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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 373**

**The Education (Student Support) ( No. 2)  
Regulations (Northern Ireland) 2009**

**PART 6**

**LOANS FOR LIVING COSTS**

**CHAPTER 1**

**QUALIFYING CONDITIONS**

**Interpretation of Part 6**

**62.** In this Part—

- (a) a “current system student with full entitlement” is a current system student other than a student with reduced entitlement;
- (b) an “old system student with full entitlement” is an old system student other than a student with reduced entitlement;
- (c) the “relevant date” means the first day of the first academic year of the specified designated course;
- (d) a “student with reduced entitlement” is an eligible student who—
  - (i) does not qualify for a grant for living and other costs in respect of the academic year because of regulation 39(3)(a) or (b) or 39(5); or
  - (ii) opts when applying for a loan for living costs not to provide the information needed to calculate the household income;
- (e) where the duration of a graduate-entry or postgraduate-level course for the initial training of teachers is only one academic year, that year is not to be treated as the final year.

**Commencement Information**

**II** Reg. 62 in operation at 17.12.2009, see [reg. 1\(1\)](#)

**Qualifying conditions for the loan for living costs – current system students**

**63.**—(1) Subject to paragraphs (3) to (5), a current system student qualifies for a loan for living costs in connection with the student’s attendance on a designated course if the student is under the age of 60 on the relevant date and—

- (a) where the student begins the course on or after 1st September 2009, the designated course does not lead to an equivalent or lower qualification unless the student’s status as an eligible student has been transferred to the current course pursuant to regulation 8 from a

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- designated course which began before 1st September 2009 and the student does not have an honours degree from an institution in the United Kingdom; or
- (b) he does not have an honours degree from—
- (i) an institution in the United Kingdom; or
  - (ii) an institution in the Republic of Ireland for which he received financial support under previous regulations.
- (2) The condition in paragraph (1)(a) or (b) does not apply where—
- (a) the designated course leads to qualification as a social worker, medical doctor, dentist, veterinary surgeon or architect;
  - (b) the designated course began before 1st September 2009 and leads to qualification as a landscape architect, landscape designer, landscape manager, town planner or town and country planner;
  - [<sup>F1</sup>(c) the current system student is eligible to apply for a healthcare bursary or a Scottish healthcare allowance, the amount of which is calculated by reference to that student's income whether or not the calculation results in a nil amount in respect of any academic year of the course; or]
  - (d) the current system student is on a course for the initial training of teachers.
- (3) A current system student does not qualify for a loan for living costs if—
- (a) he is in receipt of funding from the Department to participate in a management development programme known as the Business Education Initiative; or
  - (b) the only paragraph in Part 2 of Schedule 2 into which he falls is paragraph 9.
- (4) A current system student does not qualify for a loan for living costs in connection with the student's attendance on a designated course if that course is a flexible postgraduate course for the initial training of teachers which is of less than one academic year's duration.
- (5) A current system student does not qualify for a loan for living costs if the student is a prisoner.

#### Textual Amendments

- F1** Reg. 63(2)(c) substituted (23.12.2010) by [The Education \(Student Support\) \(No. 2\) Regulations \(Northern Ireland\) 2009 \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/383\)](#), regs. 1, 16

#### Commencement Information

- I2** Reg. 63 in operation at 17.12.2009, see [reg. 1\(1\)](#)

### Qualifying conditions for the loan for living costs – old system students

**64.**—(1) Subject to paragraphs (4) to (6), an old system student who falls within paragraph (a), (b), (e)(i) or (f) of the definition of “old system student” in regulation 2 qualifies for a loan for living costs in connection with the student's attendance on a designated course if the student is under the age of 60 on the relevant date.

(2) Subject to paragraph (4), an old system student who falls within paragraph (c), (d) or (e)(ii) of the definition of “old system student” in regulation 2 qualifies for a loan for living costs in connection with the student's attendance on a designated course if the student meets the following conditions—

- (a) is under the age of 60 on the relevant date; and
- (b) does not have an honours degree from—

- (i) an institution in the United Kingdom; or
  - (ii) an institution in the Republic of Ireland for which he received financial support under previous regulations.
- (3) The condition in paragraph (2)(b) does not apply where—
- (a) the designated course leads to qualification as a social worker, medical doctor, dentist, veterinary surgeon, architect, landscape architect, landscape designer, landscape manager, town planner or town and country planner;
  - (b) the old system student is eligible to receive any payment under a healthcare bursary the amount of which is calculated by reference to the student's income or a Scottish healthcare allowance the amount of which is calculated by reference to the student's income in respect of any academic year of the course; or
  - (c) the old system student is on a course for the initial training of teachers.
- (4) An old system student does not qualify for a loan for living costs if—
- (a) he is in receipt of funding from the Department to participate in a management development programme known as the Business Education Initiative; or
  - (b) the only paragraph in Part 2 of Schedule 2 into which he falls is paragraph 9.
- (5) An old system student does not qualify for a loan for living costs in connection with the student's attendance on a designated course if that course is a flexible postgraduate course for the initial training of teachers which is of less than one academic year's duration.
- (6) An old system student does not qualify for a loan for living costs if the student is a prisoner.

**Commencement Information**

**I3** Reg. 64 in operation at 17.12.2009, see [reg. 1\(1\)](#)

CHAPTER 2

MAXIMUM AMOUNTS OF LOANS

**General**

**65.**—(1) The maximum amount of a loan for living costs in respect of an academic year is calculated as follows—

- (a) where the eligible student is a current system student with full entitlement, in accordance with regulation 66 or 67;
- (b) where the eligible student is an old system student with full entitlement, in accordance with regulation 68;
- (c) where the eligible student is a student with reduced entitlement, in accordance with regulation 69.

**Commencement Information**

**I4** Reg. 65 in operation at 17.12.2009, see [reg. 1\(1\)](#)

**Current system students with full entitlement**

**66.**—(1) This regulation applies to a current system student with full entitlement (other than a type 1 or type 2 teacher training student where his contribution exceeds nil).

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(2) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than the final year of a course that is not an intensive course is equal to  $X - Y$  where—

$X$  is—

- (i) for a student in category A, £3,750;
- (ii) for a student in category B, £6,780;
- (iii) for a student in category C, £5,770;
- (iv) for a student in category D, £4,840;

$Y$  is the maintenance grant amount.

(3) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an intensive course is equal to  $X - Y$  where—

$X$  is—

- (i) for a student in category A, £3,390;
- (ii) for a student in category B, £6,170;
- (iii) for a student in category C, £5,015;
- (iv) for a student in category D, £4,480;

$Y$  is the maintenance grant amount.

(4) “the maintenance grant amount” is, unless otherwise stated,—

- (i) where the student qualifies under Chapter 6 of Part 5 for an amount of maintenance grant not exceeding £1,318, the amount of maintenance grant payable;
- (ii) where the student qualifies under regulation 58(2) or (4) for an amount of maintenance grant exceeding £1,318 but less than £1,738, £1,603 less £1 in every complete £17.25 by which the household exceeds £19,203;
- (iii) where the student qualifies under regulation 58(3) or (5) for an amount of maintenance grant exceeding £1,318 but less than £3,475, £1,887 less £1 in every complete £17.25 by which the household income exceeds £19,203;
- (iv) where the student qualifies under Chapter 6 of Part 5 for an amount of maintenance grant of £3,475, £1,887; and
- (v) where no maintenance grant is payable, nil.

#### Commencement Information

**I5** Reg. 66 in operation at 17.12.2009, see [reg. 1\(1\)](#)

#### Type 1 and type 2 teacher training students

**67.**—(1) This regulation applies to a current system student with full entitlement who is a type 1 or type 2 teacher training student whose contribution exceeds nil.

(2) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than the final year of a course that is not an accelerated course is —

- (a) for a student in category A, £3,750;
- (b) for a student in category B, £6,780;

- (c) for a student in category C, £5,770;
- (d) for a student in category D, £4,840.

(3) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an accelerated course is—

- (a) for a student in category A, £3,390;
- (b) for a student in category B, £6,170;
- (c) for a student in category C, £5,015;
- (d) for a student in category D, £4,480.

#### Commencement Information

**I6** Reg. 67 in operation at 17.12.2009, see [reg. 1\(1\)](#)

#### Old system students with full entitlement

**68.**—(1) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which an old system student with full entitlement qualifies in respect of an academic year other than the final year of a course that is not an intensive course is equal to  $X - Y$  where—

X is —

- (a) for a student in category A, £3,750;
- (b) for a student in category B, £6,780;
- (c) for a student in category C, £5,770;
- (d) for a student in category D, £4,840.

Y is the reduction.

(2) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which an old system student with full entitlement qualifies in respect of an academic year that is the final year of a course that is not an intensive course is equal to  $X - Y$  where—

X is —

- (a) for a student in category A, £3,390;
- (b) for a student in category B, £6,170;
- (c) for a student in category C, £5,015;
- (d) for a student in category D, £4,480.

Y is the reduction.

(3) In this regulation, “the reduction” is—

- (a) for students eligible for the maximum bursary of £2,000 under regulation 61, £1,500; and
- (b) in all other cases the amount of bursary for which the student is eligible under regulation 61, subject to paragraph (4).

(4) Where the maximum amount of loans set out in paragraphs (1) and (2) are reduced under paragraph (3), such reductions shall not have effect so as to reduce the amount of loan below the amount applicable to the student under regulation 69(1)(d) or (2)(d).

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### Commencement Information

**I7** Reg. 68 in operation at 17.12.2009, see [reg. 1\(1\)](#)

### Students with reduced entitlement

**69.**—(1) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year of a course other than the final year of a course that is not an intensive course is—

(a) where the student does not qualify for a grant for living and other costs in relation to the academic year because of regulation 39(3)(a)—

- (i) for a student in category A, £1,780;
- (ii) for a student in category B, £3,330;
- (iii) for a student in category C or D, £2,370.

(b) where the student does not qualify for a grant for living and other costs in relation to the academic year because of regulation 39(3)(b) or (5)—

- (i) for a student in category A, £1,780
- (ii) for a student in category B, £3,330;
- (iii) for a student in category C, £2,835;
- (iv) for a student in category D, £2,370.

(c) where a current system student applies for a loan for living costs and opts not to provide the information needed to calculate the household income an amount equal to

$X - Y$  where—

$X$  is—

- (i) for a student in category A, £2,812;
- (ii) for a student in category B, £5,085;
- (iii) for a student in category C, £4,330;
- (iv) for a student in category D, £3,630;

$Y$  is the amount specified in paragraph (3).

(d) Where an old system student applies for a loan for living costs and opts not to provide information needed to calculate the household income—

- (i) for a student in category A, £2,150;
- (ii) for a student in category B, £5,180;
- (iii) for a student in category C, £4,170;
- (iv) for a student in category D, £3,240.

(2) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year that is the final year of a course that is not an intensive course is—

(a) where the student does not qualify for a grant for living and other costs in relation to the academic year because of regulation 39(3)(a)—

- (i) for a student in category A, £1,350;
- (ii) for a student in category B, £2,550;
- (iii) for a student in category C or D, £1,850;

- (b) where the student does not qualify for a grant for living and other costs in relation to the academic year because of regulation 39(3)(b) or (5)—
- (i) for a student in category A, £1,350;
  - (ii) for a student in category B, £2,550;
  - (iii) for a student in category C, £2,070;
  - (iv) for a student in category D, £1,850;
- (c) where a current system student applies for a loan for living costs and opts not to provide the information needed to calculate the household income an amount equal to  $X - Y$  where—
- $X$  is—
- (i) for a student in category A, £2,540;
  - (ii) for a student in category B, £4,630;
  - (iii) for a student in category C, £3,760;
  - (iv) for a student in category D, £3,360;
- $Y$  is the amount specified in paragraph (3).
- (d) Where an old system student applies for a loan for living costs and opts not to provide information needed to calculate the household income—
- (i) for a student in category A, £1,785;
  - (ii) for a student in category B, £4,570;
  - (iii) for a student in category C, £3,415;
  - (iv) for a student in category D, £2,880.
- (3) The specified amount is—
- (a) £659 where the student is a type 1 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £659;
  - (b) £1,318 where the student is a type 2 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £1,318;
  - (c) nil where the student is not a type 1 or type 2 teacher training student.

**Commencement Information**

**18** Reg. 69 in operation at 17.12.2009, see [reg. 1\(1\)](#)

CHAPTER 3

LONG COURSES LOAN

**Long courses loan**

**70.**—(1) An eligible student qualifies for a long courses loan in connection with the student's attendance on a designated course if the student—

- (a) qualifies for a loan for living costs under this Part;
- (b) is required to attend the course for a period exceeding 30 weeks and 3 days in an academic year; and

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- (c) is not a student with reduced entitlement.
- (2) The maximum amount of long courses loan is  $X + Y$  where—  
 $X$  is calculated in accordance with paragraph (3),  
 $Y$  is calculated in accordance with paragraph (4);
- (3) Where an eligible student is required to attend a course for a period exceeding 30 weeks and 3 days in an academic year, the number of weeks or part weeks of attendance in the academic year beyond 30 weeks and 3 days is multiplied by the relevant amount in paragraph (5);
- (4) Where an eligible student attends a course for a period of not less than 45 weeks in any continuous period of 52 weeks, the total number of weeks in the 52-week period during which the student does not attend is multiplied by the relevant amount in paragraph (5);
- (5) The amount is—
- (i) for a student in category A, £55;
  - (ii) for a student in category B, £108;
  - (iii) for a student in category C, £117;
  - (iv) for a student in category D, £84.
- (6) Where an eligible student attends a course at the University of Ulster for a period not exceeding 6 weeks during the summer vacation and the Department is satisfied that the course is one which is included under the university's summer teaching scheme, the maximum amount of long courses loan for each week or part week of such attendance is—
- (a) for a student in Category A, by £55; or
  - (b) for a student in Category D, by £84
- (7) A deduction from the amount of long courses loan calculated in accordance with this regulation may be made in accordance with Part 8.

**Commencement Information**

**I9** Reg. 70 in operation at 17.12.2009, see [reg. 1\(1\)](#)

CHAPTER 4

MISCELLANEOUS

**Quarters in respect of which the loan for living costs is payable**

- 71.**—(1) Subject to regulation 74, the loan for living costs and the long courses loan are payable in respect of three quarters of the academic year.
- (2) The loan for living costs is not payable—
- (a) in the case of a compressed degree student, in respect of the quarter nominated by the Department;
  - (b) in any other case, in respect of the quarter in which, in the opinion of the Department, the longest of any vacation occurs.
- (3) The long courses loan is not payable in respect of the quarter nominated by the Department.

**Commencement Information**

**I10** Reg. 71 in operation at 17.12.2009, see [reg. 1\(1\)](#)



## Students falling into more than one category

72. Where an eligible student falls into more than one of the categories set out in regulation 78 in the course of the academic year—

- (a) the maximum amount of loan for living costs for the academic year is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the loan for living costs is payable;
- (b) the maximum amount of loan for living costs for each such quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year;
- (c) the maximum amount of long courses loan for the academic year is the aggregate of the maximum amount of long courses loan for each quarter in respect of which the long courses loan is payable;
- (d) the maximum amount of long courses loan for each such quarter is one third of the maximum amount of long courses loan which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year; and
- (e) the category which applies to a quarter is—
  - (i) the category into which the student falls for the longer or longest period in that quarter; or
  - (ii) if the student falls into more than one category for an equal period in that quarter, the category with the higher or highest rate of loan for living costs for the academic year.

### Commencement Information

I11 Reg. 72 in operation at 17.12.2009, see [reg. 1\(1\)](#)

## Students residing with parents

73.—(1) Where an eligible student (“X”) resides at X’s parents’ home and the Department is satisfied that in all the circumstances X’s parents by reason of age, incapacity or otherwise cannot reasonably be expected to support X and that it would be appropriate for the amount of loan for living costs or long courses loan payable to a student in a category other than category A to apply in X’s case, X must be treated as if X were not residing at X’s parents’ home for the purposes of this Part.

### Commencement Information

I12 Reg. 73 in operation at 17.12.2009, see [reg. 1\(1\)](#)

## Students becoming eligible in the course of an academic year

74.—(1) Where one of the events listed in paragraph (2) occurs in the course of an academic year, a student may qualify for a loan for living costs in respect of such quarters in respect of which a loan for living costs is payable as begin after the relevant event occurs.

- (2) The events are—
- (a) the student’s course becomes a designated course;
  - (b) the student, or the student’s spouse, civil partner or parent is recognised as a refugee or becomes a person with leave to enter or remain;

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- (c) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;
  - (d) the student acquires the right of permanent residence;
  - (e) the student becomes the child of a Turkish worker;
  - (f) the student becomes a person described in paragraph 6(1)(a) of Part 2 of Schedule 2; or
  - (g) the student becomes the child of a Swiss national.
- (3) An eligible student to whom paragraph (1) applies does not qualify for a loan for living costs in respect of any academic year beginning before the academic year in which the relevant event occurred.
- (4) The maximum amount of loan for living costs payable is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the student qualifies for the loan for living costs under this regulation.
- (5) The maximum amount of loan for living costs for each quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year.
- (6) The maximum amount of long courses loan payable is the aggregate of the maximum amount of long courses loan for each quarter in respect of which the student qualifies for the long courses loan under this regulation.
- (7) The maximum amount of long courses loan for each quarter is one third of the maximum amount of long courses loan which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year.

#### Commencement Information

**I13** Reg. 74 in operation at 17.12.2009, see [reg. 1\(1\)](#)

#### Students who are treated as in attendance on a course

**75.—(1)** A student to whom this regulation applies is treated as being in attendance on the designated course for the purpose of qualifying for the loan for living costs or the long courses loan.

(2) This regulation applies to—

- (a) a compressed degree student;
- [<sup>F2</sup>(aa) a student on a period of study or period of overseas work placement in an Erasmus year;]
- (b) a disabled student who—
  - (i) is not a compressed degree student; and
  - (ii) is undertaking a designated course in the United Kingdom or at a relevant institution of higher education in the Republic of Ireland but is not in attendance because the student is unable to attend for a reason which relates to the student's disability.

#### Textual Amendments

**F2** [Reg. 75\(2\)\(aa\)](#) inserted (23.12.2010) by [The Education \(Student Support\) \(No. 2\) Regulations \(Northern Ireland\) 2009 \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/383\)](#), [regs. 1, 17](#)

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#### Commencement Information

**I14** Reg. 75 in operation at 17.12.2009, see [reg. 1\(1\)](#)

#### Deductions from loans for living costs

**76.—(1)** A deduction from the amount of loan for living costs calculated under this Part in respect of a current system student with full entitlement or an old system student with full entitlement may be made in accordance with Part 8.

(2) There is no deduction under Part 8 from the amount of loan for living costs calculated under this Part in respect of a student with reduced entitlement.

#### Commencement Information

**I15** Reg. 76 in operation at 17.12.2009, see [reg. 1\(1\)](#)

#### Applying for an additional amount of loan for living costs or long courses loan

**77.—(1)** An eligible student may apply to borrow an additional amount of loan for living costs or long courses loan where—

- (a) the Department determines that the maximum amount of loan for living costs or long courses loan in relation to an academic year should be increased (including an increase from nil) as a result of a reassessment of the student's contribution or otherwise; and
- (b) the Department considers that the increase in the maximum amount of the loan or loans in question does not result from the eligible student—
  - (i) failing to provide information promptly which might affect the student's ability to qualify for the loan or loans in question or the amount of loan or loans in question for which the student qualifies; or
  - (ii) providing information that is inaccurate in any material particular.

(2) The additional amount under paragraph (1) is an amount which when added to the amount already applied for does not exceed the increased maximum.

(3) Where an eligible student has applied for a loan for living costs or long courses loan of less than the maximum amount to which the student is entitled in relation to the academic year, the student may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the relevant maximum applicable in the student's case.

#### Commencement Information

**I16** Reg. 77 in operation at 17.12.2009, see [reg. 1\(1\)](#)

#### Categories of student

**78.** In this Part—

- (a) a student ("X") is in category A if—
  - (i) X resides at X's parents' home while attending the designated course; or
  - (ii) X began the current course before 1st September 2009 and is a member of a religious order who resides in a house of that order;

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- (b) a student (“Y”) is in category B if Y is not in category A and Y attends one or more of the following—
- (i) a course at the University of London;
  - (ii) a course at an institution which requires attendance for at least half the time in aggregate of any quarter of the course in the academic year at a site wholly or partly within the area comprising the City of London and the former Metropolitan Police District; or
  - (iii) a sandwich course at an institution which requires the eligible student to undertake work experience or a combination of work experience and study provided that “Y” undertakes such work experience or combination of work experience and study for at least half the time in aggregate of any quarter of the course in the academic year at a site or sites wholly or partly within the area comprising the City of London and the former Metropolitan Police District;
- (c) a student is in category C if the student is not in category A and—
- (i) attends an overseas institution as part of the student’s course; <sup>F3</sup>...
  - (ii) attends the Institute; [<sup>F4</sup>or
  - (iii) attends an overseas work placement in an Erasmus year;]
- (d) a student is in category D if the student is not in categories A to C.

#### Textual Amendments

- F3** Word in reg. 78(c)(i) omitted (23.12.2010) by [The Education \(Student Support\) \(No. 2\) Regulations \(Northern Ireland\) 2009 \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/383\)](#), regs. 1, **18**
- F4** Reg. 78(c)(iii) and word inserted (23.12.2010) by [The Education \(Student Support\) \(No. 2\) Regulations \(Northern Ireland\) 2009 \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/383\)](#), regs. 1, **19**

#### Commencement Information

- I17** Reg. 78 in operation at 17.12.2009, see [reg. 1\(1\)](#)

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Point in time view as at 06/06/2013.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Student Support) ( No. 2) Regulations (Northern Ireland) 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.