
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 85

**The Education (Student Fees and Support) (Amendment)
(No.2) Regulations (Northern Ireland) 2021**

Amendment of Part 11

10. Part 11 (support for part-time courses) is amended as follows—

(a) in regulation 122(1) (eligible part-time students)—

(i) for paragraph (2), substitute—

“(2) Subject to the following provisions of this regulation, a person is an eligible part-time student in connection with a designated part-time course if in assessing that person’s application for support the Department determines that the person falls within one of the categories set out—

(a) in paragraphs 2, 2A, 3, 4, 4A, 4B, 4C, 4D, 4E, 4F, 5, 6A, 6B, 7A, 8A, 9A, 9B, 9C, 9D, 10A, 11A, 12A and 13 in Part 2 of Schedule 2; or

(b) in paragraphs 6, 7, 8, 9, 10, 11 and 12 in Part 2 of Schedule 2 where paragraph (2A) applies.

(2A) This paragraph applies where—

(a) in connection with a designated part-time course beginning before 1st August 2021, the Department—

(i) in assessing an application for support by a person (“A”) determined that A fell within one of the categories set out in paragraphs 6, 7, 8, 9, 10, 11 and 12 in Part 2 of Schedule 2 in relation to an academic year of the course beginning before 1st August 2021; or

(ii) would have so determined had A made an application for support in accordance with this Part in relation to an academic year of the course beginning before that date; and

(b) A applies for support in connection with that course or a designated part-time course to which A’s status as an eligible part-time student is transferred from that course in accordance with this Part.

(2B) In connection with a designated part-time course beginning on or after 1st January 2028, paragraph (2) has effect as if paragraphs 8A, 9B and 9D were omitted.”;

(ii) after paragraph (11), insert—

“(11A) Where—

(a) the Department determined that, by virtue of being a person with protected rights with limited leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, a person (“A”) was an eligible part-time student in connection with—

- (i) an application for support for an earlier year of the current part-time course; or
 - (ii) an application for support in connection with a designated part-time course or other designated course from which A's status as an eligible part-time student or eligible student has been transferred to the current part-time course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, A no longer has extant limited leave to enter or remain granted by virtue of residence scheme immigration rules and no further leave to enter or remain has been granted under those rules,

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(11B) Where—

- (a) the Department determined, that by virtue of—
 - (i) falling within paragraph (a)(iii) of the definition of “person with protected rights”; or
 - (ii) meeting the conditions in paragraph 3(1)(a)(iii) in Part 2 of Schedule 2, a person (“A”) is an eligible part-time student in connection with an application for support for an academic year of a designated part-time course; and
- (b) as at the day before the academic year begins, A is not a person with protected rights,

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(11C) Where—

- (a) the Department determined that, by virtue of—
 - (i) falling within paragraph (a)(iv) of the definition of “person with protected rights”; or
 - (ii) meeting the conditions in paragraph 3(1)(a)(iv) in Part 2 of Schedule 2, a person (“A”) is an eligible part-time student in connection with an application for support for an academic year of a designated part-time course, and
- (b) as at the day before the academic year begins, A is not a person with protected rights,

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (b) in regulation 123(2) (students becoming eligible during the course of the academic year) —
- (i) in paragraph (1A) —
 - (aa) omit “(c)”;
 - (bb) for “or (m)”, substitute “, (m) or (n)”;
 - (ii) in paragraph (2) —
 - (aa) omit “(e)”;
 - (bb) for “or (m)”, substitute “, (m) or (n)”;

- (iii) in paragraph (3)—
 - (aa) omit sub-paragraph (c);
 - (bb) in sub-paragraph (d) substitute—
 - “(d) a family member described in paragraph 9A(1)(a), 9C(1)(a) or 9D(1)(a) of Schedule 2.”;
 - (cc) omit sub-paragraph (e);
 - (dd) for sub-paragraph (g), substitute—
 - “(g) where regulation 122(2A)(a) applies, the student becomes a person described in paragraph 12(a) of Schedule 1.”;
 - (ee) in sub-paragraph (h), after “described in” insert “paragraph 6A(1)(a) or 6B(1)(a) of Schedule 2, or where regulation 122(2A)(a) applies, in”;
 - (ff) for sub-paragraph (i), substitute—
 - “(i) the student becomes a person described in paragraph 11A(a) of Schedule 2, or where regulation 122(2A)(a) applies, in paragraph 11(1)(a) of Schedule 2.”;
 - (gg) omit the “or” at the end of sub-paragraph (l);
 - (hh) at the end of sub-paragraph (m) insert “or”;
 - (ii) after sub-paragraph (m), insert—
 - “(n) the student becomes a person described in 9B(1)(a)(ii) of Schedule 2.”;
- (c) in regulation 126(2) (assistance for part-time courses) for “the words from “in Part 2” to “paragraph 9” substitute “or paragraphs in Part 2 of Schedule 2 into which the student falls is one or more of paragraphs 2A, 9, 9A, 9C, or 9D”;
- (d) in regulation 130(3) (disabled part-time students’ allowance)—
 - (i) in paragraph (2), for “paragraph 9” substitute “paragraph 2A, 9, 9A, 9C or 9D.”;
 - (ii) in paragraph (7)—
 - (aa) omit “(e)”;
 - (bb) for “or (m)”, substitute “, (m) or (n)”.