
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 312

The Education (Student Support)
Regulations (Northern Ireland) 2006

PART 10

SUPPORT FOR PART-TIME COURSES

Interpretation of regulation 89

90.—(1) For the purposes of regulation 89—

- (a) subject to sub-paragraph (b), “partner” means any of the following—
 - (i) the spouse of an eligible part-time student;
 - (ii) the civil partner of an eligible part-time student;
 - (iii) a person ordinarily living with an eligible part-time student as if he were his spouse where an eligible part-time student is aged 25 or over on the first day of the academic year in respect of which he is being assessed for assistance and where he began the specified designated part-time course before 1st September 2005;
 - (iv) a person ordinarily living with an eligible part-time student as if he were his spouse or civil partner where an eligible part-time student begins the specified designated part-time course on or after 1st September 2005;
- (b) a person who would otherwise be a partner under sub-paragraph (a) is not to be treated as a partner if—
 - (i) in the opinion of the Department, that person and the eligible part-time student are separated; or
 - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible part-time student;
- (c) “relevant income” has the meaning given in paragraph (2).

(2) Subject to paragraph (3), an eligible part-time student’s relevant income is equal to his financial resources in the preceding financial year less—

- (i) £2,000 in respect of his partner;
- (ii) £2,000 in respect of the only or eldest child who is dependent on the student or his partner; and
- (iii) £1,000 in respect of each other child who is dependent on the student or his partner.

(3) Where the Department is satisfied that an eligible part-time student’s financial resources in the preceding financial year are greater than his financial resources in the current financial year and that the difference between the two amounts is £1,000 or more, it may assess that student’s financial resources by reference to those resources in the current financial year.

(4) In this regulation, an eligible part-time student's financial resources in 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 the application for support is the student's partner.

(5) In this regulation—

- (a) "child" in relation to an eligible part-time student includes any child of his partner and any child for whom he has parental responsibility;
- (b) "current financial year" means the financial year which includes the first day of the academic year in respect of which a person is being assessed for assistance;
- (c) "dependent" means wholly or mainly financially dependent;
- (d) "financial year" means the period of twelve 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;
- (e) "income" means gross income from all sources excluding any tax credits awarded pursuant to any claims under section 3 of the Tax Credits Act 2002;
- (f) "preceding financial year" means the financial year immediately preceding the current financial year;
- (g) "specified designated part-time course" means the course in respect of which the person is applying for support or, where the student's status as an eligible part-time student has been transferred to the current designated part-time course as a result of one or more transfers of that status by the Department from a part-time course (the "initial course") in connection with which the Department determined the student to be an eligible part-time student pursuant to regulations made under Article 3 of the Order, the specified designated part-time course is the initial course.