

2007 No. 329

EDUCATION

**The Education (Student Loans) (Amendment) Regulations
(Northern Ireland) 2007**

Made - - - - *10th July 2007*

Coming into operation- - *1st August 2007*

The Department for Employment and Learning(a) makes the following Regulations in exercise of the powers conferred by Article 3(5) of and paragraph 1(1) of Schedule 2 to the Education (Student Loans) (Northern Ireland) Order 1990(b) and now vested in it(c).

Citation, commencement and interpretation

1. These Regulations may be cited as the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 2007 and come into operation on 1st August 2007.

2. In these Regulations “the principal Regulations” means the Education (Student Loans) Regulations (Northern Ireland) 1998(d).

Revocation

3. Regulation 8 of the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 2006 is revoked(e).

Amendment of the principal Regulations

4. The principal Regulations shall be amended as provided by regulations 5 to 10.

5.—(1) Regulation 3 (Interpretation) shall be amended as provided by paragraphs (2) to (6).

(2) For the definition of “2005 loan”, there shall be substituted—

““2005 loan” means a loan the maximum amount of which is the maximum amount that would have been payable under these Regulations had they not been amended by

(a) Formerly known as the Department of Higher and Further Education, Training and Employment; *see* the Department for Employment and Learning Act (Northern Ireland) 2001 c.15
(b) S.I. 1990/1506 (N.I. 11); as amended by S.I. 1996/274 (N.I. 1), Article 43 and Schedule 5 Part II, S.I. 1996/1918 (N.I. 15), Article 3 and the Schedule and S.I. 1998/258 (N.I. 1), Articles 3 to 6. The entire Order was repealed by the Education (Student Support) (Northern Ireland) Order 1998 S.I. 1998/1760 (N.I. 14), Article 9 and the Schedule. This repeal is subject to transitional and saving provisions in the Education (Student Support) (Northern Ireland) Order 1998 (Commencement and Transitional Provisions) Order (Northern Ireland) 1998 S.R. 1998 No. 306. The saving provisions include provision for making subordinate legislation after the date of repeal.
(c) S.R. 1999 No. 481 *see* Article 5(b) and Schedule 3 Part II
(d) S.R. 1998 No. 58 as amended by S.R. 1998 No. 262, S.R. 1998 No. 303, S.R. 1999 No. 343, S.R. 2000 No. 244, S.R. 2001 No.276, S.R. 2002 No. 241, S.R. 2003 No. 340, S.R. 2004 No. 305, S.R. 2005 No. 351, S.R. 2005 No. 435, S.R. 2006 No. 307 and S.R. 2006 No.329
(e) S.R. 2006 No. 307

the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 2006 and the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 2007;”.

(3) After the definition of “2005 loan”, there shall be inserted—

““2006 loan” means a loan the maximum amount of which is the maximum amount that would have been payable under these Regulations had they not been amended by the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 2007;”.

(4) Before the definition of “2006 academic year”, there shall be inserted—

““2005 academic year” means an academic year beginning on or after 1st August 2005 but before 1st July 2006;”.

(5) After the definition of “2006 academic year”, there shall be inserted—

““2007 academic year” means an academic year beginning on or after 1st August 2007 but before 1st July 2008;”.

(6) The definition of “new academic year” shall be omitted.

6.—(1) Regulation 4 (Conditions of Eligibility) shall be amended as provided by paragraphs (2) and (3).

(2) In paragraphs (1A) and (1D) for “a new academic year” wherever it appears, there shall be substituted “the 2005 academic year”.

(3) For paragraphs (1E) to (1G), there shall be substituted—

“(1E) Subject to paragraphs (1I) and (2), a person shall be eligible for a 2006 loan in relation to the 2006 academic year if he—

(a) is either attending, or attended throughout the 2006 academic year, a course which is—

(i) a full-time course; or

(ii) a full-time or a part-time course for the initial training of teachers which is for the time being designated by the Department;

(b) falls within paragraph 11 of Part 2 of Schedule 1; and

(c) has entered into an agreement for a loan—

(i) in the case of a person who will—

(aa) complete the course referred to in sub-paragraph (a) during the 2006 academic year; and

(bb) not attend a further course of study in the 2007 academic year, before the final day of the course referred to in sub-paragraph (a); or

(ii) in the case of a person who will—

(aa) continue to attend the course referred to in sub-paragraph (a) in the 2007 academic year; or

(bb) attend a further course of study in the 2007 academic year, before 1st August 2008.

(1F) For the purposes of paragraph (1D)(b) and (1E)(b), the references to “the course” in the relevant paragraphs of Part 2 of Schedule 1 are to be treated as references to the course referred to in paragraph (1D)(a)(i) or (ii) or (1E)(a)(i) or (ii).

(1G) For the purposes of paragraph (1D)(c)(i)(bb), (1D)(c)(ii)(bb), (1E)(c)(i)(bb) and (1E)(c)(ii)(bb), “further course of study” means a further course of study which is a full-time or a part-time course for the initial training of teachers which is designated by the Department.

(1H) Paragraph (1D) shall not apply in the case of a person who would have been eligible for a loan under paragraph (1) before 30th April 2006.

(1I) Paragraph (1E) shall not apply in the case of a person who would have been eligible for a loan under paragraph (1) before 1st August 2007.”.

7.—(1) Regulation 6 (Amounts of loans) shall be amended as provided by paragraph (2).

(2) In paragraphs (1) to (4), for each of the figures in the first column, wherever it appears, substitute the corresponding figure in the second column below—

<i>First column (£)</i>	<i>Second column (£)</i>
1,185	1,215
1,900	1,940
1,615	1,655
2,605	2,665
1,540	1,575
2,105	2,155

8. For regulation 7(1) (Terms of loans), there shall be substituted—

“(1) Every agreement for a loan made on or after 1st August 2007 shall include the terms set out in Part 1 of Schedule 2.”.

9.—(1) Schedule 1 (Eligible students) shall be amended as provided by paragraphs (2) to (5).

(2) After the definition of “Switzerland Agreement” in paragraph 1(1), there shall be inserted—

““Turkish worker” means a Turkish national who—

- (a) is ordinarily resident in the United Kingdom and Islands; and
- (b) is, or has been, lawfully employed in the United Kingdom;”.

(3) For paragraph 1(3), there shall be substituted—

“(3) For the purposes of this Schedule, a person is to be treated as ordinarily resident in the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey if he would have been so resident but for the fact that—

- (a) he;
- (b) his spouse or civil partner;
- (c) his parent; or
- (d) in the case of a dependent direct relative in the ascending line, his child or child’s spouse or civil partner,

is or was temporarily employed outside the relevant area.”

(4) For paragraph 1(4), there shall be substituted—

“(4) For the purposes of sub-paragraph (3), temporary employment outside the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom and Islands as members of such forces;
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the European Economic Area and Switzerland as members of such forces; and
- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.”.

(5) After paragraph 10, there shall be inserted—

“Children of Turkish workers

11. A person who—

- (a) is the child of a Turkish worker; and
- (b) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.”.

10.—(1) Schedule 2 (Terms of loans) shall be amended as provided by paragraphs (2) to (7).

(2) In paragraph 1 for the definition of “2005 loan”, there shall be substituted—

““2005 loan”, “2005 academic year”, “2006 loan”, “2006 academic year” and “2007 academic year” have the meanings given by regulation 3(1) of the Education (Student Loans) Regulations (Northern Ireland) 1998;”.

(3) In paragraph 1 for the definition of “old loan”, “new academic year” and “2006 academic year”, there shall be substituted—

““old loan” has the meaning given by regulation 3(1) of the Education (Student Loans) Regulations (Northern Ireland) 1998;”.

(4) In paragraph 4 for “paragraphs 4A and 4B”, insert “paragraphs 4A, 4B and 4C”.

(5) After paragraph 4B, there shall be inserted—

“**4C.** If the loan which is the subject of the loan agreement is a 2006 loan and the borrower had completed the course in respect of which he applied for that loan before he entered into the loan agreement, the borrower must make the first repayment in April 2009 unless—

- (a) the borrower defers repayment under paragraph 9;
- (b) the lender cancels the borrower’s loan under paragraph 12; or
- (c) paragraph 13 or 13C applies.”.

(6) In paragraph 13A for “a new academic year”, there shall be substituted “the 2005 academic year”.

(7) After paragraph 13B, there shall be inserted—

“**13C.** If when the borrower takes out a 2006 loan, he had already entered into an agreement for a loan in relation to a further course of study for the 2007 academic year, the lender will not ask him to make any or any more repayments under the loan agreement for the 2006 loan until he begins to repay the loan taken out in relation to the further course of study. The number of repayments for the 2006 loan will then be the same as for the loan taken out in relation to the further course of study.”.

Sealed with the Official Seal of the Department for Employment and Learning on 10th July 2007



Sir Reg Empey MLA
Minister for Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Loans) Regulations (Northern Ireland) 1998 (the “1998 Regulations”). The 1998 Regulations, made under the Education (Student Loans) (Northern Ireland) Order 1990, govern mortgage style repayment loans. These loans are, for the most part, only available to students who started their courses before 1st August 1998.

Regulation 7 increases, in line with inflation, the maximum amounts that may be lent to students in relation to an academic year commencing on or after 1st August 2007.

These Regulations also amend the 1998 Regulations to comply with article 9 of Decision No 1/80 of the Association Council of 19th September 1980 on the development of the Association between the European Community and Turkey (“the Decision”).

Article 9 of the Decision provides: “Turkish children residing legally in a Member State of the Community with their parents who are or have been legally employed in that Member State, shall be admitted to courses of general education, apprenticeship and vocational training under the same educational entry qualifications as the children of nationals of that Member State. They may in that Member State be eligible to benefit from the advantages provided for under the national legislation in this area.”.

Regulation 6 sets out the criteria that this category of students, who were not previously eligible for a loan, must satisfy in order to be eligible for a loan in connection with an academic year beginning on or after 1st August 2006 but before 1st July 2007. Regulation 8 also sets out the time limits for applying for those loans.

These Regulations also revoke in part the Education (Student Loans) (Amendment) Regulations (Northern Ireland) 2006.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.