

2016 No. 21

EDUCATION

**The Education (Student Support) (Amendment) Regulations
(Northern Ireland) 2016**

Made - - - - *22nd January 2016*

Coming into operation - *29th February 2016*

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) (Amendment) Regulations (Northern Ireland) 2016.

(2) This regulation and regulations 3 to 12 come into operation on 29th February 2016.

(3) All other provisions of these Regulations—

(a) come into operation on 29th February 2016; and

(b) apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st September 2016 whether anything done under these Regulations is done before, on or after 1st September 2016.

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 in accordance with regulations 3 to 14.

3. In regulation 8(4) (Transfer of Status), after “transfer” insert “provided that A qualifies for such support in connection with the academic year of the course to which A transfers”.

4. For regulation 12 (Requirement to enter into a contract for a loan), substitute—

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

(d) S.R. 2009 No. 373, amended by S.R. 2010 No. 383, S.R. 2012 Nos. 62 and 398, S.R. 2013 Nos.128 and 223 and S.R. 2014 Nos. 97 and 309

“Requirement to enter into a contract for a loan

12.—(1) To receive a loan a student must enter into a contract with the Department.

(2) Where the Department requires a contract to be signed by a student, an electronic signature in such form as the Department may specify satisfies the requirement.”.

5. In Regulation 46 (Childcare Grant)—

(a) in paragraph (2), after “paragraphs (3)” insert “, (3B)”;

(b) after paragraph (3) insert—

“(3A) In this regulation, the terms “entitlement period” and “valid declaration of eligibility” have the same meanings as they have for the purposes of the Childcare Payments Act 2014(a) and regulations made thereunder.

(3B) A does not qualify for a childcare grant during any entitlement period for which A or A’s partner has made a valid declaration of eligibility under the Childcare Payments Act 2014 in relation to any child.”.

6. In Regulation 102 (Overpayments of fee support)—

(a) after paragraph (1) insert—

“(1A) A student must, if so required by the Department, repay any amount of fee support paid to the student, or in respect of the student, which for whatever reason exceeds the amount of fee support to which the student is entitled.”;

(b) in paragraph (2), after sub-paragraph (a) insert—

“(aa) by subtracting the overpayment from any kind of grant or loan payable under Article 3 of the Order;”.

7. In Regulation 103 (Overpayments of college fee loan)—

(a) after paragraph (1) insert—

“(1A) A student must, if so required by the Department, repay any amount of college fee loan paid to the student, or in respect of the student, which for whatever reason exceeds the amount of college fee loan to which the student is entitled.”;

(b) in paragraph (2), after sub-paragraph (a) insert—

“(aa) by subtracting the overpayment from any kind of grant or loan payable under Article 3 of the Order;”.

8. In regulation 104 (Overpayments of support payable under Part 5 or Part 6)—

(a) in paragraph (1), for “An eligible student”, substitute “A student”;

(b) in paragraph (3)(a), after “grant” insert “or loan”;

(c) in paragraphs (7)(a) and (8)(a), omit the word “eligible”;

(d) for paragraph (10), substitute—

“(10) Any overpayment of a loan for living costs or a long courses loan in respect of any academic year is recoverable by the Department from the student to whom the payment was made.”;

(e) for paragraph (11), substitute—

“(11) The methods of recovery are—

(a) subtracting the overpayment from any kind of grant or loan payable to the student from time to time pursuant to regulations made by the Department under Article 3 of the Order;

(b) requiring the student to repay the loan in accordance with regulations made under Article 3 of the Order;

- (c) taking such other action for the recovery of an overpayment as is available to the Department.”;
- (f) omit paragraph (12).

9. In regulation 121 (Overpayments of Part 10 Support)—

- (a) for paragraph (1), substitute—
 - “(1) Any overpayment of a grant in respect of fees is recoverable by the Department from—
 - (a) the academic authority; or
 - (b) the student in respect of whom the payment of a grant in respect of fees was made.”;
- (b) in paragraph (2)-
 - (i) for “An eligible”, substitute “A”; and
 - (ii) after “paid to the student” insert “, or in respect of the student,”;
- (c) in paragraph (4)(a)-
 - (i) after “grant” insert “or loan”; and
 - (ii) after “student” insert “, or in respect of the student,”; and
- (d) in paragraphs (8)(a) and (9)(a), omit the word “eligible”.

10. In regulation 138 (Overpayments of Part 11 Support)—

- (a) for paragraph (1), substitute—
 - “(1) Any overpayment of a grant in respect of fees is recoverable by the Department from—
 - (a) the academic authority; or
 - (b) the student in respect of whom the payment of a grant in respect of fees was made.”;
- (b) in paragraph (2)-
 - (i) for “An eligible”, substitute “A”; and
 - (ii) after “paid to the student” insert “, or in respect of the student,”;
- (c) in paragraph (4)(a)-
 - (i) after “grant” insert “or loan”; and
 - (ii) after “student” insert “, or in respect of the student,”; and
- (d) in paragraphs (8)(a) and (9)(a), omit the word “eligible”.

11. In regulation 148 (Overpayments of Part 12 Support)—

- (a) in paragraph (1)-
 - (i) for “An eligible”, substitute “A”; and
 - (ii) after “paid to the student” insert “, or in respect of the student,”;
- (b) in paragraph (3)(a)-
 - (i) after “grant” insert “or loan”; and
 - (ii) after “student” insert “, or in respect of the student,”;
- (c) in paragraphs (7)(a) and (8)(a), omit the word “eligible”.

12. In paragraph 5(2) of Schedule 5 (Financial Assessment), for the words before paragraph (a), substitute “For the purposes of determining the residual income of an eligible student’s parent (“A” in this paragraph) there is deducted from the taxable income of A the aggregate of any amounts falling within any of the following sub-paragraphs (unless already deducted in determining a person’s taxable income)”.

13. In Schedule 6 (Relevant Institutions of Higher Education in the Republic of Ireland)—

- (a) omit “All Hallows College, Drumcondra”;
- (b) omit “Church of Ireland College of Education, Dublin”;
- (c) for “Colaiste Mhuire, Marino, Dublin” substitute “Marino Institute of Education, Dublin”;
- (d) omit “Froebel College of Education, Sion Hill, Co Dublin”;
- (e) omit “Mater Dei Institute of Education”;
- (f) omit “Milltown Institute of Theology and Philosophy, Dublin”;
- (g) omit “Shannon College of Hotel Management”;
- (h) omit “St Patrick’s College of Education, Drumcondra, Dublin”;
- (i) for “National University of Ireland, Maynooth” substitute “Maynooth University”.

14. 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 regulation 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 January 2016.



Mrs Sian Kerr
A senior officer of the Department for Employment and Learning

SCHEDULE

Regulation 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(2A)(a)	£3,805	£3,925
25(2B)(a)	£1,895	£1,955
Regulation 32		
32(1)(a)	£1,510	£1,555
32(2)(a)	£740	£760
Regulation 33		
33(1)	£1,510	£1,555
33(2)	£740	£760
Regulation 36		
36(2)(a)	£1,510	£1,555
36(2)(a)	£740	£760
Regulation 89		
89(5)	£1,510	£1,555

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (S.R. 2009 No.373) (“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 2016.

Regulation 3 amends regulation 8 of the 2009 Regulations to clarify the circumstances in which payments are made under regulation 8(4).

Regulation 4 amends regulation 12 of the 2009 Regulations to allow electronic signatures to be used for contracts.

Regulation 5 amends regulation 46 of the 2009 Regulations to reflect the introduction of the Childcare Payments Act 2014 (2014 c.28).

Regulations 6, 7, 8, 9, 10 and 11 amend the overpayment provisions of the 2009 Regulations.

Regulation 12 amends the 2009 Regulations to correct a mistake from earlier Regulations.

Regulation 13 amends Schedule 6 to the 2009 Regulations, which lists the Republic of Ireland institutions that have courses designated for student support.

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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STATUTORY RULES OF NORTHERN IRELAND

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£6.00

N6901 1/2016 466901T 19585

ISBN 978-0-337-99961-1



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