

2005 No. 445

EDUCATION

**The Education (Student Support) (2005 Regulations)
(Amendment) Regulations (Northern Ireland) 2005**

Made - - - - - *10th October 2005*

Coming into operation - - - - - *31st October 2005*

The Department for Employment and Learning (a), in exercise of the powers conferred by Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(b) and now vested in it(c) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Student Support) (2005 Regulations) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 31st October 2005.

Interpretation

2. In these Regulations—

“the 2005 Regulations” means the Education (Student Support) Regulations (Northern Ireland) 2005(d).

Amendment of the 2005 Regulations

3. The 2005 Regulations shall be amended as provided by regulations 4 to 6.

4.—(1) Regulation 18 (Grants for Dependants — Childcare Grant) shall be amended as provided by paragraph (2).

(2) In paragraph (4)—

(a) in sub-paragraph (a) for “£114.75” there shall be substituted “£148.75” and

(b) in sub-paragraph (b) for “£170” there shall be substituted “£255”.

5.—(1) In Schedule 2 (Eligible Students), paragraph 9 shall be amended as provided by paragraphs (2) to (4).

(2) The words “or the child of such a national” shall be omitted.

(3) At the end of sub-paragraph (a) the word “and” shall be omitted

(a) Formerly known as the Department of Higher and Further Education, Training and Employment; see the Department for Employment and Learning Act (Northern Ireland) 2001 c. 15

(b) S.I. 1998/1760 (N.I. 14) as amended by the Learning and Skills Act 2000 (c. 21), section 147(3)(a) and (b)

(c) S.R. 1999 No. 481 see Article 5(b) and Schedule 3 Part II

(d) S.R. 2005 No. 340

(4) After sub-paragraph (b) there shall be inserted—

“(c) who, where he is a national of the United Kingdom, has a right to be treated no less favourably than a national of another Member State by virtue of having exercised a Community right of free movement; and

(d) who, in a case where his ordinary residence referred to in sub-paragraph (b) was wholly or mainly for the purpose of receiving full time education, was ordinarily resident in the European Economic Area immediately prior to the period of ordinary residence referred to in sub-paragraph (b).”.

6.—(1) Schedule 5 (Financial Assessment) shall be amended as provided by paragraphs (2) and (3).

(2) In paragraph 5(3) the words “, as a result of some event beyond his control,” shall be omitted; and for “household income” there shall be substituted “parent’s income”.

(3) In paragraph 5(4), for “as a result of some event beyond his control” there shall be substituted “as a result of any event”.

Sealed with the Official Seal of the Department for Employment and Learning on 10th October 2005.



Heather A Stevens
A senior officer of the Department for Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) Regulations (Northern Ireland) 2005 (the “2005 Regulations”). Those Regulations provide for support for students taking designated higher education courses.

The 2005 Regulations apply in respect of academic years beginning on or after 1st September 2005. Regulation 18 of the 2005 Regulations deals with the award of a childcare grant to eligible students. Regulation 4 of these Regulations amends regulation 18 of the 2005 Regulations so that the maximum weekly amount of the childcare grant is increased.

Schedule 2 to the 2005 Regulations sets out the categories of students eligible for student support. These Regulations amend the eligibility criteria in paragraph 9 of Schedule 2.

Schedule 5 to the 2005 Regulations sets out the method for assessing a student’s contribution towards his support. Regulation 6 of these Regulations amends paragraphs 5(3) and 5(4) of Schedule 5 to the 2005 Regulations which set out the circumstances in which income can be re-assessed so that it is no longer necessary for a drop in the parent’s income to be as a result of an event beyond his control. Regulation 6 also amends paragraph 5(3) so that where there is a drop in the parent’s income, it is the parent’s income rather than the household income which may be re-assessed for the current financial year.