
STATUTORY INSTRUMENTS

2005 No. 1116

The Higher Education (Northern Ireland) Order 2005

PART II

STUDENT FEES IN HIGHER EDUCATION

Imposition of conditions as to fees

Transitional cases in which condition must not allow fees to exceed basic amount

5.—(1) Article 4(2)(b) has effect in relation to the qualifying fees payable by a qualifying person in connection with his undertaking a qualifying course (“the relevant course”) in a case where paragraph (2) or (3) applies, even if those fees are payable in respect of an academic year which begins at a time when an approved plan is in force in relation to the institution.

(2) This paragraph applies where—

- (a) the qualifying person had on or before 1st August 2005 received an offer, whether conditional on obtaining specified qualifications or not, of a place on the relevant course or a similar course, and
- (b) the first academic year of the relevant course begins before 1st September 2007.

(3) This paragraph applies where—

- (a) the qualifying person had received an offer of a place on a qualifying course (whether or not at the same institution as the relevant course) the first academic year of which begins before 1st September 2006,
- (b) he was unable to take up the offer because a specified qualification or grade was not awarded to him,
- (c) he appealed against the decision not to award him the qualification or grade,
- (d) the appeal was allowed after the last date on which he could have taken up the offer,
- (e) as a result he was offered a place on the relevant course, and
- (f) the first academic year of the relevant course begins after 31st August 2006 but before 1st September 2007.

(4) For the purposes of paragraph (2)(a) a course (“the original course”) is similar to the relevant course if—

- (a) it appears to the governing body of the institution providing the relevant course that the subject-matter of the course is in whole or in part the same as the subject-matter of the original course, and
- (b) except where the original course is no longer being provided, the relevant course is provided by the institution which was to have provided the original course.