
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and replace, with amendments, the Education (Student Support) Regulations (Northern Ireland) 2001 and come into operation on 24th July 2002. They provide for support for students attending higher education courses in respect of the academic year beginning on or after 1st September 2002.

The regulations make a number of changes, principally in relation to the introduction of bursaries for living costs for certain students from low-income backgrounds, the reduction in the amounts of the loans for living costs for students from high-income backgrounds and the closer alignment of the parental and spouse contribution scales.

A number of minor changes are made. In regulation 2 (1) the definitions of “higher cost country” and “high cost country” are replaced with one definition of “high cost country”. The definition of “lone parent” is amended to refer to a dependent child or children within the definition of regulation 16(12). Regulation 10(6) and (10) are amended to refer to work experience.

Regulation 7(1)(b) provides that where a full-time eligible student attends another course at another institution with the consent of that institution’s academic authority he can request that the Department transfer his eligibility in relation to that course. The academic authority’s consent need no longer be in writing or based on educational grounds.

The provisions for bursaries for low-income students are contained in a new regulation 13, which defines the entitlement to the bursary and the amounts payable by reference to residual income assessed in accordance with regulation 24. Subsequent regulations have been re-numbered. Students undertaking part-time courses of initial teacher training have been excluded from eligibility for the new bursary grants (regulation 12(1)(b)).

An eligible student attending an initial training of teachers course for which the period of full-time attendance is less than 6 weeks will be entitled to a grant for disabled students' costs at reduced rates under regulation 14(3).

Under regulation 16(6) an eligible student who is a lone parent and has elected not to be treated as eligible for a grant for dependants childcare costs (regulation 17) will be eligible for an additional grant, if his course began before 1st September 2001 or his course is an end-on course of a kind mentioned in the regulation.

The amendment to regulation 16(8) provides that where eligibility for grant for travel, books and equipment expenditure arises from eligibility for grant under regulation 16(1), it arises only if the grant under regulation 16(1) is in respect of a dependent child.

Under regulation 16(1) an eligible student will be entitled to receive grants for dependants. Regulation 16(12) provides that a dependant will include a partner of a different sex with whom the student is living but not married to and the child or children of that partner, if the student is on a course which began on or after 1st September 2000. The student will not be entitled to grants for dependants if his course is an end-on course of a kind mentioned in the regulation.

Regulations 16, 17 and 19 have been amended to provide that an eligible student need not comply with the age requirements in regulation 20(1) in order to obtain a grant for dependants, childcare costs, school meals for dependent children and grants for travel.

Regulations 21 and 25 are amended so that a student can obtain the maximum amount of loan if he attends a part of his course at an overseas institution for a period of least eight weeks.

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

The student's attendance need not be a necessary part of his course. There are also consequential amendments to regulation 12(3)(d) of the Regulations in relation to eligibility for grants for living costs, regulation 14(2)(c)(iii) of the Regulations in relation to eligibility for disabled students' costs and regulation 19(1)(b) and (4) of the Regulations in relation to eligibility for grants for travel.

A new regulation 21(13) has been introduced to modify a student's loan entitlement by reference to any bursary entitlement at regulation 13. A new regulation 25(1)(b) has been included to provide for any excess student contribution to be offset against any bursary entitlement under new Regulation 13.

Regulation 25(4) is amended and a new regulation 25(5) is inserted to revise and extend the sequence of deductions to accommodate the new regulation 25(1)(b).

Regulations 25(6) and 25(7) are amended to reflect the maximum levels of non means-tested loans envisaged in the new contribution arrangements.

Regulation 27(2) is amended to facilitate the termly payment of bursaries.

A new regulation 31(12) has been introduced so that, in relation to the assessment of a part-time student's financial resources where the student's income is subject to the income tax legislation of the Republic of Ireland, his income for 1st January 2001 to 31st December 2001 shall be treated as his income for the period 6th April to 31st December of the same year. The latter period shall be treated as the financial year notwithstanding that it is less than 12 months in duration.

Regulations 35(1)(b), 36(1)(b) and 36(7)(b) make similar provision in relation to, respectively, a part-time eligible student who transfers to a part-time course at another institution, a full-time eligible student who converts to being a part-time student at another institution and a part-time student who converts to being a full-time student at another institution, to the provision made in relation to a full-time eligible student by regulation 7(1)(b).

A new sub-paragraph (2) has been inserted to paragraph 2 of Schedule 3 which provides that in relation to the assessment of parental contribution where the student's parent's income is subject to the income tax legislation of the Republic of Ireland, the parent's income for 1st January 2001 to 31st December 2001 shall be treated as income for the period 6th April to 31st December of the same year. The latter period shall be treated as the financial year notwithstanding that it is less than 12 months in duration.

Under paragraph 3(1)(c) of Schedule 3 to these Regulations there will be no assessment of parental contribution where an eligible student has been married before the academic year in respect of which the contribution would have applied. This is so whether or not the marriage still subsists.

Paragraphs 4(1), 4(2) and 8(2) of Schedule 3 have been amended to reflect the changes in the proportion of the loans which is subject to contribution and the closer alignment of the spouse scale with the parental one.