

**2005 No. 466**

**EDUCATION**

**Students Awards (Amendment) Regulations (Northern Ireland)  
2005**

*Made* - - - - - *26th October 2005*

*Coming into operation* - - - - - *20th November 2005*

The Department for Employment and Learning(a), in exercise of the powers conferred by Articles 50(1) and (2) and 134(1)(b) of the Education and Libraries (Northern Ireland) Order 1986(c) and now vested in it(d) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1. These Regulations may be cited as the Students Awards (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 20th November 2005 and shall have effect on and from 1st September 2005.

2. In these Regulations, “the Principal Regulations” means the Students Awards Regulations (Northern Ireland) 2003(e).

**Revocation**

3. The following provisions of the Students Awards (Amendment) Regulations (Northern Ireland) 2004(f) are hereby revoked—

- (a) regulation 7; and
- (b) the Schedule.

**Amendment of the Principal Regulations**

4. The Principal Regulations shall be amended as provided by regulations 5 to 17.

5.—(1) Regulation 2 (Interpretation) shall be amended as provided by paragraphs (2) to (9).

(2) Before the definition of “academic authority” there shall be inserted—

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(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) As amended by S.I. 1993/2810 (N.I. 12): Article 50 and Schedule 4 Part II  
(c) S.I. 1986/594 (N.I. 3): Article 50(1) and (2) was repealed by Article 9 of, and the Schedule to, the Education (Student Support) (Northern Ireland) Order 1998, (S.I. 1998/1760 (N.I. 14)), subject to the transitional and saving provisions in Part II of the Education (Student Support) (Northern Ireland) Order 1998 (Commencement No. 2 and Transitional Provisions) Order (Northern Ireland) 1998, (S.R. 1998 No. 460 (c. 22))  
(d) S.R. 1999 No. 481 Article 5(b) and Schedule 3 Part II  
(e) S.R. 2003 No. 459 as amended by S.R. 2004 No. 395  
(f) S.R. 2004 No. 395

““the 2005 Act” means the Education Act 2005(a);”.

(3) After the definition of “British Islands” there shall be inserted—

““category 2 European Student” means a person who is a national of a member state of the European Community—

- (a) who has been ordinarily resident in the British Islands throughout the three year period immediately preceding the start of the relevant designated course;
- (b) 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
- (c) who, in a case where his ordinary residence referred to in sub-paragraph (a) 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 (a).”.

(4) For paragraph (a) of the definition of “course of initial teacher training” there shall be substituted—

“(a) a full-time course for the initial teacher training of teachers (other than a course for the degree of Bachelor of Education) provided—

- (aa) by a publicly funded institution; or
- (bb) where a private institution is a training provider within the meaning of section 78 of the 2005 Act or an eligible institution within the meaning of section 86 of the 2005 Act, by a public institution in conjunction with such a private institution; or
- (cc) by a private institution of the type referred to in sub-paragraph (bb);”.

(5) For the definition of “European student” there shall be substituted—

““European student” means a person who is a national of a member state of the European Community or the child of such a national—

- (a) who has not been ordinarily resident in the British Islands as described in regulation 6(1), whose residence in the British Islands has been wholly or mainly for the purposes of receiving full-time education as described in regulation 6(2) or who is not settled in the United Kingdom as described in paragraph 2(a) of Schedule 1; and
- (b) who is not a category 2 European student;”.

(6) In the definition of “institution” for “Part I of the Education Act 1994” there shall be substituted “Part 3 of the 2005 Act”.

(7) In the definition of “new academic term” for “2004” there shall be substituted “2005”.

(8) For the definition of “new payment” there shall be substituted—

““new payment” means a payment made under these Regulations as amended by the Students Awards (Amendment) Regulations (Northern Ireland) 2004 and the Students Awards (Amendment) Regulations (Northern Ireland) 2005;”.

(9) For the definition of “old payment” there shall be substituted—

““old payment” means a payment which would have been made under these Regulations, as amended by the Students Awards (Amendment) Regulations (Northern Ireland) 2004, if they had not been amended by the Students Awards (Amendment) Regulations (Northern Ireland) 2005;”.

6. In regulation 6 (Ordinarily resident) after paragraph (2) there shall be inserted—

“(2A) Paragraphs 5(1) and (2) shall not apply in the case of a category 2 European student.”.

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(a) 2005 c. 18

7. In regulation 9 (Terms and conditions) in paragraph (2)(a) and (b) for “2003” in each place where it occurs, there shall be substituted “2004”.

8. In Schedule 1 (Persons) at the end of paragraph 2(a) the semi-colon shall be removed and there shall be added—

“or is a category 2 European student;”

9. In Schedule 3 (Terms and conditions) after paragraph 2(d) there shall be inserted the following paragraph—

“(dd) in the case of a category 2 European student who—

(i) started a designated course on or after 1st September 2004 but before 1st September 2005; and

(ii) is applying for an award in respect of that course,

where the application reaches the authority by 1st January 2006.”.

10. In Schedule 5 (Fees) for paragraph (c)(iv)(a) there shall be substituted—

“(iv) in the case of a course at the University of Buckingham, a first and second instalment of £692 and a third and fourth instalment of £693; in the case of a course at the Guildhall School of Music, a first instalment of £1,416 and a second and third instalment of £1,417; and in the case of a course at Heythrop College, a first and second instalment of £698 and a third instalment of £699;”

11.—(1) Schedule 6 (Requirements) shall be amended as provided by paragraphs (2) to (4).

(2) In paragraph 13(4)—

(a) in sub-paragraph (a), the words “and has not made an election under paragraph (3) of Schedule 4” shall be omitted;

(b) in sub-paragraph (b)—

(i) after “is” in the first place where it appears, there shall be inserted “not”;

(ii) the words “and has not made an election under paragraph (3) of Schedule 4” shall be omitted.

(3) In paragraph 14—

(a) in sub-paragraph (1), the words “has not made an election under paragraph (3) of Schedule 8 and he” shall be omitted;

(b) in sub-paragraph (3) for “paragraph 13(2)” in the second and third places where those words appear, there shall be substituted “sub-paragraph (2)”.

(4) Paragraph 18 shall be renumbered as 16.

12.—(1) Schedule 7 (Resources) shall be amended as provided by paragraphs (2) to (4).

(2) In paragraph 1—

(a) for sub-paragraph (1)(c) there shall be substituted—

“(c) any grant to facilitate teacher training paid to the student under Part 2 of the Education Act 2002 or section 78 of the 2005 Act, any payment made in respect of the student’s training as a teacher by an institution to which grants, loans or other payments for that purpose are provided under section 78 or 86 of the 2005 Act or under section 65(3) of the Further and Higher Education Act 1992;”;

(b) in sub-paragraph (3) after “European student”, there shall be inserted “or a category 2 European student”.

(3) For paragraph 4(2), there shall be substituted—

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(a) As amended by regulation 6 of S.R. 2004 No.395

“(2) Where a contribution is ascertained in respect of more than one child of the student’s parent the aggregate of the contributions shall not exceed the contribution that would be ascertained if only one child held such an award or, if that amount is different in respect of each child, the lower, or as the case may be, lowest such amount.

(2A) The amount or, where a contribution is ascertained in respect of more than one child of the student’s parent, the aggregate amount of the parental contribution ascertained under this Part shall in no case exceed £7,250.”.

(4) For paragraph 4(4) to (6), there shall be substituted—

“(4) Subject to sub-paragraphs (5) and (6), for any year in which a statutory award under these Regulations, the Education (Student Support) Regulations (Northern Ireland) 2005 or section 63 of the Health Services and Public Health Act 1968 (and no other statutory award) is held by more than one child of the student’s parent, the parental contribution payable in respect of the student shall be an amount equal to the aggregate of the contributions ascertained in accordance with this Part divided by the number of children of his parent who hold a relevant statutory award.

(5) Subject to sub-paragraph (6), if, as a result of the apportionment under sub-paragraph (4), any part of the parental contribution ascertained in accordance with this Part would not be applied in respect of the student’s statutory award, the remainder of the contribution shall be applied—

- (a) first in relation to the smallest statutory award (or equally to each such award) to which the contribution may be applied; and
- (b) then to the remaining statutory award to which the contribution may be applied or, if there is more than one remaining statutory award to which the contribution may be applied, equally to each such award.

(6) If, after apportioning the remaining parental contribution equally under sub-paragraph (5)(b)—

- (a) any amount of the parental contribution ascertained under this Part still has not been applied; and
- (b) there remains one or more statutory awards to which the contribution may be applied,

the balance of the contribution shall be applied to the remaining statutory award or awards, in increasing order of size, to which the contribution may be applied, until there remains no such statutory award to which the contribution has not been applied.”.

**13.—**(1) Schedule 8 (Single students with dependants) shall be amended as provided by paragraphs (2) and (3).

(2) For paragraph 2(2), there shall be substituted—

“(2) In the case of such a student the sum to be disregarded under paragraph 1(1)(a) of Schedule 7 shall be £2,055 instead of £945.”.

(3) Paragraph 3 shall be omitted.

**14.—**(1) Schedule 9 (Sandwich courses) shall be amended as provided by paragraphs (2) and (3).

(2) In paragraph 1(4) for “references to Schedules 6 and 7 are to be construed as references to those Schedules”, there shall be substituted “references to Schedule 7 are to be construed as references to that Schedule”.

(3) In paragraph 3(c) the words “except that where such a requirement falls to be increased under paragraph 16 it shall be increased by the prescribed proportion or the sum there specified” shall be omitted.

**15.** The figures in the third column of the table in Schedule 1 to these Regulations are substituted for the figures in the second column where they appear in the provisions of the Principal Regulations set out in the first column of the table.

16. The Principal Regulations are also amended in accordance with Schedule 2.

**Modifications applying while the Civil Partnership Act 2004 is not in force**

17. During such time as section 1 of the Civil Partnership Act 2004(a) is not in force, regulation 16 and Schedule 2 shall not have effect.

Sealed with the Official Seal of the Department for Employment and Learning on 26th October 2005.



*David McAuley*

A senior officer of the Department for Employment and Learning

**SCHEDULE 1**

Regulation 15

**NEW PAYMENT RATES**

<i>Provision in the Principal Regulations</i>	<i>Existing figure (£)</i>	<i>New figure (£)</i>
<b>Schedule 5</b>		
Paragraph (d)(i)	1,150 560	1,175 570
Paragraph (d)(iii)	1,075	1,100
Paragraphs (v), (vi), (vii) and (ix)	560	570
<b>Schedule 6, Part 1</b>		
Paragraph 2(2)	2,090	2,140
Paragraph 2(2)(a)	2,570	2,635
Paragraph 2(2)(b)	2,990	3,065
Paragraph 3	1,705	1,745
<b>Schedule 6, Part 2</b>		
Paragraph 5(2)(a)	49	50
Paragraph 5(2)(b)	73	75
Paragraph 5(2)(b)(i)	94	96
Paragraph 5(2)(b)(ii)	101	104
Paragraph 7(2)	275	280
Paragraph 9(2)(a)	11,550	11,840
Paragraph 9(2)(b)	4,565	4,680
Paragraph 9(2)(d)	1,525	1,565
<b>Schedule 6, Part 3</b>		
Paragraph 12(3)	3,360	3,445
Paragraph 13(1)	2,335	2,395

(a) 2004 c.33

Paragraph 13(1)(b)	3,360	3,445
Paragraph 13(2)(b)(i)	1,025	1,050
Paragraph 13(2)(b)(ii)	3,070	3,145
Paragraph 13(2)(b)(iii) and (iv)	4,095	4,195
Paragraph 13(2)(b)(v)	5,120	5,250
Paragraph 13(4)(a)	1,330	1,365
Paragraph 13(4)(b)	1,330 1,280	1,365 1,315
Paragraph 14(2)(a)	114.75	148.75
Paragraph 14(2)(b)	170	255
Paragraph 14(5)(b)(i)	1,025	1,050
Paragraph 14(5)(b)(ii)	3,070	3,145
Paragraph 14(5)(b)(iii) and (iv)	4,095	4,195
Paragraph 14(5)(b)(v)	5,120	5,250
Paragraph 14(7)(b)(i)	1,025	1,050
Paragraph 14(7)(b)(ii)	3,070	3,145
Paragraph 14(7)(b)(iii) and (iv)	4,095	4,195
Paragraph 14(7)(b)(v)	5,120	5,250
<b>Schedule 7, Part 1</b>		
Paragraph 1(1)(a)	920	945
Paragraph 1(1)(b)	4,350	4,460
Paragraph 1(1)(q)	3,500	3,590
<b>Schedule 7, Part 2</b>		
Paragraph 4(1)	21,475 85	22,010 87
Paragraph 6(2)(a)	2,475	2,535
Paragraph 6(2)(d) and (e)	1,940	1,990
Paragraph 6(2)(g)	1,000	1,025
<b>Schedule 7, Part 3</b>		
Paragraph 8(2)	18,475 85 7,075	18,935 87 7,250
<b>Schedule 9</b>		
Paragraph 4(a)	920	945

## SCHEDULE 2

Regulation 16

### CIVIL PARTNERSHIPS

1. In regulation 2, after paragraph (c) of the definition of “independent student” there shall be inserted—

“(cc) has formed a civil partnership before the beginning of the year for which payments in pursuance of his award fall to be made whether or not the civil partnership is still subsisting; or”.

2. At the end of regulation 4, there shall be inserted—

“(2) For the purposes of these Regulations a person’s civil partnership is to be treated as having been terminated, not only by the death of the other civil partner or the annulment or dissolution of the civil partnership by an order of a court of competent jurisdiction, but also by virtue of the parties to the civil partnership ceasing ordinarily to live together, whether or not an order for their separation has been made by any court.”.

**3.—**(1) Regulation 6 shall be amended as provided by paragraphs (2) to (4).

(2) in paragraph (1) after “spouse” there shall be inserted “or civil partner”.

(3) in paragraph (4) after “spouse” in both places where it occurs, there shall be inserted “, civil partner”.

(4) in paragraph (5)(c) after “spouse” in both places where it occurs, there shall be inserted “or civil partner”.

**4.** In regulation 11(1)(b) after “or III”, there shall be inserted “or IIIA”.

**5.** In regulation 16(5)(b) after “spouse” in both places where it occurs, there shall be inserted “or civil partner”.

**6.** In Schedule 3 (Terms and conditions) in paragraph 2(2)(d), after “spouse” there shall be inserted “or civil partner”.

**7.—**(1) Schedule 6 (Requirements) shall be amended as provided by paragraphs (2) to (8).

(2) in paragraph 12(1)—

(a) for the definition of “adult dependant” there shall be substituted—

““adult dependant” means, in relation to a student, an adult person dependent on the student not being his child, his spouse or a person living with him as his spouse, his former spouse, his civil partner or a person living with him as his civil partner or his former civil partner, subject however to sub-paragraphs (2) and (3);”;

(b) after the definition of “child” there shall be inserted—

““civil partner”, except in the definition above of adult dependant, shall not include a student’s civil partner if they have ceased ordinarily to live together whether or not an order for their separation has been made by any court;”;

(c) in the definition of “dependant” after “spouse” in both places where it occurs, there shall be inserted “or civil partner”;

(d) in the definition of “income”—

(i) after “spouse” in each place where it occurs, there shall be inserted “or civil partner”;

(ii) in paragraph (f) after “spouse’s” there shall be inserted “or civil partner’s”.

(3) In paragraph 12(2) after “spouse” there shall be inserted “or civil partner”.

(4) In paragraph 13(1)(a) after “spouse” there shall be inserted “or civil partner”.

(5) In paragraph 13(3)(a)—

(a) after “spouse” there shall be inserted “or civil partner”;

(b) after “spouse’s” there shall be inserted “or civil partner’s”.

(6) In paragraph 14(1) after “spouse” there shall be inserted “or civil partner”.

(7) In paragraph 14(8)—

(a) after “spouse” there shall be inserted “or civil partner”;

(b) after “spouse’s” there shall be inserted “or civil partner’s”.

(8) In paragraph 16 after “spouse” in both places where it occurs, there shall be inserted “or civil partner”.

**8.—**(1) Schedule 7 (Resources) shall be amended as provided in paragraphs (2) to (6).

(2) In paragraph 1(1) —

- (a) in paragraph (d) after “spouse’s contribution ascertained in accordance with Part III” there shall be inserted, “or a civil partner’s contribution ascertained in accordance with Part IIIA”;
- (b) in paragraph (e) after “pension” in the second place where it occurs, there shall be inserted “or equivalent pension paid to a surviving civil partner”;
- (c) in paragraph (q) after “spouse” there shall be inserted “, civil partner”;
- (d) for paragraph (u), there shall be substituted—
  - “(u) the first £7,500 of income of any description, other than a sum treated as income under sub-paragraph (6), where—
    - (i) a parental contribution does not apply because the student falls within paragraph 3; and
    - (ii) a spouse’s contribution does not apply under Part III or a civil partner’s contribution does not apply under Part IIIA.”.
- (3) In paragraph 1(4) after “or person who lived with him as his spouse”, there shall be inserted “or former civil partner or person who lived with him as his civil partner”.
- (4) In paragraph 1(5) after “Schedule 6”, the full stop shall be removed and there shall be inserted—
  - “or from the income of a student who has formed a civil partnership where the student’s civil partner is a dependant for the purpose of Part III of that Schedule”.
- (5) In paragraph 6(2)—
  - (a) in sub-paragraph (a) after “spouse,” there shall be inserted “civil partner,”;
  - (b) in sub-paragraph (e) after “marriage” there shall be inserted “or civil partnership”.
- (6) After paragraph 8 there shall be added—

## “PART IIIA

### Civil Partner’s Contribution

#### **Application of Part IIIA**

**9.** A civil partner’s contribution ascertained in accordance with this Part shall be applicable in the case of every student ordinarily living with his civil partner except—

- (a) a student in whose case a parental contribution is applicable in accordance with Part II; and
- (b) a student whose child holds an award in respect of which a parental contribution is applicable.

#### **Civil partner’s contribution**

**10.**—(1) Subject to sub-paragraphs (3) and (4), Part II, except paragraphs 3, 4(1), (2), (3)(a) and (c), 5(4), (7), (8) and (9), and 6(2)(e), shall apply with the necessary modifications for the ascertainment of the civil partner’s contribution as it applies for the ascertainment of the parental contribution, references to the parent being construed as references to the student’s civil partner and this Part shall be construed as one with the said Part II.

(2) The civil partner’s contribution shall be in any case in which the residual income is £18,935 or more £45 with the addition of £1 for every complete £8 by which it exceeds £18,935, reduced in any such case by £87 in respect of each child of the student who is dependent on him or his civil partner on the first day of the year for which the contribution falls to be ascertained; and in any case in which the residual income is less than £18,935 the



civil partner's contribution shall be nil; provided that the amount of the civil partner's contribution shall in no case exceed £7,250.

(3) If the student forms a civil partnership during any year for which the contribution falls to be ascertained the contribution for that year shall be the fraction of the sum ascertained in accordance with the provisions of sub-paragraphs (1) and (2) of which the denominator is 52 and the numerator is the number of complete weeks between the date of formation of the civil partnership or the date on which the civil partnership is treated as having been formed and whichever is the earlier of the end of that year and the end of the course.

(4) If the student's civil partnership terminates during any year for which the contribution falls to be ascertained the contribution for that year shall be the fraction of the sum ascertained in accordance with the provisions of sub-paragraphs (1) and (2) of which the denominator is 52 and the numerator is the number of complete weeks between the beginning of that year and the termination of the civil partnership."

9. In Schedule 8 (Single students with dependants) in paragraph 1, at the end the full stop shall be removed and there shall be added "or with a civil partner or with another person as a civil partner".

10. In Schedule 9 (Sandwich courses), in paragraph 4(d) at the end the full stop shall be removed and there shall be added—

“(e) the amount of the civil partner's contribution applicable to his case shall be the prescribed proportion of the contribution ascertained in accordance with Part IIIA.”.

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations come into operation on 20th November 2005 and have effect from 1st September 2005. Retrospection is authorised by Article 50(2) of the Education and Libraries (Northern Ireland) Order 1986.

These Regulations amend the Students Awards Regulations (Northern Ireland) 2003 (S.R. 2003 No. 459) (the "Principal Regulations"). The Principal Regulations ensure that students who began their courses before 1st September 1998, and certain other students, continue to receive students awards and payments under students awards until the end of their courses.

In addition to minor and drafting amendments, these Regulations make the following changes of substance to the Principal Regulations.

Regulation 5 amends the Principal Regulations so that the new payment rates prescribed in Schedule 1 to these regulations shall only apply in relation to an academic term which commences on or after 1 September 2005. Where an academic year starts before 1st September 2005, but ends after 1st September 2005, the old payment rates and the new payment rates shall be applied proportionally.

Regulation 5 also creates a new category of students who are eligible for students awards in respect of their attendance on courses beginning on or after 1st September 2004. Regulations 8 and 9 make consequential provisions in this regard.

Regulations 5 and 12 amend the Principal Regulations as a consequence of the substitution of relevant provisions of the Education Act 1994 by the Education Act 2005.

Regulation 13 amends the Principal Regulations so as to remove the lone parent grant. Regulation 11 makes various consequential changes in this regard.

Regulation 10 specifies increases in the rates of fee awards in relation to courses at the University of Buckingham, the Guildhall School of Music and Heythrop College. Increases in relation to other fee awards and grants are provided for in regulation 15 and set out in Schedule 1 to these Regulations.

Regulation 16 and Schedule 2 amend the Principal Regulations to enable persons who form civil partnerships to benefit from certain grants under the Regulations and also to enable the income of a person's civil partner to be taken into account when calculating a student's resources.

Regulation 17 provides that these modifications do not take effect whilst section 1 of the Civil Partnership Act 2004 (c.33) is not in force.

These Regulations partially revoke the Students Awards (Amendment) Regulations (Northern Ireland) 2004.