
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 306

**The Education (Student Support) (Northern Ireland)
Order 1998 (Commencement and Transitional
Provisions) Order (Northern Ireland) 1998**

Part II

Transitional and Savings Provisions

Savings

3.—(1) Notwithstanding the repeals of the 1990, 1996 and 1998 Orders brought into operation by Article 2, those Orders, and any statutory instruments made thereunder, shall continue to have effect in relation to, or otherwise in connection with—

- (a) loans made under the 1990 Order before the 1st September 1998;
- (b) the making of loans to any student who attends any course referred to in Article 4; or
- (c) loans made to any such student,

as if this Order had not been made.

(2) Without prejudice to the generality of paragraph (1), the repeals of the 1990, 1996 and 1998 Orders brought into operation by Article 2 shall not affect the continued operation of those Orders insofar as they make provision for—

- (a) the making of subordinate legislation;
- (b) the assignment of public sector loans under Article 3A of the 1990 Order⁽¹⁾;
- (c) the making of arrangements (including arrangements which provide for the making of payments of any specified description) in connection with such an assignment.

Courses to which saved provisions apply

4. Subject to Article 6, the courses referred to in Article 3(1)(b) are—

- (a) any course in respect of the attendance at which the student concerned holds an old award under Article 50(1) of the 1986 Order or would be eligible for such an award if he made an application therefor;
- (b) any Schedule 1 course the first year of which began before 1st September 1998;
- (c) any Schedule 1 course the first year of which begins on or after 1st September 1998 but before 1st September 1999, where the student concerned had on or before 1st August 1997 received an offer of a place on that course, or on a similar course, in either case for that year, and whether conditional on obtaining specified qualifications or not;

(1) As amended by Article 3 of 1998 No. 258 (N.I. 1)

- (d) any Schedule 1 course the first year of which begins on or after 1st September 1998 but before 1st September 1999, where the student concerned had received an offer of a place on another course for a year which began before 1st September 1998, and—
 - (i) he was not able to take up the offer because of illness, and
 - (ii) in consequence of which he was offered a place on the Schedule 1 course, whether or not at the same institution;
- (e) any Schedule 1 course the first year of which begins on or after 1st September 1998 but before 1st September 1999, where the student concerned had received an offer of a place on another course for a year which began before 1st September 1998, and—
 - (i) he was not able to take up that offer because a qualification or grade required for the purpose 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 Schedule 1 course, whether or not at the same institution;
- (f) any course which is a first degree course or a Scottish HND course and which the student concerned begins to attend immediately after ceasing to attend a course for the DipHE, HNC, HND, or a course for the Scottish HND (disregarding any intervening vacation), and the first year of the DipHE, HNC or HND course, or of the latter Scottish HND course, began either—
 - (i) before 1st September 1998; or
 - (ii) on or after 1st September 1998 but before 1st September 1999, if, in relation to that course, the circumstances of the student fall within paragraphs (c), (d) or (e); or
- (g) any postgraduate course for the initial training of teachers, which the student concerned begins to attend immediately after ceasing to attend a first degree course (disregarding any intervening vacation), and the first year of that first degree course began either—
 - (i) before 1st September 1998; or
 - (ii) on or after 1st September 1998 but before 1st September 1999, if, in relation to that course, the circumstances of the student fall within paragraphs (c), (d) or (e).

5. If a student withdraws from attending a course provided by any institution and referred to in any of paragraphs (b) to (g) of Article 4 with the agreement of that institution but without completing the course, and if (disregarding any intervening vacation) he immediately begins attending another course which is provided by the same or a different institution, the date on which the first year of the first course began shall be regarded for the purposes of the relevant paragraph as the date on which the first year of the second or further course began.

Exclusions

6. There shall be excluded from paragraphs (b) to (g) of Article 4 any course in respect of the attendance at which the student holds an old award or a transitional award under Article 50(1) of the 1986 Order or would be eligible for such an award if he had made an application.