
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 224

Education (Student Support)
Regulations (Northern Ireland) 2002

Part VIII

Support for Part-Time Courses

Eligibility for loans for part-time courses

31.—(1) Subject to and in accordance with the following paragraphs, an eligible part-time student shall be eligible for a loan if –

- (a) he is under the age of 50 on the first day of the first academic year of the course; or
 - (b) he is aged 50 or over and under the age of 55 on that day, if the Department is satisfied that he intends to enter employment after he has completed his part-time course or such other higher education course which he intends to start undertaking immediately after completing his present course, disregarding any intervening vacation; and
 - (c) in respect of the second and any subsequent year of his part-time course, he is ordinarily resident in Northern Ireland on the first day of the academic year.
- (2) An eligible part-time student shall not be eligible for a loan if –
- (a) he holds a first degree from an educational institution in the United Kingdom or a comparable qualification from an educational institution outside the United Kingdom; or
 - (b) there have been paid to him 6 loans in connection with his undertaking one or more designated part-time courses.
- (3) For the purposes of paragraph (2)(a) a degree shall not be treated as a first degree where–
- (a) it is a degree (other than an honours degree) that has been awarded to an eligible part-time student who has completed the required modules, examinations or other forms of assessment for his first degree course;
 - (b) the course was undertaken at an educational institution in the United Kingdom; and
 - (c) the eligible part-time student is registered to continue the course at the same educational institution after the award of his degree so as to obtain an honours degree on completion of the required modules, examinations or other forms of assessment.
- (4) An eligible part-time student shall be eligible for a loan in respect of –
- (a) an academic year during which –
 - (i) his course becomes a designated part-time course,
 - (ii) he or his spouse or parent is recognised as a refugee or is granted leave to enter or remain as mentioned in paragraph 3 of Schedule 1, or
 - (b) any academic year which begins after the events referred to in paragraph (a) but shall not be eligible for a loan in respect of any other academic year.

(5) Subject to paragraph (6), an eligible part-time student shall not be eligible for a loan if he is a prisoner serving a custodial sentence.

(6) Paragraph (5) shall not apply in respect of an academic year during which the student enters prison to serve a custodial sentence or is released from prison having served such a sentence.

(7) An eligible part-time student who is eligible for a loan in respect of an academic year in accordance with the preceding paragraphs shall be eligible for a loan in respect of that year if –

(a) at the date of his application for the loan, he or his spouse is entitled under Part VII of the Social Security Contributions and Benefits Act (Northern Ireland) 1992(1) to income support(2), working families' tax credit(3), disabled person's tax credit(4), housing benefit(5); or

(b) his financial resources for the preceding financial year do not exceed £13,000.

(8) For the purposes of paragraphs (7) and (10) an eligible part-time student's financial resources for a financial year means the aggregate of his income for that year together with the aggregate of the income for that year of any person who at the date of his application for the loan is his spouse.

(9) In calculating an eligible part-time student's income under this regulation there shall be disregarded –

(a) £2,000 in respect of his spouse;

(b) £2,000 in respect of the only or eldest child who is dependent on him or his spouse; and

(c) £1,000 in respect of each other such child.

(10) Where the Department is satisfied that an eligible part-time student's financial resources in the current financial year are unlikely to, or do not, exceed £13,000 it may assess that student's eligibility for a loan under this regulation by reference to those resources in the current financial year.

(11) For the purposes of this regulation –

“child” in relation to an eligible part-time student includes a step-child and any child for whom the student has parental responsibility and, in the case of an eligible part-time student aged 25 or over on the first day of the academic year in respect of which his eligibility for a loan is being assessed, any child of his partner;

“dependent” means wholly or mainly financially dependent;

“financial year” means, subject to paragraph (12), the period of 12 months for which the income of the eligible part-time student is computed for the purposes of the income tax legislation which applies to it;

“income” means gross income from all sources;

“partner” means a woman ordinarily living with a man part-time student as his wife or a man ordinarily living with a woman part-time student as her husband;

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- (1) 1992 c. 7, as amended by the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I.1994/1898 (N.I. 12)), Articles 3 to 5, 7, 8, 10 to 12 and Schedules 1 and 2.
- (2) Section 123, which provides for income support, is amended by the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)), Schedules 2 and 3 and by the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)), Schedule 8, Part IV, paragraph 26
- (3) Section 127, which provides for Working Families' Tax Credit, is amended by the Tax Credit Act 1999 (c. 10), section 1(2) and Schedule 1, paragraphs 1(a), (b) and 2(g) and the Jobseekers (Northern Ireland) Order 1995, Schedule 2, paragraph 16
- (4) Section 128, which provides for Disabled Person's Tax Credit, is amended by the Tax Credit Act 1999, section 1(2) and Schedule 1, paragraphs 1(a) and (b) and 2(h) and by section 14(1) to (5), the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)), Articles 12(2) and (3) and Schedule 1, paragraph 32, the Welfare Reform and Pensions (Northern Ireland) Order 1999, (S.I. 1999/3147 (N.I. 11)), Schedule 10, Part IV, the Jobseekers (Northern Ireland) Order 1995, and Schedule 2, paragraph 17 and by the Local Government Finance Act 1992 (c. 14), section 103 and Schedule 9, paragraph 2
- (5) Section 129.

“preceding financial year” means the most recent financial year ending before the first day of the academic year in respect of which a person’s eligibility for a loan is being assessed and “current financial year” means the financial year which includes the first day of that academic year;

“spouse” includes, in the case of an eligible part-time student aged 25 or over on the first day of the academic year in respect of which his eligibility for a loan is being assessed, a partner. It does not include a spouse of an eligible part-time student where they have ceased ordinarily to live together, in the case of a married part-time student whether or not an order for their separation has been made by any court, or where the spouse is ordinarily living outside the United Kingdom and is not maintained by him.

(12) In the case of an eligible part-time student or his spouse whose income is subject to the income tax legislation of the Republic of Ireland, for the purposes of this regulation his income in the period from 1st January 2001 to 5th April 2001 shall be treated not only as income in the financial year ending on 5th April 2001 but also as income in the period from 6th April 2001 to 31st December 2001 and the latter period shall be treated as a financial year notwithstanding that it is less than 12 months in duration.