
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 85

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

Amendment of Part 12

- 11.** Part 12 (support for postgraduate students with disabilities) is amended as follows—
- (a) in regulation 139(1) (eligible postgraduate students)—
 - (i) in paragraph (2), for “paragraph (4)”, substitute “the following provisions of this regulation”;
 - (ii) for paragraph (3), substitute—
 - “(3) The conditions are—
 - (a) the person falls within one of the categories set out—
 - (i) in paragraphs 2, 3, 4, 4A, 4B, 4C, 4D, 4E, 4F, 5, 6A, 6B, 7A, 8A, 9B, 10A, 11A, 12A and 13 in Part 2 of Schedule 2; or
 - (ii) in paragraphs 6, 7, 8, 10, 11 and 12 in Part 2 of Schedule 2 where paragraph 3A applies; and
 - (b) the person has a disability.
 - (3A) This paragraph applies where—
 - (a) in connection with a postgraduate 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, 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 postgraduate course to which A’s status as an eligible postgraduate student is transferred from that course in accordance with this Part.
 - (3B) In connection with a designated postgraduate course beginning on or after 1st January 2028, paragraph (2) has effect as if paragraphs 8A or 9B were omitted.”;
 - (iii) in paragraph (7) 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.”;
 - (iv) after paragraph (13), insert—
 - “(13A) 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 postgraduate student in connection with—
 - (i) an application for support for an earlier year of the current postgraduate course; or
 - (ii) an application for support in connection with a designated postgraduate course or other designated course from which A’s status as an eligible postgraduate student or eligible student has been transferred to the current postgraduate 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 postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(13B) 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 postgraduate student in connection with an application for support for an academic year of a designated postgraduate 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 postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(13C) 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 student in connection with an application for support for an academic year of a designated postgraduate course, and
- (b) as at the day before the academic year begins, the relevant period has expired and A is not a person with protected rights,

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

- (b) in regulation 140(2)(2) (students becoming eligible in the course of an academic year)—
 - (i) omit sub-paragraph (c);
 - (ii) for sub-paragraph (e) substitute—

- “(e) where regulation 139(3A)(a) applies, the person becomes a person described in paragraph 12(a) of Schedule 2.”;
- (iii) in sub-paragraph (f), after “described in” insert “paragraph 6A(1)(a) or 6B(1)(a) of Schedule 2 or, where regulation 139(3A)(a) applies, in”;
- (iv) for sub-paragraph (g) substitute—
 - “(g) the student becomes a person described in paragraph 11A(a) of Schedule 2 or, where regulation 139(3A)(a) applies, in paragraph 11(1)(a) of Schedule 2.”;
- (v) omit the “or” at the end of sub-paragraph (j);
- (vi) at the end of sub-paragraph (k) insert “; or”;
- (vii) after sub-paragraph (k), insert—
 - “(l) the student becomes a person described in paragraph 9B(1)(a)(ii) of Schedule 2.”.