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STATUTORY INSTRUMENTS

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**2021 No. 929**

**The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021**

**PART 2**

**Amendment of the Education (Student Support) Regulations 2011**

**CHAPTER 3**

**Irish citizens in the EEA and Switzerland**

**Eligibility of Irish citizens in the EEA and Switzerland**

**8.—(1)** In regulation 4(1)—

- (a) in paragraph (2)(a), after “9B,” insert “9BA,”;
- (b) in paragraph (2B), for “, 9B and 9D” substitute “, 9B, 9BA and 9D”.

(2) In regulation 38(3)(2), after “9A,” insert “9BA,”.

(3) In regulation 69(3)(a)(3), after “9A,” insert “9BA,”.

(4) In regulation 137(4),

- (a) in paragraph (2)(a), after “9B,” insert “9BA”;
- (b) in paragraph (2B) for “, 9B and 9D” substitute “, 9B, 9BA and 9D”.

(5) In regulation 147(2)(a)(5), after “9A,” insert “9BA,”.

(6) In regulation 157B(2)(a)(6), after “9A,” insert “9BA,”.

(7) In regulation 159(7)—

- (a) in paragraph (3)(a)(i), after “9B,” insert “9BA,”;
- (b) in paragraph (3B), for “, 9B and 9D” substitute “, 9B, 9BA and 9D”;
- (c) in paragraph (8), after “9A,” insert “9BA,”.

(8) In Schedule 1—

- (a) after paragraph 9B insert—

**“9BA.—(1)** A person—

- (a) who is an Irish citizen on the first day of the first academic year of the course;

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(1) Paragraph (2) of regulation 4 was substituted, and paragraph (2B) inserted, by [S.I. 2021/127](#).

(2) Paragraph (3) of regulation 38 was amended by [S.I. 2021/127](#).

(3) Paragraph (3) of regulation 69 was amended by [S.I. 2021/127](#).

(4) Paragraph (2) of regulation 137 was substituted, and paragraph (2B) inserted, by [S.I. 2021/127](#).

(5) Regulation 147 was moved to Part 11A by [S.I. 2018/472](#) and paragraph (2)(a) of regulation 147 was substituted by [S.I. 2021/127](#).

(6) Regulation 157B was inserted by [S.I. 2018/472](#) and paragraph (2)(a) was substituted by [S.I. 2021/127](#).

(7) Paragraph (3) of regulation 159 was substituted, paragraph (3B) inserted, and paragraph (8) amended, by [S.I. 2021/127](#).

- (b) who was ordinarily resident before IP completion day—
    - (i) in the territory comprising the European Economic Area and Switzerland;  
or
    - (ii) in the United Kingdom, where that ordinary residence began after 31st December 2017 immediately following a period of ordinary residence in the territory comprising the European Economic Area and Switzerland, and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course;
  - (c) who is—
    - (i) attending or undertaking a designated course in England; or
    - (ii) undertaking an intensive course, designated part-time course or a designated postgraduate course in England;
  - (d) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
  - (e) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.
- (2) Paragraph (e) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland in accordance with paragraph 1(4).”.