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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 35**

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

**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>(1)</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>(2)</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>(3)</sup>”;

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

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(1) 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.  
(2) 2017 c. 29.  
(3) 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.

““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;”;
- (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(4) (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(5) (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(6) (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;

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(5) 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](#).

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

- (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 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(7) (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<sup>(8)</sup>, having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016<sup>(9)</sup>, 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.”.

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<sup>(8)</sup> The immigration rules are made under section 3(2) of the Immigration Act 1971 (c.77).

<sup>(9)</sup> 2016 C.19.

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.