
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 79

**The Education (Student Support) (Amendment)
Regulations (Northern Ireland) 2020**

PART 2

**AMENDMENT OF THE EDUCATION (STUDENT SUPPORT)
(No.2) REGULATIONS (NORTHERN IRELAND) 2009**

Amendment of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009

2. The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009⁽¹⁾ are amended in accordance with regulations 3 to 18.

Amendments relating to accelerated courses

3. In regulation 8(2)(2) (grounds for transfer of eligible status)—
- (a) in sub-paragraph (a)(i) omit “which is not an accelerated course”;
 - (b) in sub-paragraph (b)(i) omit “which is not an accelerated course”.

Amendments relating to assessment of the residual income

4. In regulation 43(6)(3) (interpretation of chapter 4: calculation of eligible student’s adult dependants’ residual income), for “(8), (9) and (10)” substitute “(3)(b) and (c), (3A)(b) and (c), (8), (9) and (10)”.

5. In Schedule 5(4) (financial assessment)—
- (a) in paragraph 1(1)(n) (definition of “taxable income”)—
 - (i) for “(3), (4) and (5)” substitute “(3) to (4A)”;
 - (ii) after “prior financial year” insert “and in relation to paragraph 7, in respect (subject to sub-paragraphs (2) to (5) of paragraph 7) of the prior financial year”;
 - (b) in paragraph 5 (calculation of parent’s residual income)—
 - (i) for sub-paragraphs (3), (3A) and (4) substitute—

“(3) The Department may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain A’s residual income for the financial

(1) [S.R. 2009 No. 373](#), amended by [S.R. 2010 No. 383](#), [S.R. 2012 Nos. 62 and 398](#), [S.R. 2013 Nos. 128 and 223](#), [S.R. 2014 Nos. 97 and 309](#), [S.R. 2016 No. 21](#), [S.R. 2017 No. 7](#), [S.R. 2017 No.43](#), [S.R. 2018 No. 35](#), [S.R. 2019 No.35](#) and [S.R. 2019 No. 102](#).
(2) Regulation 8(2) was amended by [S.R. 2019 No.35](#).
(3) Regulation 43(6) was inserted by [S.R. 2012 No. 398](#).
(4) Schedule 5 was amended by [S.R.s 2010 No. 383](#), [2014 No. 309](#), [2016 No. 21](#) and [2017 No. 43](#).

year beginning immediately before the relevant year (“the current financial year”) if the Department is satisfied that—

- (a) where the eligible student’s household income is determined by reference to the residual income of A alone, the residual income of A in the current financial year is likely to be not more than 95% of the sterling value of A’s residual income in the prior financial year;
- (b) where the eligible student’s household income is determined by reference to the residual income of both parents, the aggregate of the residual incomes of A and the other parent in the current financial year is likely to be not more than 95% of the sterling value of the aggregate of the residual incomes of A and the other parent in the prior financial year; or
- (c) where the eligible student’s household income is determined by reference to the residual income of A and A’s partner, the aggregate of the residual incomes of A and A’s partner in the current financial year is likely to be not more than 95% of the sterling value of the aggregate of—
 - (i) the residual income of A in the prior financial year applicable to A; and
 - (ii) the residual income of A’s partner in the prior financial year applicable to A’s partner.

(3A) In the event that sub-paragraph (3) or this paragraph was applied in the previous academic year of the current course, the Department may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain A’s residual income for the current financial year if the Department is satisfied that—

- (a) where the eligible student’s household income is determined by reference to the residual income of A alone, the residual income of A in the current financial year is likely to be not more than 95% of the sterling value of A’s residual income in the previous financial year;
- (b) where the eligible student’s household income is determined by reference to the residual income of both parents, the aggregate of the residual incomes of A and the other parent in the current financial year is likely to be not more than 95% of the sterling value of the aggregate of the residual incomes of A and the other parent in the previous financial year; or
- (c) where the eligible student’s household income is determined by reference to the residual income of A and A’s partner, the aggregate of the residual incomes of A and A’s partner in the current financial year is likely to be not more than 95% of the sterling value of the aggregate of the residual incomes of A and A’s partner in the previous financial year.

(4) In an academic year immediately following one in which the Department has ascertained A’s residual income for the current financial year under sub-paragraph (3) or, where applicable, under sub-paragraph (3A), the Department must ascertain A’s residual income in the preceding financial year.

(4A) In an academic year immediately following one in which the Department has ascertained A’s residual income for the previous financial year under sub-paragraph (4), the Department must ascertain A’s residual income in the prior financial year.”;

- (ii) in sub-paragraph (5), for “prior financial year”, in the second place it occurs, substitute “financial year immediately preceding the preceding financial year”;

(c) in paragraph 6 (calculation of eligible student’s partner’s residual income)—

- (i) in sub-paragraph (1)—
 - (aa) for “(2), (3) and (4)” substitute “(2) and (3)”;
 - (bb) before “income” insert “residual”;
 - (cc) for “(8), (9) and (10)” substitute “(3)(b) and (c), (3A)(b) and (c), (8), (9) and (10)”;
- (ii) in sub-paragraph (2), before “income” in the first place it occurs, insert “residual”;
- (iii) in sub-paragraph (3), before “income” in each place it occurs, insert “residual”;
- (iv) omit sub-paragraph (4);
- (d) for paragraph 7 (calculation of parent’s partner’s residual income) substitute—

“Calculation of parent’s partner’s residual income

7.—(1) For the purposes of determining the residual income of an eligible student’s parent’s partner (“P”), there is deducted from the taxable income of P the aggregate of any amounts falling within any of the following sub-paragraphs (unless already deducted in determining a person’s taxable income)—

- (a) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given under section 188 of the Finance Act 2004⁽⁵⁾, or where the income is computed for the purposes of the income tax legislation of another Member State, the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;
- (b) in any case where income is computed for the purposes of the Income Tax Acts by virtue of sub-paragraph (7), any sums equivalent to the deduction mentioned in paragraph (a) of this sub-paragraph, provided that any sums deducted do not exceed the deductions which would be made if the whole of P’s income were in fact income for the purposes of the Income Tax Acts;
- (c) where P is a parent student or P holds a statutory award, £1,153.

(2) The Department may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain P’s residual income for the financial year beginning immediately before the relevant year (“the current financial year”) if the Department is satisfied that the aggregate of the residual incomes of P and the eligible student’s parent in the current financial year is likely to be not more than 95% of the sterling value of the aggregate of—

- (a) the residual income of P in the prior financial year applicable to P; and
- (b) the residual income of the eligible student’s parent in the prior financial year applicable to the parent.

(3) In the event that sub-paragraph (2) or this paragraph was applied in the previous academic year of the current course, the Department may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain P’s residual income for the current financial year if the Department is satisfied that the aggregate of the residual incomes of P and the eligible student’s parent in the current financial year is likely to be not more than 95% of the sterling value

(5) 2004 c. 12. Section 188 was amended by paragraph 2 of Schedule 18 to, and paragraph 1 of Schedule 27 to, the Finance Act 2007 (c. 11), section 52 of the finance Act 2013 (c. 29), paragraph 13 of Schedule 7 to the Finance Act 2014 (c. 26)

of the aggregate of the residual incomes of P and the eligible student's parent in the previous financial year.

(4) In an academic year immediately following one in which the Department has ascertained P's residual income for the current financial year under sub-paragraph (2) or, where applicable, under sub-paragraph (3), the Department must ascertain P's residual income in the preceding financial year.

(5) In an academic year immediately following one in which the Department has ascertained P's residual income for the previous financial year under sub-paragraph (4), the Department must ascertain P's residual income in the prior financial year.

(6) Where P satisfies the Department that P's income is wholly or mainly derived from the profits of a business or profession carried on by P then any reference in this Schedule to a prior financial year in relation to P means the earliest period of twelve months which ends after the start of the financial year immediately preceding the preceding financial year and in respect of which accounts are kept relating to that business or profession.

(7) Where P is in receipt of any income which does not form part of P's income for the purpose of the Income Tax Acts or the income tax legislation of another Member State by reason only that—

- (a) P is not resident or domiciled in the United Kingdom, or where P's income is computed as for the purposes of the income tax legislation of another Member State, not so resident or domiciled in that Member State;
- (b) the income does not arise in the United Kingdom, or where P's income is computed for the purposes of the income tax legislation of another Member State, does not arise in that Member State; or
- (c) the income arises from an office, service or employment, income for which is exempt from tax in pursuance of any legislation,

P's taxable income for the purposes of this Schedule is computed as though the income under this sub-paragraph were part of P's income for the purpose of the Income Tax Acts or the income tax legislation of another Member State, as the case may be.

(8) Where P's income is computed as for the purposes of the income tax legislation of another Member State, it is computed under the provisions of this Schedule in the currency of that Member State and P's income for the purposes of this Schedule is the sterling value of that income determined in accordance with the average rate published by Her Majesty's Revenue and Customs for the calendar year which ends before the end of the prior financial year.

(9) Where the Department determines that P and the eligible student's parent are separated for the duration of the relevant year, P's residual income is not taken into account in determining the household income.

(10) Where the Department determines that P and the eligible student's parent have separated in the course of the relevant year, P's residual income is determined by reference to P's residual income under sub-paragraph (1) divided by 52 and multiplied by the number of complete weeks in the relevant year for which the Department determines that P and the eligible student's parent are not separated.”.

Amendments relating to the power to de-designate courses

6. In regulation 6(6) (Designated courses), after paragraph (9), insert
“(10) The Department may revoke or suspend the designation of a course which is designated under this regulation.”
7. In regulation 107(7) (Designated distance learning courses), after paragraph (5), insert
“(6) The Department may revoke or suspend the designation of a course which is designated under this regulation.”
8. In regulation 124(8) (Designated part-time courses), after paragraph (8), insert
“(9) The Department may revoke or suspend the designation of a course which is designated under this regulation.”
9. In regulation 141(9) (Designated postgraduate courses), after paragraph (4), insert
“(5) The Department may revoke or suspend the designation of a course which is designated under this regulation.”
10. In regulation 152(10) (Designated Master’s, etc. courses), for paragraph (9), substitute
“(9) The Department may revoke or suspend the designation of a course which is designated under this regulation.”

Amendments relating to qualification for the childcare grant

11. In regulation 46 (Childcare grant) for sub-paragraph (3)(11) substitute—
“A does not qualify for a childcare grant if—
 - (a) A or A’s partner has elected to receive the childcare element of the working tax credit under Part I of the Tax Credits Act 2002;
 - (b) A or A’s partner is entitled to an award of universal credit, the calculation of which includes and amount under regulation 32 (childcare costs element) of the Universal Credit Regulations (Northern Ireland) 2016; or
 - (c) A’s partner has elected to receive financial support for childcare under a healthcare bursary or Scottish healthcare allowance.”

Amendments relating to fee support for master’s degree students who have previously received a grant from the Welsh Government

12. In regulation 149(12) (Eligible Master’s, etc. students)
 - (a) In paragraph (3) for sub-paragraph (g) substitute—
“(g) subject to paragraph (15), A has previously received—
 - (i) a Postgraduate Master’s Degree loan other than under these Regulations in respect of a course, where that loan was paid out of funds provided by a government authority within the United Kingdom.; or

(6) Regulation 6 was amended by S.R.s 2013 No. 223, 2019 No. 35 and 2019 No. 102.

(7) Regulation 107 was amended by S.R. 2018 No. 35

(8) Regulation 124 was amended by S.R.s 2013 No. 223, 2017 No. 7, 2018 No. 35 2019 No. 35 and 2019 No. 102

(9) Regulation 141 was amended by S.R.s 2013 No. 223, 2017 No. 7, 2019 No. 35 and 2019 No. 102.

(10) Regulation 152(9) was inserted by S.R. 2017 No. 7

(11) Regulation 46(3) was substituted by S.R 2016 No. 236.

(12) Regulation 149 was inserted by S.R. 2017 No. 7 and subsequently amended by S.R.s 2017 No. 43 and 2018 No. 35

- (ii) a grant under regulation 33(1) of the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019 (base grant or contribution to costs grant).”
- (b) In paragraph (15) –
 - (i) In head (ii) after “Kingdom”, add “,or”; and
 - (ii) After head (ii), add –
 - (aa) “(iii) a grant under regulation 33(1) of the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019 (base grant or contribution to costs grant).”

Amendments relating to the removal of the yearly cap

13. Omit regulation 155(**13**) (Availability of Master’s, etc. fee loan to eligible Master’s, etc. students).

14. For regulation 156(**14**) (Amount of Master’s, etc. fee loan) substitute

“156. —Amount of Master’s, etc. fee loan

(1) The amount of the Master’s, etc fee loan in respect of a designated Master’s, etc course, or courses where the circumstances under paragraph (2) apply, must not exceed, in total, the lesser of -

- (a) £5,500; and
- (b) the fees charged to the student in respect of the designated Master’s, etc. course/s.

(2) If a student’s status as an eligible Master’s, etc. student is transferred from one designated Master’s, etc. course to another under this Part and the circumstances in paragraph (3) apply, the student may apply to the Department to borrow an additional amount of Master’s, etc. fee loan in respect of the designated Master’s, etc. course to which that student transfers.

(3) The circumstances are that the fees payable in respect of the designated Master’s, etc. course to which the eligible Master’s, etc. student transfers exceed the fees payable in respect of the designated Master’s, etc. course from which the student is transferring.

(4) Where the circumstances in paragraph (3) apply, the maximum additional amount that the Master’s, etc. student may borrow in respect of the designated Master’s, etc. course to which that student transfers, provided that the student qualifies for a Master’s, etc. fee loan, is determined by deducting the amount of any Master’s, etc. fee loan the student has taken out under this Part, in respect of the designated Master’s, etc. course from which the student is transferring from the lesser of –

- (a) £5,500.00; and
- (b) the fees charged in respect of the course to which the student is transferring.”

15. In regulation 159(**15**) (Time Limits), in paragraph (2), in sub-paragraph (b) omit “or 11”.

Amendment relating to Relevant Institutions of Higher Education in the Republic of Ireland

16. In regulation 6(1)(**16**) (Designated Courses), in head (x) of sub-paragraph (e)

(13) Regulation 155 was inserted by [S.R. 2017 No. 7](#).

(14) Regulation 156 was inserted by [S.R. 2017 No. 7](#).

(15) Regulation 159 was inserted by [S.R. 2017 No. 7](#).

(16) Regulation 6 (1) was amended by [S.R. 2018 No. 35](#) and [2019 No. 102](#).

(a) omit “.”; and

(b) after “Republic of Ireland” in the final place it occurs insert, “and is a designated undergraduate course in the Republic of Ireland.”

17. In Schedule 6(17) (Relevant Institutions of Higher Education in the Republic of Ireland) omit “Kimmage Development Studies Centre, Kimmage Manor, Dublin”.

Amendments relating to new payment rates for student support

18. The Schedule to these Regulations has effect to substitute the figure in the third column of the table for the figure in the second column where that figure appears in the provision of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 set out in the first column.