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STATUTORY INSTRUMENTS

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**2007 No. 2263**

**The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2007**

**PART 3**

**AMENDMENTS TO THE QCP REGULATIONS**

**Amendment of the Schedule to the QCP Regulations**

**8. In the Schedule to the QCP Regulations—**

(a) in paragraph 1—

(i) in sub-paragraph (3) for “European Economic Area, Switzerland and Turkey”, substitute “European Economic Area, Switzerland, Turkey and the overseas territories”;

(ii) after sub-paragraph (5), insert—

“(6) For the purposes of this Schedule a person who is ordinarily resident in the United Kingdom as a result of having moved from the Islands for the purpose of undertaking a course is to be considered to be ordinarily resident in the Islands;”

(b) in paragraph 3(d) for “European Economic Area and Switzerland”, substitute “European Economic Area, Switzerland and the overseas territories”;

(c) for paragraph 6, substitute—

“6.—(1) A person who—

(a) is—

(i) an EEA migrant worker or an EEA self-employed person;

(ii) a Swiss employed person or a Swiss self-employed person;

(iii) a family member of a person mentioned in paragraph (i) or (ii);

(iv) an EEA frontier worker or an EEA frontier self-employed person;

(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);

(b) subject to sub-paragraph (2), is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and

(c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.

(2) Paragraph (b) of sub-paragraph (1) does not apply where the person falls within paragraph (a)(iv), (v) or (vi) of that sub-paragraph.”;

- (d) in paragraph 7(b) for “European Economic Area and Switzerland”, substitute “European Economic Area, Switzerland and the overseas territories”;
- (e) in paragraph 8(1)(d) for “European Economic Area and Switzerland”, substitute “European Economic Area, Switzerland and the overseas territories”;
- (f) in paragraph 9(1)—
  - (i) for paragraph (c), substitute—
    - “(c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and”;
  - (ii) omit paragraph (d);
  - (iii) in paragraph (e) for “paragraphs (c) and (d)”, substitute “paragraph (c)”;
- (g) after paragraph 9, insert—
  - “9A.—(1) A person who—
    - (a) is an EC national other than a United Kingdom national on the first day of the first academic year of the course;
    - (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
    - (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course; and
    - (d) in a case where his ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories immediately prior to the period of ordinary residence referred to in paragraph (c).
  - (2) Where a state accedes to the European Community after the first day of the first academic year of the course and a person is a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EC national other than a United Kingdom national on the first day of the first academic year of the course is treated as being satisfied.”;
- (h) in paragraph 10(c) for “European Economic Area and Switzerland”, substitute “European Economic Area, Switzerland and the overseas territories”;
- (i) in paragraph 11(c) for “European Economic Area, Switzerland and Turkey”, substitute “European Economic Area, Switzerland, Turkey and the overseas territories”.