
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 296

**The Further Education (Student Support)
(Eligibility) (Amendment etc.) (EU Exit)
Regulations (Northern Ireland) 2020**

Amendment of the Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012

3.—(1) The Schedule to the Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012⁽¹⁾ is amended as follows.

(2) In Part 1 (interpretation), in paragraph 1—

(a) in sub-paragraph (1)—

(i) omit “other than the United Kingdom” each time it occurs;

(ii) at the appropriate place, insert the following definitions—

““EEA EFTA separation agreement” has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;

“residence scheme immigration rules” has the meaning given by section 17(1) of the European Union (Withdrawal Agreement) Act 2020;

“right of permanent residence” means, in relation to a person (“A”), a right to reside in the United Kingdom permanently without restriction which arises under residence scheme immigration rules but only where, had the facts pertaining to the determination of A’s right to reside fallen to be considered immediately before IP completion day, A would have acquired such right under Directive 2004/38 as it had effect immediately before IP completion day;

“Swiss citizens’ rights agreement” has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;”;

(b) in sub-paragraphs (3) and (4) after “the territory comprising”, insert “the United Kingdom, Gibraltar,” each time it occurs.

(c) In sub-paragraph (5), after “an area”, insert “other than the United Kingdom or Gibraltar”.

(3) In Part 2 (categories)—

(a) in paragraph 5(b) (workers, employed persons, self-employed persons and their family members), after “the territory comprising”, insert “the United Kingdom, Gibraltar,”;

(b) in paragraph 6 (EU nationals)—

(i) the existing provisions become sub-paragraph (1);

(ii) in sub-paragraph (1)(c) after “the territory comprising”, insert “the United Kingdom, Gibraltar,”;

(iii) after sub-paragraph (1), insert—

“(2) Any person who would have been eligible under this paragraph immediately before exit day is to continue to be eligible on and after IP completion day.”

(c) for paragraph 7 (children of Swiss nationals), substitute—

“7.—(1) A person who—

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of article 3(6) of Annex 1 to the Swiss Agreement;
- (b) is ordinarily resident in the United Kingdom on the first day of the designated further education course;
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the designated further education course; and
- (d) in a case where the person’s ordinary residence referred to in subparagraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in subparagraph (c).

(2) Any person who would have been eligible under this paragraph immediately before IP completion day is to be treated as falling within this paragraph on and after IP completion day.”

(d) in paragraph 8(b) (children of Turkish workers), after the “territory comprising”, insert “the United Kingdom, Gibraltar.”