
STATUTORY INSTRUMENTS

2019 No. 139

**The Education (Student Fees, Awards and Support)
(Amendment) (EU Exit) Regulations 2019**

**Amendment of the Student Fees (Qualifying Courses and Persons) (England) Regulations
2007**

10.—(1) The Schedule to the Student Fees (Qualifying Courses and Persons) (England) Regulations 2007(1) is amended as follows.

(2) In paragraph 1—

(a) in sub-paragraph (1)(2)—

(i) omit the definition of “European Union national”;

(ii) omit “other than the United Kingdom” each time it occurs;

(iii) after the definition of “European Union”, insert—

““EU national” means a national of a Member State of the European Union;”;

(iv) in the definition of “family member”, for “EC national”, substitute “EU national” each time it occurs;

(v) in the definition of “overseas territories”, after “French Southern and Antarctic Territories;”, insert “Gibraltar;”;

(b) in sub-paragraph (3)(3)—

(i) for “the territory comprising the European Economic Area and Switzerland”, substitute “the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland”;

(ii) for “the territory comprising the European Economic Area, Switzerland and the overseas territories”, substitute “the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories”;

(iii) for “the territory comprising the European Economic Area, Switzerland, Turkey and the overseas territories”, substitute “the territory comprising the United Kingdom, the European Economic Area, Switzerland, Turkey and the overseas territories”;

(c) in sub-paragraph (4)(b) and (c), after “the territory comprising”, insert “the United Kingdom, Gibraltar;”;

(d) in sub-paragraph (5)(4), after “an area”, insert “other than the United Kingdom or Gibraltar”.

(3) In the following paragraphs, after “the territory comprising”, insert “the United Kingdom,”—

(a) paragraph 3(d)(5) (persons who are settled in the United Kingdom);

(1) [S.I. 2007/778](#), amended by [S.I. 2007/2263](#), [S.I. 2008/1640](#), [S.I. 2011/87](#), [S.I. 2011/1043](#), [S.I. 2012/1653](#), [S.I. 2016/584](#), [S.I. 2017/114](#) and [S.I. 2018/137](#).

(2) Paragraph 1(1) was amended by [S.I. 2011/87](#), [S.I. 2011/1043](#), [S.I. 2012/1653](#) and [S.I. 2018/137](#).

(3) Paragraph 1(3) was amended by [S.I. 2007/2263](#).

(4) Paragraph 1(5) was amended by [S.I. 2011/1043](#).

(5) Paragraph 3(d) was amended by [S.I. 2007/2263](#).

- (b) paragraph 6(1)(c)(6) (workers, employed persons, self-employed persons and their family members);
 - (c) paragraph 7(b)(7) (workers, employed persons, self-employed persons and their family members).
- (4) In paragraph 8 (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere)—
- (a) in sub-paragraph (1)(d)(8), after “the territory comprising”, insert “the United Kingdom,”;
 - (b) in sub-paragraph (1)(e), after “the territory comprising”, insert “the United Kingdom, Gibraltar.”.
- (5) In paragraph 9(9) (EC nationals)—
- (a) in the heading, for “EC nationals”, substitute “EU nationals”;
 - (b) in sub-paragraph (1)—
 - (i) in paragraph (a)(i), for “EC national”, substitute “EU national”;
 - (ii) in paragraph (c), after “the territory comprising”, insert “the United Kingdom,”;
 - (c) for sub-paragraph (1A), substitute—

“(1A) Paragraph (c) of sub-paragraph (1) does not apply to a family member of a person who—

 - (a) is—
 - (i) a United Kingdom national who has exercised a right to reside in the territory of a Member State under article 7(1) of Directive 2004/38; or
 - (ii) an EU national; and
 - (b) has been ordinarily resident in the territory comprising the United Kingdom, 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.”;
 - (d) after sub-paragraph (2), insert—

“(3) Any description of person who would have fallen within this paragraph immediately before exit day is to be treated as falling within this paragraph on and after exit day.”.
- (6) In paragraph 9A(10) (EC nationals)—
- (a) in sub-paragraphs (1)(a) and (2), for “a European Union national other than a United Kingdom national”, substitute “an EU national”;
 - (b) in sub-paragraph (1)(d), after “the territory comprising”, insert “the United Kingdom.”.
- (7) In paragraph 10(11) (children of Swiss nationals)—
- (a) sub-paragraphs (a), (b), (c) and (d) are renumbered as sub-paragraph (1)(a), (b), (c) and (d);
 - (b) in sub-paragraph (1)(c) as so renumbered, after “the territory comprising”, insert “the United Kingdom,”;
 - (c) in sub-paragraph (1)(d) as so renumbered, after “the territory comprising”, insert “the United Kingdom, Gibraltar,”;

(6) Paragraph 6 was substituted by S.I. 2007/2263.

(7) Paragraph 7(b) was amended by S.I. 2007/2263.

(8) Paragraph 8(1)(d) was amended by S.I. 2007/2263.

(9) Paragraph 9 was amended by S.I. 2007/2263 and S.I. 2012/1653.

(10) Paragraph 9A was added by S.I. 2007/2263 and subsequently amended by S.I. 2011/1043.

(11) Paragraph 10(c) was amended by S.I. 2007/2263.

(d) after sub-paragraph (1)(d) as so renumbered, insert—

“(2) Any description of person who would have fallen within this paragraph immediately before exit day is to be treated as falling within this paragraph on and after exit day.”.

(8) In paragraph 11(c)(**12**) (children of Turkish workers), after “the territory comprising”, insert “the United Kingdom,”.