
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 37

The Education (Student Support)
Regulations (Northern Ireland) 2009

PART 6

LOANS FOR LIVING COSTS

CHAPTER 4

MISCELLANEOUS

Quarters in respect of which the loan for living costs is payable

72.—(1) Subject to regulation 75, the loan for living costs and the additional amount of loan for living costs are payable in respect of three quarters of the academic year.

(2) The loan for living costs is not payable—

- (a) in the case of a compressed degree student, in respect of the quarter nominated by the Department;
- (b) in any other case, in respect of the quarter in which, in the opinion of the Department, the longest of any vacation occurs.

(3) The additional amount of loan for living costs is not payable in respect of the quarter nominated by the Department.

Students falling into more than one category

73. Where an eligible student falls into more than one of the categories set out in regulation 79 in the course of the academic year—

- (a) the maximum amount of loan for living costs for the academic year is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the loan for living costs is payable;
- (b) the maximum amount of loan for living costs for each such quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year;
- (c) the maximum amount of additional amount of loan for living costs for the academic year is the aggregate of the maximum amount of additional amount of loan for living costs for each quarter in respect of which the additional amount of loan for living costs is payable;
- (d) the maximum amount of additional amount of loan for living costs for each such quarter is one third of the maximum amount of additional amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year; and

- (e) the category which applies to a quarter is—
 - (i) the category into which the student falls for the longer or longest period in that quarter; or
 - (ii) if the student falls into more than one category for an equal period in that quarter, the category with the higher or highest rate of loan for living costs for the academic year.

Students residing with parents

74.—(1) Where an eligible student (“X”) resides at X’s parents’ home and the Department is satisfied that in all the circumstances X’s parents by reason of age, incapacity or otherwise cannot reasonably be expected to support X and that it would be appropriate for the amount of loan for living costs or additional amount of loan for living costs payable to a student in a category other than category A to apply in X’s case, X must be treated as if X were not residing at X’s parents’ home for the purposes of this Part.

Students becoming eligible in the course of an academic year

75.—(1) Where one of the events listed in paragraph (2) occurs in the course of an academic year, a student may qualify for a loan for living costs in respect of such quarters in respect of which a loan for living costs is payable as begin after the relevant event occurs.

- (2) The events are—
 - (a) the student’s course becomes a designated course;
 - (b) the student, or the student’s spouse, civil partner or parent is recognised as a refugee or becomes a person with leave to enter or remain;
 - (c) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;
 - (d) the student acquires the right of permanent residence;
 - (e) the student becomes the child of a Turkish worker;
 - (f) the student becomes a person described in paragraph 6(1)(a) of Part 2 of Schedule 2; or
 - (g) the student becomes the child of a Swiss national.

(3) An eligible student to whom paragraph (1) applies does not qualify for a loan for living costs in respect of any academic year beginning before the academic year in which the relevant event occurred.

(4) The maximum amount of loan for living costs payable is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the student qualifies for the loan for living costs under this regulation.

(5) The maximum amount of loan for living costs for each quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year.

(6) The maximum amount of additional amount of loan for living costs payable is the aggregate of the maximum amount of additional amount of loan for living costs for each quarter in respect of which the student qualifies for the additional amount of loan for living costs under this regulation.

(7) The maximum amount of additional amount of loan for living costs for each quarter is one third of the maximum amount of additional amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year.

Students who are treated as in attendance on a course

76.—(1) A student to whom this regulation applies is treated as being in attendance on the designated course for the purpose of qualifying for the loan for living costs or the additional amount of loan for living costs.

- (2) This regulation applies to—
- (a) a compressed degree student;
 - (b) a disabled student who—
 - (i) is not a compressed degree student; and
 - (ii) is undertaking a designated course in the United Kingdom or at a relevant institution of higher education in the Republic of Ireland but is not in attendance because the student is unable to attend for a reason which relates to the student’s disability.

Deductions from loans for living costs

77.—(1) A deduction from the amount of loan for living costs calculated under this Part in respect of a current system student with full entitlement or an old system student with full entitlement may be made in accordance with Part 9.

(2) There is no deduction under Part 9 from the amount of loan for living costs calculated under this Part in respect of a student with reduced entitlement.

Applying for an additional amount of loan for living costs

78.—(1) An eligible student may apply to borrow an additional amount of loan for living costs or additional amount of loan for living costs where—

- (a) the Department determines that the maximum amount of loan for living costs or additional amount of loan for living costs in relation to an academic year should be increased (including an increase from nil) as a result of a reassessment of the student’s contribution or otherwise; and
- (b) the Department considers that the increase in the maximum amount of the loan or loans in question does not result from the eligible student—
 - (i) failing to provide information promptly which might affect the student’s ability to qualify for the loan or loans in question or the amount of loan or loans in question for which the student qualifies; or
 - (ii) providing information that is inaccurate in any material particular.

(2) The additional amount under paragraph (1) is an amount which when added to the amount already applied for does not exceed the increased maximum.

(3) Where an eligible student has applied for a loan for living costs or additional amount of loan for living costs of less than the maximum amount to which the student is entitled in relation to the academic year, the student may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the relevant maximum applicable in the student’s case.

Categories of student

79. In this Part—
- (a) a student (“X”) is in category A if—
 - (i) X resides at X’s parents’ home while attending the designated course; or
 - (ii) X began the current course before 1st September 2009 and is a member of a religious order who resides in a house of that order;

- (b) a student (“Y”) is in category B if Y is not in category A and Y attends one or more of the following—
 - (i) a course at the University of London;
 - (ii) a course at an institution which requires attendance for at least half the time in aggregate of any quarter of the course in the academic year at a site wholly or partly within the area comprising the City of London and the former Metropolitan Police District; or
 - (iii) a sandwich course at an institution which requires the eligible student to undertake work experience or a combination of work experience and study provided that “Y” undertakes such work experience or combination of work experience and study for at least half the time in aggregate of any quarter of the course in the academic year at a site or sites wholly or partly within the area comprising the City of London and the former Metropolitan Police District;
- (c) a student is in category C if the student is not in category A and—
 - (i) attends an overseas institution as part of the student’s course; or
 - (ii) attends the Institute;
- (d) a student is in category D if the student is not in categories A to C.