

SCHEDULE 1

FEES - EXCEPTED STUDENTS

- 10.**—(1) A post 2011/12 student is an excepted student if that post 2011/12 student—
- (a) is, on the relevant date, an EU national or a family member of such national; and
 - (b) subject to paragraph (2) has been ordinarily resident in the area comprising the European Economic Area, Switzerland and the EU overseas territories throughout the period of 3 years immediately preceding the relevant date.
- (2) Sub-paragraph (1)(b) does not apply to a family member of an EU national where that EU national has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the EU overseas territories throughout the period of 3 years immediately preceding the relevant date.
- (3) For the purposes of this paragraph—
- (a) an EU national does not include a United Kingdom national who has not utilised a right of residence; and
 - (b) a United Kingdom national has utilised a right of residence if that person has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or the Switzerland Agreement in a state other than the United Kingdom.
- (4) Where a state accedes to the EU after the relevant date and a person is a national of that state, the requirement in sub-paragraph (1)(a) to be an EU national on the relevant date is treated as being satisfied.