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WELSH STATUTORY INSTRUMENTS

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**2008 No. 1259**

**The Education (Fees and Awards) (Wales) Regulations 2008**

**Title, commencement and application**

1.—(1) The title of these Regulations is the Education (Fees and Awards) (Wales) (Amendment) Regulations 2008.

(2) These Regulations come into force on 29 May 2008 and apply in relation to Wales.

**Interpretation**

2. In these Regulations “the 2007 Regulations” (“*Rheoliadau 2007*”) means the Education (Fees and Awards) (Wales) Regulations 2007<sup>(1)</sup>.

**Amendment of the 2007 Regulations**

3. The 2007 Regulations are amended as follows.

4. In regulation 2 —

- (a) in paragraph (4) for “European Economic Area, Switzerland and Turkey”, substitute “European Economic Area, Switzerland, Turkey and the overseas territories”;
- (b) in paragraph (4)(ch) of the Welsh text, for the words “blentyn ei briod neu ei bartner sifil ;”, substitute the words, “ briod neu bartner sifil ei blentyn ;”;
- (c) in paragraph (6)(ch) of the Welsh text, for the words “blentyn ei briod neu ei bartner sifil ;”, substitute the words, “ briod neu bartner sifil ei blentyn ;”;
- (d) after paragraph (7), insert —

“(8) For the purposes of these Regulations 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.”.

5. In the Schedule —

- (a) in paragraph 3(d) for “European Economic Area and Switzerland”, substitute “European Economic Area, Switzerland and the overseas territories”;
- (b) 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.”;
- (c) in paragraph 7 (b) for “European Economic Area and Switzerland” substitute “European Economic Area, Switzerland and the overseas territories”;
  - (d) in paragraph 8 (1)(d) for “European Economic Area and Switzerland”, substitute “European Economic Area, Switzerland and the overseas territories”;
  - (e) in paragraph 9 (1)—
    - (i) in paragraph (a) (i) for “the first academic year”, substitute “an academic year”;
    - (ii) 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”;
    - (iii) omit paragraph (d);
    - (iv) in paragraph (e) for “paragraphs (c) or (d)”, substitute “paragraph (c)”;
  - (f) in paragraph 10(1)(d) for “European Economic Area and Switzerland”, substitute “European Economic Area, Switzerland and the overseas territories”;
  - (g) in paragraph 11(c) for “European Economic Area and Switzerland”, substitute “European Economic Area, Switzerland and the overseas territories”;
  - (h) in paragraph 12(c) for “European Economic Area, Switzerland and Turkey”, substitute “European Economic Area, Switzerland, Turkey and the overseas territories”.

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