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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 376**

**EDUCATION**

**The Student Fees (Qualifying Courses and Persons)  
(Amendment) (No. 2) Regulations (Northern Ireland) 2011**

*Made - - - - 26th October 2011*

*Coming into operation- 1st September 2012*

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

**Citation, commencement and interpretation**

1. These Regulations may be cited as the Student Fees (Qualifying Courses and Persons) (Amendment) (No. 2) Regulations (Northern Ireland) 2011 and shall come into operation on 1st September 2012.

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. The 2007 Regulations are amended as provided by regulations 4 to 9.

4. In regulation 2 after the definition of “single course” insert— ““the Islands” means the Channel Islands and the Isle of Man”.

5. In regulation 5(1) after sub paragraph (b) insert—

“; or

(c) a person who is ordinarily resident in England, Wales, Scotland or the Islands and does not fall within paragraph 4, 5, 6, 7, 10 or 11 of the Schedule.”

6. In paragraph 1(1) of the Schedule delete the definition of “the Islands”.

7. For paragraph 1(2) of the Schedule substitute—

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(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](#) as amended by [S.R. 2007 No. 375](#) and [S.R. 2011 No. 70](#)

“(2) For the purposes of this Schedule, “parent” includes a guardian and any other person having parental responsibility for a child and “child” is to be construed accordingly.”

8. After paragraph 1(6) of the Schedule add—

“(7) For the purposes of this Schedule a person who is ordinarily resident in Northern Ireland as a result of having moved from England, Wales, Scotland or the Islands for the purpose of undertaking a course is to be considered as ordinarily resident in England, Wales, Scotland or the Islands as the case may be.”

9. In Paragraph 9(1)(a)(i) of the Schedule, after “EC National” insert “other than a United Kingdom national”.

### **Savings**

10. These Regulations do not apply where before 1st September 2012 a person is a qualifying person under regulations 5 of the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007(3).

Sealed with the Official Seal of the Department for Employment and Learning on 26th October 2011.



*Dr Stephen Farry MLA*  
Minister for Employment and Learning

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007 (S.R. 2007 No. 328, “the principal regulations”).

Following an independent review of higher education tuition fees and student finance and a subsequent public consultation, with effect from academic year 2012/2013 persons ordinarily resident in England, Wales, Scotland and the Islands beginning an eligible course of higher education at institutions in Northern Ireland will be excluded from the “qualifying persons” category for which higher education fee levels are capped.

Regulations 4, 5, 6, 8 and 9 make consequential amendments to the principal regulations.

Regulation 7 amends the definition of “parent” in the Schedule to the principal regulations to remove the reference to “any person having care of a child”.

Regulation 10 provides transitional savings for persons ordinarily resident in England, Wales, Scotland and the Islands who started a qualifying course in Northern Ireland prior to the academic year 2012/2013 to continue their study at the capped fee levels.

A regulatory impact assessment has not been prepared in respect of this rule as it has no impact on the cost of business, charities or voluntary bodies.