
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 85

**The Education (Student Fees and Support) (Amendment)
(No.2) Regulations (Northern Ireland) 2021**

Amendment of regulation 2

3. — Regulation 2 (interpretation) is amended as follows—
- (a) in paragraph (1)—
 - (i) after the definition of “the 2009 Regulations”, insert—

“the 2020 Citizens’ Rights Regulations” means the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020(1);”;
 - (ii) in the definition of “EC national” for “EC” substitute “EU”;
 - (iii) in the definition of “Erasmus year”(2) —
 - (aa) in the opening words, for “and”, the first time it occurs, substitute “or in the scheme established by the Secretary of State for Education known as the Turing scheme,”;
 - (bb) omit paragraph (a);
 - (cc) in paragraph (b), omit “began on or after 1st September 2012 and”;
 - (dd) in paragraph (c), omit “began on or after 1st September 2012 and”;
 - (iv) after the definition of “gap year student”, insert—

““grace period” has the meaning given by regulation 3 of the 2020 Citizens’ Rights Regulations;”
 - (v) after the definition of “person granted stateless leave”(3), insert—

““person with protected rights” means—

 - (a) a person within the personal scope of the citizens’ rights provisions who—
 - (i) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;
 - (ii) is an Irish citizen who pursuant to section 3ZA of the Immigration Act 1971(4), does not require leave to enter or remain in the United Kingdom;
 - (iii) is a relevant person for the purposes of regulation 3 of the 2020 Citizens’ Rights Regulations where the grace period has not ended;

or

(1) [S.I. 2020/1209](#), amended by [S.I. 2020/139](#)

(2) The definition of “Erasmus year” was substituted by [S.R. 2013 No. 223](#)

(3) The definition of “person granted stateless leave” was inserted [S.R. 2021 No.50](#)

(4) [1971 c. 77](#). Section 3ZA was inserted by section 2 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c.20)

- (iv) is an applicant for the purposes of regulation 4 of the 2020 Citizens' Rights Regulations where the relevant period has not expired; or
 - (b) a family member of a relevant person of Northern Ireland for the purposes of residence scheme immigration rules, where that family member has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;"
- (vi) after the definition of "relevant institution of higher education in the Republic of Ireland", insert—
 - ""relevant period", unless otherwise indicated, has the meaning given by regulation 4 of the 2020 Citizens' Rights Regulations;
 - "relevant person of Northern Ireland" has the meaning given by residence scheme immigration rules;"
- (vii) after the definition of "Research Council", insert—
 - ""residence scheme immigration rules" has the meaning given by section 17(1) of the European Union (Withdrawal Agreement) Act 2020(5);"
- (viii) after the definition of "support", insert—
 - ""Swiss citizens' rights agreement" has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;"
- (b) after paragraph (1), insert—
 - "(1A) For the purposes of these Regulations, a person is within the personal scope of the citizens' rights provisions if that person falls within—
 - (a) Article 10 (personal scope) of the EU withdrawal agreement;
 - (b) Article 9 (personal scope) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020; or
 - (c) Article 10 (personal scope) of the Swiss citizens' rights agreement."