STATUTORY RULES OF NORTHERN IRELAND

1996 No. 546

EDUCATION

Students Awards (No. 2) (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*25th November 1996*
Coming into operation	*24th December 1996*

The Department of Education, in exercise of the powers conferred on it by Articles 50(1) and (2) and 134(1)(**1**) of the Education and Libraries (Northern Ireland) Order 1986(**2**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Students Awards (No. 2) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 24th December 1996 and shall have effect from 1st September 1996.

Amendment of the Students Awards (No. 2) Regulations (Northern Ireland) 1996

2. The Students Awards (No. 2) Regulations (Northern Ireland) 1996(**3**) shall be amended as provided by regulations 3 to 8.

3. In regulation 3(1) (Interpretation)—

(a) in the definition of "course of initial teacher training" in paragraph (*c*) after the word "whether" there shall be inserted "full-time";

(b) after the definition of "EEA Agreement" there shall be inserted the following definition—

> ""EEA migrant worker" means a person who is a national of a member State of the European Economic Area who has taken up an activity as an employed person in the United Kingdom under the Council Regulation;";

(c) for the definition of "European student" there shall be substituted—

> ""European student" means a person who is a national of a member state of the European Community or the child of such a national and who has not been

(**1**) As amended by S.I. 1993/2810 (N.I. 12)Art. 50(1) and Schedule 4 Part II
(**2**) S.I 1986/594 (N.I. 3)
(**3**) S.R. 1996 No. 298

ordinarily resident within the British Islands throughout the period of 3 years before the commencement of his course;";

(d) in the definition of "first degree course" in paragraph (*d*) after the words "Secretary of State for Education" there shall be inserted "and Employment".

4. In regulation 7 (Ordinarily resident)—

(a) in paragraph (3) the words "and is not a European student" shall be deleted;

(b) for paragraph (4) there shall be substituted—

"For the purposes of regulation 6(1) the ordinary residence requirements of paragraph 1(*b*) of Schedule 2 shall not apply in the case of—

(a) a refugee who has not been ordinarily resident outside the British Islands since he was recognised as a refugee; or

(b) the spouse or child of such a refugee.";

(c) for paragraph (5) there shall be substituted the following paragraph—

"(5) The person referred to in Schedule 2 Part I paragraph 1(*b*)(ii) is—

(a) a European student;

(b) an EEA migrant worker who is entitled to the payment of an award by virtue of Article 7(2) or (3) of the Council Regulation;

(c) the spouse of an EEA migrant worker who is installed in the United Kingdom with his spouse;

(d) the child of an EEA migrant worker who is entitled to the payment of an award by virtue of Article 12 of the Council Regulation; and

(e) a British citizen within the meaning of the British Nationality Act 1981(**4**) who was not ordinarily resident in the British Islands throughout the three years preceding the first year of the course in question only because—

(i) he was ordinarily resident for the purposes of employment in the European Economic Area during every part of that period in which he was not ordinarily resident in the British Islands; or

(ii) his parent or spouse is such a person as is mentioned in sub-paragraph (i) and is ordinarily resident in Northern Ireland on the relevant day".

5. In regulation 9 (Previous attendance at a course) in paragraph (2) after the word "comparable" in both places where it occurs there shall be inserted "first degree or".

6. In Schedule 2 Part 1 (Specified persons and excluded persons) paragraph 1(*b*)(ii) for the words "Article 7(2) or (3) or 12 of the Council Regulation" there shall be substituted "regulation 7(5)".

(**4**) 1981 c. 61