

2013 No. 37

EDUCATION

**The Student Fees (Qualifying Courses and Persons)
(Amendment) Regulations (Northern Ireland) 2013**

Made - - - - *21st February 2013*

Coming into operation- - *22nd March 2013*

The Department for Employment and Learning makes the following Regulations in exercise of the powers conferred by Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005(a).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Student Fees (Qualifying Courses and Persons) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 22nd March 2013.

(2) These Regulations apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st September 2013 whether anything done under these Regulations is done before, on or after 1st September 2013.

Amendment of the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007

2. The Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007(b) are amended as provided by regulations 3 and 4.

3. In paragraph 1 of the Schedule—

- (a) in sub-paragraph (1), in the definition of “overseas territories”, insert “St-Barthélemy” in the appropriate place;
- (b) in sub-paragraph (2), for the words “includes a guardian and” substitute “means a parent, guardian or”;
- (c) after sub-paragraph (2), insert—

“(2A) For the purposes of this Schedule, a person is not to be treated as ordinarily resident in a place unless that person lawfully resides in that place.”.

4. In paragraph 9 of the Schedule after sub-paragraph (1) insert—

“(1A) Paragraph (c) of sub-paragraph (1) does not apply to a family member of an EU national other than a United Kingdom national where that EU national has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the

(a) S.I. 2005/1116 (N.I. 5) *see* Article 2(2) for definitions of “the Department”, “prescribed” and “regulations”

(b) S.R. 2007 No. 328 as amended by S.R. 2007 No. 375 and S.R. 2011 Nos. 70 and 376

overseas territories throughout the three-year period preceding the first day of the first academic year of the course.”.

Sealed with the Official Seal of the Department for Employment and Learning on 21st February 2013.



Dr Stephen Farry MLA
Minister for Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007 (S.R. 2007 No. 328, “the principal Regulations”).

Regulation 3 amends the definition of “overseas territories” and “parent”. It also amends the principal Regulations to make clear for the avoidance of doubt that “ordinarily resident” means lawfully resident.

Regulation 4 amends the principal Regulations to remove the residence requirement for non-EU family members of EU nationals (other than UK nationals) in relation to regulated fees.

A regulatory impact assessment has not been prepared in respect of this rule as it has no impact on the cost of business, charities or voluntary bodies.

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