

2006 No. 403

EDUCATION

**The Education (Supply of Student Support Information to
Governing Bodies) Regulations (Northern Ireland) 2006**

Made - - - - 9th October 2006

Coming into operation - 10th October 2006

The Department for Employment and Learning makes the following Regulations in exercise of the powers conferred by Articles 13(1) to (5) and 14(4) of the Higher Education (Northern Ireland) Order 2005(a):

Citation, commencement and interpretation

1. These Regulations may be cited as the Education (Supply of Student Support Information to Governing Bodies) Regulations (Northern Ireland) 2006 and shall come into operation on 10th October 2006.

2. In these Regulations—

“the Order” means the Higher Education (Northern Ireland) Order 2005;

“applicant” means a person who makes a student support application;

“applicant’s sponsor” means an applicant’s parent or partner or an applicant’s parent’s partner who is required under the student support scheme(b) to provide information in connection with the applicant’s student support application;

“eligible student”, “eligible part-time student” and “eligible postgraduate student” have the same respective meanings as in the Education (Student Support) Regulations (Northern Ireland) 2006;

“governing body” means a person falling within Article 13(2)(a) of the Order; and

“student support application” means an application for support payable under the student support scheme for an academic year commencing on or after 1st September 2006.

Supply of student support information

3.—(1) Subject to regulation 4, a student support authority may supply student support information of a description prescribed in regulation 5 to a governing body for the purposes prescribed in paragraph (2).

(2) The prescribed purposes are the purposes of assisting the governing body—

(a) 2005 / 1116 (N.I. 5)

(b) Student support scheme is defined in Article 13(7) of the Higher Education (Northern Ireland) Order 2005. The most recent Regulations made under Article 3 of the Education (Student Support) Order (Northern Ireland) 1998 are the Education (Student Support) Regulations (Northern Ireland) 2006 (S.R. 2006/ No. 312), as amended by S.R. 2006 No. 383

- (a) to determine whether the applicant is eligible for a bursary (or other form of financial assistance) offered by that body and if so, the amount of bursary (or other form of financial assistance) payable to the applicant; and
- (b) to pay to the applicant the amount of bursary (or other form of financial assistance) the governing body has determined to be payable to him.

Prescribed student support information only to be supplied with consent

4.—(1) A student support authority may supply student support information of the description prescribed in regulation 5(a) or (c) only with the consent of the applicant.

(2) A student support authority may supply student support information of the description prescribed in regulation 5(b) only with the consent of the applicant’s sponsor.

Prescribed student support information

5. Student support information is of the prescribed description if it is—

- (a) information supplied to a student support authority by the applicant in connection with his student support application;
- (b) information supplied to a student support authority by the applicant’s sponsor in connection with the applicant’s student support application;
- (c) information which relates to—
 - (i) the applicant’s status as an eligible student, eligible part-time student or eligible postgraduate student for the purposes of the student support scheme;
 - (ii) the applicant’s qualification for financial support payable under the student support scheme;
 - (iii) the calculation of the amount of financial support payable to the applicant under the student support scheme; or
 - (iv) the amount of financial support payable to the applicant under the student support scheme.

Sealed with the Official Seal of the Department for Employment and Learning on 9th October 2006.



David McAuley
A senior officer of the Department for Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Regulations)

Article 13 of the Higher Education (Northern Ireland) Order 2005 (“the 2005 Order”) gives the Department the power to make Regulations providing for a student support authority to supply student support information of a prescribed description to a prescribed person for a prescribed purpose.

A “student support authority” includes: the Department, any Education and Library Board or governing body to whom student support functions have been transferred under Article 4(1) of the Education (Student Support) (Northern Ireland) Order 1998 (“the 1998 Order”) and a person to whom student support functions have been delegated under Article 4(3) of the 1998 Order.

These Regulations enable the Department, Education and Library Boards to whom student support functions have been transferred and the Student Loans Company (being a person to whom functions have been delegated under Article 4(3) of the 1998 Order) to supply information provided in connection with an application for student support either by the student himself or his sponsors to governing bodies of institutions providing courses which are designated for the purposes of the student support scheme. The Regulations also enable these student support authorities to supply to governing bodies information which is derived from the application, such as whether the student is an eligible student within the meaning of the student support scheme or the amount of student support payable to the student under that scheme.

This information may only be supplied for the purpose of assisting governing bodies to determine whether a student who has applied for student support is eligible for a bursary (or other form of financial assistance) offered by the relevant institution and the amount of the bursary or other financial assistance payable to that student and also, if relevant, to make the necessary payment to the student.

No information may be supplied under these Regulations without, in the case of information provided by the applicant or derived from the application, the applicant’s consent and, in the case of information provided by the sponsor, the sponsor’s consent.