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STATUTORY INSTRUMENTS

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**1996 No. 1918 (N.I. 15)**

**NORTHERN IRELAND**

**The Education (Student Loans) (Northern Ireland) Order 1996**

<i>Made</i>	- - - -	<i>23rd July 1996</i>
<i>Laid before Parliament</i>		<i>6th August 1996</i>
<i>Coming into operation</i>		<i>24th September 1996</i>

At the Court at Buckingham Palace, the 23rd day of July 1996  
Present,  
The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to the purposes of section 1 of, and the Schedule to, the Education (Student Loans) Act 1996:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (as modified by section 2 of that Act of 1996) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**Title and commencement**

- 1.—(1) This Order may be cited as the Education (Student Loans) (Northern Ireland) Order 1996.  
(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

**Interpretation**

2. The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

**Subsidy in respect of private sector student loans**

- 3.—(1) In Article 3 of the Education (Student Loans) (Northern [1990 NI 11](#). Ireland) Order 1990 (arrangements for loans for students out of money made available by Department) after paragraph (1) there shall be inserted the following paragraph—

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“(1A) The Department may, in pursuance of arrangements with persons by whom private sector student loans are made, pay subsidy to those persons in respect of such loans; and in this paragraph “private sector student loans” means loans made to eligible students towards their maintenance otherwise than out of money made available by the Department.”.

(2) The Schedule (which makes amendments in consequence of paragraph (1)) shall have effect.

*N. H. Nicholls*  
Clerk of the Privy Council

## SCHEDULE

Article 3(2).

### CONSEQUENTIAL AMENDMENTS

1. The Education (Student Loans) (Northern Ireland) Order 1990 shall be amended in accordance with the following provisions of this Schedule.

2. In Article 3 (arrangements for loans for students out of money made available by the Department)—

(a) after paragraph (1A) (which is inserted by Article 3(1)) there shall be inserted the following paragraph—

“(1B) In this Order—

(a) references to public sector student loans are to loans under arrangements made under paragraph (1); and

(b) references to subsidised private sector student loans are to loans in respect of which arrangements such as are mentioned in paragraph (1A) provide for the payment (at any time or in any circumstances) of subsidy under that paragraph.”;

(b) in paragraph (5), for the words “arrangements made under this Article” there shall be substituted the words “public sector student loans and subsidised private sector student loans”.

3.—(1) Schedule 2 (provisions about loans out of money made available by the Department) shall be amended as follows.

(2) In paragraph 1—

(a) in sub-paragraph (1), before the word “loan”, where it twice occurs, and before the word “loans” there shall be inserted the words “public sector student”; and

(b) in sub-paragraph (4), for the word “Loans” there shall be substituted the words “Public sector student loans”,

and accordingly, in the heading immediately preceding that paragraph, for the word “*Principal*” there shall be substituted the words “*Public sector student loans: principal*”.

(3) In paragraph 2—

(a) in sub-paragraph (1), for the words “loans under the arrangements made under Article 3” there shall be substituted the words “public sector student loans or subsidised private sector student loans”; and

(b) after sub-paragraph (1) there shall be inserted the following sub-paragraph—

“(1A) Regulations under sub-paragraph (1) may include provision for the making of payments to governing bodies in respect of the taking by them of steps prescribed by the regulations.”.

(4) In paragraph 3—

(a) in sub-paragraph (1)—

(i) for the words “The arrangements may provide for the” there shall be substituted the words “Arrangements made under Article 3(1) may provide for public sector student”;

(ii) for the words “to the loans” there shall be substituted the words “to such loans”;

(b) in sub-paragraph (2), for the words “loans under the” there shall be substituted the words “such loans under those”;

(c) in sub-paragraph (5)—

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- (i) for the words “borrowers or intending borrowers under this Order” there shall be substituted the words “persons borrowing or intending to borrow by way of public sector student loans”;
  - (ii) after the word “making” there shall be inserted the word “such”;
  - (d) in sub-paragraph (6), after the word “making” there shall be inserted the words “public sector student”; and
  - (e) in sub-paragraph (7)—
    - (i) after the word “recovering” there shall be inserted the words “public sector student”;
    - (ii) for the words “under the arrangements” there shall be substituted the words “by virtue of this paragraph”,and accordingly, for the heading immediately preceding that paragraph there shall be substituted the heading “*Public sector student loans: administration*”.
- (5) For sub-paragraph (8) of paragraph 3 there shall be substituted the following paragraph—

*“Circulars to minors*

**3A.** No document sent—

- (a) in connection with public sector student loans by any such person or body as is mentioned in paragraph 3(1); or
- (b) in connection with subsidised private sector student loans by any person making or proposing to make such loans,

shall be regarded as sent with a view to financial gain within the meaning of section 50 of the Consumer Credit Act 1974 (circulars to minors).”.

- (6) In paragraph 4—
- (a) in sub-paragraph (I), after the word “recovering” there shall be inserted the words “public sector student”;
  - (b) after sub-paragraph (1) there shall be inserted the following sub-paragraph—

“(1A) No person making or proposing to make subsidised private sector student loans shall provide or make available to anyone else (whether for consideration or not) any information held in connection with such loans if the information is to be used for soliciting custom for goods or services; but this sub-paragraph does not prevent a member of a group (within the meaning of Part VIII of the Companies (Northern Ireland) Order 1986) providing or making available information to another member of the group.”;
  - (c) in sub-paragraph (2)—
    - (i) for the words “sub-paragraph (1) is” there shall be substituted the words “sub-paragraphs (1) and (1A) are”;
    - (ii) for the word “applies” there shall be substituted the word “apply”.
- (7) In paragraph 5(3), for the words “loan under the arrangements” there shall be substituted the words “public sector student loan or subsidised private sector student loan”.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is made for purposes corresponding to the purposes of section 1 of, and the Schedule to, the Education (Student Loans) Act 1996.

This Order enables the payment of subsidies to private sector financial institutions which provide loans to students in higher education.