

2007 No. 336

EDUCATION

**Students Awards (Amendment) Regulations (Northern Ireland)
2007**

Made - - - - - *18th July 2007*

Coming into operation- - - - - *20th August 2007*

The Department for Employment and Learning^(a) makes the following Regulations in exercise of the powers conferred by Articles 50(1) and (2) and 134(1) of the Education and Libraries (Northern Ireland) Order 1986^(b) and now vested in it^(c).

Citation, commencement and interpretation

1. These Regulations may be cited as the Students Awards (Amendment) Regulations (Northern Ireland) 2007.

2.—(1) Except as provided for by paragraph (2) these Regulations shall come into operation on 20th August 2007.

(2) Regulations 4, 10 and 13 shall come into operation on 1st September 2007.

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

Revocations

4. The following provisions of the Students Awards (Amendment) Regulations (Northern Ireland) 2006^(e) are revoked—

- (a) regulation 15; and
- (b) the Schedule.

Amendment of the principal Regulations

5. The principal Regulations shall be amended as provided by regulations 6 to 13.

6.—(1) Regulation 2 (Interpretation) shall be amended as provided by paragraphs (2) to (6).

(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(b) S.I. 1986/594 (N.I. 3): Article 50(1) and (2) was repealed by Article 9 of, and the Schedule to, the Education (Student Support) (Northern Ireland) Order 1998, (S.I. 1998/1760 (N.I. 14)), subject to the transitional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))
(c) S.R. 1999 No. 481 *see* Article 5(b) and Schedule 3 Part II
(d) S.R. 2003 No. 459 as amended by S.R. 2004 No. 395, S.R. 2005 No. 466 and S.R. 2006 No. 378
(e) S.R. 2006 No. 378

- (2) After the definition of “Certificate in Education”, there shall be inserted—
“child of a Turkish worker” means a person who falls within paragraph 12 of Schedule 10;”.
- (3) In the definition of “new academic term” for “2006” there shall be substituted “2007”.
- (4) 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, the Students Awards (Amendment) Regulations (Northern Ireland) 2006; and the Students Awards (Amendment) Regulations (Northern Ireland) 2007”.
- (5) 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, the Students Awards (Amendment) Regulations (Northern Ireland) 2005, and the Student Awards (Amendment) Regulations (Northern Ireland) 2006, if they had not been amended by the Students Awards (Amendment) Regulations (Northern Ireland) 2007;”.
- (6) After the definition of “Switzerland Agreement” there shall be inserted—
““Turkish worker” means a Turkish national who—
(a) is ordinarily resident in the British Islands; and
(b) is, or has been, lawfully employed in the United Kingdom;”.
7. In regulation 9 (Terms and Conditions) in paragraph (2)(a) and (b) for “2005” in each place where it occurs, there shall be substituted “2006”.
- 8.—(1) Regulation 16 (Reduced entitlement to payments) shall be amended as provided by paragraphs (2) to (6).
- (2) In paragraph (5)(a)(iv), there shall be omitted “or”.
- (3) After paragraph (5)(a)(iv) there shall be inserted—
“(v) the child of a Turkish worker; or”.
- (4) In paragraph (7)(a) (iv), there shall be omitted “or”.
- (5) In paragraph (7) (a) (v), after the word national there shall be inserted “; or”.
- (6) After paragraph (7) (a) (v) there shall be inserted—
“(vi) the student became the child of a Turkish worker”.
- 9.—(1) Schedule 3 (Terms and Conditions) shall be amended as provided by paragraphs (2) to (4).
- (2) In paragraph 2 (dg) (iii) there shall be omitted “or”.
- (3) In paragraph 2 (dg) (iv) after the word national there shall be inserted “; or”.
- (4) After paragraph 2 (dg) (iv) there shall be inserted—
“(v) becomes the child of a Turkish worker”.
- (5) After paragraph 2 (dg) there shall be inserted—
“(dh) in the case of a Turkish worker who—
(i) started a designated course on or after 1st September 2006 but before 1st September 2007; and
(ii) is applying for an award in respect of that course,
where the application reaches the board by 20th December 2007;”.
10. In Schedule 5 (Fees), for paragraph (iv) there shall be substituted—

“(iv) in the case of a course at the University of Buckingham, £2,905 payable in four instalments of £726, £726, £726 and £727;”.

11.—(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 Directive student”, there shall be substituted “, a Directive student or a child of a Turkish worker”.

(3) In paragraph 4(4) of Part II for “the Education (Student Support) Regulations (Northern Ireland) 2006”, there shall be substituted “the Education (Student Support) Regulations (Northern Ireland) 2007(a)”.

12.—(1) Schedule 10(b) (Eligible Students) shall be amended as provided by paragraphs (2) to (4).

(2) For paragraph 1(3) there shall be substituted—

“(3) For the purposes of this Schedule, a person is to be treated as ordinarily resident in the British 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; or
- (d) in the case of a dependent relative in the ascending line, his child or child’s spouse or civil partner,

is or was temporarily employed outside that area.”.

(3) For paragraph 1(4) there shall be substituted—

“(4) For the purposes of sub-paragraph (3), temporary employment outside the British 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 British Islands 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 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.”.

(4) After paragraph 11 there shall be inserted—

“Children of Turkish workers

12. A person who—

- (a) is the child of a Turkish worker; and
- (b) 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.”.

13. 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.

(a) S.R. 2007 No 195, as amended by S.R. 2007 No. 293

(b) Schedule 10 was inserted by regulation 14 of S.R. 2006 No. 378



Sir Reg Empey, MLA
Minister for Employment and Learning

SCHEDULE

Regulation 13

NEW PAYMENT RATES

<i>Provision in the Principal Regulations</i>	<i>Existing figure (£)</i>	<i>New figure (£)</i>
Schedule 5		
Paragraph (d)(i)	1,200	1,225
	600	610
Paragraph (d)(iii)	1,125	1,150
Paragraphs (v), (vi), (vii) and (ix)	600	610
Schedule 6, Part I		
Paragraph 2(2)	2,195	2,245
Paragraph 2(2)(a)	2,700	2,765
Paragraph 2(2)(b)	3,140	3,215
Paragraph 3	1,790	1,830
Schedule 6, Part II		
Paragraph 5(2)(a)	51	52
Paragraph 5(2)(b)	77	79
Paragraph 5(2)(b)(i)	98	100
Paragraph 5(2)(b)(ii)	107	109
Paragraph 7(2)	285	290
Paragraph 9(2)(a)	12,135	12,420
Paragraph 9(2)(b)	4,795	4,905
Paragraph 9(2)(d)	1,605	1,640
Schedule 6, Part III		
Paragraph 12(3)	3,530	3,610
Paragraph 13(1)	2,455	2,510
Paragraph 13(1)(b)	3,530	3,610
Paragraph 13(2)(b)(i)	1,075	1,100
Paragraph 13(2)(b)(ii)	3,225	3,300
Paragraph 13(2)(b)(iii) and (iv)	4,300	4,400
Paragraph 13(2)(b)(v)	5,380	5,505
Paragraph 13(4)(a)	1,400	1,435
Paragraph 13(4)(b)	1,400	1,435
	1,350	1,385
Paragraph 14(5)(b)(i)	1,075	1,100
Paragraph 14(5)(b)(ii)	3,225	3,300
Paragraph 14(5)(b)(iii) and (iv)	4,300	4,400
Paragraph 14(5)(b)(v)	5,380	5,505
Paragraph 14(7)(b)(i)	1,075	1,100

Paragraph 14(7)(b)(ii)	3,225	3,300
Paragraph 14(7)(b)(iii) and (iv)	4,300	4,400
Paragraph 14(7)(b)(v)	5,380	5,505
Schedule 7, Part I		
Paragraph 1(1)(a)	970	995
Paragraph 1(1)(b)	4,570	4,675
Paragraph 1(1)(q)	3,680	3,765
Schedule 7, Part II		
Paragraph 4(1)	22,560	23,085
	89	91
Paragraph 4(2A)	7,430	7,605
Paragraph 6(2)(a)	2,600	2,660
Paragraph 6(2)(d) and (e)	2,040	2,090
Paragraph 6(2)(g)	1,050	1,075
Schedule 7, Part III		
Paragraph 8(2)	19,410	19,860
	89	91
	7,430	7,605
Schedule 7, Part IIIA		
Paragraph 10(2)	19,410	19,860
	89	91
	7,430	7,605
Schedule 8		
Paragraph 2(2)	2,105	2,155
	970	995
Schedule 9		
Paragraph 4(a)	970	995

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Students Awards Regulations (Northern Ireland) 2003 (S.R. 2003 No. 459) “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 2007. Where an academic year starts before 1st September 2006, but ends after 1st September 2007, the old payment and new payment rates shall be applied proportionally.

These Regulations amend the principal Regulations to comply with Article 9 of Decision No 1/80 of the Association Council of 19th September 1980 on the development of the Association between the European Community and Turkey (“the Decision”).

Article 9 of the Decision 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”. Regulations 6, 8, 9, 11, 12 and 13 provide for this category of student.

Regulation 10 specifies increases in the rates of fee awards in relation to courses at the University of Buckingham. Increases in relation to other fee awards and grants are provided for in regulation 13 and are set out in the Schedule to these Regulations

These Regulations also revoke in part the Students Awards (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 378).

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