

**2007 No. 293**

**EDUCATION**

**The Education (Student Support) (Amendment) Regulations  
(Northern Ireland) 2007**

*Made* - - - - - *31st May 2007*

*Coming into operation-* - - - - *10th July 2007*

The Department for Employment and Learning(a) makes the following Regulations in exercise of the powers conferred by Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(b) and now vested in it(c).

**PART 1**

**GENERAL**

**Citation, commencement, application and interpretation**

1. These Regulations may be cited as the Education (Student Support) (Amendment) Regulations (Northern Ireland) 2007 and come into operation on 10<sup>th</sup> July 2007.

2. In these Regulations—

“SSR 2006” means the Education (Student Support) Regulations (Northern Ireland) 2006(d);

“SSR 2007” means the Education (Student Support) Regulations (Northern Ireland) 2007(e).

**Amendment to the SSR 2006 and SSR 2007**

3. The SSR 2006 are amended in accordance with Part 2

4. The SSR 2007 are amended in accordance with Part 3.

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(a) 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

(b) S.I. 1998/1760 (N.I. 14) as amended by the Learning and Skills Act 2000 (c.21), section 147(3)(a) and (b)

(c) S.R. 1999 No. 481 *see* Article 5(b) and Schedule 3 Part II

(d) S.R. 2006 No. 312, as amended by S.R. 2006 No. 383 and S.R. 2007 No. 195

(e) S.R. 2007 No. 195

**PART 2**  
**AMENDMENTS TO THE SSR 2006**

**Amendment of regulation 2 of the SSR 2006**

5. After the definition of “transitional award” in regulation 2(1) of the SSR 2006, there shall be inserted—

““Turkish worker” means a Turkish national who—

- (a) is ordinarily resident in the United Kingdom and Islands; and
- (b) is, or has been, lawfully employed in the United Kingdom;”.

**Amendment of regulation 9 of the SSR 2006**

6. After regulation 9(2)(c) of the SSR 2006, there shall be inserted—

“(ca) the applicant is a person mentioned in paragraph 12 of Part 2 of Schedule 1, in which case the application must reach the Department by 11<sup>th</sup> April 2008 or within a period of nine months beginning with the first day of the academic year in respect of which it is submitted, whichever is the later.”.

**Amendment of regulation 14 of the SSR 2006**

7. After regulation 14(e) of the SSR 2006, there shall be inserted—

“(ea) the student becomes the child of a Turkish worker;”.

**Amendment of regulation 37 of the SSR 2006**

8. After regulation 37(8)(d) of the SSR 2006, there shall be inserted—

“(da) the student becomes the child of a Turkish worker;”.

**Amendment of regulation 60 of the SSR 2006**

9. In regulation 60 for “an accelerated course” in each place it occurs, there shall be substituted “an intensive course”.

**Amendment of regulation 65 of the SSR 2006**

10. After regulation 65 (2)(d) of the SSR 2006, there shall be inserted—

“(da) the student becomes the child of a Turkish worker;”.

**Amendment of regulation 85 of the SSR 2006**

11. In regulation 85 of the SSR 2006—

- (a) in paragraph (12) after “(f)”, there shall be inserted “, (fa)”;
- (b) after paragraph 13(f), there shall be inserted—

“(fa) the student becomes the child of a Turkish worker;”.

**Amendment of regulation 93 of the SSR 2006**

12. After regulation 93(6)(a) of the SSR 2006, there shall be inserted—

“(aa) the applicant is a person mentioned in paragraph 12 of Part 2 of Schedule 1, in which case the application must reach the Department by 11th January 2008 or within a period of six months beginning with

the first day of the academic year in respect of which it is submitted, whichever is the later;”.

#### **Amendment of regulation 101 of the SSR 2006**

13. After regulation 101(14)(d) of the SSR 2006, there shall be inserted—

“(da) the student becomes the child of a Turkish worker;”.

#### **Amendment of Schedule 1 to the SSR 2006**

14. In Schedule 1 to the SSR 2006—

(a) for paragraph 1(4), there shall be substituted—

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

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

is or was temporarily employed outside the area in question.”;

(b) for paragraph 1(5), there shall be substituted—

“(5) For the purposes of sub-paragraph (4), temporary employment outside of Northern Ireland, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey 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 United Kingdom as members of such forces;
- (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; and
- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.”;

(c) after paragraph 11, there shall be added—

#### **“Children of Turkish workers**

12. A person who—

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in Northern Ireland on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.”.

#### **Amendment of Schedule 5 to the SSR 2006**

15. After paragraph 11(d) of Schedule 5 to the SSR 2006, there shall be inserted—

“(da) the student becomes the child of a Turkish worker;”.

## PART 3

### AMENDMENTS TO THE SSR 2007

#### **Amendment of regulation 2 of the SSR 2007**

16. After the definition of “transitional award” in regulation 2(1) of the SSR 2007, there shall be inserted—

““Turkish worker” means a Turkish national who—

- (a) is ordinarily resident in the United Kingdom and Islands; and
- (b) is, or has been, lawfully employed in the United Kingdom;”

#### **Amendment of regulation 10 of the SSR 2007**

17. After regulation 10(2)(c) of the SSR 2007, there shall be inserted—

“(ca) the applicant is a person mentioned in paragraph 12 of Part 2 of Schedule 2, in which case the application must reach the Department by 11<sup>th</sup> April 2008 or within a period of nine months beginning with the first day of the academic year in respect of which it is submitted, whichever is the later;”.

#### **Amendment of regulation 16 of the SSR 2007**

18. After regulation 16(e) of the SSR 2007, there shall be inserted—

“(ea) the student becomes the child of a Turkish worker;”.

#### **Amendment of regulation 39 of the SSR 2007**

19. After regulation 39(8)(d) of the SSR 2007, there shall be inserted—

“(da) the student becomes the child of a Turkish worker;”.

#### **Amendment of regulation 69 of the SSR 2007**

20.—(1) Regulation 69 shall be amended as provided by paragraphs (2) to (5).

(2) In paragraph (1)(e)(iii), the words “or D” shall be omitted.

(3) In paragraph (1)(e)(iv), for the words “category E”, there shall be substituted “category D”.

(4) In paragraph (2)(e)(iii), the words “or D” shall be omitted.

(5) In paragraph (2)(e)(iv), for the words “category E”, there shall be substituted “category D”.

#### **Amendment of regulation 73 of the SSR 2007**

21. After regulation 73(2)(d) of the SSR 2007, there shall be inserted—

“(da) the student becomes the child of a Turkish worker;”.

#### **Amendment of regulation 84 of the SSR 2007**

22. After regulation 84(2)(d) of the SSR 2007, there shall be inserted—

“(da) the student becomes the child of a Turkish worker;”.

#### **Amendment of regulation 109 of the SSR 2007**

23. After regulation 109(3)(f) of the SSR 2007, there shall be inserted—

“(fa) the student becomes the child of a Turkish worker;”.

#### **Amendment of regulation 117 of the SSR 2007**

24. After regulation 117(6)(a) of the SSR 2007, there shall be inserted—

“(aa) the applicant is a person mentioned in paragraph 12 of Part 2 of Schedule 2, in which case the application must reach the Department by 11<sup>th</sup> January 2008 or within a period of six months beginning with the first day of the academic year in respect of which it is submitted, whichever is the later;”.

#### **Amendment of regulation 126 of the SSR 2007**

25. After regulation 126(2)(d) of the SSR 2007, there shall be inserted—

“(da) the student becomes the child of a Turkish worker;”.

#### **Amendment of regulation 128 of the SSR 2007**

26. For regulation 128(9) of the SSR 2007, there shall be substituted—

“(9) Where the period of eligibility terminates—

- (a) before the end of the academic year in which the eligible postgraduate student completes the designated postgraduate course; and
- (b) otherwise than under paragraph (5),

the Department may, at any time, renew or extend the period of eligibility for such period as it determines;”.

#### **Amendment of Schedule 2 to the SSR 2007**

27. In Schedule 2 to the SSR 2007—

(a) for paragraph 1(4), there shall be substituted—

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

- (a) he;
- (b) his spouse or civil partner
- (c) his parent;
- (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 area in question.”;

(b) for paragraph 1(5), there shall be substituted—

“(5) For the purposes of sub-paragraph (4), temporary employment outside of Northern Ireland, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey 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 United Kingdom as members of such forces;

- (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; and
  - (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.”;
- (c) after paragraph 11, there shall be added—

**“Children of Turkish workers**

**12.** A person who—

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in Northern Ireland on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.”.

Sealed with the Official Seal of the Department for Employment and Learning on 31<sup>st</sup> May 2007



*Sir Reg Empey MLA*  
Minister for Employment and Learning

## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations amend the Education (Student Support) Regulations (Northern Ireland) 2006 (as amended by the Education (Student Support) (Amendment) Regulations (Northern Ireland) 2006) (“SSR 2006”) and the Education (Student Support) Regulations (Northern Ireland) 2007 (“SSR 2007”) to comply with article 9 of Decision No 1/80 of the Association Council of 19<sup>th</sup> September 1980 on the development of the Association between the European Community and Turkey.

The Association Council was created by the agreement establishing an association between the European Community and Turkey which was signed in Ankara on 12 September 1963 by the Republic of Turkey on the one hand and the Member States of the EEC and the Community on the other. The agreement was concluded, approved and confirmed on behalf of the Community by Council Decision 64/732/EEC of 23 December 1963 (OJ 1973 c 113 p 1).

Article 9 of Decision No 1/80 of the Association Council of 19th September 1980 on the development of the association provides: “Turkish children residing legally in a Member State of the Community with their parents who are or have been legally employed in that member State, shall be admitted to courses of general education, apprenticeship and vocational training under the same educational entry qualifications as the children of nationals of that member State. They may in that Member State be eligible to benefit from the advantages provided for under the national legislation in this area.”

The SSR 2006 is amended to make provision for support for students on courses determined by the Secretary of State for Education and Skills to be compressed degree courses. Regulations 5 and 9 make additional provision in respect of such students.

Regulation 20 amends regulation 69 of the SSR 2007, the effect being that the loan amount available to students at the British Institute in Paris is equivalent to that available to students at other overseas institutions.

The SSR 2007 specify that an eligible postgraduate student will cease to be eligible for support if he is undertaking a designated postgraduate course that is a part-time course and he is unable to complete that course within twice the ordinary duration of a full-time course leading to the same qualification. Regulation 26 of these Regulations amends regulation 128 of the SSR 2007 to clarify this.

A full regulatory impact assessment has not been produced for this Rule as it has no impact on the costs of business.