

**EXPLANATORY MEMORANDUM TO**  
**THE EDUCATION (STUDENT SUPPORT) (NO. 2), ETC.)(AMENDMENT)**  
**REGULATIONS (NORTHERN IRELAND) 2019**

**S.R. No. 35**

**1. Introduction**

- 1.1** This Explanatory memorandum has been prepared by the Department for the Economy (“the Department”) to accompany S.R. 2019 No. 35 which is laid before the Northern Ireland Assembly.
- 1.2** The Statutory Rule is made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998, and Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005 and is subject to the negative resolution procedure.
- 1.3** The rule will come into operation in accordance with regulation 1.

**2. Purpose**

This rule provides support for students taking designated higher education courses in respect of the academic year beginning on or after 1 September 2019 and makes amendments to the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (“the 2009 Regulations”). This Rule also makes amendments to the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (“the Repayment Regulations”) and the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007 (“the QCP Regulations”). The effect of the rule is to:

- a. increase the amounts of grants for tuition fees (for those students still eligible for such grants) and student loans for tuition fees in line with inflation for the 2019/20 academic year for full-time students;
- b. maintain grants and loans for living costs for academic year 2019/20 at 2018/19 levels for full-time students and freeze grants for fees, course grants and disabled students’ allowances for part-time and full-time distance learning students;
- c. increase student loans for tuition fees for part-time and distance learning students in line with inflation for the 2019/20 academic year;
- d. maintain disabled students’ allowances and tuition fee loans for postgraduate students for academic year 2019/20 at 2018/19 levels;

- e. make necessary amendments to regulations designating courses for support so that drafting reflects the new regulatory framework introduced for the 2019/20 Academic Year in England under the new Higher Education and Research Act 2017;
- f. make provision for an increased Tuition Fee Loan for Northern Ireland students studying 'accelerated degree' courses in England;
- g. amend the Repayment Regulations, in respect of the tax year 2019/20 and subsequent tax years, in relation to when an amount paid by a borrower via deductions by their employer under Part 4 of the Principal Regulations is considered to have been paid by the borrower and received by the Department; and
- h. include a new immigration category in the 2009 Regulations and QCP Regulations so that any students who fall under Section 67 of the Immigration Act 2016 and haven't been able to get "Refugee" or "Humanitarian Protection" status will be eligible to draw down student support and have access to the home fee status, provided they have 3 years residency in the UK.

### **3. Background**

The rule makes provision for support available in relation to an academic year beginning on or after 1st September 2019 and amends some of the provisions in the 2009 Regulations.

The policy and technical changes effected by this rule are:

#### **3.1 Change to the amount of Tuition Fee Loan available to Northern Ireland students studying 'accelerated degree' courses in England**

These Regulations amend the 2009 Regulations to increase the amount of tuition fee loans available to Northern Ireland students studying accelerated degrees in England via Approved (fee cap) providers either directly or via a franchise arrangement; the maximum amount of tuition fee loans that NI students studying accelerated degrees in England increases to £11,100 (a 20% increase from the £9,250 currently offered).

#### **3.2 Office for Students (OfS) amendments**

The regulatory framework for Higher Education Providers (HEPs) is changing in England in line with the new Higher Education and Research Act 2017. The Act created a new body called the Office for Students (OfS) who will be responsible for certain functions surrounding HEP regulation in England. Designation of courses in England for student support will be linked to registration with the OfS.

Providers that prior to AY 19/20 were categorised as ‘provided by or on behalf of a publicly funded institution in England’ or ‘franchised’ alternative providers will be renamed “Approved (fee cap)” providers.

Providers that prior to AY 19/20 were categorised as ‘provided by a private institution in England’ offering ‘validated courses’ will be renamed “Approved” providers.

### **3.3 Amendments to the 2009 Regulations and QCP Regulations to reflect Section 67 of the Immigration Act 2016**

Section 67 of the Immigration Act 2016 requires the UK Government to relocate to the UK and support a specified number of unaccompanied children from Europe. This change is commonly known as the ‘Dubs amendment’ which was tabled by Lord Dubs and came into force on 31 May 2016. Those who qualify to stay in the UK under this amendment are commonly known as ‘Dubs children’.

Minor amendments to the 2009 Regulations and the QCP Regulations have been made to reflect this new immigration category so that any of these students who fall under “Section 67” and haven’t been able to get “Refugee” or “Humanitarian Protection” status will be eligible to draw down student support, provided they have 3 years residency in the UK – which would be in line with the approach being taken for student support in the rest of the UK. The amendments to the QCP Regulations will also allow those who qualify to receive the Northern Ireland ‘Home’ tuition fee rate.

This rule also amends regulation 5(6) of the QCP Regulations to provide a definition of ‘event’ for the purpose of determining whether a person becomes a qualifying person in the course of an academic year.

### **3.4 Amendment to the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009**

This instrument makes amendments to the 2009 Regulations to facilitate, from April 2019, more frequent sharing of student loans repayment data between HMRC and SLC, fulfilling a government commitment made in the Autumn Budget 2017 (published on 22 November 2017) to reduce student loan over-repayments. The sharing of data more frequently than the current annual return will address a number of operational issues in the student loans repayments system, in particular the value of over-repayments made by many borrowers at the end of their loans. Over-repayments occur because accounts are currently updated only annually, so a borrower may pay off their loan in full many months (up to 18) before HMRC is able to instruct the employer to stop collecting repayments. This creates a credit balance that needs to be refunded to the borrower.

To address this issue, HMRC and SLC are making operational IT improvements, which will enable More Frequent Data sharing (MFDS), under which data will be shared weekly rather than annually.

This change will also provide a better service for borrowers. With MFDS, borrowers will be able to get up-to-date information about their accounts without having to provide payslips (and, subject to an SLC project to provide statements online, will be able to access the information directly themselves).

The amendments made by this instrument will apply from 6 April 2019, and will not apply to repayments made up to and including 5 April 2019.

#### **4. Consultation**

There is no statutory requirement to consult on these Regulations as they do not give effect to policy changes but facilitate policy implementation.

#### **5. Equality Impact Assessment**

A Section 75 Equality of Opportunity Screening exercise has been carried out and it is our view that the proposals will not have an adverse impact on any of the Section 75 categories.

#### **6. Regulatory Impact Assessment**

A Regulatory Impact Assessment has not been prepared for this rule as it has no adverse impact on business, charities or voluntary bodies.

#### **7. Financial Implications**

The financial implications of the student support package for academic year 2019/20 have been costed and take into account the financial restrictions in the current CSR period.

#### **8. Section 24 of the Northern Ireland Act 1998**

The Departmental Solicitor's Office has confirmed that the making of this rule complies with Section 24 of the NI Act.

#### **9. EU Implications**

Not applicable.

#### **10. Parity or Replicatory Measures**

Historically, our Regulations were made in broad parity with England and Wales but following the wholesale changes that were implemented in England and Wales from academic year 2012/13 as a result of the Browne Review; this is no longer necessarily the case.

#### **11. Contact**

Siobhan Martin at the Department for the Economy, Tel: 028 90 257469 or email: [siobhan.martin@economy-ni.gov.uk](mailto:siobhan.martin@economy-ni.gov.uk) can answer any queries regarding this Rule.