
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 459

Students Awards Regulations (Northern Ireland) 2003

PART II

AWARDS

Ordinarily resident

6.—(1) If a board is satisfied that a person was not ordinarily resident in the British Islands, or in the European Economic Area or in Switzerland, throughout the 3 years immediately preceding the first year of the specified course or was not resident in a board's area on the relevant day only because that person, his spouse, parent, guardian, any other person having parental responsibility for him, or any person having care of him while he is a child, is, or was, employed temporarily outside the British Islands or, as the case may be, outside the European Economic Area or in Switzerland, then, for the purposes of paragraph 1(b) of Schedule 1, that person shall not be regarded as having ceased to be so resident only because of his absence from the British Islands or the European Economic Area or in Switzerland, or the board's area in consequence of such employment and paragraph (2) shall not apply in the case of such a person. Without prejudice to the foregoing, members of the regular naval, military or air forces of the Crown shall be treated as being temporarily employed within the meaning of this paragraph for any period during which they serve outside the British Islands as members of such forces.

(2) For the purposes of paragraph 1(b) of Schedule 1, a person shall not be regarded as ordinarily resident in the British Islands or the European Economic Area or in Switzerland, if that person was so resident and had taken up that residence wholly or mainly for the purpose of attending a full-time course of education.

(3) For the purposes of paragraph 1(b) of Schedule 1, a person shall not be regarded as ordinarily resident in the British Islands if that person is personally ineligible for a full award.

(4) For the purposes of regulation 5(1) the ordinary residence requirements of paragraph 1(b) of Schedule 1 shall not apply in the case of a refugee, ordinarily resident in the British Islands who has not ceased to be so ordinarily resident since he was recognised as a refugee; or in the case of the spouse or child of such a refugee, and paragraph 2(a) of that Schedule shall not apply in the case of a person who –

- (a) has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify as a refugee, it is thought right to allow him to enter or remain in the United Kingdom;
- (b) has been granted leave to enter or remain accordingly; and
- (c) has been ordinarily resident in the British Islands throughout the period since he was granted leave to enter or remain;

or in the case of the spouse or child of such a person.

(5) The person referred to in paragraph 1(b)(ii) of Schedule 1 is –

- (a) a European student;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) an EEA migrant worker who is entitled to the payment of an award by virtue of Article 7(2) or (3) of the Council Regulation or Article 9(2) of Annex 1 to the Switzerland Agreement, or, where he is a national of the United Kingdom, by virtue of an enforceable Community right to be treated no less favourably than a national of another member State in relation to matters which are the subject of either of these Articles;
 - (c) the spouse of an EEA migrant worker who is installed in the United Kingdom with his spouse;
 - (d) the child of an EEA migrant worker who is entitled to the payment of an award by virtue of Article 12 of the Council Regulation or Article 9(2) of Annex 1 to the Switzerland Agreement or where his migrant worker parent is a national of the United Kingdom by virtue of an enforceable Community right to be treated no less favourably than the child of a national of another member State in relation to matters which are the subject of either of these Articles.
- (6) In paragraph (5) “parent” includes a guardian, any other person having parental responsibility for a child and any person having care of a child, and “child” shall be construed accordingly.