Planning and Resource Allocation Committee

Classification of students for fees purposes: change in regulations

The Planning and Resource Allocation Committee (PRAC) has made the following change in regulations, to come into effect immediately.

Explanatory note

The purpose of this change is to make necessary amendments to the Examination Regulations which relate to the classification of students for fees purposes as either ‘home’ or ‘overseas’ following changes to government legislation. The government changes redefine who is to be considered a ‘parent’, increase the family members of EEA migrant workers who qualify as ‘home’, and clarify and restrict those who qualify as ‘home’ following a failed application for asylum. This change also provides for an amendment to the Examination Regulations following the change in treatment of students spending a year abroad as required by the relevant honour school.

Text of regulations

In Examination Regulations, 2010, p. 1114, l. 25 to p. 1116, l. 44, delete existing text and insert:

‘Special Appendix

Definition of persons entitled to be charged university composition fees at the appropriate home rate

The University currently applies the following definition of persons entitled to be charged University composition fees at the appropriate ‘home’ (and EU) rate.

1. A person who on the relevant date
   (a) is settled in the United Kingdom within the meaning of the Immigration Act 1971, and
   (b) meets the residence conditions referred to in paragraph 8.

2. A person who on the first day of an academic year of the course
   (a) is a refugee; and
   (b) is or was ordinarily resident in the United Kingdom and Islands on the relevant date and has not ceased to be so ordinarily resident since he or she was recognised as a refugee, or
   (c) is the spouse, civil partner or child of such a refugee and who were such at the time of the principal’s asylum application to the Home Office, and who were ordinarily resident in the United Kingdom and Island on the relevant date and have not ceased to be so resident since recognition as a refugee.
   (d) For the purposes of this paragraph ‘child’ has the meaning given in paragraph 9(a).

3. A person who on the first day of an academic year of the course
   (a) has been granted Humanitarian Protection as a result of an application for asylum, and
   (b) has been granted leave to enter or remain accordingly, and
   (c) is or was ordinarily resident in the United Kingdom and Islands on the relevant date and has not ceased to be so ordinarily resident since being granted Humanitarian Protection; or
(d) who is the spouse, civil partner or child of such a person and who were such at the time of the principal's asylum application to the Home Office and who were ordinarily resident in the United Kingdom and Islands on the relevant date and have not ceased to be so resident since being granted Humanitarian Protection.

(e) For the purpose of paragraph 3 'child' has the meaning given in paragraph 9(a).

4. A person who on the relevant date
   (a) is a national of a member State of the European Community, or
   (b) who is the family member of such a national, and
   (c) who meets the residence conditions referred to in paragraph 8.
   (d) For the purposes of paragraph 4, ‘family member’ has the definition given in paragraph 9(b).

5. A person who on the relevant date
   (a) is
      (i) an EEA* migrant worker or an EEA* self-employed person; or
      (ii) a Swiss employed person or a Swiss self-employed person; or
      (iii) a family member of a person mentioned in paragraph (i) or (ii); or
      (iv) an EEA* frontier worker or an EEA* frontier self-employed worker; or
      (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); and
   (b) is ordinarily resident in the United Kingdom and Islands on the first day of the first academic year of the course; and
   (c) meets the residence conditions referred to in paragraph 8.
   (d) Paragraph 6(b) does not apply where the person falls within paragraph 6(a)(iv), (v) or (vi).
   (e) For the purposes of paragraph 6 ‘family member’ has the definition given in paragraph 9(c).

6. A person who on the relevant date
   (a) is the child of a Swiss national that is entitled to support in the United Kingdom by virtue of article 3(6) of Annex 1 to the Switzerland Agreement; and
   (b) is or was ordinarily resident in the United Kingdom and Islands on the first day of the first academic year of the course; and
   (c) meets the residence conditions referred to in paragraph 8.

7. A person who on the relevant date
   (a) is the child of a Turkish worker in the UK; and
   (b) is or was ordinarily resident in the United Kingdom with the Turkish worker on the first day of the first academic year of the course; and
   (c) meets the residence conditions referred to in paragraph 8.

8. The residence conditions referred to above are that:
   (a) the person has been ordinarily resident throughout the three-year period preceding the relevant date, in the case of a person mentioned in paragraph 1, in the United Kingdom and Islands, or, in the case of a person mentioned in paragraphs 4 to 6, in the EEA*, Switzerland or EU overseas territories, or, in the case of a person mentioned in paragraph 7, in the EEA*, Switzerland, EU overseas territories or Turkey; and
(b) in the case of a person mentioned in paragraph 1, 4 or 6 his or her residence in the United Kingdom and Islands, or in the EEA*, Switzerland, or EU overseas territories, as the case may be, has not during any part of the period referred to in paragraph 8(a) been wholly or mainly for the purpose of receiving full-time education.

(c) A person shall be treated as ordinarily resident in the United Kingdom or the EEA*, Switzerland, EU overseas territories, or Turkey as the case may be if he or she would have been so resident at the relevant time but for the fact that a spouse or civil partner, parent, guardian, or any other person having parental responsibility for him or her, is or was temporarily employed outside the area in question. For these purposes, temporary employment includes:

(i) in the case of members of the regular navy, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces; and

(ii) in the case of members of the regular armed forces of a Member State of the EEA* or Switzerland, any period which they serve outside of the territory comprising the EEA* and Switzerland as members of such forces.

9. (a) For the purposes of paragraphs 2 and 3, ‘child’ refers to a person who was under 18 at the time of the principal’s asylum application to the Home Office and includes a person adopted in pursuance of adoption proceedings and a stepchild.

(b) For the purposes of paragraph 4, ‘family member’ includes the spouse or civil partner of such a national, and the direct descendants of his or her spouse or civil partner who are under 21 or who are dependants of his or her spouse or civil partner.

(c) For the purposes of paragraph 5, ‘family member’ includes

(i) in relation to EEA* nationals, the spouse or civil partner of such a national, the direct descendants of his or her spouse or civil partner who are under 21 or who are dependants of his or her spouse or civil partner, and dependants in the ascending line of the EEA* national or their spouse or civil partner;

(ii) in relation to Swiss nationals, the spouse or civil partner or his child or the child of his spouse or civil partner.

10. A reference in this Appendix to the relevant date in paragraphs 1 to 3 or 8, or to the first day of the first academic year of the course is a reference to 1 September, 1 January, 1 April, 1 July closest to the beginning of the first term of the first year of the person’s course. A reference in this Appendix to the relevant date in paragraphs 4 to 7 is a reference to 1 September, 1 January, 1 April, 1 July closest to the beginning of the first term of an academic year of the person’s course.

11. A person who was admitted to his or her course in pursuance of arrangements with an institution outside the United Kingdom for the exchange of students on a fully reciprocal basis.

12. A person who commenced a programme of undergraduate study before 1 September 2011 who is spending a year abroad on an approved course required by the honour school for which he or she is working.

13. Any student who does not meet the criteria outlined above is charged University composition fees at the appropriate ‘overseas’ rate. In determining whether students are liable for University composition fees at ‘home’ or ‘overseas’ rates, the University
applies the above criteria. It should however be noted that these are liable to be changed from time to time to conform to national legislation.’

*The European Economic Area (EEA) is made up of the countries of the EU plus Iceland, Norway and Liechtenstein.