STATUTORY RULES OF NORTHERN IRELAND

2006 No. 384

EDUCATION

The Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2006

Made - - - -	*19th September 2006*
Coming into operation	*20th September 2006*

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) Regulations (Northern Ireland) 2006 and shall come into operation on 20th September 2006.

2. In these Regulations—

"the Order" means the Higher Education (Northern Ireland) Order 2005;

"course for the initial training of teachers" includes such a course leading to a first degree;

"European Community" means the territory comprised by the Member States of the European Community as constituted from time to time;

"European Economic Area" means the area comprised by the European Community, the Republic of Iceland, the Kingdom of Norway and the Principality of Lichtenstein;

"previous regulations" has the meaning given in regulation 2 (1) of the Student Support Regulations;

"publicly-funded" has the meaning given in regulation 2 (1) of the Student Support Regulations;

"Schedule 1" means Schedule 1 to the Student Support Regulations;

"single course" means a course mentioned in regulation 5(5) of the Student Support Regulations; and;

"the Student Support Regulations" means the Education (Student Support) Regulations (Northern Ireland) 2006(**2**).

(**1**) S.I. 2005/1116 (N.I. 5)*see* Article (2) for definitions of "the Department", "prescribed" and "regulations"
(**2**) S.R. 2006 No. 312

Prescribed description of a qualifying course

3.—(1) The description of a qualifying course which is prescribed for the purposes of Article 4(8) of the Order is a course which, subject to paragraph (3), is a designated course within the meaning of regulation 2(1) of the Student Support Regulations on the first day of an academic year which begins during the grant period and is provided by an institution in Northern Ireland.

(2) For the purposes of paragraph (1) the reference to an institution in Northern Ireland means an institution whose activities are carried on in Northern Ireland.

(3) A course is not a qualifying course if at the time the qualifying person received an offer of a place on that course the institution providing it was not publicly funded.

Prescribed description of a qualifying person

4.—(1) The description of a qualifying person which is prescribed for the purposes of Article 4(8) of the Order is a person who on the first day of an academic year which begins during the grant period falls within the class of persons who subject to paragraph (7) are specified in Part 2 of Schedule 1 other than—

(a) persons who are not eligible for support under the Student Support Regulations by reason of regulation 4(3)(c), (d), (e) (f) or (g) of those Regulations; or

(b) a person mentioned in Paragraph (2) or (5).

(2) Subject to the exception in paragraphs (3) and (4), a person is not a qualifying person if he has an honours degree from an institution in the United Kingdom or the Republic of Ireland for which he received financial support under previous regulations for some or all of the academic years during which the person took the course leading to the award of the honours degree.

(3) Paragraph (2) does not apply where—

(a) the qualifying course is a course for the initial training of teachers;

(b) the duration of the course does not exceed two years (the duration of a part time course being expressed as its full-time equivalent); and

(c) the qualifying person is not a qualified teacher.

(4) Paragraph (2) does not apply in respect of any part of a single course where—

(a) the qualifying course is a single course;

(b) the single course leads to an honours degree being conferred on the qualifying person from an institution in the United Kingdom before the final degree or equivalent qualification; and

(c) the qualifying person only has an honours degree which was received as part of the single course referred to in sub-paragraph (a).

(5) Where one of the events mentioned in paragraph (6) occurs in the course of an academic year and as a result a person falls within the class of persons mentioned in Part 2 of Schedule 1 he is not a qualifying person in respect of the academic year in which the relevant event occurred or any previous academic year.

(6) The events are —

(a) an area which was not part of the European Community or the European Economic Area has become part of one or both of these areas;

(b) the person acquires the right of permanent residence as defined in Part 1 of Schedule 1; or

(c) the person becomes the child of a Swiss national.

(7) For the purposes of this regulation—