STATUTORY RULES OF NORTHERN IRELAND

2007 No. 375

EDUCATION

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

Made - - - -	*30th August 2007*
Coming into operation	*28th September 2007*

The Department for Employment and Learning, in exercise of the powers conferred by Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005(**1**) makes the following Regulations.

Citation, commencement and interpretation

1. These Regulations may be cited as the Student Fees (Qualifying Courses and Persons) (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 28th September 2007.

2. In these Regulations, "the 2007 Regulations" means the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007(**2**).

Amendment of the 2007 Regulations

3.—(1) The Schedule to the 2007 Regulations shall be amended as provided by paragraphs (2) to (10).

(2) In paragraph 1—

(a) for sub-paragraph (3) for "European Economic Area, Switzerland and Turkey", there shall be substituted "European Economic Area, Switzerland, Turkey and the overseas territories";

(b) after sub-paragraph (5), there shall be inserted—

"(6) For the purposes of this Schedule a person who is ordinarily resident in the United Kingdom as a result of having moved from the Islands for the purpose of undertaking a course is to be considered to be ordinarily resident in the Islands;"

(3) In paragraph 3(d) for "European Economic Area and Switzerland", there shall be substituted "European Economic Area, Switzerland and the overseas territories";

(**1**) S.I. 2005/1116 (N.I. 5)*see* Article (2) for definitions of "the Department", "prescribed" and "regulations"
(**2**) S.R. 2007 No. 328

(4) For paragraph 6, there shall be substituted—

"**6.**—(1) A person who—

(a) is—

(i) an EEA migrant worker or an EEA self-employed person;

(ii) a Swiss employed person or a Swiss self-employed person;

(iii) a family member of a person mentioned in paragraph (i) or (ii);

(iv) an EEA frontier worker or an EEA frontier self-employed person;

(v) a Swiss frontier employed person or a Swiss frontier self-employed person; or

(vi) a family member of a person mentioned in paragraph (iv) or (v);

(b) subject to sub-paragraph (2), is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and

(c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.

(2) Paragraph (b) of sub-paragraph (1) does not apply where the person falls within paragraph (a)(iv), (v) or (vi) of that sub-paragraph.";

(5) In paragraph 7(b) for "European Economic Area and Switzerland", there shall substituted "European Economic Area, Switzerland and the overseas territories";

(6) In paragraph 8(1)(d) for "European Economic Area and Switzerland", there shall be substituted "European Economic Area, Switzerland and the overseas territories";

(7) In paragraph 9(1)—

(a) for paragraph (c), there shall be substituted—

"(c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and";

(b) paragraph (d) shall be omitted;

(c) in paragraph (e) for "paragraph (c) or (d)", there shall be substituted "paragraph (c)";

(8) After paragraph 9, there shall be inserted—

"**9A.**—(1) A person who—

(a) is an EC national other than a United Kingdom national on the first day of the first academic year of the course;

(b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;

(c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course; and

(d) in a case where his ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories immediately prior to the period of ordinary residence referred to in paragraph (c).