

**2022 No. 75**

**EDUCATION**

**The Education (Student Support, etc.) (Amendment)  
Regulations (Northern Ireland) 2022**

*Made* - - - - *2nd March 2022*

*Coming into operation-* - *24th March 2022*

The Department for the Economy<sup>(a)</sup> in exercise of the powers conferred by Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998<sup>(b)</sup> and Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005<sup>(c)</sup> makes the following Regulations.

**PART 1**

**Introductory**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Student Support, etc.) (Amendment) Regulations (Northern Ireland) 2022.

(2) These Regulations come into operation on 24th March 2022.

(3) The following provisions apply in relation to the provision of support to a student in relation to an academic year which begins on or after 1st August 2022, whether or not anything done under these Regulations is done before, on or after that date—

- (a) regulations 18 to 24;
- (b) regulation 59 and Schedule.

(4) The following provisions apply in relation to the provision of support to a student in relation to a course which begins on or after 1st August 2022, whether or not anything done under these Regulations is done before, on or after that date—

- (a) regulations 25(a) and (c)(ii), 26(a), 27(a), 28(a), 29(a), 30(a) and 31(a)(i);
- (b) regulations 33 to 55.

(5) In paragraph (3) an “academic year” is the period of twelve months beginning with 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of

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(a) Formerly the Department for Employment and Learning; see Article 6(1)(c) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76)

(b) S.I. 1998/1760 (N.I. 14). Article 3 was amended by the Learning and Skills Act 2000 (c.21), section 147(3)(a) and (b), the Student Loans (Amendment) Act (Northern Ireland) 2001, (c.2 (N.I.)), s.1(1), the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, the Finance Act 2003, (c.14), s.147(4), the Higher Education (Northern Ireland) Order 2005, (S.I. 2005/1116 (N.I. 5)), Articles 11 and 12 and the Schedule, and by the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, (S.I. 2013/1881), Schedule 1

(c) S.I. 2005/1116 see Article 2(2) for definitions of “the Department”, “prescribed” and “regulations”.

the course in question begins, according to whether the academic year of the course in question begins—

- (a) on or after 1st January and before 1st April;
- (b) on or after 1st April and before 1st July;
- (c) on or after 1st July and before 1st August; or
- (d) on or after 1st August and on or before 31st December.

## **Interpretation**

**2.** In these Regulations —

- (a) “the 2009 Regulations” means the Education (Student Support) (No.2) Regulations (Northern Ireland) 2009**(a)**.
- (b) “the 2007 Regulations” means The Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007**(b)**.

## **PART 2**

### **CHAPTER 1**

Removal of old system students and college fee loan provisions

## **Amendments to the 2009 Regulations**

**3.** In regulation 2 (interpretation)

- (a) in paragraph (1)
  - (i) in the definition of “current system student”, omit paragraph (a) together with the “and” at the end;
  - (ii) omit the following definitions—
    - (aa) “college fee loan”;
    - (bb) “fee contribution loan”;
    - (cc) “gap year student”;
    - (dd) “old system student”;
    - (ee) “qualifying student”;
  - (iii) in the definition of “fees” omit “college fees and”;
  - (iv) in the definition of “fee support” omit “, a fee contribution loan”;
- (b) omit paragraph (4);
- (c) omit paragraphs (6) to (9).

**4.** In regulation 4 (revocations, savings and transitional provisions), omit paragraphs (4) and (5).

**5.** In regulation 10(2)(c) (time limits)—

- (a) in sub-paragraph (b)—
  - (i) omit “, a fee contribution loan”;
  - (ii) omit “or a college fee loan”;

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(a) S.R. 2009 No. 373, amended by S.R.s 2010 No. 383, 2012 Nos. 62 and 398, 2013 Nos. 128 and 223, 2014 Nos. 97 and 309, 2016 No. 21, 2017 Nos. 7 and 43, 2018 No. 35, 2019 Nos.35 and 102, 2020 No. 79, 2021 Nos. 50, 85 and 260.  
(b) S.R. 2007 No. 328 was amended by Order 2011/1043. S.R.s 2007 No. 375, 2011 Nos. 70 and 376, 2013 No. 37 and 2019 No. 35  
(c) Sub-paragraph (b) of regulation 10(2) was substituted by S.R. 2013 No. 128.

- (iii) for “, an additional amount of fee contribution loan under regulation 36(5),” substitute “or”;
  - (iv) omit “or an additional amount of college fee loan under regulation 85(2)”;
  - (b) in sub-paragraph (c) omit “an additional amount of fee contribution loan under regulation 36(3),”.
- 6. In Part 4 (fee support) omit—**
- (a) regulation 16 (old system students);
  - (b) regulations 26 to 34 (grants for old system students);
  - (c) regulations 35 and 36 (fee contribution loans for old system students).
- 7. In Part 5 (grants for living and other costs) omit—**
- (a) regulation 38 (old system students); and
  - (b) regulation 61 (qualifying conditions and amounts of the higher education bursary).
- 8. In Part 6 (loans for living costs)—**
- (a) in regulation 62 (interpretation of Part 6) omit paragraph (b);
  - (b) omit regulation 64 (qualifying conditions for the loan for living costs – old system students);
  - (c) in regulation 65 (general) in paragraph (1) omit sub-paragraph (b);
  - (d) omit regulation 68 (old system students with full entitlement);
  - (e) in regulation 69 (students with reduced entitlement)
    - (i) omit sub-paragraph (1)(d);
    - (ii) omit sub-paragraph (2)(d);
  - (f) in regulation 76 (deductions from loans for living costs), in paragraph (1), omit “or an old system student with full entitlement”.
- 9. Omit Part 7 (college fee loans).**
- 10. In Part 8 (financial assessment)—**
- (a) omit regulation 89 (application of contribution – old system students)
  - (b) in regulation 91 (minimum level of loan for living costs)—
    - (i) omit paragraphs (3) and (4);
    - (ii) in paragraph (5) for “(1) to (4)” substitute “(1) or (2)”;
    - (iii) in paragraph (6) for “(1), (2), (3) or (4)” substitute “(1) or (2)”.
- 11. In Part 9 (payments)—**
- (a) in regulation 96 (general)—
    - (i) omit paragraph (ab);
    - (ii) omit paragraph (b);
  - (b) omit regulation 99A (payment of fee contribution loans);
  - (c) omit regulation 100 (payment of college fee loans);
  - (d) omit regulation 103 (overpayments of college fee loan).
- 12. In Schedule 5 (financial assessment)—**
- (a) omit paragraph 8 (calculation of contribution – old system);
  - (b) in paragraph 9(5)(a) omit “(other than old system students)”.

CHAPTER 2  
Graduate entry courses

**Amendments to the 2009 Regulations**

**13.** In regulation 2(1)(a) (interpretation), in the appropriate place insert—

“graduate entry course” means a “graduate entry dentistry course”, “graduate entry medicine course”, “graduate entry social work course” or a “graduate entry veterinary course”.

“graduate entry dentistry course” means a course—

- (a) the standard of which is not higher than a first degree which leads to qualification as a dentist, and
- (b) where a first degree or equivalent qualification would normally be required for entry to the course.

“graduate entry medicine course” means a course—

- (a) the standard of which is not higher than a first degree which leads to qualification as a medical doctor, and
- (b) where a first degree or equivalent qualification would normally be required for entry to the course.

“graduate entry social work course” means a course—

- (a) the standard of which is not higher than a first degree which leads to qualification as a social worker, and
- (b) where a first degree or equivalent qualification would normally be required for entry to the course.

“graduate entry veterinary course” means a course—

- (a) the standard of which is not higher than a first degree which leads to qualification as a veterinary surgeon, and
- (b) where a first degree or equivalent qualification would normally be required for entry to the course;”.

**14.** In regulation 6(b) (designated courses), in paragraph (4), in the words before sub-paragraph (a), after “degree course” insert “(other than a graduate entry course)”.

**15.** In regulation 107(c) (designated distance learning courses), in paragraph (2)(a), after “teachers” insert “or a graduate entry course”.

**16.** In regulation 124(d) (designated part-time courses), in paragraph (1)(a), after “teachers” insert “or a graduate entry course”.

**17.** In Schedule 3(e) (designated courses), after paragraph 8, insert—

“9. A graduate entry course.”.

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- (a) There are no relevant amendments to regulation 2.
  - (b) There are no relevant amendments to regulation 6.
  - (c) There are no relevant amendments to regulation 107.
  - (d) There are no relevant amendments to regulation 124.
  - (e) There are no relevant amendments to Schedule 2.

## CHAPTER 3

### Disabled Students' Allowance

#### Amendments to the 2009 Regulations

- 18.** In regulation 2(1) (interpretation), after the definition of “transitional award”, insert—
- ““travel expenditure” means the additional expenditure incurred by a student—
- (a) within the United Kingdom or the Republic of Ireland for the purposes of attending their institution; or
  - (b) within or outside the United Kingdom for the purposes of attending, as part of their course, any period of study at an overseas institution or for the purposes of attending the Institute;”.
- 19.** In regulation 41 (qualifying conditions for the disabled students' allowance)—
- (a) number existing text as (1);
  - (b) after newly numbered sub-paragraph (1), insert—

“(2) The expenditure for which the grant may be paid includes, in particular—

    - (a) expenditure on a non-medical personal helper;
    - (b) expenditure on major items of specialist equipment;
    - (c) travel expenditure.”
- 20.** In regulation 42 (amount of the disabled students' allowance)(a)—
- (a) for paragraph (2) substitute—

“(2) The amount of the disabled students' allowance in respect of an academic year—

    - (a) for expenditure other than travel expenditure, must not exceed £25,000;
    - (b) for travel expenditure, must not exceed the additional expenditure incurred.”
  - (b) omit paragraphs (3) and (4);
  - (c) in paragraph (5) omit “, except where the allowance is used for expenditure on major items of specialist equipment”;
  - (d) in paragraph (6) for the words “for the purposes specified” to the end substitute—

“in respect of—

    - (a) the quarter in which the relevant event occurs, and
    - (b) if relevant, such quarters as begin after the relevant event occurs.”
- 21.** In regulation 112 (disabled distance learning students' allowance)(b)—
- (a) After sub-paragraph (1) insert—

“(1A) The expenditure for which the grant may be paid includes, in particular—

    - (a) expenditure on a non-medical personal helper;
    - (b) expenditure on major items of specialist equipment;
    - (c) travel expenditure.”
  - (b) for paragraph (6) substitute—

“(6) The amount of grant under this regulation in respect of an academic year—

    - (a) for expenditure other than travel expenditure, must not exceed £25,000;
    - (b) for travel expenditure, must not exceed the additional expenditure incurred.”

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(a) Regulation 42 was amended by S.Rs 2012 No. 398, 2021 Nos 50 and 85 and 260.

(b) Regulation 112 was amended by S.Rs 2010 No. 383, 2012 No. 398, S.R. 2017/43, S.R.s 2018 No. 35 and 2021 Nos 50 and 85 and 260.

- (c) in paragraph (7) omit “, except where the allowance is used for expenditure on major items of specialist equipment”;
- (d) in paragraph (8) for the words “for the purposes specified” to the end substitute—
  - “in respect of—
  - (a) the quarter in which the relevant event occurs, and
  - (b) if relevant, such quarters as begin after the relevant event occurs.”

**22. In regulation 130 (disabled part-time students’ allowance)(a)—**

- (a) after paragraph (1) insert—
  - “(1A) The expenditure for which the grant may be paid includes, in particular—
  - (a) expenditure on a non-medical personal helper;
  - (b) expenditure on major items of specialist equipment;
  - (c) travel expenditure.”
- (b) in the second paragraph numbered (3A), for “(3A)” substitute “(3B)”—
- (c) for paragraph (5) substitute—
  - “(5) The amount of grant under this regulation in respect of an academic year—
  - (a) for expenditure other than travel expenditure, must not exceed £25,000;
  - (b) for travel expenditure, must not exceed the additional expenditure incurred.”
- (d) in paragraph (6) omit “, except where the allowance is used for expenditure on major items of specialist equipment”;
- (e) in paragraph (7) for the words “for the purposes specified” to the end substitute—
  - “in respect of—
  - (a) the quarter in which the relevant event occurs, and
  - (b) if relevant, such quarters as begin after the relevant event occurs.”

**23. In regulation 144 (applications for support) for paragraph (4) substitute—**

“(4) The Department must notify the applicant of whether the applicant qualifies for support and, if the applicant does qualify, the amount of support payable in respect of the academic year, if any.”

**24. In regulation 146 (amount of grant)(b)—**

- (a) for paragraph (2) substitute—
  - “(2) The amount of grant under this regulation in respect of an academic year—
  - (a) for expenditure other than travel expenditure, must not exceed £25,000;
  - (b) for travel expenditure, must not exceed the additional expenditure incurred.”
- (b) in paragraph (3), for sub-paragraph (c), substitute—
  - “(c) travel expenditure.”;
- (c) in paragraph (4) omit “, except where the allowance is used for expenditure on major items of specialist equipment as provided for in paragraph (3)(b)”;
- (d) in paragraph (5) for the words “in respect of” to the end substitute—
  - “in respect of—
  - (a) the quarter in which the relevant event occurs, and
  - (b) if relevant, such quarters as begin after the relevant event occurs.”

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(a) Regulation 130 was amended by S.R 2012 No. 398, S.R. 2017 No. 43 and S.R.s 2021 Nos 50 and 85 and 260.

(b) Regulation 146 was amended by S.R. 2010 No. 383 and S.R 2012 No. 398.

## CHAPTER 4

### Citizens' Rights, residency and removal of references to grace period

#### Amendments to the 2009 Regulations

**25.** In regulation 2(1) (interpretation)—

- (a) omit the definition of “grace period”;
- (b) re-position the definition of “person with protected rights” in the appropriate place after the definition of “person with leave to enter or remain on the grounds of discretionary leave”;
- (c) in the newly positioned definition of “person with protected rights”(a)—
  - (i) re-number the existing text after “means—” as paragraph (1) of the definition;
  - (ii) in that paragraph as so numbered, omit sub-paragraph (a)(iii);
  - (iii) after sub-paragraph (a)(iv), insert—
    - “(v) otherwise has rights deemed to apply by virtue of any citizens’ rights deeming provisions; or”;
  - (iv) after that paragraph as so numbered, insert—
    - “(2) In paragraph (1)(a)(v), “citizens’ rights deeming provisions” means—
      - (a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
      - (b) Article 17(2) and (3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020(b)); or
      - (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”.

**26.** In regulation 5 (eligible students)—

- (a) omit paragraph (12B)(c);
- (b) in paragraph (12C)(a)(i)(d), for “paragraph (a)(iv)” substitute “paragraph (1)(a)(iv) or (v)”.

**27.** In regulation 105 (eligible distance learning students)—

- (a) omit paragraph (12B)(e);
- (b) in paragraph (12C)(a)(i)(f), for “paragraph (a)(iv)” substitute “paragraph (1)(a)(iv) or (v)”.

**28.** In regulation 122 (eligible part-time students)—

- (a) omit paragraph (11B)(g);
- (b) in paragraph (11C)(a)(i)(h), for “paragraph (a)(iv)” substitute “paragraph (1)(a)(iv) or (v)”.

**29.** In regulation 139 (eligible postgraduate students)—

- (a) omit paragraph (13B)(i);

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- (a) Definition inserted by S.R. 2021 No. 85.
  - (b) 2020 c. 1.
  - (c) Paragraph (12B) was inserted by S.R. 2021 No.85.
  - (d) Paragraph (12C) was inserted by S.R. 2021 No.85.
  - (e) Paragraph (12B) was inserted by S.R. 2021 No.85.
  - (f) Paragraph (12C) was inserted by S.R. 2021 No.85.
  - (g) Paragraph (11B) was inserted by S.R. 2021 No.85.
  - (h) Paragraph (11C) was inserted by S.R. 2021 No.85.
  - (i) Paragraph (13B) was inserted by S.R. 2021 No.85.

- (b) in paragraph (13C)(a)(i)(a), for “paragraph (a)(iv)” substitute “paragraph (1)(a)(iv) or (v)”.

**30.** In regulation 149 (eligible master’s etc. students)—

- (a) omit paragraph (12B)(b);
- (b) in paragraph (12C)(a)(i)(c), for “paragraph (a)(iv)” substitute “paragraph (1)(a)(iv) or (v)”.

**31.** In Part 2 of Schedule 2—

- (a) in paragraph 3(1)(a)(d)—
  - (i) omit sub-paragraph (iii);
  - (ii) in sub-paragraph (iv)(bb), after “Regulations” insert “or otherwise has rights deemed to apply by virtue of any of the citizens’ rights provisions specified in paragraph (3)”;
  - (iii) in sub-paragraph (iv)(cc), after “relevant period” insert “or otherwise has a deemed right of permanent residence by virtue of any of the citizens’ rights provisions specified in paragraph (3)”;

- (b) after paragraph 3(2) insert—

“(3) For the purposes of sub-paragraph (1)(a)(iv), the citizens’ rights provisions referred to are—

- (a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement;
- (b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (c) Article 16(3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”;

- (c) in paragraph 9C—

- (i) insert “(1)” before “A person”;
- (ii) in the newly numbered sub-paragraph (1)(e), move the terminal “and” after sub-paragraph (c) to after sub-paragraph (d), and after that sub-paragraph insert—

“(e) who did not move to Northern Ireland from the Islands for the purpose of undertaking the current course or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the current course.”.

## **Amendments to the 2007 Regulations**

**32.** In the Schedule—

- (a) in paragraph 1(1), in the definition of “person with protected rights”—
  - (i) re-number the existing text after “means—” as paragraph (1) of that definition;
  - (ii) in that paragraph as so re-numbered, omit the terminal “or” after sub-paragraph (a)(ii), and after sub-paragraph (a)(iii), insert—

“(iv) otherwise has rights deemed to apply by virtue of any citizens’ rights deeming provisions; or”;
  - (iii) after that paragraph as so numbered, insert—

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(a) Paragraph (13C) was inserted by S.R. 2021 No.85.  
(b) Paragraph (12B) was inserted by S.R. 2021 No.85.  
(c) Paragraph (12C) was inserted by S.R. 2021 No.85.  
(d) Paragraph 3 was amended by S.R. 2021 No.85.  
(e) Paragraph 9C was inserted by S.R. 2021 No. 85.



- “(2) In paragraph (1)(iv) “citizens’ rights deeming provisions” means—
- (a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
  - (b) Article 17(2) and (3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
  - (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”.
- (b) in sub-paragraph 3(1)(a)(iii)—
- (i) in division (bb), after “Regulations” insert “or otherwise has rights deemed to apply by virtue of any of the citizens’ rights provisions specified in paragraph (3)”;
  - (ii) in division (cc) after “relevant period” insert “or otherwise has a deemed right of permanent residence by virtue of any of the citizens’ rights provisions specified in sub-paragraph (3)”;
  - (iii) after sub-paragraph (2) insert—
- “(3) For the purposes of sub-paragraph (1)(a)(iii), the citizens’ rights provisions referred to are—
- (a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement;
  - (b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
  - (c) Article 16(3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”.

## CHAPTER 5

### Eligibility of Afghan locally employed staff

#### **Amendments to the 2009 Regulations**

- 33.** In regulation 2(1) (interpretation), at the appropriate place in the alphabetical order, insert—
- ““person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;
- “person granted leave under the Afghan Citizens Resettlement Scheme” means a person—
- (a) who has—
    - (i) indefinite leave to enter or remain in the United Kingdom, outside the Immigration Rules as defined in section 33(1) of the Immigration Act 1971(a) on the basis of the Afghan Citizens Resettlement Scheme; or
    - (ii) indefinite leave to enter or remain in the United Kingdom, outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and
  - (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;
- “person granted leave under the Afghan Relocations and Assistance Policy Scheme” means a person—
- (a) who has—

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(a) 1971 c. 77 to which there are amendments not relevant to this instrument.

- (i) indefinite leave to enter the United Kingdom under paragraph 276BA2, or has indefinite leave to remain under paragraph 276BS2 of the Immigration Rules, having been relocated to the United Kingdom pursuant to paragraph 276BB1(iii)(a) of the Immigration Rules as defined in section 33(1) of the Immigration Act 1971,
  - (ii) leave to enter the United Kingdom on the basis of the Afghan Relocations and Assistance Policy Scheme,
  - (iii) indefinite leave to enter or remain, outside those rules, on the basis of the Afghan Relocations and Assistance Policy Scheme, or
  - (iv) leave to enter or indefinite leave to enter the United Kingdom as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner, having been granted that leave under paragraph 276BJ2 or 276BO2 of those rules; and
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

**34. In regulation 5(a) (eligible students)—**

- (a) in paragraph (2)(a) for “and 13” substitute “, 13 and 14”;
  - (b) after paragraph (11D), insert—
    - “(11E) Where—
      - (a) the Department determined that, by virtue of being a person granted leave under one of the Afghan Schemes, a person (“A”) was—
        - (i) an eligible student in connection with an application for support for an earlier year of the current course, an application for support for a course in relation to which the current course is an end-on course or an application for support in connection with a designated part-time course, designated distance learning course or other designated course from which A’s status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the current course; or
        - (ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which A’s status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and
      - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted leave under one of the Afghan Schemes is allowed to stay in the United Kingdom has expired,
- A’s status as an eligible or qualifying student terminates immediately before the first day of the academic year in respect of which A is applying for support.”

**35. In regulation 18(b) (events)—**

- (a) in paragraph (l) omit the terminal “or”;
- (b) in paragraph (m) for “.” substitute “; or”;
- (c) after paragraph (m) insert—
  - “(n) the student becomes a person granted leave under one of the Afghan Schemes.”

**36. In regulation 39(7)(c) (general qualifying conditions for grants for living and other costs) for “or (m)” substitute “, (m) or (n)”;**

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(a) Regulation 5 was amended by S.R. 2013 No. 128, S.R. 2017 No. 7, S.R. 2019 No 135 and S.R. 2021 Nos. 50 and 85.  
 (b) Regulation 18 was amended by S.R. 2019 No. 35, S.R. 2020 No. 295, S.R. 2021 Nos. 50 and 85.  
 (c) Regulation 39(7) was amended by S.R. 2012 No. 398 and S.R. 2021 Nos. 85 and 260.

- 37.** In regulation 42(6)(a) (amount of the disabled students' allowance) for "or (m)" substitute ", (m) or (n)";
- 38.** In regulation 46(11)(b) (childcare grant) for "or (m)" substitute ", (m) or (n)";
- 39.** In regulation 50A(2)(c) for "or (m)" substitute ", (m) or (n)";
- 40.** In regulation 57(5)(d) (qualifying conditions for the maintenance grant) for "or (m)" substitute ", (m) or (n)";
- 41.** In regulation 59(5)(e) (qualifying conditions for the special support grant) for "or (m)" substitute ", (m) or (n)";
- 42.** In regulation 74(2)(f) (students becoming eligible in the course of an academic year)—
- (a) in paragraph (k) omit the terminal "or";
  - (b) in paragraph (l) for "." substitute "; or";
  - (c) after paragraph (l) insert—
    - “(m)the student becomes a person granted leave under one of the Afghan Schemes.”
- 43.** In regulation 105(g) (eligible distance learning students)—
- (a) in paragraph (2)(a) for "and 13" substitute ", 13 and 14";
  - (b) after paragraph (11D), insert—
    - “(11E) Where—
    - (a) the Department determined that, by virtue of being a person granted leave under one of the Afghan Schemes, a person (“A”) was an eligible distance learning student in connection with—
      - (i) an application for support for an earlier year of the current course, or
      - (ii) an application for support in connection with a designated course, designated part-time course, or other designated course from which A’s status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the current course; and
    - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted leave under one of the Afghan Schemes is allowed to stay in the United Kingdom has expired,

A’s status as an eligible distance learning student terminates immediately before the first day of the academic year in respect of which A is applying for support.”
- 44.** In regulation 106(h) (students becoming eligible in the course of an academic year)—
- (a) in paragraph 1A for "or (n)" substitute ", (n) or (o)";
  - (b) in paragraph 2 for "or (n)" substitute ", (n) or (o)";
  - (c) in paragraph 3 for "or (n)" substitute ", (n) or (o)";
  - (d) in paragraph (4)—
    - (i) in sub-paragraph (m) omit "or";
    - (ii) in sub-paragraph (n) after "2" for "." substitute "; or";

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- (a) Regulation 42(6) was amended by S.R. 2021 Nos. 85 and 260.
  - (b) Regulation 46(11) was amended by S.R. 2021 Nos. 85 and 260.
  - (c) Regulation 50A(2) was amended by S.R. 2021 Nos. 85 and 260.
  - (d) Regulation 57(5) was amended by S.R. 2021 Nos. 85 and 260.
  - (e) Regulation 59(5) was amended by S.R. 2021 Nos. 85 and 260.
  - (f) Regulation 74(2) was amended by S.R. 2019 No. 35, S.R. 2020 No. 295, S.R. 2021 Nos. 50 and 85.
  - (g) Regulation 105 was amended by S.S.I 2007/503, S.R. 2010 No. 383, S.R. 2013 No. 128, S.R. 2017 No. 7 and S.R. 2021 Nos. 50 and 85.
  - (h) Regulation 106 was amended by Order 2011/1043, S.R. 2019 No. 35 and S.R. 2021 No. 50 and 85.

(iii) after sub-paragraph (n), insert—

“(o) the student becomes a person granted leave under one of the Afghan Schemes.”

**45.** In regulation 122(a) (eligible part-time students)—

(a) in paragraph (2)(a) for “and 13” substitute “, 13 and 14”;

(b) after paragraph (10D), insert—

“(10E) Where—

(a) the Department determined that, by virtue of being a person granted leave under one of the Afghan Schemes, a person (“A”) was an eligible part-time student in connection with—

(i) an application for support for an earlier year of the current part-time course, or

(ii) an application for support in connection with a designated course, designated distance learning course, or other designated course from which A’s status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the current course; and

(b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted leave under one of the Afghan Schemes is allowed to stay in the United Kingdom has expired,

A’s status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.”

**46.** In regulation 123(b) (students becoming eligible in the course of an academic year)—

(a) in paragraph 1A for “or (n)” substitute “, (n) or (o)”;

(b) in paragraph 2 for “or (n)” substitute “, (n) or (o)”;

(c) in paragraph (3)—

(i) in sub-paragraph (m) omit “or”;

(ii) in sub-paragraph (n) after “2” for “.” substitute “; or”;

(iii) after sub-paragraph (n), insert—

“(o) the student becomes a person granted leave under one of the Afghan Schemes.”

**47.** In regulation 130(7)(c) (disabled part-time students’ allowance) for “or (n)” substitute “, (n) or (o)”.

**48.** In regulation 139(d) (eligible postgraduate students)—

(a) in paragraph (3)(a) for “and 13” substitute “, 13 and 14”;

(b) after paragraph (12D), insert—

“(12E) Where—

(a) the Department determined that, by virtue of being a person granted leave under one of the Afghan Schemes, a person (“A”) was an eligible postgraduate student in connection with—

(i) an application for support for an earlier year of the current postgraduate course, or

(ii) an application for support in connection with another designated postgraduate course from which A’s status as an eligible postgraduate student has been transferred to the current postgraduate course; and

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(a) Regulation 122 was amended by S.R. 2013 No. 128, S.R. 2017 No. 7, S.R. 2019 No 135 and S.R. 2021 Nos. 50 and 85.

(b) Regulation 123 was amended by Order 2011/1043, S.R. 2019 No. 35 and S.R. 2021 Nos. 50 and 85.

(c) Regulation 130(7) was inserted by S.R. 2012 No. 398 and amended by S.R. 2021 Nos. 85 and 260.

(d) Regulation 139 was amended by S.R. 2010 No. 383, S.R. 2017 No. 43, S.R. 2019 No.35 and S.R. 2021 Nos. 50 and 85.

- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted leave under one of the Afghan Schemes is allowed to stay in the United Kingdom has expired,

A's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support."

**49.** In regulation 140(2)(a) (students becoming eligible in the course of an academic year)—

- (a) in paragraph (k) omit the terminal "or";
- (b) in paragraph (l) for "." substitute "; or";
- (c) after paragraph (l) insert—

"(m)the student becomes a person granted leave under one of the Afghan Schemes."

**50.** In regulation 149(b) (eligible master's, etc. students)—

- (a) in paragraph (2)(a) for "and 13" substitute ", 13 and 14";
- (b) after paragraph (11D), insert—

"(11E) Where—

- (a) the Department determined that, by virtue of being a person granted leave under one of the Afghan Schemes, a person ("A") was an eligible Master's, etc. student in connection with—
  - (i) an application for support for an earlier year of the current Master's etc. course, or
  - (ii) an application for support in connection with another designated Master's etc. course from which A's status as an eligible Master's etc. student has been transferred to the current course; and

- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted leave under one of the Afghan Schemes is allowed to stay in the United Kingdom has expired,

A's status as an eligible Master's, etc. student terminates immediately before the first day of the academic year in respect of which A is applying for support."

**51.** In regulation 151(c) (events)—

- (a) in paragraph (l) omit the terminal "or";
- (b) in paragraph (m) for "." substitute "; or";
- (c) after paragraph (m) insert—

"(n) the student becomes a person granted leave under one of the Afghan Schemes."

**52.** In Schedule 2 (eligible students), after paragraph 13, insert—

#### **"Persons granted leave under one of the Afghan Schemes**

**14.** A person granted leave under one of the Afghan Schemes, who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course."

### **Amendments to the 2007 Regulations**

**53.** In regulation 5(1)(c)(d), after "4F," insert "4G,";

**54.** In regulation 5(1A)(a), after "4F," insert "4G,";

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(a) Regulation 140 was amended by S.R. 2019 No. 35 and S.R. 2021 Nos. 50 and 85.  
(b) Regulation 149 was amended by S.R.s 2017 No. 43, 2018 No. 35, 2020 No. 79 and S.R. 2021 Nos. 50 and 85.  
(c) Regulation 151 was inserted by S.R. 2017 No. 7 and was amended by S.R. 2019 No. 35 and S.R. 2021 Nos. 50 and 85.  
(d) Regulation 5 was amended by S.R. 2011 No. 376 and S.R. 2021 No. 85.

**55. In the Schedule—**

- (a) in paragraph (1) at the appropriate place in the alphabetical order, insert—

““person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;

“person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

- (a) who has—

(i) indefinite leave to enter or remain in the United Kingdom, outside the Immigration Rules as defined in section 33(1) of the Immigration Act 1971 on the basis of the Afghan Citizens Resettlement Scheme; or

(ii) indefinite leave to enter or remain in the United Kingdom, outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and

- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”

“person granted leave under the Afghan Relocations and Assistance Policy Scheme” means a person—

- (a) who has—

(i) indefinite leave to enter the United Kingdom under paragraph 276BA2, or has indefinite leave to remain under paragraph 276BS2 of the Immigration Rules, having been relocated to the United Kingdom pursuant to paragraph 276BB1(iii)(a) of the Immigration Rules as defined in section 33(1) of the Immigration Act 1971;

(ii) leave to enter the United Kingdom on the basis of the Afghan Relocations and Assistance Policy Scheme;

(iii) indefinite leave to enter or remain, outside those rules, on the basis of the Afghan Relocations and Assistance Policy Scheme; or

(iv) leave to enter or indefinite leave to enter the United Kingdom as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner, having been granted that leave under paragraph 276BJ2 or 276BO2 of those rules; and

- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”

- (b) after paragraph 4F, insert—

**“Persons granted leave under one of the Afghan Schemes**

**4G.** A person granted leave under one of the Afghan Schemes who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.”.

**CHAPTER 6**

**Miscellaneous**

**Amendments to the 2009 Regulations**

**56.** In regulation 2(1) (interpretation) omit the definition of “Person with leave to enter or remain”;

**57.** In Schedule 2 (eligible students), in paragraph 13(1)(b), after “in Northern Ireland”, insert “on the first day of the first academic year of the course”.

**58.** In Schedule 6(a) to the 2009 Regulations (Relevant Institutions of Higher Education in the Republic of Ireland)—

- (a) omit “Carlow College (St. Patrick’s)”, “Institute of Technology, Athlone”, “Institute of Technology, Limerick”, “Pontifical University of Maynooth” and “Royal College of Surgeons in Ireland”;
- (b) after “Technological University Dublin” insert “Technological University of the Shannon: Midlands and Midwest”;

**59.** The Schedule to these Regulations has effect to substitute the figure in the third column of the table for the figure in the second column where that figure appears in the provision of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 set out in the first column.

### **Amendments to the 2007 Regulations**

**60.** In regulation 5(1C) (prescribed description of a qualifying person)(b) for “9B” substitute “9ZB”.

**61.** In Schedule 1 (qualifying persons)—

- (a) in paragraph 2A(2)(c) for “1(4)” substitute “1(3)”;
- (b) in paragraph 3 after sub-paragraph (2) insert—

“(3) For the purposes of sub-paragraph (1)(a)(ii), an Irish citizen is not required to be living in the United Kingdom on IP completion day.”
- (c) in paragraph 9ZA after sub-paragraph (3) insert—

“(4) For the purposes of this paragraph, an Irish citizen is not required to be living in the United Kingdom on IP completion day.”

**62.** In Schedule 1 (qualifying persons), in paragraph 13(1)(b), after “in Northern Ireland”, insert “on the first day of the first academic year of the course”.

Sealed with the Official Seal of the Department for the Economy on 2nd March 2022.



*Ms Heather Cousins*  
A senior officer of the Department for the Economy

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(a) Schedule 6 was amended by S.R.s 2013 No. 223, 2014 No. 309, 2016 No. 21, 2017 No. 43, 2019 No.35, 2020 No. 79 and S.R. 2021 No. 50.  
(b) Regulation 5(1C) was inserted by S.R. 2021 No. 85.  
(c) Paragraph 2A was inserted by S.R. 2021 No. 85.

## SCHEDULE

Regulation 59

### NEW PAYMENT RATES FOR FEE LOANS AND GRANTS FOR FEES

<i>Provision in the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009</i>	<i>Existing figure</i>	<i>New figure</i>
<b>Regulation 25</b>		
25(2A)(a)	£4,530	£4,630
25(2B)(a)	£2,250	£2,300
25(14)(b)	£4,530	£4,630
<b>Regulation 110A</b>		
110A(1)(a)	£3,397.50	£3,472.50
<b>Regulation 117</b>		
117(4)(d)(i)	£3,397.50	£3,472.50
<b>Regulation 127A</b>		
127A(1)(a)	£3,397.50	£3,472.50
<b>Regulation 135</b>		
135(4A)(d)(i)	£3,397.50	£3,472.50
135(10B)(a)(i)	£3,397.50	£3,472.50
135(19)(a)(i)	£3,397.50	£3,472.50

### EXPLANATORY NOTE

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

These Regulations amend legislation which makes provision about, or in connection with, student finance. Two sets of Student Support Regulations are amended. Those Regulations are the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 “the 2009 Regulations” and the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007 “the 2007 Regulations”.

The amendments made by regulations 3 to 12 remove redundant references to Old System Students and College Fee Loans.

The amendments made by regulations 13 to 17 clarify the Department’s position in the Regulations in relation to certain graduate entry courses, social work, medicine and dentistry and veterinary surgery to ensure students accessing all these courses at graduate entry level can receive the same support as those studying the full undergraduate course as a second degree.

The amendments made by regulations 18 to 24 provide that from academic year 2022/23 the regulated maximum disabled students’ allowance support available to all new and continuing eligible students will be a single maximum allowance for each academic year. This will align undergraduate and postgraduate disabled students’ allowance support by:



- introducing one single capped maximum disabled students' allowance for all eligible undergraduate and postgraduate students, replacing the existing separate undergraduate maximum allowances for each individual needs category,
- removing the pro-rating of maximum disabled student' allowance support available for part-time undergraduate students, and
- introducing an exception to the maximum allowance for travel expenditure for postgraduate disabled students' allowance recipients.

The maximum amount of disabled students' allowance support available to all undergraduate and postgraduate students in academic year 2022/23 is £25,000 (unless the travel costs exception applies).

From academic year 2022/23, undergraduate and postgraduate students who become eligible after the start of the academic year under the regulatory events provisions, will qualify for full disabled students' allowance support from the date on which they become an eligible student.

The amendments made by regulations 25 to 32 remove the grace period provisions as the grace period has now ended for the EU Settlement Scheme (EUSS) and further ensure that the Regulations fully reflect the requirements of the EU Withdrawal Agreement (and the EEA EFTA Separation Agreement and Swiss Citizens' Rights Agreement) as they relate to the rights of those making late applications to the EUSS and to joining family members who have yet to apply to the EUSS and are still within the deadline for doing so.

Regulation 31(c) has the effect that persons who come to Northern Ireland from the Isle of Man and the Channel Islands for the purpose of study are not eligible for student support.

Regulations 33 to 55 amend the 2009 Regulations and the 2007 Regulations respectively so that persons granted leave under one of the Afghan Schemes (the Afghan Citizens' Resettlement Scheme or the Afghan Relocations and Assistance Policy Scheme) and their spouse, civil partner or dependent child may qualify for support under each of those rules.

Regulations 56 and 60 omit a redundant definition and correct an error respectively.

Regulation 58 amends Schedule 6 to the 2009 Regulations (Relevant Institutions of Higher Education in the Republic of Ireland) to omit "Carlow College (St. Patrick's)", "Institute of Technology, Athlone", "Institute of Technology, Limerick", "Royal College of Surgeons in Ireland" and "Pontifical University of Maynooth". Courses under these providers will continue to be designated, where appropriate, specifically. It also inserts "Technological University of the Shannon: Midlands and Midwest".

Regulation 61 clarifies that Irish Citizens are not required to have been resident in the United Kingdom by IP completion day in relation to certain paragraphs.

Regulations 57 and 62 clarify that a student eligible under the long residence provisions should be ordinarily resident in Northern Ireland on the first day of the first academic year of their course.

### **New payment rates (regulation 59 and the Schedule)**

The 2009 Regulations are amended to update the payment rates for student support for an academic year which begins on or after 1st August 2022 (regulation 59 and the Schedule).

An impact assessment has not been produced for this rule as no, or no significant impact on the private, voluntary or public sectors is foreseen.





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