
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 7

**The Education (Student Support) (No.2) (Amendment)
and Education (Student Loan) (Repayment)
(Amendment) Regulations (Northern Ireland) 2017**

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Support) (No.2) (Amendment) and Education (Student Loan) (Repayment) (Amendment) Regulations (Northern Ireland) 2017 and come into operation on 28th April 2017.

(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 2017 whether anything done under these Regulations is done before, on or after 1st September 2017.

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

2. The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009(1) are amended in accordance with regulations 3 to 46.

3. In regulation 2(1) (Interpretation)—

(a) for the definition of “Department”, substitute—

““Department” means the Department for the Economy;”;

(b) after the definition of “designated distance learning course”, insert—

““designated Master’s, etc. course” means a course designated by regulation 152 or by the Department under regulation 152;”;

(c) after the definition of “disabled part-time students’ allowance”, insert-

““disabled postgraduate students’ allowance” means the grant payable under Part 12;”;

(d) after the definition of “disabled students’ allowance”, insert-

““distance learning fee loan” means a loan for fees made to an eligible distance learning student pursuant to regulations made by the Department under Article 3 of the Order;”;

(e) after the definition of “eligible distance learning student”, insert—

““eligible Master’s, etc. student” has the meaning given in regulation 149;”;

(f) after the definition of “long courses loan”, insert—

““Master’s, etc. fee loan” means a loan for fees made to an eligible Master’s, etc. student pursuant to regulations made by the Department under Article 3 of the Order;”;

(1) S.R. 2009 No. 373, as amended by S.R. 2010 No. 383, S.R. 2012 Nos. 62 and 398, S.R. 2013 Nos. 128 and 223, S.R. 2014 Nos. 97 and 309, and S.R. 2016 No. 21.

- (g) after the definition of “ordinary duration”, insert—
 - ““part-time fee loan” means a loan for fees made to an eligible part-time student pursuant to regulations made by the Department under Article 3 of the Order;”;
- (h) in the definition of “period of eligibility”, for “and” until the end of the definition, substitute—
 - “, in regulation 142 in relation to an eligible postgraduate student and in regulation 153 in relation to an eligible Master’s, etc. student;”.
- 4. In regulation 5(6) (Eligible students)—
 - (a) in sub-paragraph (d), substitute the full stop with a semi-colon; and
 - (b) after sub-paragraph (d), add—
 - “(e) a designated course and a designated Master’s, etc. course.”.
- 5. In regulation 14 (Miscellaneous), after paragraph (5), insert—
 - “(5A) Where the current course is considered to be a single course because of regulation 6(7) and (8)—
 - (a) any Master’s, etc. fee loan which an eligible student obtained under Part 13 for the purposes of obtaining the degree or qualification first mentioned in regulation 6(7) (a); and
 - (b) any academic year(s) in which that Master’s, etc. fee loan was obtained, is ignored when determining an eligible student’s entitlement under Parts 4 to 6 in respect of the single course which confers the final degree or equivalent qualification.”.
- 6. In regulation 105(14) (Eligible distance learning students)—
 - (a) in sub-paragraph (d), substitute the full stop with a semi-colon; and
 - (b) after sub-paragraph (d), add—
 - “(e) a designated distance learning course and a designated Master’s, etc. course.”.
- 7. In regulation 106 (Students becoming eligible during the course of the academic year), after paragraph (1), insert—
 - “(1A) Where one of the events listed in sub-paragraphs (a), (b), (c), (d), (f), (g), (h) or (i) of paragraph (4) occurs in the course of an academic year—
 - (a) a student may qualify for a distance learning fee loan in respect of that academic year in accordance with this Part, provided that the relevant event occurred within the first three months of the academic year; and
 - (b) a distance learning fee loan is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.”.
- 8. In regulation 108(6) (Period of Eligibility), in sub-paragraph (c), after “regulation 121”, insert “or 121A”.
- 9. In regulation 109 (Support for distance learning courses)—
 - (a) in paragraph (1)—
 - (i) in sub-paragraph (a)(ii), omit the “and”;
 - (ii) after sub-paragraph (a), insert the following sub-paragraph—
 - “(aa) a distance learning fee loan, where—
 - (i) the fees charged by the academic authority in respect of an academic year of the designated distance learning course exceed

- the grant mentioned in sub-paragraph (a), the amount of which has been determined in accordance with regulation 110; or
 - (ii) it has been determined in accordance with regulation 110 that no grant is payable under sub-paragraph (a); or
 - (iii) the eligible distance learning student does not apply for the grant mentioned in sub-paragraph (a); and”;
- (b) after paragraph (1), insert—
 - “(1A) A distance learning fee loan is administered in accordance with regulation 110A.”;
- (c) in paragraph (5), for “under this regulation”, substitute “under paragraphs (1)(a) or (b)”; and
- (d) after paragraph (6), insert—
 - “(6A) An eligible distance learning student does not qualify for a distance learning fee loan under paragraph (1)(aa) if—
 - (a) the student has undertaken one or more distance learning courses for sixteen years in aggregate; and
 - (b) the student received in respect of each of those academic years a loan or a grant of the kind described in paragraph (6).”.

10. In regulation 110 (Amount of support), for the heading, substitute “**Amount of grant under regulation 109(1)(a) and (b)**”.

11. After regulation 110 (Amount of support), insert—

“Amount of the distance learning fee loan under regulation 109(1)(aa)

110A.—(1) The maximum amount of distance learning fee loan in respect of an academic year of a designated distance learning course must not exceed the lesser of—

- (a) £3,022.50; and
- (b) the fees payable by the student in connection with that year.

(2) Subject to paragraphs (3) and (6), the distance learning fee loan to which an eligible distance learning student is entitled is calculated as follows—

$$DFC - DFG$$

where

DFC is the amount determined in accordance with paragraph (1);

DFG is the grant paid under regulation 109(1)(a), if any.

(3) If a student’s status as an eligible distance learning student is transferred from one designated distance learning course to another under this Part and the circumstances in paragraph (4) apply, the student may apply to the Department to borrow an additional amount by way of distance learning fee loan in respect of the academic year of the course to which that student transfers.

(4) The circumstances are—

- (a) the fees payable in respect of the academic year of the course to which the eligible distance learning student transfers exceed the fees 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 eligible distance learning student transfers does not begin on a later date than the academic year of the course from which the student is transferring.

(5) Where the circumstances in paragraph (4) apply, the maximum additional amount that the eligible distance learning student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for a distance learning fee loan in respect of that year, is determined by deducting the amount of any distance learning fee loan the student has taken out under this Part in respect of the academic year from which the student is transferring from the lesser of—

- (a) the amount specified in paragraph (1)(a); and
- (b) the fees payable by the student in respect of the academic year to which the student is transferring,

minus any grant paid under regulation 109(1)(a) in respect of the academic year from which the student is transferring.

(6) If a student’s status as an eligible distance learning student is transferred from one designated distance learning course to another under this Part and the circumstances in paragraph (7) apply, the student may apply to the Department for a distance learning fee 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 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 (7) apply, the maximum amount of distance learning fee loan that the eligible student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for a distance learning fee loan in respect of that year, is the lesser of—

- (a) the amount specified in paragraph (1)(a); and
- (b) the fees payable by the student in connection with that year;

minus any grant paid under regulation 109(1)(a) in connection with that year.

(9) Where an eligible distance learning student has applied for a distance learning fee loan of less than the maximum 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 maximum amount calculated in accordance with paragraph (2) or determined in accordance with paragraphs (5) or (8), whichever is applicable.”

12. In regulation 113 (Applications for support), after paragraph (6)(a), insert—

“(aa) the applicant is applying for an additional amount of the distance learning fee loan under regulation 110A(3) or (9), 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;”.

13. After regulation 113 (Applications for support), insert—

“Requirement to enter into a contract for a distance learning fee loan

113A.—(1) To receive a distance learning fee 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 such a requirement.”.

14. In regulation 114(3) (Declarations provided by academic authorities)—

- (a) in sub-paragraph (a), for “support”, substitute “assistance under regulation 109(1)(a) or (b)”;
- (b) in sub-paragraph (b)—
 - (i) for “in any other case”, substitute “where the applicant is applying for assistance under regulation 109(1)(a) or (b), other than for the first time”; and
 - (ii) substitute the full stop with a semi-colon; and
- (c) after sub-paragraph (b), add—
 - “(c) where the applicant is applying for a distance learning fee loan in connection with any academic year of the designated distance learning course, a statement that—
 - (i) provides the course information; and
 - (ii) confirms that the applicant has undertaken at least two weeks of the designated distance learning course.”.

15. After regulation 115 (Information), insert—

“Information requirements

115A.—(1) The Department may at any time request from an applicant or eligible distance learning student information that the Department considers is required to recover a distance learning fee loan.

(2) The Department may at any time require an applicant or eligible distance learning student to enter into an agreement to repay a distance learning fee loan by a particular method.

(3) The Department may at any time request from an applicant or eligible distance learning student sight of their valid national identity card, valid passport issued by the state of which they are a national, or their birth certificate.

(4) Where the Department has requested information under this regulation, the Department may withhold any payment of a distance learning fee loan until the person provides what has been requested, or provides a satisfactory explanation for not complying with the request.

(5) Where the Department has required an agreement as to the method of repayment under this regulation, the Department may withhold any payment of distance learning fee loan until the person provides what has been required.”.

16. In regulation 116 (Transfer of status), after paragraph (6), add—

“(7) Where an eligible distance learning student transfers under paragraph (1) after the Department has assessed the student’s distance learning fee loan in connection with the academic year of the course from which the student is transferring but before the student completes that year, the eligible distance learning student may not, in connection with the academic year of the course to which the student transfers, apply for another distance learning fee loan of a kind already applied for under this Part in connection with the academic year of the course from which the student is transferring, unless otherwise provided.”.

17. In regulation 117 (Conversion of status – eligible students transferring to designated distance learning courses)

- (a) in paragraph (1), after “which”, insert “the”;
- (b) after paragraph (3), add—

“(4) This paragraph makes provision for fee loan and distance learning fee loan where a student (“A”) transfers under paragraph (1)—

- (a) no payment in respect of any fee loan must be made in respect of any instalment period beginning after the date on which A became an eligible distance learning student;
- (b) any fee loan to which A was entitled under Part 4 immediately before A became an eligible distance learning student is ignored in determining the amount of distance learning fee loan to which A may be entitled in respect of that year under this Part;
- (c) where the designated distance learning course into which A transfers continues in the same quarter of the same academic year of the designated course from which A transferred, the maximum amount of distance learning fee loan to which A would, apart from this regulation, be entitled to borrow in connection with undertaking a designated distance learning course in respect of that academic year is reduced by one third where A became an eligible distance learning student in the second quarter of the academic year and by two thirds where A became such a student in a later quarter of the academic year; and
- (d) where the academic year of the designated distance learning course into which A transfers begins on a later date than the academic year of the designated course from which A is transferring, the maximum amount of distance learning fee loan to which A would be entitled to borrow in connection with that academic year, provided that the student qualifies for a distance learning fee loan in respect of that year, is the lesser of –
 - (i) £3,022.50; and
 - (ii) the fees payable by the student in connection with that year, minus any grant paid under regulation 109(1)(a) in connection with that year.”.

18. In regulation 118 (Conversion of status – eligible distance learning students transferring to designated courses), after paragraph (2), add—

“(3) This paragraph makes provision for distance learning fee loan and fee loan where a student (“A”) transfers under paragraph (1)—

- (a) no payment in respect of any distance learning fee loan must be made in respect of any instalment period beginning after the date on which A became an eligible student;
- (b) where the designated course into which A transfers continues in the same quarter of the same academic year of the designated distance learning course from which A transferred, the maximum amount of fee loan to which A would, apart from this regulation, be entitled to borrow in connection with that academic year of the designated course is reduced by one third where A became an eligible student in the second quarter of the academic year and by two thirds where A became such a student in a later quarter of the academic year;
- (c) where the academic year of the designated course into which A transfers begins on a later date than the academic year of the designated distance learning course from which A is transferring, the maximum amount of fee loan to which A would be entitled to borrow in respect of that academic year, provided that A qualifies for a fee loan in respect of that year, is the lesser of—
 - (i) the amount specified in regulation 25(1)(a), (2)(a), (2A)(a) or (2B)(a) as the case may be; and
 - (ii) the fees payable by the student in connection with that year.”.

19. After regulation 118 (Conversion of status – eligible distance learning students transferring to designated courses), insert—

“Provision of United Kingdom national insurance number

118A.—(1) The Department may make it a condition of entitlement to payment of the distance learning fee loan or any instalment of the distance learning fee loan that the eligible distance learning student must provide the Department with the student’s United Kingdom national insurance number.

(2) Where the Department has imposed a condition under paragraph (1), the Department must not make any payment of the distance learning fee loan or any instalment of the distance learning fee loan to the eligible distance learning student before the Department is satisfied that the student has complied with that condition.

(3) Despite paragraph (2), the Department may make a payment of distance learning fee loan to an eligible distance learning student if the Department is satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible distance learning student having complied with the condition imposed under paragraph (1).”.

20. After regulation 119 (Payment of grants for fees), insert—

“Payment of distance learning fee loan

119A.—(1) The Department must pay the distance learning fee loan for which an eligible distance learning student qualifies to an institution to which the student is liable to make payment.

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

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

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

(4) The academic authority must inform the Department when a student ceases to undertake the designated distance learning course during the academic year.

(5) No payment of distance learning fee loan or instalment of distance learning fee loan can be made in respect of a designated distance learning course once the academic authority has informed the Department that the student has ceased to undertake the course during the academic year.

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

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

21. In regulation 121 (Overpayments), for the heading, substitute—

“Overpayment of grants and allowances”.

22. After regulation 121 (Overpayments), insert—

“Overpayment of distance learning fee loan

121A.—(1) Any overpayment of distance learning fee loan is recoverable by the Department from—

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

(2) A student must, if so required by the Department, repay any amount of distance learning fee loan paid in respect of the student which for whatever reason exceeds the amount of distance learning fee loan to which the student is entitled.

(3) An overpayment of a distance learning 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 distance learning fee loan which remains to be paid;
- (b) by subtracting the overpayment from any kind of grant or loan payable to or in respect of the student from time to time pursuant to regulations made by the Department under Article 3 of the Order;
- (c) by requiring the student to repay the distance learning fee loan in accordance with regulations made by the Department under Article 3 of the Order;
- (d) by taking such other action for the recovery of an overpayment as is available to the Department.”.

23. In regulation 122(13) (Eligible part-time students)—

- (a) in sub-paragraph (d), substitute the full stop with a semi-colon; and
- (b) after sub-paragraph (d), add—
 - “(e) a designated part-time course and a designated Master’s, etc. course.”.

24. In regulation 123 (Students becoming eligible in the course of the academic year), after paragraph (1), insert—

“(1A) Where one of the events listed in sub-paragraphs (a), (b), (c), (d), (f), (g), (h) or (i) of paragraph (3) occurs in the course of an academic year—

- (a) a student may qualify for a part-time fee loan in respect of that academic year in accordance with this Part provided that the relevant event occurred within the first three months of the academic year; and
- (b) a part-time fee loan is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.”.

25. In regulation 124 (Designated part-time courses)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (c), for “twice” substitute “four times”; and
 - (ii) after sub-paragraph (d), insert—
 - “(da) it is substantially provided in the United Kingdom;” and

(b) in paragraph (5)—

(i) in sub-paragraph (d), substitute the full stop with a semi-colon; and

(ii) after sub-paragraph (d), add—

“(e) a course is substantially provided in the United Kingdom where at least half of the teaching and supervision which comprise the course is provided in the United Kingdom.”.

26. In regulation 125(8) (Period of Eligibility), in sub-paragraph (c), after “regulation 138”, insert “or 138A”.

27. In regulation 126 (Assistance for part-time courses)—

(a) in paragraph (1)—

(i) in sub-paragraph (a)(ii), omit the “and”;

(ii) after sub-paragraph (a), insert the following sub-paragraph—

“(aa) a part-time fee loan, where—

(i) the fees charged by the academic authority in respect of an academic year of the designated part-time course exceed the grant mentioned in sub-paragraph (a), the amount of which has been determined in accordance with regulation 127; or

(ii) it has been determined in accordance with regulation 127 that no grant is payable under sub-paragraph (a); or

(iii) the eligible part-time student does not apply for the grant mentioned in sub-paragraph (a); and”;

(b) after paragraph (1), insert—

“(1A) A part-time fee loan is administered in accordance with regulation 127A.”.

(c) after paragraph (2), insert—

“(2A) An eligible part-time student does not qualify for assistance under paragraph (1) (a) or (b) unless it is ordinarily possible to complete the designated part-time course in no more than twice the period ordinarily required to complete the full-time equivalent.”;

(d) for paragraph (3), substitute—

“(3) An eligible part-time student qualifies for assistance under paragraph (1) in respect of a course (other than a distance learning course) if the Department considers that the student is undertaking the designated part-time course in the United Kingdom.”.

(e) in paragraph (4), for “under this regulation”, substitute “under paragraphs (1)(a) or (b)”;

(f) after paragraph (5), insert—

“(5A) An eligible part-time student does not qualify for a part-time fee loan under paragraph (1)(aa) if—

(a) the student has undertaken one or more part-time courses for sixteen years in aggregate; and

(b) the student received in respect of each of those academic years a loan or a grant of the kind described in paragraph (5).

(5B) An eligible part-time student does not qualify for a part-time fee loan if the intensity of study during the academic year for which support is claimed is less than 25% of a full-time equivalent course.”; and

(g) after paragraph (8), add—

“(9) For the purposes of this regulation “full-time equivalent” and “period ordinarily required to complete the full time equivalent” is to be interpreted in accordance with regulation 124(6).”.

28. In regulation 127 (Amount of Assistance), for the heading, substitute—

“*Amount of grant under regulation 126(1)(a) and (b)*”.

29. After regulation 127 (Amount of assistance), insert—

“Amount of the part-time fee loan under regulation 126(1)(aa)

127A.—(1) The maximum amount of part-time fee loan in respect of an academic year of a designated part-time course must not exceed the lesser of—

- (a) £3,022.50; and
- (b) the fees payable by the student in connection with that year.

(2) Subject to paragraphs (3) and (6), the part-time fee loan to which an eligible part-time student is entitled is calculated as follows—

$$FC - FG$$

where

FC is the amount determined in accordance with paragraph (1);

FG is the grant paid under regulation 126(1)(a), if any.

(3) If a student’s status as an eligible part-time student is transferred from one designated part-time course to another under this Part and the circumstances in paragraph (4) apply, the student may apply to the Department to borrow an additional amount by way of part-time fee loan in respect of the academic year of the course to which that student transfers.

(4) The circumstances are—

- (a) the fees payable in respect of the academic year of the course to which the eligible part-time student transfers exceed the fees 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 eligible part time student transfers does not begin on a later date than the academic year of the course from which the student is transferring.

(5) Where the circumstances in paragraph (4) apply, the maximum additional amount that the eligible part-time student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for a part-time fee loan in respect of that year, is determined by deducting the amount of any part-time fee loan the student has taken out under this Part in respect of the academic year from which the student is transferring from the lesser of—

- (a) the amount specified in paragraph (1)(a); and
- (b) the fees payable by the student in respect of the academic year to which the student is transferring,

minus any grant paid under regulation 126(1)(a) in respect of the academic year from which the student is transferring.

(6) If a student’s status as an eligible part-time student is transferred from one designated part-time course to another under this Part and the circumstances in paragraph (7) apply, the student may apply to the Department for a part-time fee 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 student transfers begins on a later date than the academic year of the course from which that student is transferring.

(8) Where paragraph (7) applies, the maximum amount of part-time fee loan that the eligible student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for a part-time fee loan in respect of that year, is the lesser of—

- (a) the amount specified in paragraph (1)(a); and
- (b) the fees payable by the student in connection with that year,

minus any grant paid under regulation 126(1)(a) in connection with that year.

(9) Where an eligible part-time student has applied for a part-time fee loan of less than the maximum 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 maximum amount calculated in accordance with paragraph (2), or determined in accordance with paragraphs (5) or (8), whichever is applicable.”.

30. Omit regulation 129.

31. In regulation 130 (Disabled part-time students’ allowance),

(a) after paragraph (3), insert—

“(3A) An eligible part-time student does not qualify for a grant under this regulation unless it is ordinarily possible to complete the designated part-time course in no more than four times the period ordinarily required to complete the full-time equivalent.”; and

(b) after paragraph (7) add—

“(8) For the purposes of paragraph (3A) “full-time equivalent” and “period ordinarily required to complete the full time equivalent” is to be interpreted in accordance with regulation 124(6).”.

32. In regulation 131 (Applications for support), after paragraph (6)(a), insert—

“(aa) the applicant is applying for an additional amount of the part-time fee loan under regulation 127A(3) or (9), 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;”.

33. After regulation 131 (Applications for support), insert—

“Requirement to enter into a contract for a part-time fee loan

131A.—(1) To receive a part-time fee 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 such a requirement.”.

34. In regulation 132 (Declarations provided by academic authorities)—

(a) in paragraph (3)—

(i) in sub-paragraph (a) for “support”, substitute “assistance under regulation 126(1)(a) or (b)”;

(ii) in sub-paragraph (b)—

- (aa) for “in any other case”, substitute “where the applicant is applying for assistance under regulation 126(1)(a) or (b) other than for the first time”; and
 - (bb) substitute the full stop with a semi-colon;
 - (iii) after sub-paragraph (b), add—
 - “(c) where the applicant is applying for a part-time fee loan in connection with any academic year of the designated part-time course, a statement that—
 - (i) provides the course information; and
 - (ii) confirms that the applicant has undertaken at least two weeks of the designated part time course.”; and
 - (b) after paragraph (4), insert—
 - “(4A) “The intensity of study” in paragraph (4)(b) means—
 - (a) confirmation by the academic authority that the intensity of study during the academic year for which support is claimed is not less than 25% of an equivalent full time course; and
 - (b) the actual intensity to be undertaken by the eligible part-time student.”.
- 35.** After regulation 133 (Information), insert—

“Information requirements

133A.—(1) The Department may at any time request from an applicant or eligible part-time student information that the Department considers is required to recover a part-time fee loan.

(2) The Department may at any time require an applicant or eligible part-time student to enter into an agreement to repay a part-time fee loan by a particular method.

(3) The Department may at any time request from an applicant or eligible part-time student sight of their valid national identity card, valid passport issued by the state of which they are a national, or their birth certificate.

(4) Where the Department has requested information under this regulation, the Department may withhold any payment of a part-time fee loan until the person provides what has been requested, or provides a satisfactory explanation for not complying with the request.

(5) Where the Department has required an agreement as to the method of repayment under this regulation, the Department may withhold any payment of a part-time fee loan until the person provides what has been required.”.

- 36.** In regulation 134 (Transfer of status)—

- (a) in paragraph (5), after “An eligible”, insert “part-time”;
- (b) in paragraph (6), for “a student”, substitute “an eligible part-time student”; and
- (c) after paragraph (6), add—
 - “(7) Where an eligible part-time student transfers under paragraph (1) after the Department has assessed the student’s part-time fee loan in connection with the academic year of the course from which the student is transferring but before the student completes that year, the eligible part-time student may not, in connection with the academic year of the course to which A transfers, apply for another part-time fee loan of a kind already

applied for under this Part in connection with the academic year of the course from which A is transferring, unless otherwise provided.”.

37. In regulation 135 (Conversion of status)—

(a) in paragraph (2) for “twice”, substitute “four times”;

(b) after paragraph (4), insert—

“(4A) This paragraph makes provision for fee loan and part-time fee loan where a student (“A”) transfers under paragraph (1) –

(a) no payment in respect of any fee loan must be made in respect of any instalment period beginning after the date on which A became an eligible part-time student;

(b) any fee loan to which A was entitled under Part 4 immediately before A became an eligible part-time student is ignored in determining the amount of part-time fee loan to which A may be entitled in respect of that year under this Part;

(c) where the designated part-time course into which A transfers continues in the same quarter of the same academic year of the designated course from which A transferred, the maximum amount of part-time fee loan to which A would, apart from this regulation, be entitled to borrow in connection with undertaking a designated part-time course in respect of that academic year is reduced by one third where A became an eligible part-time student in the second quarter of the academic year and by two thirds where A became such a student in a later quarter of the academic year; and

(d) where the academic year of the designated part-time course into which A transfers begins on a later date than the academic year of the designated course from which A is transferring, the maximum amount of part-time fee loan to which A would be entitled to borrow in respect of that academic year, provided that A qualifies for a part-time fee loan in respect of that year, is the lesser of –

(i) £3,022.50; and

(ii) the fees payable by the student in connection with that year,

minus any grant paid under regulation 126(1)(a) in connection with that year.”;

(c) in paragraph (6), for “twice”, substitute “four times”;

(d) in paragraph (7), after “paragraph (5)”, insert “into the same academic year”;

(e) in paragraph (9)—

(i) after “paragraph (5)”, insert “into the same academic year”;—

(ii) in sub-paragraph (b), substitute the full stop with a semi-colon and add “and”; and

(iii) after sub-paragraph (b), add—

“(c) may not apply for a part-time fee loan under regulation 126(1)(aa) if the student has already applied for a distance learning fee loan under regulation 109(1)(aa) in respect of the academic year from which the student transfers.”;

(f) in paragraph (10) after “paragraph (5)”, insert “into the same academic year”; and

(g) after paragraph (10) insert—

“(10A) Paragraphs (7), (9) and (10) do not apply where the academic year of the designated part-time course into which the student (“A”) transfers under paragraph (5) begins on a later date than the academic year of the course from which A is transferring.

(10B) Where paragraph (10A) applies—

- (a) the maximum amount of part-time fee loan to which A would be entitled to borrow in respect of that academic year, provided that A qualifies for a part-time fee loan in respect of that year, is the lesser of—
 - (i) £3,022.50; and
 - (ii) the fees payable by the student in connection with that year, minus any grant paid under regulation 126(1)(a) in connection with that year;
- (b) A may apply for a grant under regulation 126(1)(b) in respect of that year; and
- (c) A may apply for a grant under regulation 130 in respect of that year.”;
- (h) after paragraph (12), insert—
 - “(12A) This paragraph makes provision for part-time fee loan and fee loan where a student (“A”) transfers under paragraph (11)—
 - (a) no payment in respect of any part-time fee loan must be made in respect of any instalment period beginning after the date on which A became an eligible student;
 - (b) where the designated course into which A transfers continues in the same quarter of the same academic year of the designated part-time course from which A transferred, the maximum amount of fee loan to which A would, apart from this regulation, be entitled to borrow in connection with that academic year of the designated course is reduced by one third where A became an eligible student in the second quarter of the academic year and by two thirds where A became such a student in a later quarter of the academic year;
 - (c) where the academic year of the designated course into which A transfers begins on a later date than the academic year of the designated part-time course from which A is transferring, the maximum amount of fee loan to which A would be entitled to borrow in respect of that academic year, provided that A qualifies for a fee loan in respect of that year, is the lesser of—
 - (i) the amount specified in regulation 25(1)(a), (2)(a), (2A)(a) or (2B)(a) as the case may be; and
 - (ii) the fees payable by the student in connection with that year.”;
- (i) in paragraph (14) after “paragraph (13)”, insert “into the same academic year”;
- (j) in paragraph (16)—
 - (i) after “paragraph (13)”, insert “into the same academic year”;
 - (ii) in sub-paragraph (b) substitute the full stop with a semi-colon and add “and”; and
 - (iii) after sub-paragraph (b), add—
 - “(c) may not apply for a distance learning fee loan under regulation 109(1)
 - (aa) if the student has already applied for a part-time fee loan under regulation 126(1)(aa) in respect of the academic year from which the student transfers.”;
- (k) in paragraph (17) after “paragraph (13)”, insert “into the same academic year”; and
- (l) after paragraph (17) add—
 - “(18) Paragraphs (14), (16) and (17) do not apply where the academic year of the designated distance learning course into which the student (“A”) transfers under paragraph (13) begins on a later date than the academic year of the course from which A is transferring.
- (19) Where paragraph (18) applies—

- (a) the maximum amount of distance learning fee loan to which A would be entitled to borrow in respect of that academic year, provided that A qualifies for a distance learning fee loan in respect of that year is the lesser of—
 - (i) £3,022.50; and
 - (ii) the fees payable by the student in connection with that year, minus any grant paid under regulation 109(1)(a) in connection with that year;
- (b) A may apply for a grant under regulation 109(1)(b) in respect of that year; and
- (c) A may apply for a grant under regulation 112 in respect of that year.”.

38. After regulation 135 (Conversion of status) insert—

“Provision of United Kingdom national insurance number

135A.—(1) The Department may make it a condition of entitlement to payment of the part-time fee loan or any instalment of the part-time fee loan that the eligible part-time student must provide the Department with the student’s United Kingdom national insurance number.

(2) Where the Department has imposed a condition under paragraph (1), the Department must not make any payment of the part-time fee loan or any instalment of the part-time fee loan to the eligible part-time student before the Department is satisfied that the student has complied with that condition.

(3) Despite paragraph (2), the Department may make a payment of part-time fee loan to an eligible part-time student if the Department is satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible part-time student having complied with the condition imposed under paragraph (1).”.

39. After regulation 137 (Payment of grants for fees), insert—

“Payment of Part-time fee loan

137A.—(1) The Department must pay the part-time fee loan for which an eligible part-time student qualifies to an institution to which the student is liable to make payment.

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

(3) The Department must not pay the part-time fee loan or first instalment of the part-time fee loan before the Department has received from the academic authority—

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

(4) The academic authority must inform the Department when a student’s intensity of study drops below 25% or where the student ceases to attend or undertake the designated part-time course during the academic year.

(5) No payment of part-time fee loan or instalment of part-time fee loan can be made in respect of a designated part time course once the academic authority has informed the Department that the student has ceased to attend or undertake the course during the academic year.

(6) 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 (or in the case of a distance learning course undertake) the course for that academic year, where the confirmation relates to payment of the part-time fee loan or the first instalment of the part-time fee loan for the academic year; or
- (b) remains enrolled and continues to attend (or in the case of a distance learning course undertake) the course, where the confirmation relates to payment of an instalment of the part-time fee loan other than the first instalment.”.

40. In regulation 138 (Overpayments), for the heading, substitute—

“Overpayment of grants and allowances”.

41. After regulation 138 (Overpayment of grants and allowances), insert—

“Overpayment of Part-time fee loan

138A.—(1) Any overpayment of part-time fee loan is recoverable by the Department from—

- (a) the academic authority; or
 - (b) the student in respect of whom the payment of part-time fee loan was made.
- (2) A student must, if so required by the Department, repay any amount of part-time fee loan paid in respect of the student which for whatever reason exceeds the amount of part-time fee loan to which the student is entitled.
- (3) An overpayment of a part-time 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 part-time fee loan which remains to be paid;
 - (b) by subtracting the overpayment from any kind of grant or loan payable to or in respect of the student from time to time pursuant to regulations made by the Department under Article 3 of the Order;
 - (c) by requiring the student to repay the part-time fee loan in accordance with regulations made by the Department under Article 3 of the Order;
 - (d) by taking such other action for the recovery of an overpayment as is available to the Department.”.

42. In regulation 141(1)(b) (Designated postgraduate courses)—

- (a) for head (i) substitute, “(i) mentioned in Schedule 3A; and”; and
- (b) in head (ii) for “twice”, substitute “three times”.

43. After “Part 12 (Support for postgraduate students with disabilities)”, insert “Part 13 (Support for Master’s, etc courses)” which appears in Schedule 1 to these Regulations.

44. In Schedule 2 (EC nationals), at paragraph 9(1)(b)(ii)—

- (a) after “compressed degree course,” insert “designated distance learning course,”; and
- (b) for “or a designated postgraduate course”, substitute “, a designated postgraduate course, or a designated Master’s, etc. course”.

45. After Schedule 3 (Designated Courses), insert “Schedule 3A (Designated postgraduate courses)” and “Schedule 3B (Designated Master’s, etc. courses)”, which appear in Schedule 2 to these Regulations.

46. In Schedule 4 (Information)—

- (a) in the shoulder note, for “and 145”, substitute “, 145 and 162”;
- (b) in paragraph 1 for, “and eligible postgraduate student”, substitute “, eligible postgraduate student and eligible Master’s, etc. student; and
- (c) in paragraph 2—
 - (i) for, “and eligible postgraduate student”, substitute “, eligible postgraduate student and eligible Master’s, etc. student;
 - (ii) in sub-paragraph (f) substitute the full stop with a semi-colon; and
 - (iii) after sub-paragraph (f), add—
 - “(g) the applicant or student becomes, or ceases to be, a prisoner.”.

Amendment of the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009

47. The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009(2) are amended in accordance with regulations 48 to 50.

48. In regulation 3 (Interpretation)—

- (a) for the definition of “Department”, substitute—
 - ““Department” means the Department for the Economy (3) ;”; and
- (b) after the definition of “the 2007 Act”, insert –
 - ““the 2009 Regulations” means the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (4);”.

49. In regulation 6(1) (Interpretation)—

- (a) after the definition of “date of receipt”, insert—
 - ““designated course” has the same meaning as in the 2009 Regulations;
 - “designated distance learning course” has the same meaning as in the 2009 Regulations;
 - “designated part-time course” has the same meaning as in the 2009 Regulations;”;
- (b) after the definition of “disability-related benefit”, insert—
 - ““distance learning fee loan” means a loan for fees made to an eligible distance learning student pursuant to the 2009 Regulations made by the Department under Article 3 of the Order;”;
- (c) after the definition of “end-on course”, insert—
 - ““part-time fee loan” means a loan for fees made to an eligible part-time student pursuant to the 2009 Regulations made by the Department under Article 3 of the Order;”.

50. In regulation 11 (Timing of payments: general)—

- (a) in paragraph (2), for “A”, substitute “Subject to paragraphs (2A) to (2D), a”; and
- (b) after paragraph (2), insert—

(2) [S.R. 2009 No. 128](#), amended by [S.R. 2010 No. 91](#), [S.R. 2011 No. 137](#), [S.R. 2012 No. 136](#), [S.R. 2013 No. 68](#) and [S.R. 2014 No. 87](#).

(3) See the Departments Act (Northern Ireland) 2016, [2016 c.5 \(N.I.\)](#)

(4) [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](#), [S.R. 2014 Nos. 97 and 309](#), and [S.R. 2016 No.21](#).

“(2A) Where a borrower obtains a student loan which is a distance learning fee loan or a part-time fee loan, the borrower is not required to repay any part of that student loan until the earlier of—

- (a) the start of the following tax year commencing on 6th April after the borrower ceases to be eligible for financial support under regulations made pursuant to Article 3 of the Order whether by reason of having completed that course or otherwise; or
- (b) the start of the following tax year commencing on 6th April after the fourth anniversary of the course start date.

(2B) Subject to paragraphs (2C) and (2D), a borrower who obtains a student loan and who changes their mode of study between full-time, (other than a designated distance learning course), and part-time study is required to repay—

- (a) where there is a change from a full-time course to a part-time course, in accordance with paragraph (2A);
- (b) where there is a change from a part-time course to a full-time course before the requirement to repay under paragraph (2A) applies, in accordance with paragraph (2);
- (c) where there is a change from a part-time course to a full-time course and the requirement to repay under paragraph (2A) applies, in accordance with paragraph (2A).

(2C) A borrower who obtains a student loan and who changes their mode of study between a designated distance learning course and a designated part-time course is required to repay in accordance with paragraph (2A).

(2D) A borrower who obtains a student loan and who changes their mode of study, in accordance with the 2009 Regulations, between a designated course, (which is not a designated distance learning course), and a designated distance learning course is required to repay—

- (a) where there is a change from a designated course into a designated distance learning course, in accordance with paragraph (2A);
- (b) where there is a change from a designated distance learning course into a designated course before the requirement to repay under paragraph (2A) applies, in accordance with paragraph (2);
- (c) where there is a change from a designated distance learning course into a designated course and the requirement to repay under paragraph (2A) applies, in accordance with paragraph (2A).

(2E) Paragraphs (2) to (2D) have effect notwithstanding the fact that a borrower may become eligible for further financial support under regulations made pursuant to Article 3 of the Order.”.

Sealed with the Official Seal of the Department for the Economy on 13th January 2017.



Mr Trevor Cooper
A senior officer of the Department for the
Economy