purposes of paragraph 9—
 - (i) his spouse or civil partner; or
 - (ii) direct descendants of his or his spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of his or his spouse or civil partner;

“person with leave to enter or remain” means a person who—

- (a) has been informed by a person acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify for recognition as a refugee, it is thought right to allow him to enter or remain in the United Kingdom;
- (b) has been granted leave to enter or to remain accordingly; and
- (c) has been ordinarily resident in the British Islands throughout the period since he was granted leave to enter or remain;

“right of permanent residence” means a right arising under Directive 2004/38 to reside in the United Kingdom permanently without restriction;

“self-employed person” means—

- (a) in relation to an EEA national, a person who is self-employed within the meaning of Article 7 of Directive 2004/38; or
- (b) in relation to a Swiss national, a person who is a self-employed person within the meaning of Annex 1 to the Switzerland Agreement;

“self-sufficient” means self-sufficient within the meaning of Article 7(1)(b) of Directive 2004/38;

“settled” has the meaning given by section 33(2A) of the Immigration Act 1971⁽⁹⁾;

“Swiss employed person” means a Swiss national who is an employed person, other than a Swiss frontier employed person, in the United Kingdom;

“Swiss frontier employed person” means a Swiss national who—

- (a) is an employed person in Northern Ireland; and

⁽⁹⁾ 1971 c.77; section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c. 61).

- (b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to his residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“Swiss frontier self-employed person” means a Swiss national who—

- (a) is a self-employed person in Northern Ireland; and
- (b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to his residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“Swiss self-employed person” means a Swiss national who is a self-employed, other than a Swiss frontier self-employed person, in the United Kingdom;

“United Kingdom national” means a person who falls to be treated as a national of the United Kingdom for the purposes of the Community Treaties;

“worker” means a worker within the meaning of article 7 of Directive 2004/38.

(2) For the purposes of this Schedule, “parent” includes a guardian, any other person having parental responsibility for a child and any person having care of a child and “child” is to be construed accordingly.

(3) For the purposes of this Schedule, a person is to be treated as ordinarily resident in the British Islands or in the territory comprising the European Economic Area and Switzerland if he would have been so resident but for the fact that—

- (a) he;
- (b) his spouse or civil partner;
- (c) his parent; or
- (d) in the case of a dependent direct relative in the ascending line, his child or child’s spouse or civil partner,

is or was temporarily employed outside the British Islands or, as the case may be, outside the territory comprising the European Economic Area and Switzerland.

(4) For the purposes of sub-paragraph (3), temporary employment outside of the British Islands or the territory comprising the European Economic Area and Switzerland includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the British Islands as members of such forces; and
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside of the territory comprising the European Economic Area and Switzerland as members of such forces.

(5) For the purposes of this Schedule 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 these areas,
- is to be considered to have always been a part of the European Economic Area.

PART 2

Categories

Persons with settled status

- 2.—(1) A person who—
- (a) at the beginning of the first year of the course, is settled in the United Kingdom other than by reason of having acquired a right of permanent residence;
 - (b) has been ordinarily resident throughout the three years preceding the first year of the course in the British Islands; and
 - (c) subject to sub-paragraph (2), whose residence in the British Islands has not during any part of the period referred to in paragraph (b) been wholly or mainly for the purpose of receiving full-time education.
- (2) Paragraph (c) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the British Islands in accordance with paragraph 1(3).
3. A person who—
- (a) is settled in the United Kingdom by virtue of having acquired the right of permanent residence;
 - (b) has been ordinarily resident throughout the three years preceding the first year of the course in the British Islands; and
 - (c) in a case where his ordinary residence referred to in paragraph (b) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (b).

Refugees and persons with leave to enter or remain

4. A person who is either—
- (a) a refugee ordinarily resident in the British Islands who has not ceased to be so resident since he was recognised as a refugee; or
 - (b) the spouse, civil partner, child or step-child of a person mentioned in sub-paragraph (a).
5. A person who—
- (a) is either—
 - (i) a person with leave to enter or remain; or
 - (ii) the spouse, civil partner, child or step-child of a person with leave to enter or remain; and
 - (b) has been ordinarily resident throughout the three years preceding the first year of the course in the British Islands.

Workers, employed persons, self-employed persons and their family members

- 6.—(1) A person who—
- (a) is—
 - (i) an EEA migrant worker or an EEA self-employed person;
 - (ii) a Swiss employed person or a Swiss self-employed person;
 - (iii) a family member of a person mentioned in paragraph (i) or (ii);

- (iv) an EEA frontier worker or an EEA frontier self-employed person;
 - (v) a Swiss frontier employed person or a Swiss frontier self-employed person; or
 - (vi) a family member of a person mentioned in paragraph (iv) or (v); and
- (b) has been ordinarily resident throughout the three years preceding the first year of the course in the territory comprising the European Economic Area and Switzerland.
7. A person who—
- (a) has been ordinarily resident throughout the three years preceding the start of the course in the territory comprising the European Economic Area and Switzerland; and
 - (b) is entitled to support by virtue of article 12 of [Council Regulation \(EEC\) No. 1612/68](#) on the freedom of movement of workers⁽¹⁰⁾, as extended by the EEA Agreement.

Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere

- 8.—(1) A person who—
- (a) is settled in the United Kingdom;
 - (b) left the United Kingdom and exercised a right of residence after having been settled in the United Kingdom;
 - (c) has been ordinarily resident throughout the three years preceding the first year of the course in the territory comprising the European Economic Area and Switzerland; and
 - (d) in a case where his ordinary residence referred to in paragraph (c) was wholly or mainly for the purposes of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).

(2) For the purposes of this paragraph, a person has exercised a right of residence if he is a United Kingdom national, a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Switzerland Agreement) or a person who has the right of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Switzerland Agreement in a state other than the United Kingdom or, in the case of a person who is settled in the United Kingdom and has a right of permanent residence, if he goes to the state within the territory comprising the European Economic Area and Switzerland of which he is a national or of which the person in relation to whom he is a family member is a national.

EC nationals

- 9.—(1) A person who—
- (a) is either
 - (i) an EC national at the beginning of the first year of the course; or
 - (ii) a family member of such a person;
 - (b) has been ordinarily resident throughout the three years preceding the first year of the course in the territory comprising the European Economic Area and Switzerland; and
 - (c) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the European Economic Area and Switzerland was not wholly or mainly for the purpose of receiving full-time education.

⁽¹⁰⁾ OJ No L257, 19.10.1968, p2 (OJ/SE 1968 (II) p475).

(2) Paragraph (c) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the European Economic Area and Switzerland in accordance with paragraph 1(3).

(3) Where a state accedes to the European Community after the beginning of the first year of the course and a person is a national of that state or the family member of a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EC national at the beginning of the first year of the course does not apply.

10. A person who—

- (a) is an EC national other than a United Kingdom national;
- (b) has been ordinarily resident throughout the three years preceding the first of the course in the British Islands; and
- (c) in a case where his ordinary residence referred to in paragraph (b) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (b).

Children of Swiss nationals

11. A person who—

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of article 3(6) of Annex 1 to the Switzerland Agreement;
- (b) has been ordinarily resident throughout the three years preceding the first year of the course in the territory comprising the European Economic Area and Switzerland; and
- (c) in a case where his ordinary residence referred to in paragraph (b) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (b).”.

15. The figures in the third column of the table in the Schedule are substituted for the figures in the second column where they appear in the provisions of the principal Regulations set out in the first column of the table.

Sealed with the Official Seal of the Department for Employment and Learning on 15th September 2006



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

SCHEDULE

Regulation 15

NEW PAYMENT RATES

<i>Provision in the Principal Regulations</i>	<i>Existing figure (£)</i>	<i>New figure (£)</i>
Schedule 5		
Paragraph (d)(i)	1,175	1,200
	570	600
Paragraph (d)(iii)	1,100	1,125
Paragraphs (v), (vi), (vii) and (ix)	570	600
Schedule 6, Part I		
Paragraph 2(2)	2,140	2,195
Paragraph 2(2)(a)	2,635	2,700
Paragraph 2(2)(b)	3,065	3,140
Paragraph 3	1,745	1,790
Schedule 6, Part II		
Paragraph 5(2)(a)	50	51
Paragraph 5(2)(b)	75	77
Paragraph 5(2)(b)(i)	96	98
Paragraph 5(2)(b)(ii)	104	107
Paragraph 7(2)	280	285
Paragraph 9(2)(a)	11,840	12,135
Paragraph 9(2)(b)	4,680	4,795
Paragraph 9(2)(d)	1,565	1,605
Schedule 6, Part III		
Paragraph 12(3)	3,445	3,530
Paragraph 13(1)	2,395	2,455
Paragraph 13(1)(b)	3,445	3,530
Paragraph 13(2)(b)(i)	1,050	1,075
Paragraph 13(2)(b)(ii)	3,145	3,225
Paragraph 13(2)(b)(iii) and (iv)	4,195	4,300
Paragraph 13(2)(b)(v)	5,250	5,380
Paragraph 13(4)(a)	1,365	1,400
Paragraph 13(4)(b)	1,365	1,400
	1,315	1,350

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

<i>Provision in the Principal Regulations</i>	<i>Existing figure (£)</i>	<i>New figure (£)</i>
Paragraph 14(5)(b)(i)	1,050	1,075
Paragraph 14(5)(b)(ii)	3,145	3,225
Paragraph 14(5)(b)(iii) and (iv)	4,195	4,300
Paragraph 14(5)(b)(v)	5,250	5,380
Paragraph 14(7)(b)(i)	1,050	1,075
Paragraph 14(7)(b)(ii)	3,145	3,225
Paragraph 14(7)(b)(iii) and (iv)	4,195	4,300
Paragraph 14(7)(b)(v)	5,250	5,380
Schedule 7, Part I		
Paragraph 1(1)(a)	945	970
Paragraph 1(1)(b)	4,460	4,570
Paragraph 1(1)(q)	3,590	3,680
Schedule 7, Part II		
Paragraph 4(1)	22,010	22,560
	87	89
Paragraph 4(2A)	7,250	7,430
Paragraph 6(2)(a)	2,535	2,600
Paragraph 6(2)(d) and (e)	1,990	2,040
Paragraph 6(2)(g)	1,025	1,050
Schedule 7, Part III		
Paragraph 8(2)	18,935	19,410
	87	89
	7,250	7,430
Schedule 7, Part IIIA		
Paragraph 10(2)	18,935	19,410
	87	89
	7,250	7,430
Schedule 8		
Paragraph 2(2)	2,055	2,105
	945	970
Schedule 9		
Paragraph 4(a)	945	970

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Students Awards Regulations (Northern Ireland) 2003 ([S.R. 2003 No. 459](#)), as amended (the “Principal Regulations”). The principal Regulations ensure that students who began their courses before 1st September 1998, and certain other students, continue to receive students awards and payments under those awards until the end of their courses.

Retrospection of the provisions at regulation 2 (1) is authorised by Article 50 (2) of the Education and Libraries (Northern Ireland) Order 1986.

Regulation 6 amends the Principal Regulations so that the new payment rates prescribed in the Schedule to these Regulations shall only apply in relation to an academic term which commences on or after 1st September 2006. Where an academic year starts before 1st September 2005, but ends after 1st September 2006, the old payment and new payment rates shall be applied proportionally.

Regulation 11 specifies increases in the rates of fee awards in relation to courses at the University of Buckingham, the Guildhall School of Music and Heythrop College. Increases in relation to other fee awards and grants are provided for in regulation 15 and the Schedule to these Regulations.

Regulation 14 adds a new Schedule 10 to the Principal Regulations in order to implement Directive [2004/38/EC](#) of the European Parliament and of the Council of 29th April 2004 (OJ L158, 30.04.2004, p77-123) on the rights of citizens of the Union and their family members to move and reside freely in the territory of the member states so far as the Directive relates to students awards. Certain categories of person who were not previously eligible for a student award are now so eligible as a result of the Directive. To qualify for a student award a student must, amongst other criteria, be determined by the relevant board to fall within Schedule 10 to the Principal Regulations. Schedule 10 sets out all of the categories of person who are potentially eligible for a student award including those who are now so eligible as a result of the Directive. A copy of the Transposition Note in relation to the implementation of the Directive so far as it relates to students awards is available from *the Department for Education and Skills, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT* or on the website of the Office of Public Sector Information at www.opsi.gov.uk. A copy has also been placed in the libraries of both Houses of Parliament.

Regulations 6, 9, 10 and 12 make consequential amendments to the principal Regulations

These Regulations also revoke in part the Students Awards (Amendment) Regulations (Northern Ireland) 2005.