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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 35**

**EDUCATION**

**The Education (Student Support (No.2), etc.)  
(Amendment) Regulations (Northern Ireland) 2019**

*Made - - - - 8th March 2019*

*Coming into operation in accordance with regulation 1*

The Department for the Economy (1), in exercise of the powers conferred by Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(2) and Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005(3), makes the following Regulations.

**PART 1**

**GENERAL**

**Citation and commencement**

1.—(1) These Regulations may be cited as The Education (Student Support (No.2), etc.) (Amendment) Regulations (Northern Ireland) 2019.

(2) Regulation 33 comes into operation on 6th April 2019.

(3) All other provisions of these Regulations come into operation on 1st April 2019.

(4) Subject to paragraph (5), these Regulations apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st August 2019, whether anything done under these Regulations is done before, on or after that date or whether a course begins before, on or after that date.

(5) Regulations 18 to 29, 31 and 32 apply in relation to the provision of support to students in relation to a course which begins on or after 1st August 2019 whether anything done under these Regulations is done before, on or after that date.

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(1) 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).

(2) 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.

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

## PART 2

### AMENDMENT OF THE EDUCATION (STUDENT SUPPORT) (No.2) REGULATIONS (NORTHERN IRELAND) 2009

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

2. The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009<sup>(4)</sup> are amended in accordance with regulations 3 to 30.

#### **Amendment of regulation 2**

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

(a) after the definition of “the 1998 Act”, insert—

““the 2017 Act” means the Higher Education and Research Act 2017<sup>(5)</sup>”;

(b) for the definition of “accelerated course”, substitute—

““accelerated course” means—

(a) where the course begins before 1st August 2019, a course which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere) for a period of at least 40 weeks in the final year, being a course of two academic years’ duration; or

(b) where the course begins on or after 1st August 2019, a higher education course where the number of academic years applicable to the course is at least one fewer than would normally be the case for that course or a course of equivalent content leading to the grant of the same or an equivalent academic award”;

(c) after the definition of “accelerated course”, insert—

““accredited institution” means an institution accredited by the Secretary of State for Education in England under regulation 11 of the Education (School Teachers’ Qualifications) (England) Regulations 2003<sup>(6)</sup>”;

(d) after the definition of “accredited institution”, insert—

““approved provider” and “approved (fee cap) provider” mean registered providers in England included in the approved and approved (fee cap) categories of the register respectively”;

(e) in the definition of “authority-funded”, omit sub-paragraph (b);

(f) after the definition of “healthcare bursary”, insert—

““high level quality rating” has the meaning given by paragraph 2(3) of Schedule 2 to the 2017 Act”;

(g) after the definition of “institute”, insert—

““institution” in relation to England includes an English higher education provider as defined by section 83(1) of the 2017 Act”;

(h) after the definition of “non-regulated institution”, insert—

““OfS” means the Office for Students, as established by section 1 of the 2017 Act”;

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(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, S.R. 2016 No. 21, S.R. 2017 No. 7 and No.43 and S.R. 2018 No. 35.

(5) 2017 c. 29.

(6) S.I. 2003/1662, as amended by paragraph 2 of Schedule 5 to the Education Act 2005 (c. 18), S.I. 2012/431 and S.I. 2016/1123.

- (i) after the definition of “refugee”, insert—
  - ““register” means the register established and maintained by the OfS under section 3 of the 2017 Act;”;
- (j) after the definition of “regulated institution”, insert—
  - ““registered provider” means an English higher education provider which is included in the register and “unregistered provider” is to be construed accordingly;”.

#### **Amendment of regulation 6**

- 4. In regulation 6 (designated courses)—
  - (a) for paragraph (1)(e), substitute—
    - “(e) either—
      - (i) wholly provided by an authority-funded institution in Northern Ireland, Scotland or in Wales where the course began before 1st September 2017;
      - (ii) provided by a registered provider on behalf of an authority-funded institution in Northern Ireland or Scotland, or in Wales where the course began before 1st September 2017;
      - (iii) provided by an institution situated in Northern Ireland, Scotland or Wales on behalf of an approved (fee cap) provider in England, or on behalf of an authority-funded institution in Northern Ireland, Scotland, or in Wales where the course began before 1st September 2017;
      - (iv) provided by an authority-funded institution in Northern Ireland or Scotland, or in Wales where the course began before 1st September 2017, in conjunction with an institution which is situated outside the United Kingdom;
      - (v) provided by a publicly funded institution in Northern Ireland, Scotland or Wales on behalf of a regulated institution in Wales where the course began on or after 1st September 2017;
      - (vi) wholly provided by an approved (fee cap) provider, or provided by a registered or unregistered provider on behalf of an approved (fee cap) provider in England;
      - (vii) provided by a registered provider on behalf of a regulated institution in Wales where the course began on or after 1st September 2017;
      - (viii) provided by an approved (fee cap) provider in England in conjunction with an institution which is situated outside the United Kingdom;
      - (ix) provided by a regulated institution in Wales or a regulated institution in Wales in conjunction with an institution which is situated outside the United Kingdom, where that course begins on or after 1st September 2017; or
      - (x) provided by a relevant institution of higher education in the Republic of Ireland or by a relevant institution of higher education in the Republic of Ireland in conjunction with an institution outside of the Republic of Ireland”.
    - (b) in paragraph (6)(d), after “a private institution”, insert “in Northern Ireland, Scotland, or Wales, or by a private institution which is an unregistered provider in England”.

#### **Amendment of Regulation 8**

- 5. In regulation 8(2) (transfer of status)—

- (a) for sub-paragraph (a)(i), substitute—
  - “(i) on the recommendation of the academic authority A ceases one course and starts to attend or undertake another designated course which is not an accelerated course;”.
- (b) for sub-paragraph (b)(i), substitute—
  - “(i) A starts to attend or undertake a designated course which is not an accelerated course at another institution;”.

### **Amendment of regulation 13**

- 6. In regulation 13 (previous course)—
  - (a) in paragraph (2)—
    - (i) for sub-paragraph (a), substitute—
      - “(a) the course was provided by an institution which was a registered provider in England or by a publicly funded institution in the United Kingdom for some or all of the academic years during which the student attended or undertook the course;”;
    - (ii) before sub-paragraph (b), insert—
      - “(aa) the course was provided by an accredited institution which was an unregistered provider for some or all of the academic years during which the student attended or undertook the course; or”.
  - (b) in paragraph (3)—
    - (i) in sub-paragraph (a)—
      - (aa) before “a publicly funded institution”, insert “a registered provider or”;
      - (bb) after “United Kingdom”, insert “or a regulated institution”;
      - (cc) after “undertook the course”, omit “or”;
    - (ii) before sub-paragraph (b), insert—
      - “(aa) the course was provided by an accredited institution which was an unregistered provider for some or all of the academic years during which the student attended or undertook the course; or”.

### **Amendment of regulation 17**

7. In regulation 17(a) (students becoming eligible in the course of an academic year), before “the relevant event”, insert “, with the exception of an event mentioned in paragraph (a) of that regulation,”.

### **Amendment of regulation 25**

- 8. In regulation 25(7) (amount of the fee loan)—
  - (a) in paragraph 2C, for sub-paragraph (a), substitute –
    - “(a) provided by or on behalf of a publicly funded institution in Northern Ireland or Scotland or by an approved (fee cap) provider in England;”.
  - (b) in paragraph 2D, for sub-paragraph (a), substitute –

- “(a) provided by a private institution (other than a publicly funded institution) in Northern Ireland or Scotland or by an approved provider in England.”
- (c) after paragraph (12), insert—
- “(13) Where the current course is a course for the initial training of teachers provided by an accredited institution which is an unregistered provider, the amount of a fee loan must not exceed the lesser of-
- (a) £9,250; and
  - (b) The fees payable by the student in connection with that year.
- (14) Where—
- (a) the current course is an accelerated course provided by or on behalf of an approved (fee cap) provider in England, which begins on or after 1st August 2019, the amount of a fee loan must not exceed the lesser of—
    - (i) £11,100; and
    - (ii) The fees payable by the student in connection with that year.”.
  - (b) the current course is an accelerated course provided by or on behalf of an approved provider in England, which begins on or after 1st August 2019, the amount of a fee loan must not exceed the lesser of—
    - (i) £4,275; and
    - (ii) The fees payable by the student in connection with that year.”.

#### **Amendment of regulation 71**

9. In regulation 71 (quarters in respect of which the loan for living costs is payable)—
- (a) in the shoulder note, for “the loan for living costs is”, substitute “the loan for living costs and the long courses loan are”.
  - (b) for paragraph (1), substitute—

“(1) Subject to regulation 74, the loan for living costs is payable in respect of three quarters of the academic year and the long courses loan is payable in respect of four quarters of the academic year.”.
  - (c) omit paragraph (3).

#### **Amendment of regulation 72**

10. In regulation 72(d) (students falling into more than one category), for “third”, substitute “fourth”.

#### **Amendment of regulation 74**

11. In regulation 74(7) (students becoming eligible in the course of an academic year), for “third”, substitute “fourth”.

#### **Amendments of regulation 123**

12. In regulation 123(1) (students becoming eligible during the course of an academic year), in sub-paragraph (a), after “the academic year”, insert “and was not an event mentioned in sub-paragraph (a) of that paragraph”.

### Amendment of regulation 124

13. In regulation 124(8) (designated part-time courses)—

(a) in paragraph (1), for sub-paragraph (d), substitute—

“(d) it is either—

- (i) wholly provided by an authority-funded institution in Northern Ireland, Scotland or Wales;
- (ii) provided by an institution situated in Northern Ireland, Scotland or Wales, on behalf of an approved (fee cap) provider in England, or on behalf of an authority-funded institution in Northern Ireland, Scotland or Wales;
- (iii) wholly provided by an approved (fee cap) provider, or provided by a registered or an unregistered provider on behalf of an approved (fee cap) provider in England;
- (iv) provided by an approved (fee cap) provider on behalf of an authority-funded institution in Northern Ireland Scotland or Wales;
- (v) provided by an approved (fee cap) provider in England in conjunction with an institution which is situated outside the United Kingdom; or
- (vi) provided by an authority-funded institution in Northern Ireland, Scotland or Wales, in conjunction with an institution which is situated outside the United Kingdom.”.

(b) in paragraph (5)(d), after “private institution”, insert “in Northern Ireland, Scotland, or Wales, or by a private institution which is an unregistered provider in England.”.

### Amendment of regulation 141

14. In regulation 141(9) (designated postgraduate courses)—

(a) in paragraph (1), for sub-paragraph (c), substitute—

“(c) it is either—

- (i) wholly provided by an authority-funded institution in Northern Ireland, Scotland or Wales;
- (ii) provided by an institution situated in Northern Ireland, Scotland or Wales, on behalf of an approved (fee cap) provider in England, or on behalf of an authority-funded institution in Northern Ireland, Scotland or Wales;
- (iii) wholly provided by an approved (fee cap) provider, or provided by a registered or an unregistered provider on behalf of an approved (fee cap) provider in England;
- (iv) provided by an approved (fee cap) provider on behalf of an authority-funded institution in Northern Ireland, Scotland or Wales;
- (v) provided by an authority-funded institution in Northern Ireland, Scotland or Wales, in conjunction with an institution which is situated outside the United Kingdom; or
- (vi) provided by an approved (fee cap) provider in England in conjunction with an institution which is situated outside the United Kingdom.”.

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(8) Regulation 124(1)(d) was substituted by [S.R. 2013 No. 223](#) and paragraph 5(d) was added by [S.R. 2013 No. 223](#) and amended by [S.R. 2017 No. 7](#).

(9) Regulation 141(1)(c) was substituted and paragraph 2(d) was inserted by [S.R. 2013 No. 223](#).

- (b) in paragraph (2)(d), after “private institution”, insert “in Northern Ireland, Scotland or Wales, or by a private institution which is an unregistered provider in England.”

### **Amendment of regulation 152**

**15.** In regulation 152(10) (designated master’s, etc. courses)—

(a) in paragraph (1), for sub-paragraph (c), substitute—

“(c) it is either—

- (i) wholly provided by an authority-funded institution in Northern Ireland, Scotland or Wales;
  - (ii) provided by an institution situated in Northern Ireland, Scotland or Wales, on behalf of an approved (fee cap) provider in England, or on behalf of an authority-funded institution in Northern Ireland, Scotland or Wales;
  - (iii) wholly provided by an approved (fee cap) provider, or provided by a registered or an unregistered provider on behalf of an approved (fee cap) provider in England;
  - (iv) provided by an approved (fee cap) provider on behalf of an authority-funded institution in Northern Ireland, Scotland or Wales;
  - (v) provided by an authority-funded institution in Northern Ireland, Scotland or Wales, in conjunction with an institution which is situated outside the United Kingdom; or
  - (vi) provided by an approved (fee cap) provider in England in conjunction with an institution which is situated outside the United Kingdom.”
- (b) in sub-paragraph (d) of paragraph (3), after “private institution”, insert “in Northern Ireland, Scotland or Wales, or by a private institution which is an unregistered provider in England”.

### **Amendment of Schedule 2**

**16.** In Schedule 2 (Eligible Students), in the shoulder note, for “Regulations 5, 105, 122 and 139” substitute “Regulations 5, 105, 122, 139 and 149”.

### **Amendment of Schedule 6**

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

- (a) omit “Dublin Institute of Technology”, “Institute of Technology, Blanchardstown” and “Institute of Technology, Tallaght”; and
- (b) after “St Angela’s College, Lough Gill, Sligo” insert “Technological University Dublin”.

### **Amendments relating to support available to persons granted 67 leave**

**18.** In regulation 2(1) (interpretation), after the definition of “periods of work experience”, insert—

“person granted section 67 leave” means a person who—

- (a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules(11), having been relocated to the United Kingdom pursuant to

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(10) Regulation 152 was inserted by [S.R. 2017 No. 7](#).

(11) The immigration rules are made under section 3(2) of the Immigration Act [1971 \(c.77\)](#).

arrangements made by the Secretary of State under section 67 of the Immigration Act 2016(12), or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules; and

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

**19.** In regulation 5 (eligible students), after paragraph (11), insert—

“(11A) Where—

- (a) the Department determined that, by virtue of being a person granted section 67 leave, a person (“A”) was an eligible 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 part-time or other designated course from which A’s status as an eligible part-time student or eligible 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 section 67 leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

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

**20.** In regulation 18 (events)—

- (a) in paragraph (g) omit “or”;
- (b) in paragraph (h), at the end, for “.”, substitute “;or”;
- (c) after paragraph (h), insert-
  - “(i) the student becomes a person granted section 67 leave.”.

**21.** In regulation 74(2) (students becoming eligible in the course of an academic year) –

- (a) in sub-paragraph (f), omit “or”;
- (b) in sub-paragraph (g), at the end, for “.”, substitute “; or”;
- (c) after sub-paragraph (g), insert –
  - “(h) the student becomes a person granted section 67 leave.”.

**22.** In regulation 83(2) (students becoming eligible during the course of an academic year) –

- (a) in paragraph (g), at the end, for “.”, substitute “;”;
- (b) after paragraph (g), insert-
  - “(h) the student becomes a person granted section 67 leave.”.

**23.** In regulation 106(4) (students becoming eligible during the course of the academic year) –

- (a) in paragraph (h) omit “or”;
- (b) in paragraph (i), at the end, for “.”, substitute “;or”;
- (c) after paragraph (i), insert-
  - “(j) the student becomes a person granted section 67 leave.”.

**24.** In regulation 122 (eligible part-time students), after paragraph (10), insert—

“(10A) Where—



- (a) the Department determined that, by virtue of being a person granted section 67 leave, 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 part-time course or other designated course from which A’s status as an eligible part-time student or eligible student has been transferred to the current part-time 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 section 67 leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

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.”.

**25.** In regulation 123(3) (students becoming eligible during the course of the academic year) -

- (a) in sub-paragraph (h), omit “or”;
- (b) in sub-paragraph (i), at the end, for “.”, substitute “; or”;
- (c) after sub-paragraph (i), insert –

“(j) the student becomes a person granted section 67 leave.”.

**26.** In regulation 139 (eligible postgraduate students), after paragraph (12), insert—

“(12A) Where—

- (a) the Department determined that, by virtue of being a person granted section 67 leave, 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
- (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 section 67 leave is allowed to stay in the United Kingdom has expired and no further leave has been granted,

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.”.

**27.** In regulation 140(2) (students becoming eligible in the course of an academic year) –

- (a) in sub-paragraph (f), omit “or”;
- (b) in sub-paragraph (g), at the end, for “.”, substitute “; or”;
- (c) after sub-paragraph (g), insert –

“(h) the student becomes a person granted section 67 leave.”.

**28.** In regulation 151 (events) –

- (a) in paragraph (g) omit “or”;
- (b) in paragraph (h), at the end, for “.”, substitute “;or”;
- (c) after paragraph (h), insert-

“(i) the student becomes a person granted section 67 leave.”.

29. In Part 2 (categories) of Schedule 2 (eligible students), after paragraph (4), insert—

**“Persons granted section 67 leave**

4A. A person granted section 67 leave who—

- (a) is ordinarily resident in Northern Ireland on the first day of the first academic year of the course; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.”.

**Amendments relating to new payment rates for student support**

30. 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.

## PART 3

### AMENDMENT OF OTHER INSTRUMENTS

**Amendment of the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007**

31. In regulation 5(1)(c)(13) (prescribed description of a qualifying person) after “4,” insert “4A,”.

32. In the Schedule—

- (a) after paragraph 4 (refugees and their family members), insert—

**“Persons granted section 67 leave**

4A. A person who—

- (a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules, having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016, or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules;
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course;
- (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (d) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.”.

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

**33.** In regulation 12 (date of repayment) of the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009<sup>(14)</sup>—

- (a) in paragraph (c), after “Part 4”, insert “in respect of the tax year ending on 5th April 2019 or any previous tax year”;
- (b) after paragraph (c), insert—
  - “(ca) where an amount is deducted by an employer under Part 4 in respect of the tax year beginning on 6th April 2019 or any subsequent tax year, a repayment of that amount is considered to have been received by the Department on—
    - (i) the day on which it was deducted by the employer; or
    - (ii) where an adjustment is made in relation to the deduction, such other day as HMRC specifies in order to take account of that adjustment.”.

Sealed with the Official Seal of the Department for the Economy on 8th March 2019.



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

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<sup>(14)</sup> 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.

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## SCHEDULE

Regulation 30

**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>
<b>Regulation 25</b>		
25(2A)(a)	£4,160	£4,275
25(2B)(a)	£2,070	£2,125
<b>Regulation 32</b>		
32(1)(a)	£1,645	£1,690
32(2)(a)	£805	£825
<b>Regulation 33</b>		
33(1)	£1,645	£1,690
33(2)	£805	£825
<b>Regulation 36</b>		
36(2)(a)	£1,645	£1,690
36(2)(a)	£805	£825
<b>Regulation 89</b>		
89(5)	£1,645	£1,690
<b>Regulation 110A</b>		
110A(1)(a)	£3,120	£3,206.25
<b>Regulation 117</b>		
117(4)(d)(i)	£3,120	£3,206.25
<b>Regulation 127A</b>		
127A(1)(a)	£3,120	£3,206.25
<b>Regulation 135</b>		
135(4A)(d)(i)	£3,120	£3,206.25
135(10B)(a)(i)	£3,120	£3,206.25
135(19)(a)(i)	£3,120	£3,206.25

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## 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 Student Support Regulations”), the Student Fees (Qualifying Courses and Persons) Regulations 2007 (S.R. 2007 No. 328), (“the QCP Regulations”) and the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128) (“the Repayment Regulations”).

The principal amendments which these Regulations make to the Student Support Regulations are as follows.

Regulation 3 amends regulation 2(1) of the Student Support Regulations to include definitions connected with the higher education regulatory regime established in England by the Higher Education and Research Act 2017 (“HERA”). Amongst these are definitions of “the register”, “registered”, “approved” and “approved (fee cap)” providers. Regulation 3(b) also partially amends the definition of “accelerated course” in line with the definition set out in paragraph 4(2) of Schedule 2 to HERA, and adds to the general interpretation section the definition of an “accredited institution”, to reflect the wider availability of loans for school-centred initial teacher training courses.

Regulation 4 amends regulation 6(1) of the Student Support Regulations to amend the criteria for full-time courses to be designated for student support in the form of grants and loans to eligible students. Full-time higher education courses provided by or on behalf of registered English approved (fee cap) providers are to be designated for student support. Regulation 6, amending regulation 13 of the Student Support Regulations contains similar amendments to reflect the new terminology.

Regulation 5 amends regulation 8 of the Student Support Regulations to ensure that on transfer between courses, the provisions enabling the retention of eligible student status and existing levels of support do not apply where a student transfers to an accelerated course. Where a student transfers to an accelerated course, and is an eligible student, the new levels of support prescribed by these Regulations will apply.

Regulation 6, amends regulation 13 of the Student Support Regulations to include the following courses when considering previous course study; courses undertaken at approved (fee cap) providers in England and those that were undertaken at accredited institutions which, were unregistered for some or all of the academic years during which the student attended or undertook the course.

Regulations 7 amends regulations 17 of the Student Support Regulations to ensure that if a full-time course becomes a designated course at any point in an academic year, a student may qualify for fee support in respect of that year.

Regulation 8 amends regulation 25 of the Student Support Regulations to prescribe, in relation to full-time courses, different fee loan amounts where those courses are provided by or on behalf of English higher education providers included in the approved (fee cap) and approved categories of the register established by the Office for Students under section 3 of HERA. Regulation 8(c) also prescribes specific fee loan amounts applicable to unregistered providers of initial teacher training courses, and to providers of full-time accelerated courses at approved (fee cap) providers in England.

Regulations 9 to 11 amend regulations 71, 72 and 74 of the Student Support Regulations to ensure that the long courses loan is paid in respect of four quarters of an academic year rather than three, in accordance with the practice of the Student Loans Company.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 12 amends regulation 123 of the Student Support Regulations to ensure that where a part-time course becomes a designated course at any point in an academic year, a student may qualify for support costs in respect of that year.

Regulation 13 amends regulation 124 of the Student Support Regulations to amend the criteria for part-time courses to be designated for student support in the form of grants and loans to students. Part-time courses provided by or on behalf of registered English approved (fee cap) providers are to be designated for student support.

Regulations 14 and 15 amend regulations 141 and 152 of the Student Support Regulations respectively to ensure that support for postgraduate students with disabilities and the Master's, etc. tuition fee loan is available where a postgraduate course is provided by or on behalf of a English approved (fee cap) provider, including where a provider becomes registered during the course of an academic year.

Regulation 16 amends the shoulder note to Schedule 2 to clarify that its provisions also apply to regulation 149.

Regulation 17 amends Schedule 6 to the 2009 Regulations, which lists the Republic of Ireland institutions that have courses designated for student support.

Regulations 18 to 29 create a new category of student eligible for student support: persons granted section 67 leave. It is of note that all amendments in these Regulations referring to persons granted section 67 leave include both persons granted leave under paragraph 352ZG of the immigration rules and children of those persons who are granted 'leave in line' under paragraph 352ZO of those rules.

Regulation 30 of, and the Schedule to, these Regulations uprate the level of the grants and loans for living and other costs available in an academic year which begins on or after 1st August 2019 by an inflationary amount, estimated at 2.8%.

These Regulations make the following amendments to other sets of Regulations.

Regulation 31 of these Regulations amends the QCP Regulations to ensure that persons granted section 67 leave may be eligible students under those Regulations. Regulation 32 amends the Schedule to the QCP Regulations to include the new category of person granted section 67 leave.

Regulation 33 of these Regulations amends the Repayment Regulations to make provision, in respect of the tax year 2019/20 and subsequent tax years, for when an amount paid by a borrower via deductions by their employer under Part 4 of the Principal Regulations is considered to have been paid by the borrower and received by the Department.

An impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or the voluntary sector.