

2012 No. 62

EDUCATION

The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) Regulations (Northern Ireland) 2012

Made - - - - *22nd February 2012*

Coming into operation- - *21st March 2012*

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 and commencement

1. These Regulations may be cited as the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) Regulations (Northern Ireland) 2011 and come into operation on 21st March 2012.

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 14 and the Schedule.

3. Regulation 14(6) is omitted.

4.—(1) Regulation 25 is amended as provided by paragraphs (2) to (6).

(2) In paragraph (1), after the word “course” insert “provided by or on behalf of a publicly funded institution”;

(3) In paragraph (2), after the word “course” insert “provided by or on behalf of a publicly funded institution”;

(4) After paragraph (2)(b) insert—

“(2A) Unless one of the cases set out in paragraph (3) applies, the amount of a fee loan in respect of an academic year of a designated course provided by a private institution (other than on behalf of a publicly funded institution) must not exceed the lesser of—

(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

- (a) £3,465; and
- (b) the fees payable by the student in connection with that year.

(2B) In the cases set out in paragraph (3), the amount of a fee loan in respect of an academic year of a designated course provided by a private institution (other than on behalf of a publicly funded institution) must not exceed the lesser of—

- (a) £1,725; and
- (b) the fees payable by the student in connection with that year.”

(5) For paragraph (8)(a) substitute—

“(a) the amount specified in paragraph (1)(a), (2)(a), (2A)(a) or (2B)(a) as the case may be; and”

(6) For paragraph (9)(a) substitute—

“(a) the amount specified in paragraph (1)(a), (2)(a), (2A)(a) or (2B)(a) as the case may be; and”

5. For regulation 99 substitute—

“Payment of fee loans

99.—(1) The Department must pay the fee loan for which an eligible student qualifies to an institution to which the student is liable to make payment.

(2) The Department may pay the fee loan in instalments.

(3) The Department must not pay the fee loan or instalment of fee loan until the Department has received from the academic authority—

- (a) a request for payment; and
- (b) confirmation (in such form as may be required by the Department) of the student’s attendance on the course for the period to which the instalment relates.

(4) In this regulation, “confirmation of the student’s attendance” means confirmation from the academic authority that the student—

- (a) has enrolled for the academic year and has begun to attend the course for that academic year, where the confirmation relates to payment of the fee loan or the first instalment of the fee loan for the academic year; or
- (b) remains enrolled and continues to attend the course, where the confirmation relates to payment of an instalment of the fee loan other than the first instalment.

(5) The academic authority must inform the Department if a student ceases to attend the designated course during the academic year.”

6. After regulation 99 insert—

“Payment of fee contribution loans

99A.—(1) The Department must pay the fee contribution loan for which an eligible student qualifies to an institution to which the student is liable to make payment.

(2) The Department may pay the fee contribution loan in instalments.

(3) The Department must not pay the fee contribution loan before—

- (a) the Department has received a request for payment from the academic authority; and
- (b) a period of three months beginning with the first day of the academic year has expired.

(4) Where assessment of an old system student’s contribution or other matters have delayed the final calculation of the amount of fee contribution loan for which the student qualifies, the Department may make a provisional assessment and payment.

- (5) No payment of fee contribution loan can be made in respect of a designated course if—
- (a) before the expiry of a period of three months beginning with the first day of the academic year the eligible student ceases to attend or, in the case of a student treated as in attendance under regulation 19, undertake the course; and
 - (b) the academic authority has determined or agreed that the student will not begin attending or, as the case may be, undertaking in the United Kingdom or the Republic of Ireland the course again during the academic year in respect of which the fees are payable or at all.”

7. For regulation 102 substitute—

“**102.**—(1) Any overpayment of fee support is recoverable by the Department from—

- (a) the academic authority; or
- (b) the student in respect of whom the payment of fee support was made.

(2) An overpayment of a fee loan may be recovered from a student under paragraph (1)(b) in whichever one or more of the following ways the Department considers appropriate in all the circumstances,—

- (a) by subtracting the overpayment from any amount on the fee loan which remains to be paid;
- (b) by requiring the student to repay the fee loan in accordance with regulations made under Article 3 of the Order;
- (c) by taking such other action for the recovery of an overpayment as is available to the Department.”

8. For regulation 103 substitute—

“**103.**—(1) Any overpayment of college fee loan is recoverable by the Department from—

- (a) the college or permanent private hall; or
- (b) the student in respect of whom the payment of college fee loan was made.

(2) An overpayment of college fee loan may be recovered from a student under paragraph (1)(b) in whichever one or more of the following ways the Department considers appropriate in all the circumstances,—

- (a) by subtracting the overpayment from any amount of college fee loan which remains to be paid;
- (b) by requiring the student to repay the college fee loan in accordance with regulations made under Article 3 of the Order;
- (c) by taking such other action for the recovery of an overpayment is available to the Department.”

9. In regulation 113(5) for the word “six” substitute “nine”.

10. In regulation 113(6)(a) for the word “sixth” substitute “ninth”.

11. In regulation 131(5) for the word “sixth” substitute “ninth”.

12. In regulation 131(6)(a) for the word “sixth” substitute “ninth”.

13. For paragraph 1(2) of Schedule 2 substitute—

“(2) For the purposes of this Schedule, “parent” includes a guardian and any other person having parental responsibility and “child” is to be construed accordingly.”

New payment rates for fee loans, grants for fees and fee contribution loans for the academic year beginning on or after 1st September 2012.

14. The Schedule—

- (a) applies in relation to an academic year which begins on or after 1st September 2012; and
- (b) has effect to substitute the figures in the third column of the table for the figures in the second column where they appear in the regulations of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 set out in the first column.

Sealed with the Official Seal of the Department for Employment and Learning on 22nd February 2012.



Dr Stephen Farry MLA
Minister for Employment and Learning

SCHEDULE

Regulations 2 and 14

NEW PAYMENT RATES FOR FEE LOANS, GRANTS FOR FEES AND FEE CONTRIBUTION LOANS

<i>Provision in the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009</i>	<i>Existing figure</i>	<i>New figure</i>
Regulation 25		
25(1)(a)	£3,375	£9,000
25(2)(a)	£1,680	£4,500
Regulation 32		
32(1)(a)	£1,345	£1,380
32(2)(a)	£665	£680
32(5)(a)	£2,405	£2,465
32(6)(a)	£4,900	£5,030
Regulation 33		
33(1)	£1,345	£1,380
33(2)	£665	£680
Regulation 34		
34(1)(a)	£1,255	£1,285
34(2)	£3,190	£3,275
Regulation 36		
36(2)(a)	£1,345	£1,380
36(2)(a)	£665	£680
Regulation 89		
89(5)	£1,345	£1,380

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (“the 2009 Regulations”). The 2009 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 make minor policy and technical changes to the 2009 Regulations and these changes are set out in the paragraphs below. These Regulations also, by regulation 14 and the Schedule, set out the increased payment rates for fee loans, grants for fees and fee contribution loans for full-time courses and sandwich courses which apply from 1st September 2012.

Regulation 3 omits regulation 14(6) of the 2009 Regulations as it refers to The Education (Student Support) (Dance and Drama) Regulations 1998 which have now been revoked as there are no longer any students receiving support under these.

Regulation 4 amends regulation 25 of the 2009 Regulations to make separate provision for the maximum fee support available for courses provided by or on behalf of a publicly funded institution and those provided by a private institution.

Regulation 5 substitutes regulation 99 of the 2009 Regulations to provide for the introduction of three points of liability for the payment of fee loans at the start of each term to replace the current single point of liability which is reached three months after the commencement of the academic year. Regulation 6 inserts a new regulation 99A into the 2009 Regulations to make separate provision for the payment of fee contribution loans so that the current payment arrangements, including a single point of liability, are retained.

Regulations 7 and 8 amend regulations 102 and 103 of the 2009 Regulations to allow overpayments of fee loans to be recovered from students in respect of whom the payment of fee support was made or from the relevant academic authority.

Regulations 9 to 12 amend regulations 113(5) and 131(5) of the 2009 Regulations to extend the deadline for part-time and full-time distance learning student support applications from six months to nine months which is consistent with the existing deadline for full-time student support applications.

Regulation 13 amends the definition of “parent” in Schedule 2 to the 2009 Regulations to remove any reference to “any person having care of a child”.

An 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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