
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 273

Students Awards Regulations (Northern Ireland) 1998

Part II

Awards

Transitional provisions

8.—(1) Without prejudice to section 29(3)(a) of the Interpretation Act (Northern Ireland) 1954(1) 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, insofar 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 made to a student under Article 50(3) (“the discretionary award”) in respect of a course to which Article 50(1) and (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 made to 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 regulations 13(1)(b) and 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—

- (a) an award was made to a person pursuant to previous awards regulations in respect of his attendance at a course during an academic year beginning before the 1st September 1997; and
- (b) the person immediately after ceasing to attend that course (disregarding any intervening vacation) begins to attend another course,

a board shall not be excepted from the duty to make an award in respect of the persons attendance at the second course by the application of the exception relating to settlement in the United Kingdom found in paragraph 2(a) of Schedule 1.

(4) Where an award is made to a person in respect of his attendance at a course the first year of which begins on or after 1st September 1998 the award shall be treated as an old award if—

- (a) the person had on or before 1st August 1997 received an offer of a place on that course, or on a similar specified course which is no longer offered, in either case for a year which begins on or after 1st September 1998 and before 1st September 1999, and whether conditional on obtaining specified qualifications or not; or
- (b) the person had received an offer of a place on a specified course for a year which begins before 1st September 1998, and—

- (i) he was not able to take up the offer because a specified qualification or grade was not awarded to him;
 - (ii) he appealed against the decision not to award the qualification or grade to him;
 - (iii) the appeal was allowed after the last date when he could have taken up the offer; and
 - (iv) as a result he was offered a place on the course for a year which begins on or after 1st September 1998 and before 1st September 1999;
- (c) the course is a first degree course specified in Schedule 2, and—
- (i) he begins to attend the course immediately after ceasing to attend a course for the DipHE or a course for the HND (disregarding any intervening vacation); and
 - (ii) an award was made to him in respect of his attendance at a course for the DipHE or a course for the HND which is an old award other than by virtue of this sub-paragraph or sub-paragraph (d); or
- (d) the course is a postgraduate course for the initial training of teachers, and—
- (i) he begins to attend the course immediately after ceasing to attend a first degree course (disregarding any intervening vacation); and
 - (ii) an award was made to him in respect of his attendance at the first degree course which is an old award other than by virtue of sub-paragraph (c) or this sub-paragraph;
- (e) a payment is being made to him in respect of a grant in pursuance of Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(2) in nursing, midwifery, physiotherapy, occupational therapy, radiography, orthoptics, speech and language therapy, podiatry, dietetics, prosthetics and orthotics at the Queen's University of Belfast or the University of Ulster.
- (5) For the purposes of paragraph (4)(a) a course is similar to another course, whether or not it is at the same institution, if—
- (a) it leads to a degree or other qualification which is the same as the degree or other qualification which the other course leads to; and
 - (b) the board is satisfied that the subject matter of the course is for the most part the same as the subject matter of the other course.