
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 85

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

Amendment of regulation 5

4. In regulation 5(1) (eligible students)—

(a) for paragraph (2) substitute—

“(2) Subject to the following provisions of this regulation, a person is an eligible student in connection with a designated course if in assessing that person’s application for support the Department determines that the person falls within one of the categories set out—

(a) in paragraphs 2, 2A, 3, 4, 4A, 4B, 4C, 4D, 4E, 4F, 5, 6A, 6B, 7A, 8A, 9A, 9B, 9C, 9D, 10A, 11A, 12A and 13 in Part 2 of Schedule 2; or

(b) in paragraphs 6, 7, 8, 9, 10, 11 and 12 in Part 2 of Schedule 2 where paragraph (2A) applies.

(2A) This paragraph applies where—

(a) in connection with a designated course beginning before 1st August 2021, the Department—

(i) in assessing an application for support by a person (“A”), determined that A fell within one of the categories set out in paragraphs 6, 7, 8, 9, 10, 11 and 12 in Part 2 of Schedule 2 in relation to an academic year of the course beginning before 1st August 2021; or

(ii) would have so determined had A made an application for support in accordance with this Part in relation to an academic year of the course beginning before that date; and

(b) A applies for support in connection with that course or a designated course to which A’s status as an eligible student is transferred from that course in accordance with this Part.

(2B) In connection with a designated course beginning on or after 1st January 2028, paragraph (2)(a) has effect as if paragraphs 8A, 9B and 9D were omitted.”;

(b) after paragraph (12), insert—

“(12A) Where—

(a) the Department determined that, by virtue of being a person with protected rights with limited leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, a person (“A”) was an eligible student in connection with—

(i) an application for support for an earlier year of the current course; or

- (ii) an application for support in connection with a designated part-time course or other designated course from which A's status as an eligible part-time student or eligible student has been transferred to the current course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, A no longer has extant limited leave to enter or remain granted by virtue of residence scheme immigration rules and no further leave to enter or remain has been granted under those rules,

A's status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(12B) Where—

- (a) the Department determined that, by virtue of—
 - (i) falling within paragraph (a)(iii) of the definition of "person with protected rights"; or
 - (ii) meeting the conditions in paragraph 3(1)(a)(iii) in Part 2 of Schedule 2, a person ("A") is an eligible student in connection with an application for support for an academic year of a designated course; and
- (b) as at the day before the academic year begins, A is not a person with protected rights,

A's status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(12C) Where—

- (a) the Department determined that, by virtue of—
 - (i) falling within paragraph (a)(iv) of the definition of "person with protected rights"; or
 - (ii) meeting the conditions in paragraph 3(1)(a)(iv) in Part 2 of Schedule 2, a person ("A") is an eligible student in connection with an application for support for an academic year of a designated course; and
- (b) as at the day before the academic year begins, A is not a person with protected rights,

A's status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support."