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STATUTORY RULES OF NORTHERN IRELAND

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**1992 No. 363**

**Students Awards Regulations (Northern Ireland) 1992**

**PART II**

**AWARDS**

**Specified persons**

6.—(1) Persons described in Part I of Schedule 2, with the exception of persons described in Part II of that Schedule, are, subject to paragraph (2), specified by the Department for the purposes of Article 50(1).

(2) The board which shall be under a duty to make an award to a person entitled to the payment of an award by virtue of Article 7(2) or (3) or Article 12 of the Council Regulation shall be—

- (a) the board in the area of which the person was last resident during the period of two years preceding the relevant day;
- (b) if sub-paragraph (a) does not apply, the board in the area of which the institution providing the person's course is situate.

**Ordinarily resident**

7.—(1) If a board is satisfied that a person was not ordinarily resident in the British Islands, or in the European Community, throughout the three years immediately preceding the first year of the specified course or was not resident in a board's area on the relevant day only because that person, his spouse or parent, guardian or any other person having actual custody of him during his minority, was, at the relevant time, employed temporarily outside the British Islands or, as the case may be, outside the European Community, then, for the purposes of paragraph 1(b) of Schedule 2, that person shall not be regarded as having ceased to be so resident only because of his absence from the British Islands or the European Community or the board's area in consequence of such employment and paragraph (2) shall not apply in the case of such a person.

(2) For the purposes of paragraph 1(b) of Schedule 2, a person shall not be regarded as ordinarily resident in the British Islands or the European Community if that person was so resident and had taken up that residence wholly or mainly for the purpose of attending a full-time course of education.

(3) For the purposes of regulation 6(1) the ordinary residence requirements of paragraph 1(b) of Schedule 2 shall not apply—

- (a) in the case of a refugee who has not been ordinarily resident outside the British Islands since he was recognised as a refugee;
- (b) in the case of the spouse or child of such a refugee, or
- (c) in the case of a person mentioned in paragraph (4).

(4) That person is a person who is a British citizen within the meaning of the British Nationality Act 1981(1)—

- (a) who was not ordinarily resident in the British Islands throughout the three years preceding the first year of the specified course only because he was ordinarily resident for the purposes of employment in the territory comprising the European Community during every part of that period in which he was not ordinarily resident in the British Islands; or
- (b) (i) who was not so resident throughout that period only because his parent is such a person as is mentioned in sub-paragraph (a), and
  - (ii) whose parent is ordinarily resident in Northern Ireland on the relevant day as defined in relation to that person by regulation 3(1).

(5) In paragraph (4) “parent” includes a guardian, or any other person having actual custody of a minor.

### **Transitional provision**

8.—(1) Without prejudice to section 29(3)(a) of the Interpretation Act (Northern Ireland) 1954(2) and to the definition of “award”, an award made in pursuance of the Regulations revoked by regulation 2 before the coming into operation of these Regulations, in so far as it could have been made in pursuance of these Regulations, shall for the purposes thereof, be treated as having been so made.

(2) Where an award was bestowed on a student under Article 50(3) (“the discretionary award”) in respect of a course to which Articles 50(1) and 50(2) did not then apply but the course becomes or has become a specified course and an award within the meaning of these Regulations is or has been bestowed on the student in respect of that course, then if the discretionary award continues to be payable it shall be disregarded in calculating the students income for the purposes of Regulation 13(1)(b) and for the purposes of Regulation 17: but payments on account of the mandatory award in respect of fees and in respect of maintenance for any period shall be respectively reduced or extinguished by those on account of the corresponding element of the discretionary award.

(3) Where, before the coming into operation of these Regulations, a student has commenced a course (“the new course”) which is either a course provided by the University of Buckingham for a first degree of that University, a course for the Diploma of Higher Education, or a course for the Higher Diploma and has had bestowed upon him under previous awards regulations an award, having previously attended one or more courses of higher education the aggregate of which did not exceed two academic years then, notwithstanding any other provisions of these Regulations, payments shall be made in accordance with these Regulations in respect of his attendance on the new course.

### **Previous attendance at a course**

9.—(1) For the purposes of regulation 19(2) and 19(5) and paragraphs 1(d), 2(b) and (c) and 3 of Schedule 2—

- (a) a person shall not be regarded as having previously attended a course—
  - (i) unless he has previously both attended and held a statutory award in respect of either more than one course or one course for a period of more than one term and seven weeks of a second term;
  - (ii) by reason only of his having attended from its beginning the course to which his application for an award relates;

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(1) 1981 c. 61

(2) 1954 c. 33 (N.I.)

- (b) any reference to a person having attended a course shall be construed as a reference to his having done so before or after 1st September 1992.
- (2) Nothing in paragraph (1) shall effect the duty of the board to bestow an award on a person—
  - (a) in respect of his attendance at a course for the Postgraduate Certificate in Education, the Art Teacher’s Certificate or the Art Teacher’s Diploma (or for a qualification comparable with any such certificate or diploma) unless he has previously attended such a course or successfully completed a course which—
    - (i) was for the degree of Bachelor of Education or a comparable academic award of either an institution or the Council for National Academic Awards; and
    - (ii) was approved as a course for the initial training of teachers for the purposes of Article 70 of the Education and Libraries (Northern Ireland) Order 1986.
  - (b) in respect of his attendance at any full-time course of initial training as a teacher of one academic year’s duration, or a comparable part-time course, not within sub-paragraph (a), unless he has for more than three years held a statutory award in respect of his attendance at a full-time course of higher education or comparable course outside Northern Ireland;
  - (c) in respect of his attendance at a course which—
    - (i) does not exceed two year’s duration;
    - (ii) is for the degree of Bachelor of Education or a comparable academic award of either an institution or the Council for National Academic Awards; and
    - (iii) is approved as a course for the initial training of teachers for the purposes of Article 70 of the Education and Libraries (Northern Ireland) Order 1986,unless he has previously attended—
    - (i) a course for the Postgraduate Certificate in Education, the Art Teacher’s Certificate or the Art Teacher’s Diploma (or for a qualification comparable with any such certificate or diploma); or
    - (ii) a course (of any length) such as described in sub-paragraph (a)(i) and (ii).

### **Specified educational facilities**

**10.** The courses listed in Schedule 3 are specified as educational facilities for the purposes of Article 50(1).

**11.—(1)** Awards to be made by boards shall be subject to the terms and conditions set out in Schedule 4.

- (2) Awards to be made by boards shall be either—
  - (a) a full award in respect of a person’s attendance at a specified course during an academic year beginning after 31st August 1992 if the person concerned is ordinarily resident in the board’s area; or
  - (b) where sub-paragraph (a) does not apply, a fees only award in respect of a person’s attendance at a specified course at an institution in Northern Ireland during an academic year beginning after 31st August 1992 if the person is a European student—
    - (i) in respect of whose fees the Department has made a payment; or
    - (ii) who resided in an area of a board on the last day of the month of October, February, April or June (according as the academic year of the course begins in the winter, spring, summer or autumn respectively) preceding the beginning of the course, or if he was not so resident in Northern Ireland on that date, if the institution at which he attends his course is in an area of a board.

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

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