



DÁIL ÉIREANN

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

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM THACAÍOCHT DO MHIC LÉINN 2008 —AN TUARASCÁIL

STUDENT SUPPORT BILL 2008 —REPORT

Leasuithe Amendments

1. In page 6, line 2, to delete “vocational education committee” and substitute “Payments and Entitlements Service”.
—Fergus O'Dowd.
2. In page 6, line 5, to delete “section 3 of”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
3. In page 6, between lines 7 and 8, to insert the following:
“cohabitant” shall be construed in accordance with section 172(1) of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
4. In page 6, line 35, to delete “Adoption Acts 1952 to 1998” and substitute “Adoption Act 2010”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
5. In page 7, to delete lines 9 and 10.
—An Tánaiste agus Aire Oideachas agus Scileanna.
6. In page 7, line 18, to delete “*section 14(8)*” and substitute “*section 14(7)*”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
7. In page 12, line 3, to delete “immediately” and substitute the following:
“following a notice period of not less than 30 days”.
—Fergus O'Dowd.
8. In page 13, line 21, to delete “to following matters” and substitute “to the following matters”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
9. In page 18, line 32, after “State,” to insert the following:
“and has been previously so ordinarily resident for such period if any as may be prescribed.”.
—Ruairí Quinn.
10. In page 18, lines 33 to 44, to delete all words from and including “and” in line 33, down to and including “2006)—” in line 44, to delete page 19 and in page 20, to delete lines 1 to 12 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.

11. In page 19, lines 15 and 16, to delete “Minister for Justice, Equality and Law Reform” and substitute “Minister for Justice and Law Reform”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
12. In page 19, line 30, to delete “spouse, civil partner or” and substitute “spouse, civil partner, cohabitant or,”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
13. In page 22, line 17, to delete “spouse or civil partner” and substitute “spouse, civil partner or cohabitant,”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
14. In page 22, line 20, to delete “spouse or civil partner” and substitute “spouse, civil partner or cohabitant,”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
15. In page 23, line 23, to delete “spouse or civil partner” and substitute “spouse, civil partner or cohabitant”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
16. In page 23, line 27, to delete “spouse or civil partner” and substitute “spouse, civil partner or cohabitant”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
17. In page 23, line 35, to delete “spouse” and substitute “spouse, civil partner or cohabitant”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
18. In page 24, to delete lines 7 to 9.
—Fergus O'Dowd.
19. In page 26, line 33, after “time” to insert the following:
“but shall not be precluded from applying from other awards or stipends”.
—Fergus O'Dowd.
20. In page 26, lines 36 and 37, to delete “spouse or civil partner,” and substitute “spouse, civil partner or cohabitant,”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
21. In page 27, line 36, to delete “spouse, civil partner or” and substitute “spouse, civil partner, cohabitant or”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
22. In page 28, line 3, to delete “spouse, civil partner or” and substitute “spouse, civil partner, cohabitant or”.
—An Tánaiste agus Aire Oideachas agus Scileanna.
23. In page 29, to delete lines 14 to 23 and substitute the following:
“(2) Where an applicant is aggrieved by a determination of an awarding authority under *section 18(6)*, then the applicant, not later than 30 days after receipt of the notice of the determination, may appeal to the appeals officer against that determination.

(3) Where a student is aggrieved by a notice under *section 19(3)* from an awarding authority requiring information, or a determination under *section 19(6)* of an awarding authority then the student, not later than 30 days after receipt of the notice of the determination, may appeal to the appeals officer against that notice or determination.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

24. In page 29, line 24, to delete “*subsection (2)*” and substitute “*subsection (2) or (3)**”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

[*Note: This is a reference to the subsection proposed to be inserted by amendment 23.]

25. In page 29, lines 27 and 28, to delete all words from and including “that” in line 27 down to and including “extension” in line 28 and substitute the following:

“that the person has given reasonable cause to so extend”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

26. In page 29, line 30, to delete “45 days” and substitute “30 days”.

—Ruairí Quinn.

27. In page 29, to delete lines 38 to 43 and substitute the following:

“(6) When giving notice to an applicant or student under *subsection (5)* the appeals officer shall inform him or her of his or her right to appeal the determination to the Appeals Board and that, where applicable, only payments pursuant to a determination under *subsection (4)* may be made by the awarding authority concerned to the applicant or student pending the outcome of his or her appeal to the Appeals Board.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

28. In page 30, to delete lines 9 to 11 and substitute the following:

“21.—(1) Where an applicant or student is aggrieved by a determination of an appeals officer under *section 20(4)*, he or she may appeal to the Appeals Board against that determination.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

29. In page 30, line 17, to delete “that the person has given reasonable cause for the extension” and substitute the following:

“that the person has given reasonable cause to so extend”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

30. In page 30, to delete lines 18 to 26 and substitute the following:

“(4) The Appeals Board—

(a) shall be independent in the performance of its functions under this Act,

(b) shall not be confined to the grounds on which the determination of the awarding authority or appeals officer concerned was based, but may decide the matter which is the subject of the appeal as if it were being decided for the first time,

(c) shall, as it considers appropriate, consider written or oral submissions made by the applicant or student concerned and consult with the awarding authority or appeals officer,

(d) shall make a determination within 60 days from the making of an appeal which may be a determination to—

- (i) confirm the determination the subject of the appeal,
- (ii) revoke the determination and replace it with such other determination as the Appeals Board considers appropriate, or
- (iii) refer the matter concerned back to the awarding authority for reconsideration in accordance with such directions as the Appeals Board considers appropriate,

and

- (e) shall notify in writing the applicant or student and the awarding authority and appeals officer concerned, of the determination and the reasons therefor.

(5) In considering and determining an appeal under this Act, the Appeals Board shall act in accordance with such procedures as may be determined from time to time by it with the consent of the Minister.

(6) A person (including an awarding authority) aggrieved by a determination of the Appeals Board, may appeal, with the leave of the Appeals Board, or where the Appeals Board refuses such leave, with the leave of the High Court, to the High Court against the determination on a specified point of law.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

31. In page 30, line 19, to delete “90 days” and substitute “30 days”.

—Ruairí Quinn.

32. In page 33, to delete lines 32 to 36.

—An Tánaiste agus Aire Oideachas agus Scileanna.

33. In page 33, to delete lines 37 and 38.

—An Tánaiste agus Aire Oideachas agus Scileanna.

34. In page 33, line 42, after “persons” to insert the following:

“, and its members shall include such number of student representatives (including at least 2 student representatives nominated by the Union of Students in Ireland) as shall ensure that each sitting or division of the Appeals Board includes at least one student representative”.

—Ruairí Quinn.

35. In page 33, line 46, to delete “education or administration of schemes of payments” and substitute the following:

“education, administration of schemes of payments or fair procedures”.

—An Tánaiste agus Aire Oideachas agus Scileanna.

36. In page 34, between lines 21 and 22, to insert the following:

“(13) A member of the Appeals Board shall cease to be qualified for membership of the Appeals Board and shall cease to be such member if he or she—

- (a) is adjudicated bankrupt,
- (b) makes a composition or arrangement with creditors, or
- (c) is sentenced by a court of competent jurisdiction to a term of imprisonment.

(14) Where a member of the Appeals Board is—

- (a) nominated as a member of Seanad Éireann,
- (b) elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or
- (c) regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament,

he or she shall thereupon cease to be a member of the Appeals Board.

(15) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a representative in the European Parliament shall, while he or she is so entitled or such a representative, be disqualified from being appointed as a member of the Appeals Board.”.

—An Tánaiste agus Aire Oideachas agus Scileanna.