

**2013 No. 128**

**EDUCATION**

**The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) Regulations (Northern Ireland) 2013**

*Made* - - - -

*8th May 2013*

*Coming into operation-* -

*6th June 2013*

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).

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) Regulations (Northern Ireland) 2013 and come into operation on 6th June 2013.

(2) These Regulations apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st September 2013 whether anything done under these Regulations is done before, on or after 1st September 2013.

**Amendment of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009**

2. The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009(d) are amended as provided by regulations 3 to 15.

3. In regulation 2(1)—

(a) for the definition of “current system student”, substitute—

““current system student” means an eligible student—

(a) who is not an old system student; and

(b) who—

(i) began the current course on or after 1st September 2006 and continued on that course after 31st August 2010;

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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). Article 3 was amended by the Learning and Skills Act 2000 (c.21), section 147(3)(a) and (b), the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, the Finance Act 2003, (c.14), s. 147(4) and by the Higher Education (Northern Ireland) Order 2005, (S.I. 2005/1116 (N.I. 5)), Articles 11 and 12

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

(d) S.R. 2009 No. 373 as amended by S.R. 2010 No. 383 and S.R. 2012 Nos. 62 and 398

- (ii) began the current course on or after 1st September 2010; or
- (iii) where the current course is at a relevant institution of higher education in the Republic of Ireland, begins the course on or after 1st September 2013”;
- (b) in the definition of “fees” after “college fees” insert “and student contribution charge”;
- (c) in the definition of “fee support” for “or a fee loan” substitute “, a fee loan or a relevant institution charge loan”;
- (d) in the definition of “old system student” in sub-paragraph (d), after “on or after 1st September 2006” insert “but before 1st September 2013”;
- (e) after the definition of “refugee” insert—
  - ““relevant institution charge loan” means a loan for student contribution charge pursuant to regulations made by the Department under Article 3 of the Order;”;
- (f) after the definition of “statutory award” insert—
  - ““student contribution charge” means the charge payable by students at a relevant institution of higher education in the Republic of Ireland;”.

4. In regulation 5(3) after sub-paragraph (g) insert—

“(h) A has been awarded a grant or award of similar description by an awarding authority in another Member State in respect of his attendance on a course at a relevant institution of higher education in the Republic of Ireland which he begins on or after 1st September 2013.”

5. For regulation 10(2)(b) substitute—

“(b) the applicant is making a separate application for a fee loan, a relevant institution charge loan, a fee contribution loan, a loan for living costs or a college fee loan or is applying for an additional amount of fee loan under regulation 25(4) or (10), an additional amount of relevant institution charge loan under regulation 25A(4) or (10), an additional amount of fee contribution loan under regulation 36(5), an additional amount of loan for living costs under regulation 77(3) or an additional amount of college fee loan under regulation 85(2) in which case the application must reach the Department not later than one month before the end of the academic year to which the application relates;”

6. In regulation 15 after “fee loan in respect of fees” insert “or relevant institution charge loan in respect of student contribution charge”.

7. In regulation 20 after “fee loan” in each instance that it occurs insert “or relevant institution charge loan”.

8. In regulation 25—

- (a) In paragraph (5)(a) after “exceed the fees” insert “or student contribution charge”;
- (b) In paragraph (6) after “apply to the Department for” insert “a fee loan or”;
- (c) In paragraph (8) after “the amount of any fee loan” insert “or relevant institution charge loan”.

9. After regulation 25 insert—

**“Amount of relevant institution charge loan**

**25A.—**(1) The amount of the relevant institution charge loan in respect of an academic year of a designated course must not exceed the amount of the student contribution charge payable by the student to the relevant institution of higher education in the Republic of Ireland in connection with that year.

(2) Where a current system student has applied for a relevant institution charge loan of less than the maximum amount available 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 maximum amount available.

(3) The amount of relevant institution charge loan will be converted from euro to sterling using the average euro to sterling conversion rate published by Her Majesty's Revenue and Customs<sup>(a)</sup> for the calendar year preceding the start of the academic year for which the eligible student applies for the relevant institution charge loan.

(4) If a student's status as an eligible student is transferred from one designated course to another under these Regulations and the circumstances in paragraph (5) apply, the student may apply to the Department to borrow an additional amount by way of a relevant institution charge loan in respect of the academic year of the course to which that student transfers.

(5) The circumstances are—

- (a) the student contribution charge payable in respect of the academic year of the course to which the current system student transfers exceeds the fees or student contribution charge payable in respect of the academic year of the course from which the student is transferring; and
- (b) the academic year of the course to which the current system student transfers does not begin on a later date than the academic year of the course from which the student is transferring.

(6) If a student's status as an eligible student is transferred from one designated course to another under these Regulations and the circumstances in paragraph (7) apply, the student may apply to the Department for a relevant institution charge loan or another relevant institution charge loan in respect of the academic year of the course to which the student transfers.

(7) The circumstances are that the academic year of the course to which the current system student transfers begins on a later date than the academic year of the course from which that student is transferring.

(8) Where the circumstances in paragraph (5) apply, the maximum additional amount that the current system student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for a relevant institution charge loan in respect of that year, is determined by deducting the aggregate amount of any fee loan and any relevant institution charge loan the student has taken out under these Regulations in respect of the academic year from which the student is transferring from the student contribution charge payable by the student in respect of the academic year to which the student is transferring.

(9) Where the circumstances in paragraph (7) apply, the maximum amount of relevant institution charge loan that a current system student may borrow in respect of the academic year to which that student transfers provided that the student qualifies for a relevant institution charge loan in respect of that year is the student contribution charge payable by the student in connection with that year.

(10) Where a current system student has applied for a relevant institution charge loan of less than the amount available in relation to an academic year, that 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 that student's case."

**10.** In regulation 57(3) after "fee loan" in each instance that it occurs insert "or relevant institution charge loan".

**11.** In regulation 59(3) after "fee loan" in each instance that it occurs insert "or relevant institution charge loan".

**12.** In regulation 61(1) for "Chapter 3" substitute "Chapter 4".

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(a) [www.hmrc.gov.uk/exrate](http://www.hmrc.gov.uk/exrate)

13. For regulation 96(1)(a) substitute —

“(a) fee loans and relevant institution charge loans are payable in accordance with regulation 99;

(ab) fee contribution loans are payable in accordance with regulation 99A;”

14. In regulation 99(a) after “fee loan” in each instance that it occurs insert “or relevant institution charge loan”.

15. In regulation 102(2) after “fee loan” in each instance that it occurs insert “or relevant institution charge loan”.

Sealed with the Official Seal of the Department for Employment and Learning on 8th May 2013.



*Dr Stephen Farry MLA*  
Minister for Employment and Learning

#### **EXPLANATORY NOTE**

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

These Regulations amend the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (“the principal Regulations”). The principal Regulations provide for financial support for students taking designated higher education courses in respect of an academic year beginning on or after 1st September 2010.

These Regulations give effect to the changes in student support for Northern Ireland domiciled students commencing designated courses at relevant institutions of higher education in the Republic of Ireland from 1st September 2013. This category of student will now be eligible to apply for a loan to pay the student contribution charge that relevant institutions of higher education in the Republic of Ireland can charge and will also be eligible to apply for the same maintenance grant that all other current system students can apply for.

Regulation 3 makes changes to the interpretation section of the principal Regulations to define students commencing designated courses at relevant higher education institutions in the Republic of Ireland from 1st September 2013 as current system students. It also makes consequential changes to include references to the student contribution charge and the support available to such students.

Regulation 4 precludes students from support for the student contribution charge if they are in receipt of financial support from an awarding authority in another Member State.

Regulations 5, 6, 7, 10, 11 and 13 make further consequential changes to reflect the support being introduced in relation to the student contribution charge.

Regulation 8 amends regulation 25 of the principal Regulations so that students can continue to receive support where they transfer to a designated course in the United Kingdom from a designated course in the Republic of Ireland.

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(a) Regulation 99 was substituted by S.R. 2012 No. 62

Regulation 9 provides for the amounts of relevant institution charge loan available and the rate used to convert the loan from euro to sterling. It also makes provision so that students can continue to receive support where they transfer from a designated course in the Republic of Ireland to another designated course either in the Republic of Ireland or in the United Kingdom.

Regulation 12 corrects a typographical error.

Regulation 14 amends regulation 99 of the principal Regulations to include the payment arrangements of the relevant institution charge loan to the higher education institutions and regulation 15 amends the principal Regulations so that overpayments of relevant institution charge loan can be recovered by the Department.

A regulatory impact assessment has not been prepared in respect of this instrument as it has no impact on the cost of business, charities or voluntary bodies.

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