



DÁIL ÉIREANN

AN BILLE UM THACAÍOCHT DO MHIC LÉINN 2008 STUDENT SUPPORT BILL 2008

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM THACAÍOCHT DO MHIC LÉINN 2008 —ROGHCHOISTE

STUDENT SUPPORT BILL 2008 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 3, subsection (2), lines 17 and 18, to delete all words from and including “, except” in line 17 down to and including “Act,” in line 18.

—An Tánaiste agus Aire Oideachas agus Scileanna.

SECTION 2

2. In page 3, to delete lines 24 and 25 and substitute the following:

““Appeals Board” shall be construed in accordance with *section 22(2)*.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

3. In page 3, to delete lines 26 and 27 and substitute the following:

““appeals officer” means a person designated under *section 17(1)**.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the subsection proposed to be inserted by amendment No. 77.]

4. In page 3, between lines 28 and 29, to insert the following:

““appointed awarding authority” shall be construed in accordance with *section 10**.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the section proposed to be inserted by amendment No. 36.]

5. In page 3, to delete line 31 and in page 4, to delete lines 1 to 3 and substitute the following:

““awarding authority” means—

(a) a vocational education committee,

(b) a local authority, or

(c) an appointed awarding authority.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

6. In page 3, line 31, to delete “means—” and in page 4, to delete lines 1 to 3 and substitute the following:

“means such body as may be prescribed by the Minister.”

[SECTION 2]

—Ruairí Quinn.

7. In page 4, line 1, to delete “vocational education committee” and substitute “Payments and Entitlements Service”.

—Fergus O'Dowd.

8. In page 4, between lines 3 and 4, to insert the following:

“ “civil partner” shall be construed in accordance with section 3 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

9. In page 4, to delete lines 5 to 18 and substitute the following:

“ “dependent child” shall be construed in accordance with *section 13(7)**;

“dependent student” means an applicant or class of applicant specified as a dependent student in a scheme made by the Minister under *section 13*;

“educational disadvantage” means the impediments to education arising from social or economic disadvantage which prevent students from deriving appropriate benefit from education;”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the subsection proposed to be inserted by amendment No. 69.]

10. In page 4, between lines 21 and 22, to insert the following:

“ “enactment” has the meaning given to it by section 2 of the Interpretation Act 2005;”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

11. In page 4, between lines 25 and 26, to insert the following:

“ “independent student” means an applicant or class of applicant specified as an independent student in a scheme made by the Minister under *section 13*;”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

12. In page 4, between lines 26 and 27, to insert the following:

“ “local authority” means a county council or city council within the meaning of the Local Government Act 2001;”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

13. In page 4, to delete line 27 and substitute the following:

“ “Minister” means the Minister for Education and Skills;”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

14. In page 4, line 28, after “includes a” to insert “foster parent or”.

—Ruairí Quinn.

15. In page 4, after line 47, to insert the following:

“ “relevant Minister” shall be construed in accordance with *section 10(8)**;”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[SECTION 2]

[*Note: This is a reference to the section proposed to be inserted by amendment No. 36.]

16. In page 5, between lines 3 and 4, to insert the following:

““transferring awarding authority” shall be construed in accordance with *section 10 (1)**.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the section proposed to be inserted by amendment No. 36.]

SECTION 3

17. In page 5, before section 3, to insert the following new section:

“Expenses.

3.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

[Acceptance of this amendment involves the deletion of section 3 of the Bill.]

SECTION 4

Section proposed to be deleted.

—An Tánaiste agus Aire Oideachas agus Scileanna.

18. In page 5, subsection (1), line 17, to delete “from time to time” and substitute the following:

“on a specified day, on an annual or quarterly basis,”

—Fergus O'Dowd.

SECTION 6

19. In page 5, before section 6, to insert the following new section:

“Laying of instruments before Houses of Oireachtas.

6.—Every order, regulation or scheme under this Act (other than an order under *section 1(2)* or *22(1)*) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order, regulation or scheme is passed by either such House within the next 21 days on which that House has sat after the order, regulation or scheme is laid before it, the order, regulation or scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

[Acceptance of this amendment involves the deletion of section 6 of the Bill.]

SECTION 7

20. In page 5, subsection (2), lines 43 and 44, to delete “commencement” and substitute “coming into operation”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[SECTION 7]

21. In page 6, subsection (3), line 11, to delete “commencement” and substitute “coming into operation”.
—An Tánaiste agus Aire Oideachas agus Scileanna.

SECTION 8

22. In page 6, subsection (1)(e), lines 28 and 29, to delete all words from and including “and” in line 28 down to and including “funds,” in line 29 and substitute the following:

“which is maintained or assisted by recurrent grants from public funds of that or any other Member State including the State,”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

23. In page 6, subsection (1), between lines 29 and 30, to insert the following:

“(f) one of the following educational institutions:

- (i) Dublin Business School;
- (ii) Galway Business School;
- (iii) Griffith College;
- (iv) HSI Limerick Business School;
- (v) Mid-West Business Institute;
- (vi) Portobello College Dublin,”.

—Ruairí Quinn.

24. In page 6, subsection (3), lines 41 to 43, to delete paragraph (a) and substitute the following:

“(a) whether the institution receives one or more than one payment out of moneys made available by the Oireachtas and the amount of the payment;”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

25. In page 6, subsection (3), lines 41 to 43, to delete paragraph (a).

—Ruairí Quinn.

26. In page 7, subsection (3), lines 14 to 17, to delete paragraph (e).

—Ruairí Quinn.

SECTION 9

27. In page 7, subsection (1), line 35, to delete paragraph (b).

—Ruairí Quinn.

28. In page 7, subsection (1), line 35, to delete paragraph (b) and substitute the following:

“(b) requires full attendance by a student in a—

- (i) full-time course, or
- (ii) should circumstances allow and with the consent of the Minister of Finance, part-time course,

[SECTION 9]

and”.

—Fergus O'Dowd.

29. In page 7, subsection (1)(b), line 35, before “requires” to insert “subject to subsection (3)*”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the subsection proposed to be inserted by amendment No. 31.]

30. In page 7, subsection (2)(b), line 43, to delete “commencement” and substitute “coming into operation”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

31. In page 8, between lines 46 and 47, to insert the following subsection:

“(3) (a) Notwithstanding subsection (1)(b), the Minister, with the consent of the Minister for Finance, may prescribe a course that does not require attendance by a student on a full-time basis to be an approved course.

(b) A course prescribed pursuant to this subsection shall be a course that—

(i) is provided in the State, and

(ii) is an undergraduate course.

(c) The Minister, in prescribing a course pursuant to paragraph (a), shall have regard to the following matters:

(i) the matters referred to in subsection (2) (other than paragraph (k)(ii) of that subsection);

(ii) the extent to which the prescribing of the course would assist in addressing educational disadvantage;

(iii) the extent to which the prescribing of the course would assist and encourage participation by persons from sections of society significantly under-represented in the student body availing of higher education;

(iv) the number of modules that may be completed and the extent of educational attainment in each academic year of the course;

(v) the amount of work and contact with teachers and tutors in relation to the course required of a student;

(vi) the period of time required to complete the course when compared to a course that requires attendance by a student on a full-time basis;

(vii) whether the course takes place on the premises of the approved institution;

(viii) any other matters which in the opinion of the Minister are proper matters to be taken into account having regard to available resources and the need to promote access to higher education by persons who suffer educational disadvantage.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

32. In page 8, lines 47 to 49, to delete subsection (3) and substitute the following:

[SECTION 9]

“(3) For the purposes of this Act, and subject to *subsection (4)**, any postgraduate course that may be prescribed pursuant to *subsection (1)* shall only be a postgraduate course that is provided in the State.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the subsection proposed to be inserted by amendment No. 33.]

33. In page 9, lines 1 to 5, to delete subsection (4) and substitute the following:

“(4) Notwithstanding *subsection (3)**, where the Minister is satisfied to do so because he or she considers that it is necessary having regard to any of the relevant purposes mentioned in *subsection (8)*, he or she may prescribe a postgraduate course that is provided in Northern Ireland as an approved course.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the subsection proposed to be inserted by amendment No. 32.]

34. In page 9, subsection (6)(a), line 15, to delete “immediately” and substitute the following:

“following a notice period of not less than 30 days”.

—Fergus O'Dowd.

35. In page 9, subsection (8), line 27, to delete “shall have regard when prescribing postgraduate courses” and substitute the following:

“shall have regard when prescribing any postgraduate course”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

SECTION 10

36. In page 9, before section 10, to insert the following new section:

“Minister may
appoint awarding
authority.

10.—(1) The Minister may—

- (a) having taken account of the matters referred to in *subsection (4)*,
- (b) having consulted with the relevant Minister, and
- (c) with the consent of the Minister for Finance,

by order appoint a body (in this section referred to as an “appointed awarding authority”) to perform any or all of the functions of an awarding authority (in this section referred to as a “transferring awarding authority”).

(2) Notwithstanding the generality of *subsection (1)*, an order of the Minister under that subsection may provide for one or more than one of the following:

- (a) different appointed awarding authorities to perform different functions;
- (b) different transferring awarding authorities for the purposes of transferring those different functions;
- (c) the coming into operation on different days for different purposes or different provisions.

[SECTION 10]

(3) An appointed awarding authority may be one or more than one of the following:

- (a) a vocational education committee;
- (b) a local authority;
- (c) a board, authority or other body established by or under an enactment (other than the Companies Acts) whose functions include the support of, or the promotion of participation in, higher or further education or the administration of schemes of payments;
- (d) a company under the Companies Acts, in which all the shares are held by or on behalf of or jointly with—
 - (i) the Minister or a relevant Minister, or
 - (ii) directors appointed by the Minister or a relevant Minister, or
 - (iii) a board, authority or other body referred to in *paragraph (c)*,
and whose functions are conferred by or under an enactment and include the support of, or the promotion of participation in, higher or further education, or the administration of schemes of payments.

(4) Before making an order under *subsection (1)*, the Minister, taking account of the need for efficiency, effectiveness and economy, shall have regard to following matters:

- (a) capacity of and resources available to awarding authorities for the purposes of performing functions conferred on them by or under this Act;
- (b) the resources available for provision of student support;
- (c) administration costs;
- (d) the desirability of uniformity of standards;
- (e) where applicable, any report furnished to the Minister under *section 10(5)*.

(5) Where a function of a transferring awarding authority is transferred pursuant to an order under *subsection (1)*, the function shall no longer be under the direction, control or supervision of that transferring authority after the order is made.

(6) Nothing in *subsection (5)* shall prevent the Minister from directing by order under *subsection (1)* that a transferring awarding authority shall do one or both of the following after the order is made:

- (a) perform a function referred to in *section 11(2)** and contained in the order;
- (b) continue to pay grants, specified by the Minister in the order, to students or a class of students so specified and for a period so specified.

(7) An appointed awarding authority and a transferring awarding authority shall be such appointed awarding authority and transferring awarding authority for the purposes of each order made under *subsection (1)* and nothing in this section shall prevent—

[SECTION 10]

(a) a transferring awarding authority in an order made under *subsection (1)* from being an appointed awarding authority in any subsequent order made under that subsection, or

(b) an appointed awarding authority in an order made under *subsection (1)* from being a transferring awarding authority in any subsequent order made under that subsection.

(8) In this section “relevant Minister” means—

(a) in the case of an appointed awarding authority that is a local authority, the Minister for the Environment, Heritage and Local Government, and

(b) in the case of any other appointed awarding authority, each Minister of the Government who performs functions in relation to that body.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the section proposed to be inserted by amendment No. 37.]

37. In page 9, before section 10, to insert the following new section:

“Order appointing an awarding authority.

11.—(1) An order under *section 10(1)** may provide for—

(a) such matters as appear to the Minister to be necessary or expedient for the transfer of functions from the transferring awarding authority to the appointed awarding authority, and

(b) such other matters as may be incidental to or consequential on such transfer.

(2) Notwithstanding the generality of *subsection (1)* an order under *section 10(1)** may provide for one or more than one of the following:

(a) a direction to the transferring awarding authority to provide to the appointed awarding authority such records, data or information as relate to a function referred to in the order, or a class of such records, data or information, and within such period, as is specified in the direction;

(b) in relation to land and property—

(i) that such land (or a part thereof) as relates to a function referred to in the order which, immediately before the order is made was vested in the transferring awarding authority and all rights, powers and privileges relating to or connected with that land shall without conveyance, transfer or assignment stand vested in the appointed awarding authority for all the estate and interest for which it was vested in the transferring awarding authority but subject to all trusts and equities affecting that land subsisting and capable of being performed,

(ii) that some or all of such property other than land (including choses-in-action), as relates to a function referred to in the order which, immediately before the order is made, was the property of the transferring awarding authority shall, without any transfer or assignment, stand transferred to the appointed awarding authority,

[SECTION 10]

- (iii) that a chose-in-action referred to in *subparagraph (ii)* may after the order is made, be sued on, recovered or enforced by the appointed awarding authority in its own name and it shall not be necessary for the appointed awarding authority to give notice to the person bound by any such chose-in-action of the transfer effected by the order, or
- (iv) that moneys, stocks, shares or securities referred to in *subparagraph (ii)* and which, immediately before the order is made are in the name of the transferring awarding authority shall be transferred, at the request of the appointed awarding authority, to the name of the appointed awarding authority;
- (c) that some or all of such of the rights or liabilities as relate to the function referred to in the order may, on or after the date of the order, be sued on, recovered or enforced by or against the appointed awarding authority without the necessity for the appointed awarding authority to give notice of the order to the person whose right or liability is transferred;
- (d) in relation to some or all of such contracts or agreements as relate to a function referred to in the order—
 - (i) the continuance in force of the contract or agreement made between the transferring awarding authority or any trustee or agent of the authority acting on its behalf, and any other person which is in force immediately before the day of the making of the order, or
 - (ii) the construction of the contract or agreement as if the appointed awarding authority were substituted therein for the transferring awarding authority without the necessity for the appointed awarding authority to give notice of the order to the person whose right or liability is transferred;
- (e) the continuance of some or all of such legal proceedings as relate to a function referred to in the order and pending in a court or tribunal before the making of the order to which the transferring awarding authority is a party, by the substitution of the name of the appointed awarding authority for the name of the transferring awarding authority and that the proceedings shall not abate by reason of such substitution;
- (f) the preparation by the transferring awarding authority of such final accounts of that authority as relate to a function referred to in the order within a specified period and submission of same to such persons as may be specified in the order including the Minister, the Minister for Finance, the Minister for the Environment, Heritage and Local Government, a relevant Minister, the Comptroller and Auditor General or the appointed awarding authority;
- (g) subject to *section 12***—
 - (i) the transfer of an employee who, immediately before the making of the order is an employee of the transferring awarding authority performing duties related to a function referred to in the order, to the appointed awarding authority;
 - (ii) the transfer of the contract of employment of a person who, immediately before the making of the order is a fixed-term employee of the transferring awarding authority performing duties related to a function referred to in the order, to the appointed awarding authority.

[SECTION 10]

(3) In this section “fixed-term employee” has the meaning given to it by the Protection of Employees (Fixed-Term Work) Act 2003.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the section proposed to be inserted by amendment No. 36.]

[**Note: This is a reference to the section proposed to be inserted by amendment No. 38.]

38. In page 9, before section 10, to insert the following new section:

“Employee or fixed term employee of appointed or transferring awarding authority.

12.—(1) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person referred to in *section 11(2)(g)** shall not, on the making of an order under *section 10(1)***, be brought to less beneficial conditions of remuneration than the conditions of remuneration to which he or she was subject immediately before the coming into operation of this section.

(2) The previous service of a person referred to in *section 11(2)(g)** shall be reckonable for the purposes of, but subject to any exceptions or exclusions in the following enactments:

- (a) the Redundancy Payments Acts 1967 to 2007;
- (b) the Protection of Employees (Part-Time Work) Act 2001;
- (c) the Protection of Employees (Fixed-Term Work) Act 2003;
- (d) the Organisation of Working Time Act 1997;
- (e) the Terms of Employment (Information) Acts 1994 and 2001;
- (f) the Minimum Notice and Terms of Employment Acts 1973 to 2005;
- (g) the Unfair Dismissals Acts 1977 to 2007;
- (h) the Maternity Protection Acts 1994 and 2004;
- (i) the Parental Leave Acts 1998 and 2006;
- (j) the Adoptive Leave Acts 1995 and 2005;
- (k) the Carer’s Leave Act 2001.

(3) Any superannuation benefits awarded to or in respect of a person referred to in *section 11(2)(g)** and the terms relating to those benefits shall be no less favourable than those applicable to or in respect of that person immediately before the making of an order under *section 10(1)***.

(4) The pension payments and other superannuation liabilities of the transferring awarding authority in relation to a person referred to in *section 11(2)(g)** who is given a position in the appointed awarding authority under an order under *section 10(1)*** become, on the making of the order, the liabilities of the appointed awarding authority.

[SECTION 10]

(5) In this section “recognised trade union or staff association” means a trade union or staff association recognised by the Minister for the purposes of negotiations which are concerned with the remuneration or conditions of employment, or the working conditions of employees.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the section proposed to be inserted by amendment No. 37.]

[**Note: This is a reference to the section proposed to be inserted by amendment No. 36.]

39. In page 10, lines 10 to 12, to delete subsection (2).

—An Tánaiste agus Aire Oideachas agus Scileanna.

SECTION 11

40. In page 10, before section 11, to insert the following new section:

“Agreements relating to performance of certain functions.

11.—(1) Subject to *subsection (7)*, an awarding authority may by an agreement in writing entered into with any person, upon such terms and conditions as may be specified in the agreement, provide for the performance by such person, subject to such terms and conditions (if any) as may be so specified, of such functions conferred on the awarding authority by or under this Act as may be so specified.

(2) An agreement under this section may include provision for the payments (if any) to be made to and the disposal of such payments by the person concerned for the purpose of the performance of a function specified in the agreement.

(3) An agreement under this section shall operate, so long as it continues in force, to confer on and vest in the person concerned, to the extent and subject to the terms and conditions specified in the agreement, the function so specified.

(4) A function conferred on a person by an agreement under this section shall be performable by the person in his or her own name but subject to the general superintendence and control of the awarding authority.

(5) A function conferred on a person by an agreement under this section shall, notwithstanding the agreement concerned, continue to be vested in the awarding authority but shall be so vested concurrently with the person on whom it is conferred by that agreement and so as to be capable of being performed by either of those persons.

(6) The conferral on a person by an agreement under this section of a function of the awarding authority shall not remove or derogate from the authority’s responsibility to the Minister for the performance of the function.

(7) Before entering an agreement under *subsection (1)* an awarding authority shall, in relation to the agreement and any terms and conditions contained therein—

(a) consult with the relevant Minister, and

(b) obtain the prior approval of the Minister and the Minister for Finance.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[Acceptance of this amendment involves the deletion of section 11 of the Bill.]

[SECTION 12]

SECTION 12

41. In page 11, line 23, after “State,” to insert the following:

“and has been previously so ordinarily resident for such period if any as may be prescribed.”

—Ruairí Quinn.

42. In page 11, lines 24 to 49, to delete all words from and including “and” in line 24 down to including “who—”, in line 49, to delete page 12, and in page 13 to delete lines 1 to 8 and substitute the following:

“and is an Irish citizen, a non-national who is lawfully present in the State and is likely to remain lawfully in the State for the duration of the course in question, or such other person as may be prescribed by the Minister.”

—Ruairí Quinn.

43. In page 11, subsection (1)(c)(i), lines 36 and 37, to delete “Justice, Equality and Law Reform” and substitute “Justice and Law Reform”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

44. In page 11, subsection (1)(c)(ii), lines 40 and 41, to delete “Justice, Equality and Law Reform” and substitute “Justice and Law Reform”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

45. In page 11, subsection (1), lines 44 to 47, to delete paragraph (d) and substitute the following:

“(d) a person who, in relation to a person referred to in *paragraph (a)*, is a family member prescribed, subject to *subsection (2)* for the purposes of this paragraph, or”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

46. In page 11, subsection (1), to delete lines 48 to 49 and substitute the following:

“(e) a person, other than a person to whom *paragraph (a), (b), (c) or (d)** refers, who—”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the paragraph proposed to be inserted by amendment No. 45.]

47. In page 12, subsection (1)(e), lines 5 to 7, to delete subparagraph (ii), and substitute the following:

“(ii) is of a class of persons prescribed by the Minister, subject to *subsection (3)* and with the consent of the Minister for Finance, for the purposes of this subparagraph.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

48. In page 12, lines 8 to 23, to delete subsection (2) and substitute the following:

“(2) Where the Minister is prescribing a class of persons as a family member for the purposes of *subsection (1)(d)**, he or she shall have regard to all or any of the following matters:

(a) the relationship that the family member has to the person referred to in *subsection (1)(a)*;

[SECTION 12]

(b) whether the family member depends on the person referred to in *subsection (1)(a)*;

(c) whether the family member has a right of residence in the State by virtue of being the spouse, civil partner or a child of a person referred to in *subsection (1)(a)*.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the paragraph proposed to be inserted by amendment No. 45.]

49. In page 12, subsection (3), to delete lines 24 to 26, and substitute the following:

“(3) Where the Minister is prescribing a class of persons for the purposes of *subsection (1)(e)(ii)** he or she shall have regard to all or any of the following matters:”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the subparagraph proposed to be inserted by amendment No. 47.]

50. In page 13, subsection (3), lines 3 to 8, to delete paragraphs (g) and (h) and substitute the following:

“(g) resources available for the provision of student support.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

51. In page 13, lines 9 to 19, to delete subsection (4) and substitute the following:

“(4) For the purposes of *subsection (1)*, a person shall be ordinarily resident in the State if the person—

(a) has been resident in the State for at least 3 years out of the period of 5 years ending on the day before the relevant date, or

(b) if not resident as described in *paragraph (a)*—

(i) is temporarily resident outside of the State by reason of pursuing a course of study or post-graduate research at an educational institution outside of the State but within a Member State leading to a qualification that is recognised in accordance with the laws of the Member State concerned for the recognition of qualifications that correspond to the arrangements, procedures and systems referred to in *section 9(2)(k)(i)*, or if such recognition is not provided by those laws in that manner then otherwise in accordance with the laws of that Member State, and

(ii) was resident in the State for at least 3 years out of the period of 5 years ending on the day before he or she commenced such course of study or post-graduate research.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

52. In page 13, subsection (6), to delete lines 25 to 27, and substitute the following:

“(6) The determination of the question referred to in *subsection (5)* shall not relate to a person who is either—

[SECTION 12]

(a) an Irish citizen, or”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

53. In page 13, lines 43 to 49, to delete subsections (8) and (9) and substitute the following:

“(8) For the purposes of *subsection (7)*, a tuition student shall be ordinarily resident in one of the states referred to in *subsection (1)(a)* if the student was resident in any of the states for a period of not less than 3 years out of the period of 5 years ending on the day before the relevant date.

(9) In this section, in relation to an approved course in respect of which a person referred to in *subsection (4)** or a tuition student may apply for a grant, “relevant date” means the date on which a year of study commences on the approved course.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the subsection proposed to be inserted by amendment No. 51.]

SECTION 13

54. In page 14, before section 13, but in Part 2, to insert the following new section:

“Advances to
awarding
authorities.

13.—(1) The Minister may, subject to such conditions as he or she considers appropriate, in each financial year advance to an awarding authority such sum as may be sanctioned by the Minister for Finance out of moneys provided by the Oireachtas and which is not greater than the sum required for the purpose of defraying expenditure incurred by the awarding authority in the payment of a grant.

(2) The Minister may, subject to such conditions as he or she considers appropriate, in each financial year advance to an awarding authority, where the awarding authority is a vocational education committee, such sum as may be sanctioned by the Minister for Finance out of moneys provided by the Oireachtas and which is not greater than the sum required for the purpose of defraying expenditure incurred by the awarding authority in the performance of any of its functions (other than the payment of a grant).

(3) The Minister for the Environment, Heritage and Local Government may, subject to such conditions as he or she considers appropriate, in each financial year advance to an awarding authority, where the awarding authority is a local authority, such sum as may be sanctioned by the Minister for Finance out of moneys provided by the Oireachtas and which is not greater than the sum required for the purpose of defraying expenditure incurred by the awarding authority in the performance of any of its functions (other than the payment of a grant).

(4) The relevant Minister may, subject to such conditions as he or she considers appropriate, in each financial year advance to an awarding authority, where the awarding authority is an appointed awarding authority, such sum as may be sanctioned by the Minister for Finance out of moneys provided by the Oireachtas and which is not greater than the sum required for the purpose of defraying expenditure incurred by the awarding authority in the performance of any of its functions (other than the payment of a grant).”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[SECTION 13]

- 55.** In page 14, subsection (1), line 4, to delete “may prescribe a scheme” and substitute “may make a scheme”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
- 56.** In page 14, subsection (2), between lines 10 and 11, to insert the following:
“(c) specify an awarding authority or classes of awarding authorities who shall perform functions conferred by or under this Act in relation to specified grants or classes of grants;”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
- 57.** In page 14, subsection (2), lines 14 to 22, to delete paragraph (d) and substitute the following:
“(d) specify criteria to be considered by an awarding authority in determining whether an applicant is eligible for a grant including the following:
(i) conditions to be complied with by an applicant, his or her parents, spouse or civil partner as the case may be, in order that the applicant may be so eligible;
(ii) the manner in which the income of an applicant, his or her parents, spouse or civil partner as the case may be, shall be determined;”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
- 58.** In page 14, subsection (2)(e), line 25, after “eligible” to insert the following:
“, and a scheme may in that respect have regard to the costs incurred by a student on a course which involves practical or work placement”.
—Ruairí Quinn.
- 59.** In page 14, subsection (2), between lines 25 and 26, to insert the following:
“(f) specify conditions the continued compliance with which is required in order that an applicant shall remain eligible to receive a grant awarded to him or her;”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
- 60.** In page 14, subsection (3), line 34, to delete “in prescribing a class” and substitute “in specifying a class”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
- 61.** In page 14, subsection (3), between lines 39 and 40, to insert the following:
“(c) whether he or she has dependents who he or she is required to support;”.
—Ruairí Quinn.
- 62.** In page 15, subsection (4)(a)(iii), line 23, to delete “her spouse,” and substitute “her spouse or civil partner;”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
- 63.** In page 15, subsection (4)(a)(iv), line 27, to delete “her parents or spouse,” and substitute “her parents, spouse or civil partner;”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
- 64.** In page 15, subsection (4)(a), between lines 35 and 36, to insert the following:

[SECTION 13]

“(vi) where the parents of a dependent student or other dependent children reside in separate households, the manner in which and purposes for which account shall be taken of arrangements in place relating to the dependent student or other dependent children;”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

65. In page 16, subsection (4), lines 1 to 3, to delete paragraph (b).

—An Tánaiste agus Aire Oideachas agus Scileanna.

66. In page 16, subsection (4), lines 5 to 9, to delete paragraph (d).

—An Tánaiste agus Aire Oideachas agus Scileanna.

67. In page 16, subsection (4), lines 10 to 13, to delete paragraph (e) and substitute the following:

“(e) whether the applicant is already in receipt of or likely to receive funding, an award or stipend, for the purposes of assisting him or her in pursuing his or her education;”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

68. In page 16, subsection (4), lines 10 to 13, to delete paragraph (e).

—Fergus O'Dowd.

69. In page 16, lines 42 to 45, to delete subsection (5) and substitute the following:

“(5) The Minister may specify, in the scheme concerned, criteria additional to criteria referred to in *subsection (3) or (4)* to be considered by an awarding authority in order that it may determine whether an applicant is eligible for a grant to attend an approved course prescribed under *section 9(3)**, and the criteria may include all or any of the following:

(a) the employment status of the applicant, including the level of his or her remuneration or that he or she—

(i) has involuntarily been made redundant,

(ii) is involuntarily unemployed, or

(iii) has involuntarily had his or her working hours reduced;

(b) the inability of the applicant to attend higher education on a full-time basis by virtue of being wholly or mainly responsible for the care of a person requiring full-time care and attention;

(c) that the applicant suffers from a disability (within the meaning of the Disability Act 2005) and by reason of the disability is unable to attend higher education on a full-time basis;

(d) that the applicant has suffered educational disadvantage;

(e) the previous academic attainment of the applicant including previous pursuit of third level education;

(f) any other matters which in the opinion of the Minister are proper matters to be taken into account having regard to the resources available and the objective of enabling persons to attend courses of higher education.

[SECTION 13]

(6) For the purposes of specifying criteria or providing for matters to be specified or provided for under *subsection (2), (3), (4) or (5)* different criteria may be specified or matters provided for by the Minister as respects different classes of grants or applicants.

(7) (a) In this section “dependent child” means a child, including a foster child, of a person referred to in *paragraph (b)* which child, on a day to be prescribed—

(i) has not attained the age of 16 years, or

(ii) has attained the age of 16 years or more, resides with a person referred to in *paragraph (b)*, and

(I) is pursuing a full-time course of education, or

(II) is certified by a registered medical practitioner (within the meaning of section 2 of the Medical Practitioners Act 2007) as being permanently unfit to work by reason of a medical condition.

(b) A dependent child shall be the child of and, shall reside with one or, as the case may be, more than one of the following:

(i) an independent student;

(ii) the spouse of an independent student;

(iii) a dependent student;

(iv) one parent or both parents of the dependent student.

(c) A day prescribed for the purposes of *paragraph (a)* shall be a day that is not earlier than 12 months before the day on which a student, in relation to whose application for a grant a dependent child is relevant, commences a year of study in any year at an approved course.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the subsection proposed to be inserted by amendment No. 31.]

SECTION 14

70. In page 17, lines 1 to 20, to delete subsection (2) and substitute the following:

“(2) Without prejudice to the generality of the foregoing, regulations under *subsection (1)* may provide for one or more than one of the following matters:

(a) the awarding authority to whom an applicant shall make an application;

(b) the date by which an application shall be made;

(c) the information to be made available by an awarding authority to an applicant in relation to an application for a grant, schemes of grants, obligations including those arising under *section 16(2)* or 16(4)**, the circumstances in which, pursuant to this Act payment, in whole or in part, of a grant may cease, penalties for offences under this Act and liability, under *section 21*, to repay a grant;

[SECTION 14]

- (d) the submission of information required by or under this Act to an awarding authority by an applicant in respect of an application for a grant;
- (e) the submission, by an applicant, of further information that may be required by an awarding authority;
- (f) the production of evidence to verify particulars of information given to an awarding authority by an applicant;
- (g) the periods of time within which the information, further information or evidence shall be submitted or produced to the awarding authority;
- (h) the manner of notification of its decision by an awarding authority;
- (i) any other matter that appears to the Minister to be necessary or expedient.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the section proposed to be inserted by amendment No. 76.]

SECTION 15

71. In page 17, subsection (2), line 24, after “time” to insert the following:

“but shall not be precluded from applying from other awards or stipends”.

—Fergus O'Dowd.

72. In page 17, lines 25 to 42 and in page 18, lines 1 to 16, to delete subsections (3) and (4) and substitute the following:

“(3) An applicant shall furnish an awarding authority with the personal, family, financial and other information that the authority may seek in relation to the applicant, the applicant’s spouse or civil partner, each parent of the applicant, and any dependent child and shall produce evidence, in such form as may be prescribed, to verify the information, in order that the authority may determine whether or not the applicant is eligible to receive a grant.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

73. In page 18, lines 17 to 20, to delete subsection (5) and substitute the following:

“(5) An awarding authority shall determine whether an applicant is eligible to receive a grant, having regard to—

- (a) information furnished by the applicant pursuant to this section,
- (b) any other information in relation to the application, as appropriate, and
- (c) such criteria as are specified in the relevant scheme of grants.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

74. In page 18, subsection (6), line 24, to delete “be prescribed” and substitute “be specified”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[SECTION 15]

75. In page 18, lines 25 to 34, to delete subsection (7) and substitute the following:

“(7) Where the awarding authority determines—

- (a) that the applicant is eligible for the grant for which he or she has applied, it shall give notice in writing informing the applicant of the determination and arrange to pay the grant, or
- (b) that the applicant is not eligible for the grant for which he or she has applied, it shall give notice in writing to the applicant of the determination and the reasons therefor and of the applicant’s right to appeal the determination to an appeals officer.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

SECTION 16

76. In page 18, before section 16, to insert the following new section:

“Change of circumstances.

16.—(1) An awarding authority shall consider information relating to a student who is in receipt of or is to receive payment in respect of a grant in relation to which a determination was made under *section 15(7)(a)** and shall determine, having regard to such criteria as are specified in the relevant scheme of grants, if the student remains eligible for the grant in any of the following circumstances:

- (a) the awarding authority is notified under *subsection (2)*,
- (b) the student has furnished information under *subsection (4)* or has, without a satisfactory explanation, failed to furnish that information under that subsection,
- (c) the authority is furnished with a report of an inquiry officer under *section 19***, or
- (d) relevant information relating to the student comes into the possession of the authority.

(2) A student shall immediately notify the awarding authority in writing—

- (a) if the student becomes aware that, by reason of any material change in the circumstances of the student or, as the case may be, spouse, civil partner or parent of the student—
 - (i) any information furnished by the student in his or her application, under *section 15*, for the grant concerned, which could reasonably be considered to have a bearing on the award of the grant to the student is no longer correct, or
 - (ii) it is no longer possible to comply with conditions the continued compliance with which is required in order that the student remains eligible to receive the grant concerned,

or

[SECTION 16]

- (b) if the student becomes aware that any information furnished by him or her in relation to himself or herself or, as the case may be, spouse, civil partner or parent of the student, which could reasonably be considered to have a bearing on the award of the grant to the student was incorrect,

of the material change in circumstances or incorrect information.

(3) An awarding authority may at any time give a notice in writing to a student who is in receipt of or is to receive payment in respect of a grant requiring the student to furnish such information specified in the notice as the authority considers appropriate, within the period so specified, for the purpose of determining if the student remains eligible for the grant concerned.

(4) A student shall furnish the information required by the authority within the period specified in the notice.

(5) An awarding authority may, where it considers it appropriate in all the circumstances, cease payment, in whole or in part, in respect of a grant notwithstanding that it has not yet made a determination of the kind referred to in *subsection (6)*.

(6) In making a determination under *subsection (1)* an awarding authority may determine that a student—

- (a) remains eligible for the grant in relation to which a determination was made under *section 15(7)(a)**, and accordingly shall continue to pay the grant and arrears, if any, due to the student in respect of any period under *subsection (5)* during which payment ceased,

- (b) is not eligible for the grant in relation to which a determination was made under *section 15(7)(a)** but is eligible for another grant and accordingly shall, as appropriate—

- (i) pay the grant for which the awarding authority determines the student is eligible, if necessary taking into account moneys paid to or on behalf of the student in respect of the grant for which it determines the student is not eligible and paid to the student while he or she was so eligible, and arrears if any, due to the student in respect of any period under *subsection (5)* during which payment ceased, or

- (ii) request from the student return of any moneys paid to or on behalf of the student in relation to the grant for which it determines the student is not eligible during the period the student was not so eligible, where the grant in respect of which the student is not eligible exceeds the grant for which the student is eligible, taking into account arrears, if any due to the student in respect of any period under *subsection (5)* during which payment ceased,

or,

- (c) is not eligible for the grant in relation to which a determination was made under *section 15(7)(a)**, and accordingly if the authority has not already done so under *subsection (5)* shall immediately cease paying the grant and request from the student return of any moneys paid to or on behalf of the student in respect of the grant during the period while the student is not so eligible.

[SECTION 16]

(7) The awarding authority shall as soon as practicable, give notice in writing to the student of the determination under this section and the reasons therefor and shall inform the student of his or her right to appeal the determination to an appeals officer.

(8) A determination of an awarding authority under this section shall come into effect on the giving of a notice under *subsection (7)*.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the subsection proposed to be inserted by amendment No. 75.]

**Note: This is a reference to the section proposed to be inserted by amendment No. 82.]

[Acceptance of this amendment involves the deletion of section 16 of the Bill.]

SECTION 17

77. In page 20, lines 5 and 6, to delete subsection (1) and substitute the following:

“(1) An awarding authority shall designate such and so many members of the staff of the authority as it considers appropriate to be appeals officers under this section and a person so designated shall be an appeals officer for such period as the authority may determine.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

78. In page 20, subsection (1), line 5, to delete “may” and substitute “shall”.

—Ruairí Quinn.

79. In page 20, subsection (4), line 24, to delete “45 days” and substitute “30 days”.

—Ruairí Quinn.

SECTION 18

80. In page 21, subsection (4), line 14, to delete “90 days” and substitute “30 days”.

—Ruairí Quinn.

81. In page 21, subsection (4), line 14, to delete “90 days” and substitute “45 days”.

—Fergus O’Dowd.

SECTION 19

82. In page 21, before section 19, to insert the following new section:

“Inquiry officer.

19.—(1) An awarding authority may appoint a member of its staff or, with the consent of another awarding authority, a member of staff of that other awarding authority to be an inquiry officer for the purposes of this section.

(2) Every inquiry officer appointed under this section shall be furnished with a warrant of appointment and shall, when exercising any power conferred on him or her by this section, if requested by a person affected, produce to that person the warrant of appointment or a copy of it and a form of personal identification.

[SECTION 19]

(3) An appointment under this section as an inquiry officer shall cease—

- (a) if the awarding authority revokes the appointment,
- (b) if the appointment is for a fixed period, on the expiry of that period, or
- (c) if the person appointed ceases to be an officer of the awarding authority.

(4) An inquiry officer shall investigate and may, and if so directed by the awarding authority shall, make interim reports, and, on the conclusion of the inquiry shall make a final report to the awarding authority in relation to—

- (a) an application for a grant, or
- (b) any question arising on or in relation to a grant,

which may be referred to him or her by the awarding authority.

(5) Notwithstanding anything contained in *subsection (4)* an inquiry officer may, at any time in the course of the investigation, without the necessity of making an interim report, inform the awarding authority of matters coming to his or her knowledge as a result of the inquiry tending to show that an offence has been committed.

(6) A student who receives or is to receive a payment in respect of a grant, or an applicant shall—

- (a) produce to an inquiry officer all books, documents and other records concerning any question arising on or in relation to the grant or application for a grant that are in his or her possession, under his or her control or within his or her procurement,
- (b) attend before an inquiry officer, and
- (c) give to an inquiry officer all assistance in connection with the investigation which he or she is reasonably capable of giving,

when required to do so by an inquiry officer.

(7) If an inquiry officer considers that a person (other than a student who receives or is to receive a payment in respect of a grant or an applicant) is or may be in possession of information concerning any question arising on or in relation to the grant or the application for the grant concerned the inquiry officer may require that person to—

- (a) produce to him or her all books, documents and other records relating to the grant or application concerned that are in his or her possession, under his or her control or within his or her procurement,
- (b) attend before him or her, and
- (c) give to him or her all assistance in connection with the investigation which he or she is reasonably capable of giving.

(8) An inquiry officer may examine on oath an applicant, a student who receives or is to receive a grant, or a person referred to in *subsection (7)*, in relation to an application for a grant and may administer an oath accordingly.

[SECTION 19]

(9) A person who contravenes this section or who fails to comply with a requirement under this section is guilty of an offence and is liable, on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or to both.

(10) A statement or admission made by a person pursuant to a requirement under this section shall not be admissible in evidence in proceedings brought against that person for an offence (other than for an offence under this section).

(11) In proceedings brought against a person for an offence under this section consisting of a failure by him or her to produce a book, document or other record it shall be a defence for the person to prove that the book, document or other record was not in his or her possession, under his or her control or within his or her procurement when he or she was required to produce it and that at that time it was not reasonably practicable for him or her to comply with the requirement.

(12) Nothing in this section shall operate to require a person to produce to an inquiry officer books, documents or other records, or to provide any information, that he or she would be entitled to refuse to produce or provide on the grounds of legal professional privilege or authorise the taking of possession of any such books, documents or records.

(13) The expenses of and incidental to an investigation by an inquiry officer shall be paid by the awarding authority concerned.

(14) Where a person is—

(a) convicted on indictment of an offence in proceedings for an offence, or

(b) ordered to pay sums to an awarding authority in proceedings under *section 21(3)*,

brought as a consequence of an investigation under this section the court in those proceedings may order the person to pay to the awarding authority such sum as it shall specify not exceeding any amount paid by the awarding authority under *subsection (13)* in respect of that investigation.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Acceptance of this amendment involves the deletion of section 19 of the Bill.*]

SECTION 20

83. In page 23, lines 1 to 10, to delete subsection (1) and substitute the following:

“(1) A person who—

(a) furnishes information to an awarding authority, inquiry officer, appeals officer or the Appeals Board which is false or misleading, knowing it to be false or misleading in a material respect or being reckless as to whether it is so false or misleading,

(b) fails to comply with *section 16(2)(a)** or *16(2)(b)**, or

(c) furnishes information in purported compliance with *section 16(2)(a)** or *16(2)(b)** knowing it to be false or misleading in a material respect or being reckless as to whether it is so false or misleading,

is guilty of an offence.”.

[SECTION 20]

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the section proposed to be inserted by amendment No. 76.]

SECTION 22

- 84.** In page 23, subsection (2), lines 40 and 41, to delete all words from and including “stand” in line 40 down to and including “Board”)” in line 41 and substitute the following:

“stand established a body to be known as an Bord Achomhairc i Leith Deontas Mac Léinn, or, in the English language, the Student Grants Appeals Board (to be known and referred to in this Act as the “Appeals Board”)”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

- 85.** In page 23, subsection (2), line 40, after “established” to insert the following:

“Bord Achomhairc i Leith Deontas Mac Léinn or in the English language”.

—Ruairí Quinn.

- 86.** In page 24, subsection (6), line 6, to delete “The Appeals Board shall consist of a chairperson” and substitute the following:

“Subject to *section 23**, the Appeals Board shall consist of a chairperson”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the section proposed to be inserted by amendment No. 88.]

- 87.** In page 24, subsection (6), line 8, after “persons” to insert the following:

“, and its members shall include such number of student representatives as shall ensure that each sitting or division of the Appeals Board includes at least one student representative”.

—Ruairí Quinn.

SECTION 23

- 88.** In page 24, before section 23, to insert the following new section:

“Temporary
appointment to
Appeals Board.

23.—(1) The Minister may by order increase the number of ordinary members of the Appeals Board where he or she is of the opinion that the number of appeals made under *section 18* necessitates the appointment of one or more than one member to enable the Appeals Board to perform its functions under that section subject to the Appeals Board consisting, at any time, of not more than 15 persons including the chairperson.

(2) Notwithstanding *section 6**, where the Minister proposes to make an order under *subsection (1)* a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving the draft has been passed by each such House.

(3) *Section 22(7)* shall apply to the appointment of a person by order under *subsection (1)* as it applies for the purposes of that section.

[SECTION 23]

(4) An order made under *subsection (1)* shall have effect for such a period not exceeding 5 years as shall be specified in the order.”.

[*Note: This is a reference to the section proposed to be inserted by amendment No. 19.]

—An Tánaiste agus Aire Oideachas agus Scileanna.

SECTION 24

89. In page 24, lines 44 and 45 and in page 25, lines 1 to 15, to delete subsections (1) and (2) and substitute the following:

“(1) Notwithstanding anything contained in the Data Protection Acts 1988 and 2003 or any other enactment, the data controller of a person listed in *Schedule 2*, or of a person prescribed for the time being under *subsection (2)* (in this subsection called “the first named person”) shall on being requested to do so by the data controller of a person so listed or prescribed, process personal data kept by the first named person, or information extracted from such data, to the data controller of the other person so listed or prescribed for the time being, if the data controller of the first named person is satisfied that it will be used for a relevant purpose only.

(2) If a person (not being a person listed in *Schedule 2*, or prescribed for the time being under this subsection) keeps personal data that is relevant to any of the functions of an awarding authority, inquiry officer, appeals officer or the Appeals Board, and the Minister considers that such supply by the person not so listed or prescribed to a person so listed or prescribed will further the attainment of a relevant purpose, then the Minister, following consultation with the Data Protection Commissioner, may prescribe that person for the purposes of *subsection (1)*.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

90. In page 25, subsection (5), line 24, to delete “assigned” and substitute “given”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

91. In page 25, subsection (5), line 26, to delete “assigned” and substitute “given”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

92. In page 25, subsection (5), line 28, to delete “assigned” and substitute “given”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

93. In page 25, subsection (5), to delete lines 39 and 40 and substitute the following:

“(e) verifying that a student is enrolled or registered, in accordance with the rules of an approved institution, and continuing to attend an approved course at an approved institution.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

SECTION 25

94. In page 25, before section 25, to insert the following new section:

[SECTION 25]

“Confirmation of schemes of grants.

25.—(1) All instruments purporting to be schemes to have been in force prior to the coming into operation of this section and approved by the Minister under section 5 of the Local Authorities (Higher Education Grants) Act 1968 prior to the passing of this Act are hereby confirmed.

(2) All schemes (other than schemes to which instruments referred to in *subsection (1)* relate) for the purposes of the provision and administration of grants to enable persons to attend courses of higher and further education approved by the Minister and purporting to have been in force prior to the coming into operation of this section are hereby confirmed.

(3) If this section would, but for this subsection, conflict with a constitutional right of any person, the operation of this section shall be subject to such limitation as is necessary to secure that it does not so conflict but shall otherwise be of full force and effect.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

SCHEDULE 2

95. In page 27, to delete lines 8 to 12 and substitute the following:

“1. The Minister.

2. The Minister for the Environment, Heritage and Local Government.

3. The Minister for Justice and Law Reform.

4. The Minister for Social Protection.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

96. In page 27, to delete lines 21 to 23 and substitute the following:

“13. A person with whom an awarding authority has an agreement under *section 11**.”

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the section proposed to be inserted by amendment No. 40.]

TITLE

97. In page 3, line 9, before “THE” to insert the following:

“AN APPEALS BOARD TO BE KNOWN AS AN BORD ACHOMHAIRC I LEITH DEONTAS MAC LÉINN OR, IN THE ENGLISH LANGUAGE,”

—An Tánaiste agus Aire Oideachas agus Scileanna.