

SCHEDULE 1

Regulation 9

ELIGIBLE STUDENTS

PART 1

Interpretation

1.—(1) For the purposes of this Schedule—

“Directive 2004/38” means Directive [2004/38/EC](#) of the European Parliament and of the Council of 29th April 2004 on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States ^{M1};

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 ^{M2}, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993 ^{M3}, as [^{F1}it had effect immediately before IP completion day];

^{F2}
...

“EEA frontier self-employed person” has the meaning given by sub-paragraph (2);

“EEA frontier worker” has the meaning given by sub-paragraph (3);

“EEA migrant worker” means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

“EEA national” means a national of an EEA State ^{F3}...;

“EEA self-employed person” means an EEA national who is a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

“EEA State”, in relation to any time, means—

(a) a state which at any time is a Member State; or

(b) any other state which at that time is a party to the EEA Agreement;

“employed person” means an employed person within the meaning of Annex 1 to the Swiss Agreement;

“EU national” means a national of a Member State;

“European Economic Area” means the area comprised by the European Union, the Republic of Iceland, the Kingdom of Norway and the Principality of Liechtenstein;

[^{F4}“evacuated or assisted British national from Afghanistan” means a person—

(a) who is a British citizen, a British overseas territories citizen, a British National (Overseas), a British Overseas citizen, a British subject under the British Nationality Act 1981 or a British protected person within the meaning of that Act;

(b) who was either—

(i) evacuated from Afghanistan by or on behalf of the United Kingdom, a North Atlantic Treaty Organisation member state, Pakistan, Uzbekistan, Tajikistan, Iran or Qatar during the period of the operation known as Operation Pitting, which began on 14th August 2021 and ended on 28th August 2021; or

(ii) assisted by or on behalf of the United Kingdom, after 28th August 2021 and before 6th January 2022, to leave Afghanistan; and

(c) who has been ordinarily resident in the United Kingdom and Islands since they were evacuated from or otherwise left Afghanistan;]

“family member”, unless otherwise indicated, means—

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person [^{F5}, an EEA self-employed person, or a relevant person of Northern Ireland who is treated as an EEA migrant worker or an EEA self-employed person by virtue of paragraph 6A(3)]—
 - (i) that person's spouse or civil partner;
 - (ii) [^{F6}direct descendants of the person or of the person's spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependents of the person or the person's spouse or civil partner; or]
 - (iii) dependent direct relatives in that person's ascending line or that of the person's spouse or civil partner;
- (b) in relation to a Swiss employed person, a Swiss frontier employed person, a Swiss frontier self-employed person or a Swiss self-employed person—
 - (i) that person's spouse or civil partner; or
 - (ii) that person's child or the child of that person's spouse or civil partner;
- (c) in relation to an EU national who falls within article 7(1)(c) of Directive 2004/38 [^{F7}or, for the purposes of paragraph 9A, in relation to a relevant person of Northern Ireland who would fall within article 7(1)(c) of Directive 2004/38 if that person were an EU national or solely an EU national)]—
 - (i) that person's spouse or civil partner; or
 - (ii) direct descendants of that person or that person's spouse or civil partner who are—
 - (aa) under the age of 21;
 - (bb) dependants of that person or of the person's spouse or civil partner;
- (d) in relation to an EU national who falls within article 7(1)(b) of Directive 2004/38 [^{F8}or, for the purposes of paragraph 9A, in relation to a relevant person of Northern Ireland who would fall within article 7(1)(b) of Directive 2004/38 if that person were an EU national or solely an EU national)]—
 - (i) that person's spouse or civil partner;
 - (ii) direct descendants of the person or of the person's spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of the person or of the person's spouse or civil partner;
 - (iii) dependent direct relatives in the person's ascending line or that of the person's spouse or civil partner;
- (e) in relation to a United Kingdom national, for the purposes of [^{F9}paragraphs 9, 9B and 9D, or for the purposes of paragraph 9C in relation to a person settled in the United Kingdom] —
 - (i) the person's spouse or civil partner; or
 - (ii) direct descendants of the person or the person's spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of the person or of the person's spouse or civil partner;

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

[^{F10}“person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;]

[^{F10}“person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

- (a) who has—
 - (i) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules ^{F11} ..., on the basis of the Afghan Citizens Resettlement Scheme; [^{F12}and]
 - (ii) ^{F13} ...
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;]

[^{F14}“overseas territories” means Anguilla; Aruba; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; Gibraltar; Mayotte; Greenland; Montserrat; Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten); Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia and the South Sandwich Islands; St Barthélemy; [^{F15}St Helena, Ascension and Tristan da Cunha]; St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; Turks and Caicos Islands; and Wallis and Futuna;]

^{F2} ...

^{F2} ...

[^{F16}“person granted leave under the Afghan Relocations and Assistance [^{F17}Policy] Scheme” means a person—

- (a) who has —
 - (i) indefinite leave to enter the United Kingdom under paragraph 276BA2 of or has indefinite leave to remain under paragraph 276BS2 of the [^{F18}immigration rules], having been relocated to the United Kingdom pursuant to paragraph [^{F19}276BB1(iii)(a)] of the [^{F20}immigration rules];
 - (ia) [^{F21}indefinite leave to enter the United Kingdom under ARAP paragraph 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of those rules;]
 - (ii) leave to enter the United Kingdom on the basis of the Afghan Relocations and Assistance [^{F17}Policy] Scheme; [^{F22}or]
 - (iii) indefinite leave to enter or remain in the United Kingdom, outside those rules, on the basis of the Afghan Relocations and Assistance [^{F17}Policy] Scheme; [^{F23}and]
 - (iv) ^{F24} ...
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;]

“self-employed person” means—

- (a) in relation to an EEA national, a person who is self-employed within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be; or
- (b) in relation to a Swiss national, a person who is a self-employed person within the meaning of Annex 1 to the Swiss Agreement;

“settled” has the meaning given by section 33(2A) of the Immigration Act 1971 ^{M4};

[^{F25}“specified British overseas territories” means Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia and the South Sandwich Islands; [^{F26}St Helena, Ascension and Tristan da Cunha]; and Turks and Caicos Islands;]

“Swiss Agreement” means the Agreement between the European Union and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons signed at Luxembourg on 21st June 1999^{M5} and which came into force on 1st June 2002;

^{F2} ...

“Swiss employed person” means a Swiss national who is an employed person, other than a Swiss frontier employed person, in the United Kingdom;

“Swiss frontier employed person” has the meaning given in sub-paragraph (4);

“Swiss frontier self-employed person” has the meaning given in sub-paragraph (5);

“Swiss self-employed person” means a Swiss national who is a self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom;

[^{F27}“United Kingdom national” has the meaning given by Article 2(d) of the EU withdrawal agreement;]

“worker” means a worker within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be.

(2) “EEA frontier self-employed person” means an EEA national who—

- (a) is a self-employed person in England; and
- (b) resides in Switzerland or in the territory of an EEA State^{F28}... and returns to the national's residence in Switzerland or that EEA State, as the case may be, daily or at least once a week.

(3) “EEA frontier worker” means an EEA national who—

- (a) is a worker in England; and
- (b) resides in Switzerland or in the territory of an EEA State^{F29}... and returns to the national's residence in Switzerland or that EEA State, as the case may be, daily or at least once a week.

(4) “Swiss frontier employed person” means a Swiss national who—

- (a) is an employed person in England; and
- (b) resides in Switzerland or in the territory of an EEA State^{F30}... and returns to the national's residence in Switzerland or that EEA State, as the case may be, daily or at least once a week.

(5) “Swiss frontier self-employed person” means a Swiss national who—

- (a) is a self-employed person in England; and
- (b) resides in Switzerland or in the territory of an EEA State^{F31}... and returns to the national's residence in Switzerland or that EEA State, as the case may be, daily or at least once a week.

[^{F32}(5A) For the purposes of this Schedule, a reference to a “Member State” or “State” in Article 7 of Directive 2004/38 is to be read as including the United Kingdom.]

[^{F33}(6) For the purposes of this Schedule, “parent” [^{F34}means a parent, guardian or any other person having parental responsibility and “child” is to be construed accordingly.].]

[^{F35}(6A) For the purposes of this Schedule, a person is not to be treated as ordinarily resident in a place unless that person lawfully resides in that place.]

[^{F36}(7) For the purposes of this Schedule, a person (“A”) is to be treated as ordinarily resident in an area if A would have been so resident but for the fact that—

- (a) A;
- (b) A’s spouse or civil partner;
- (c) A’s parent; or,
- (d) in the case of a dependent direct relative in the ascending line, A’s child or child’s spouse or civil partner,

is or was temporarily employed outside the area in question.]

[^{F37}(8) For the purposes of sub-paragraph (7), temporary employment outside the area in question includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;
- (b) in the case of members of the regular armed forces of a specified British overseas territory, any period which they serve outside the territory comprising the United Kingdom and the specified British overseas territories as members of such forces;
- (c) in the case of members of the regular armed forces of the Republic of Ireland, any period which they serve outside the territory comprising the United Kingdom, the Islands and the Republic of Ireland as members of such forces;
- (d) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland as members of such forces;
- (e) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey as members of such forces; and
- (f) in the case of members of the regular armed forces of an EU overseas territory, any period which they serve outside the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories.]

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| F1 | Words in Sch. 1 para. 1(1) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), 18(2)(a)(i) |
| F2 | Words in Sch. 1 para. 1(1) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), 44(2)(a)(i) |
| F3 | Words in Sch. 1 para. 1(1) omitted (31.12.2020) by virtue of The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), 18(2)(a)(iii) |
| F4 | Words in Sch. 1 para. 1(1) inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/534), regs. 1(1), 9(2)(a) |
| F5 | Words in Sch. 1 para. 1(1) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), 44(2)(a)(ii)(aa) |
| F6 | Words in Sch. 1 para. 1(1) substituted (with application in accordance with reg. 2 of the amending S.I.) by The Education (Student Support) (European University Institute) Regulations 2010 (Amendment) Regulations 2011 (S.I. 2011/83), regs. 1(2), 7(a) |
| F7 | Words in Sch. 1 para. 1(1) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), 44(2)(a)(ii)(bb) |
| F8 | Words in Sch. 1 para. 1(1) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), 44(2)(a)(ii)(cc) |

Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (European University Institute) Regulations 2010. (See end of Document for details)

- F9** Words in Sch. 1 para. 1(1) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **29(6)(a)(i)**
- F10** Words in Sch. 1 para. 1(1) inserted (15.2.2022) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2022 (S.I. 2022/57), regs. 1(1), **18(2)(a)(i)** (with reg. 1(3))
- F11** Words in Sch. 1 para. 1(1) omitted (16.2.2023) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **67(2)(a)**
- F12** Word in Sch. 1 para. 1(1) substituted (with application in accordance with reg. 2(6)(7)(9) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 71(2)(a)(i)** (with reg. 140)
- F13** Words in Sch. 1 para. 1(1) omitted (with application in accordance with reg. 2(6)(7)(9) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 71(2)(a)(ii)** (with reg. 140)
- F14** Words in Sch. 1 para. 1(1) inserted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **29(6)(a)(ii)**
- F15** Words in Sch. 1 para. 1(1) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **68(a)**
- F16** Words in Sch. 1 para. 1(1) inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **27(2)(a)**
- F17** Word in Sch. 1 para. 1(1) inserted (15.2.2022) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2022 (S.I. 2022/57), regs. 1(1), **18(2)(a)(ii)(aa)** (with reg. 1(3))
- F18** Words in Sch. 1 para. 1(1) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **67(2)(b)(i)**
- F19** Word in Sch. 1 para. 1(1) substituted (15.2.2022) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2022 (S.I. 2022/57), regs. 1(1), **18(2)(a)(ii)(bb)** (with reg. 1(3))
- F20** Words in Sch. 1 para. 1(1) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **67(2)(b)(ii)**
- F21** Words in Sch. 1 para. 1(1) inserted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **69(a)**
- F22** Word in Sch. 1 para. 1(1) inserted (with application in accordance with reg. 2(6)(7)(9) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 71(2)(b)(i)** (with reg. 140)
- F23** Word in Sch. 1 para. 1(1) substituted (with application in accordance with reg. 2(6)(7)(9) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 71(2)(b)(ii)** (with reg. 140)
- F24** Words in Sch. 1 para. 1(1) omitted (with application in accordance with reg. 2(6)(7)(9) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 71(2)(b)(iii)** (with reg. 140)
- F25** Words in Sch. 1 para. 1(1) inserted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **29(6)(a)(iii)**
- F26** Words in Sch. 1 para. 1(1) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **68(b)**
- F27** Words in Sch. 1 para. 1(1) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **44(2)(a)(iii)**
- F28** Words in Sch. 1 para. 1(2)(b) omitted (31.12.2020) by virtue of The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **18(2)(b)(i)**
- F29** Words in Sch. 1 para. 1(3)(b) omitted (31.12.2020) by virtue of The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **18(2)(b)(ii)**
- F30** Words in Sch. 1 para. 1(4)(b) omitted (31.12.2020) by virtue of The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **18(2)(b)(iii)**

- F31** Words in Sch. 1 para. 1(5)(b) omitted (31.12.2020) by virtue of The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **18(2)(b)(iv)**
- F32** Sch. 1 para. 1(5A) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **44(2)(b)**
- F33** Sch. 1 para. 1(6) substituted (with application in accordance with reg. 2 of the amending S.I.) by The Education (Student Support) (European University Institute) Regulations 2010 (Amendment) Regulations 2011 (S.I. 2011/83), regs. 1(2), **7(b)**
- F34** Words in Sch. 1 para. 1(6) substituted (with application in accordance with reg. 1(2) of the amending S.I.) by The Education (Student Support) (European University Institute) Regulations 2010 (Amendment) Regulations 2012 (S.I. 2012/3059), regs. 1(1), **8(a)**
- F35** Sch. 1 para. 1(6A) inserted (with application in accordance with reg. 1(2) of the amending S.I.) by The Education (Student Support) (European University Institute) Regulations 2010 (Amendment) Regulations 2012 (S.I. 2012/3059), regs. 1(1), **8(b)**
- F36** Sch. 1 para. 1(7) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **29(6)(b)**
- F37** Sch. 1 para. 1(8) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **29(6)(c)**

Marginal Citations

- M1** OJ L158, 30.04.2004, pp 77-123.
- M2** Cm. 2073.
- M3** Cm. 2183.
- M4** 1971 c. 77; section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c. 61).
- M5** Cm. 4904.

PART 2

Categories

Persons who are settled in the United Kingdom

2.—(1) A person who—

- [^{F38}(a) is settled in the United Kingdom on the relevant date and does not fall within paragraph 3;]
- (b) is ordinarily resident in England on the relevant date;
- (c) had been ordinarily resident throughout the three-year period preceding the relevant date in the United Kingdom and Islands; and
- (d) had not during any part of the period referred to in paragraph (c) been ordinarily resident in the United Kingdom and Islands wholly or mainly for the purpose of receiving fulltime education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(7).

- F38** Sch. 1 para. 2(1)(a) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **44(3)**

[^{F39}2A.—(1) A person—

Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (European University Institute) Regulations 2010. (See end of Document for details)

- (a) who is settled in the United Kingdom on the relevant date and does not fall within paragraph 3;
- (b) who is ordinarily resident in England on the relevant date;
- (c) who has been ordinarily resident in the territory comprising the United Kingdom, the Islands and the Republic of Ireland throughout the three-year period preceding the [^{F40}relevant date]; and
- (d) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, the Islands and the Republic of Ireland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, the Islands and the Republic of Ireland in accordance with paragraph 1(7).]

- F39** Sch. 1 para. 2A inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), 44(4)
- F40** Words in Sch. 1 para. 2A(1)(c) substituted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), 31

3.—[^{F41}(1)] A person who—

[^{F42}(a) meets one of the following conditions on the relevant date—

- (i) the person is within the personal scope of the citizens' rights provisions and is settled in the United Kingdom by virtue of the grant of indefinite leave to enter or remain under residence scheme immigration rules;
- (ii) the person—
 - (aa) is within the personal scope of the citizens' rights provisions;
 - (bb) is an Irish citizen settled in the United Kingdom who, pursuant to section 3ZA of the Immigration Act 1971, does not require leave to enter or remain in the United Kingdom; and
 - (cc) would meet the eligibility requirements for indefinite leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules if that person were to make an application for such leave;

^{F43}(iii)

(iv) the person—

- (aa) is within the personal scope of the citizens' rights provisions;
- (bb) is an applicant for the purposes of regulation 4 of the 2020 Citizens' Rights Regulations [^{F44}or otherwise has rights deemed to apply by virtue of any of the citizens' rights provisions specified in paragraph (3)]; and
- (cc) has, or is treated as having, a right of permanent residence for the purposes of the Immigration (European Economic Area) Regulations 2016, as those Regulations continue to have effect by virtue of the 2020 Citizens' Rights Regulations in relation to that person during the relevant period [^{F45}or otherwise has a deemed right of permanent residence by virtue of any of the citizens' rights provisions specified in paragraph (3)]; or

(v) the person is a family member of a relevant person of Northern Ireland for the purposes of residence scheme immigration rules, where that family member is settled

in the United Kingdom by virtue of the grant of indefinite leave to enter or remain under residence scheme immigration rules;]

- (b) is ordinarily resident in England on the relevant date;
- (c) who had been ordinarily resident in the United Kingdom throughout the three-year period preceding the relevant date; and
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was [^{F46}ordinarily resident immediately before the period of ordinary residence referred to in paragraph (c) in the territory comprising—
 - (i) the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
 - (ii) the overseas territories.]

[^{F47}(2) For the purposes of sub-paragraph (1)(a)(ii)(cc), “eligibility requirements for indefinite leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules” means the eligibility requirements for such leave in accordance with paragraph EU11 of Appendix EU to the immigration rules ^{F48}....]

[^{F49}(3) For the purposes of sub-paragraph (1)(a)(iv), the citizens’ rights provisions referred to are—

- (a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement;
- (b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (c) Article 16(3) (issuance of residence documents) of the Swiss citizens’ rights agreement.]

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| F41 | Sch. 1 para. 3 renumbered as Sch. 1 para. 3(1) (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), 44(5)(a) |
| F42 | Sch. 1 para. 3(1)(a) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), 44(5)(b) |
| F43 | Sch. 1 para. 3(1)(a)(iii) omitted (with application in accordance with reg. 1(3)(e) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), 28(3) |
| F44 | Words in Sch. 1 para. 3(1)(a)(iv)(bb) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), 15(a)(i) |
| F45 | Words in Sch. 1 para. 3(1)(a)(iv)(cc) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), 15(a)(ii) |
| F46 | Words in Sch. 1 para. 3(1)(d) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), 29(6)(d) |
| F47 | Sch. 1 para. 3(2) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), 44(5)(c) |
| F48 | Words in Sch. 1 para. 3(2) omitted (16.2.2023) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, 67(3)(a) |
| F49 | Sch. 1 para. 3(3) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), 15(a)(iii) |

Refugees

- 4.—(1) A person—
- (a) who is a refugee;

- (b) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being recognised as a refugee; and
- (c) who is ordinarily resident in England on the relevant date.
- (2) A person—
 - (a) who is the spouse or civil partner of a refugee;
 - (b) who was the spouse or civil partner of the refugee on the date on which the refugee made the application for asylum;
 - (c) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom; and
 - (d) who is ordinarily resident in England on the relevant date.
- (3) A person—
 - (a) who is the child of a refugee or the child of the spouse or civil partner of a refugee;
 - (b) who, on the date on which the refugee made the application for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date;
 - (c) who was under 18 on the date on which the refugee made the application for asylum;
 - (d) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom; and
 - (e) who is ordinarily resident in England on the relevant date.

[^{F50}Persons granted stateless leave and their family members

4A.—[^{F51}(1) A person granted stateless leave, who is ordinarily resident in England on the relevant date.]

- (2) A person—
 - (a) who—
 - (i) is the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave;
 - [^{F52}(b) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
 - (c) who is ordinarily resident in England on the relevant date.]
- (3) A person—
 - (a) who—
 - (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the child of a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave;
 - (b) was under 18 on the leave application date;
 - [^{F53}(c) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
 - (d) who is ordinarily resident in England on the relevant date.]

(4) In this paragraph, “leave application date” means the date on which the person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules ^{F54}....]

- F50** Sch. 1 para. 4A inserted (with application in accordance with reg. 1(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **18(4)**
- F51** Sch. 1 para. 4A(1) substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **19(2)(a)**
- F52** Sch. 1 para. 4A(2)(b)(c) substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **19(2)(b)**
- F53** Sch. 1 para. 4A(3)(c)(d) substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **19(2)(c)**
- F54** Words in Sch. 1 para. 4A(4) omitted (16.2.2023) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), regs. 1, **67(3)(b)**

[^{F55}Persons granted section 67 leave

4B. A person granted section 67 leave, who is ordinarily resident in England on the relevant date.]

- F55** Sch. 1 para. 4B substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **19(3)**

[^{F56}Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse

4C. A person granted indefinite leave to remain as a victim of domestic violence or domestic abuse, who is ordinarily resident in England on the relevant date.]

- F56** Sch. 1 para. 4C inserted (with application in accordance with reg. 1(3)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **2(2)(b)**

[^{F57}Persons granted Calais leave

4D. A person granted Calais leave, who is ordinarily resident in England on the relevant date.]

- F57** Sch. 1 para. 4D substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **19(4)**

[^{F58}Persons granted indefinite leave to remain as a bereaved partner

4E. A person granted indefinite leave to remain as a bereaved partner, who is ordinarily resident in England on the relevant date.]

F58 Sch. 1 para. 4E inserted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **12(3)**

[^{F59}Persons granted humanitarian protection and their family members

5.—(1) [^{F60}A person granted humanitarian protection, who is ordinarily resident in England on the relevant date.]

(2) A person—

- (a) who is the spouse or civil partner of a person granted humanitarian protection;
- (b) who was the spouse or civil partner of the person granted humanitarian protection on the date on which that person applied for asylum (the “asylum application date”);

[^{F61}(c) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and

(d) who is ordinarily resident in England on the relevant date.]

(3) A person—

- (a) who is the child of a person granted humanitarian protection or the child of the spouse or civil partner of a person granted humanitarian protection;
- (b) who, on the asylum application date, was the child of that person or the child of a person who was the spouse or civil partner of the person granted humanitarian protection on that date;
- (c) who was under 18 on the asylum application date;

[^{F62}(d) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and

(e) who is ordinarily resident in England on the relevant date.]]

F59 Sch. 1 para. 5 substituted (with application in accordance with reg. 2 of the amending S.I.) by The Education (Student Support) (European University Institute) Regulations 2010 (Amendment) Regulations 2011 (S.I. 2011/83), regs. 1(2), **7(c)**

F60 Sch. 1 para. 5(1) substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **19(5)(a)**

F61 Sch. 1 para. 5(2)(c)(d) substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **19(5)(b)**

F62 Sch. 1 para. 5(3)(d)(e) substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **19(5)(c)**

[^{F63}Persons granted leave under one of the Afghan Schemes and their family members

5A.—(1) A person granted leave under one of the Afghan Schemes, who is ordinarily resident in England on the relevant date.

(2) A person who—

- (a) is the spouse or the civil partner of a person granted leave under one of the Afghan Schemes;

- (b) on the leave application date, was the spouse or civil partner of that person;
 - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
 - (d) is ordinarily resident in England on the relevant date.
- (3) A person who—
- (a) is—
 - (i) the child of a person granted leave under one of the Afghan Schemes; or
 - (ii) the child of the spouse or civil partner of a person granted leave under one of the Afghan Schemes;
 - (b) on the leave application date, was—
 - (i) the child of the person granted leave under one of the Afghan Schemes; or
 - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Afghan Schemes on that date;
 - (c) was under 18 on the leave application date;
 - (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
 - (e) is ordinarily resident in England on the relevant date.
- (4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Afghan Schemes made an application for leave to enter or remain in the United Kingdom.]

F63 Sch. 1 para. 5A substituted (with application in accordance with reg. 2(6)(7)(9) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), [reg. 71\(3\)\(a\)](#) (with [reg. 140](#))

[^{F64}**Evacuated or assisted British nationals from Afghanistan**

5B. An evacuated or assisted British national from Afghanistan who is ordinarily resident in England on the relevant date.]

F64 Sch. 1 para. 5B inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/534\)](#), [regs. 1\(1\), 9\(2\)\(b\)](#)

[^{F65}**Persons granted leave under one of the Ukraine Schemes and their family members**

5C.—(1) A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in England on the relevant date.

- (2) A person who—
- (a) is the spouse or the civil partner of a person granted leave under one of the Ukraine Schemes;
 - (b) on the leave application date, was the spouse or civil partner of that person;
 - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
 - (d) is ordinarily resident in England on the relevant date.

(3) A person who—

- (a) is—
 - (i) the child of a person granted leave under one of the Ukraine Schemes; or
 - (ii) the child of the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
- (b) on the leave application date, was—
 - (i) the child of the person granted leave under one of the Ukraine Schemes; or
 - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Ukraine Schemes on that date;
- (c) was under 18 on the leave application date;
- (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
- (e) is ordinarily resident in England on the relevant date.

(4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Ukraine Schemes made an application for leave to enter or remain in the United Kingdom.]

F65 Sch. 1 para. 5C substituted (with application in accordance with reg. 2(4)(5)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), reg. 71(3)(b)

Workers, employed persons, self-employed persons and their family members

6.—(1) A person who—

- (a) on the relevant date, 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 in (iv) or (v);
- (b) subject to sub-paragraph (2), is ordinarily resident in England on the relevant date; and
- (c) has been ordinarily resident in the territory comprising [^{F66}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland throughout the three-year period preceding the relevant date.

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

F66 Words in Sch. 1 para. 6(1)(c) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), 18(3)(b)

[^{F67}6A.—(1) A person with protected rights, or a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020, who—

- (a) on the relevant date, 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 sub-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 sub-paragraph (iv) or (v);
- (b) subject to sub-paragraph (2), is ordinarily resident in England on the relevant date; and
- [^{F68}(c) has been ordinarily resident throughout the three-year period preceding the relevant date either—
- (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
 - (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories where at least part of that ordinary residence was in the overseas territories;]

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

(3) In this paragraph, a description of a person in sub-paragraph(1)(a)(i) is to be read as if it includes a relevant person of Northern Ireland who would, if that person were an EEA national or solely an EEA national, be an EEA migrant worker or an EEA self-employed person.]

- F67** Sch. 1 para. 6A inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **44(6)**
- F68** Sch. 1 para. 6A(1)(c) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **29(6)(e)**

7.—[^{F69}(1)] A person who—

- (a) is ordinarily resident in England on the relevant date;
- (b) has been ordinarily resident in the territory comprising [^{F70}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland throughout the three-year period preceding the relevant date; and
- (c) is entitled to support by virtue of article 12 of Council Regulation ([EEC](#)) No. 1612/68 on the freedom of movement of workers ^{M6}, as extended by the EEA Agreement.

[^{F71}(2) Any description of person who would have been eligible under this paragraph immediately before IP completion day is to be eligible on and after IP completion day.]

- F69** Sch. 1 para. 7(a)-(c) renumbered as Sch. 1 para. 7(1)(a)-(c) (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **18(3)(c)(i)**
- F70** Words in Sch. 1 para. 7(1)(b) inserted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **18(3)(c)(ii)**
- F71** Sch. 1 para. 7(2) inserted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **18(3)(c)(iii)**

Marginal Citations

M6 OJ No L257, 19.10.1968, p2 (OJ/SE 1968 (II) P475).

[^{F72}7A.—(1) A person with protected rights who—

- (a) is ordinarily resident in England on the relevant date;
 - [^{F73}(b)** has been ordinarily resident throughout the three-year period preceding the relevant date either—
 - (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
 - (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories where at least part of that ordinary residence was in the overseas territories;]
 - (c) is entitled to support by virtue of Article 10 of Regulation (EU) No. 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (“the Workers Regulation”), as it had effect immediately before IP completion day, as extended by the EEA Agreement, as it had effect immediately before IP completion day.
- (2) For the purposes of sub-paragraph (1)(c), in Article 10 of the Workers Regulation—
- (a) the reference to a “national of a Member State” is to be read as including a relevant person of Northern Ireland; and
 - (b) the reference to “another Member State” is to be read as including the United Kingdom, and the references to “that State” construed accordingly.]

F72 Sch. 1 para. 7A inserted (1.3.2021) by *The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021* (S.I. 2021/127), regs. 1(1), **44(7)**

F73 Sch. 1 para. 7A(1)(b) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by *The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021* (S.I. 2021/1348), regs. 1(1), **29(6)(f)**

Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere

8.—(1) A person who—

- (a) is settled in the United Kingdom;
- (b) was ordinarily resident in England and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence [^{F74}before IP completion day];
- (c) is ordinarily resident in England on the relevant date;
- (d) has been ordinarily resident in the territory comprising [^{F75}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland throughout the three-year period preceding the relevant date; and
- (e) in a case where the person's ordinary residence referred to in paragraph (d) was wholly or mainly for the purposes of receiving full-time education, was ordinarily resident in the territory comprising [^{F76}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).

(2) For the purposes of this paragraph, a person (“A”) has exercised a right of residence if A is a United Kingdom national, a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement) or a person who [^{F77}had the right] of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom or, in the case of a person who is settled in the United Kingdom and [^{F77}had the right] of permanent residence, if A [^{F78}has gone] to the state within the territory comprising the European Economic Area and Switzerland of which A is a national or of which the person in relation to whom A is a family member is a national.

[^{F79}(3) For the purposes of sub-paragraph (2), a person had the right of permanent residence if they had a right which arose under Directive 2004/38 to reside permanently in the United Kingdom without restriction.]

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| F74 | Words in Sch. 1 para. 8(1)(b) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), 18(3)(d)(i) |
| F75 | Words in Sch. 1 para. 8(1)(d) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), 18(3)(d)(ii) |
| F76 | Words in Sch. 1 para. 8(1)(e) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), 18(3)(d)(ii) |
| F77 | Words in Sch. 1 para. 8(2) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), 18(3)(d)(iii)(aa) |
| F78 | Words in Sch. 1 para. 8(2) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), 18(3)(d)(iii)(bb) |
| F79 | Sch. 1 para. 8(3) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), 18(3)(d)(iv) |

[^{F80}**8A.**—(1) A person who—

- (a) is settled in the United Kingdom;
- (b) was ordinarily resident in England and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence before IP completion day;
- (c) was ordinarily resident immediately before IP completion day—
 - (i) in the territory comprising Gibraltar, 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 Gibraltar, 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 relevant date;
- (d) is ordinarily resident in England on the relevant date;
- (e) 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 relevant date; and
- (f) in a case where the person’s ordinary residence referred to in paragraph (e) was wholly or mainly for the purposes of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area

and Switzerland immediately before the period of ordinary residence referred to in paragraph (e).

(2) For the purposes of this paragraph, a person has exercised a right of residence if that person is a United Kingdom national, a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement) or a person who had the right of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom or, in the case of a person who is settled in the United Kingdom and had the right of permanent residence, if the person has gone to the state within the territory comprising the European Economic Area and Switzerland of which the person is a national or of which the person in relation to whom the person is a family member is a national.

(3) For the purposes of sub-paragraph (2), a person had the right of permanent residence if they had a right which arose under Directive 2004/38 to reside permanently in the United Kingdom without restriction.]

F80 Sch. 1 para. 8A inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **44(8)**

EU nationals [^{F81}etc.]

9.—(1) A person who—

- (a) on the relevant date, is either—
 - (i) an EU national; or
 - (ii) a family member of such a person;
- (b) is ordinarily resident in England on the relevant date;
- (c) has been ordinarily resident in the territory comprising [^{F82}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland throughout the three-year period preceding the relevant date; and
- (d) subject of sub-paragraph (2), whose ordinary residence in the territory comprising [^{F83}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising [^{F84}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland in accordance with paragraph 1(7).

[^{F85}(3) Any description of person who would have been eligible under this paragraph immediately before IP completion day is to be eligible on and after IP completion day.]

F81 Word in Sch. 1 para. 9 heading inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **44(9)**

F82 Words in Sch. 1 para. 9(1)(c) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **18(3)(e)(i)**

F83 Words in Sch. 1 para. 9(1)(d) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **18(3)(e)(i)**

F84 Words in Sch. 1 para. 9(2) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **18(3)(e)(i)**

F85 Sch. 1 para. 9(3) inserted (31.12.2020) by *The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020* (S.I. 2020/1181), regs. 1(3), **18(3)(e)(ii)**

[^{F86}9A.—(1) A person with protected rights—

(a) who on the relevant date is —

(i) an EU national;

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

(iii) a family member of a relevant person of Northern Ireland;

(b) who is ordinarily resident in England on the relevant date;

(c) who has been ordinarily resident in the territory comprising the United Kingdom, ^{F87}... the European Economic Area [^{F88}, Switzerland and the overseas territories] throughout the three-year period preceding the relevant date; and

(d) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, ^{F89}... the European Economic Area [^{F90}, Switzerland and the overseas territories] has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, ^{F91}... the European Economic Area [^{F92}, Switzerland and the overseas territories] in accordance with paragraph 1(7).

F86 Sch. 1 paras. 9A-9D inserted (1.3.2021) by *The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021* (S.I. 2021/127), regs. 1(1), **44(10)**

F87 Word in Sch. 1 para. 9A(1)(c) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of *The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021* (S.I. 2021/1348), regs. 1(1), **29(6)(g)(i)(aa)**

F88 Words in Sch. 1 para. 9A(1)(c) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by *The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021* (S.I. 2021/1348), regs. 1(1), **29(6)(g)(i)(bb)**

F89 Word in Sch. 1 para. 9A(1)(d) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of *The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021* (S.I. 2021/1348), regs. 1(1), **29(6)(g)(ii)(aa)**

F90 Words in Sch. 1 para. 9A(1)(d) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by *The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021* (S.I. 2021/1348), regs. 1(1), **29(6)(g)(ii)(bb)**

F91 Word in Sch. 1 para. 9A(2) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of *The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021* (S.I. 2021/1348), regs. 1(1), **29(6)(g)(iii)(aa)**

F92 Words in Sch. 1 para. 9A(2) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by *The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021* (S.I. 2021/1348), regs. 1(1), **29(6)(g)(iii)(bb)**

United Kingdom nationals

9B.—(1) A person—

(a) who on the relevant date is—

(i) a United Kingdom national; or

(ii) a family member of a person mentioned in sub-paragraph (i);

- (b) who was ordinarily resident immediately 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 relevant date;
- (c) who is ordinarily resident in England on the relevant date;
- (d) who 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 relevant date; 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(7).

(3) Where a person (“P”) falls within sub-paragraph (1)(a)(ii), the person in relation to whom P is a family member must also meet the requirements of sub-paragraph (1)(b) and (d).

F86 Sch. 1 paras. 9A-9D inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **44(10)**

^{F93}**9BA.**—(1) A person—

- (a) who on the relevant date is an Irish citizen;
- (b) who was ordinarily resident immediately 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 relevant date;
- (c) who is ordinarily resident in England on the relevant date;
- (d) who 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 relevant date; 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(7).]

- F86** Sch. 1 paras. 9A-9D inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **44(10)**
- F93** Sch. 1 para. 9BA inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **16(6)**

9BB.—(1) A person—

- (a) who is settled in the United Kingdom on the relevant date;
- (b) who is ordinarily resident in England on the relevant date;
- (c) who has been ordinarily resident in the specified British overseas territories for at least part of the three-year period preceding the relevant date;
- (d) who has been ordinarily resident in the territory comprising the United Kingdom, the Islands and the specified British overseas territories throughout the three-year period preceding the relevant date; and
- (e) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, the Islands and the specified British overseas territories 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, the Islands and the specified British overseas territories in accordance with paragraph 1(7).]

- F86** Sch. 1 paras. 9A-9D inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **44(10)**
- F94** Sch. 1 para. 9BB inserted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **29(6)(h)**

9C.—(1) A person—

- (a) who on the relevant date is a family member of a person who is [^{F95}settled in the United Kingdom];
- (b) who is ordinarily resident in England on the relevant date;
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the relevant date; and
- (d) subject to sub-paragraph (2), whose ordinary residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(7).

- F86** Sch. 1 paras. 9A-9D inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **44(10)**

F95 Words in Sch. 1 para. 9C(1)(a) substituted (with application in accordance with reg. 1(3)(f) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **30**

F86 Sch. 1 paras. 9A-9D inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **44(10)**

F93 Sch. 1 para. 9BA inserted (1.9.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **16(6)**

F94 Sch. 1 para. 9BB inserted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **29(6)(h)**

F95 Words in Sch. 1 para. 9C(1)(a) substituted (with application in accordance with reg. 1(3)(f) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **30**

Persons resident in Gibraltar

[F96]9D.—(1) A person—

- (a) who on the relevant date is—
 - (i) a United Kingdom national who has resident status in Gibraltar granted by the Government of Gibraltar;
 - (ii) a family member of a United Kingdom national where that family member has resident status in Gibraltar granted by the Government of Gibraltar;
- (b) who is ordinarily resident in England on the relevant date;
- (c) who 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 relevant date; and
- (d) subject to sub-paragraph (3), 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 (c) been wholly or mainly for the purpose of receiving full-time education.

(2) A person—

- (a) who on the relevant date is—
 - (i) an EU national who has a right of residence in Gibraltar arising under the EU withdrawal agreement; or
 - (ii) a family member of an EU national, where that family member has a right of residence in Gibraltar arising under the EU withdrawal agreement;
- (b) who is ordinarily resident in England on the relevant date;
- (c) who 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 relevant date; and
- (d) subject to sub-paragraph (3), whose ordinary residence in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(3) Paragraph (d) of sub-paragraphs (1) and (2) does not apply to a person treated as being ordinarily resident in the territory referred to in paragraph (c) of those sub-paragraphs in accordance with paragraph 1(7).]]

- F86** Sch. 1 paras. 9A-9D inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **44(10)**
- F96** Sch. 1 para. 9D substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **29(6)(i)**

[^{F97}EU nationals ordinarily resident in the United Kingdom and Islands]

10.—(1) A person who—

- (a) on the relevant date, is an EU national ^{F98}...;
- (b) is ordinarily resident in England on the relevant date;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the relevant date; and
- (d) in a case whose 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 [^{F99}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

- F97** Sch. 1 para. 10 heading inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **44(11)**
- F98** Words in Sch. 1 para. 10(1)(a) omitted (31.12.2020) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **18(3)(f)(i)**
- F99** Words in Sch. 1 para. 10(1)(d) inserted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **18(3)(f)(ii)**

[^{F100}10ZA. A person with protected rights who—

- (a) on the relevant date is an EU national;
- (b) is ordinarily resident in England on the relevant date;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the relevant date; and
- (d) in a case where the person's 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 United Kingdom, ^{F101}... the European Economic Area [^{F102}Switzerland and the overseas territories] immediately prior to the period of ordinary residence referred to in paragraph (c).]

- F100** Sch. 1 para. 10ZA inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **44(12)**
- F101** Word in Sch. 1 para. 10ZA(d) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **29(6)(j)(i)**

F102 Words in [Sch. 1 para. 10ZA\(d\)](#) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), [29\(6\)\(j\)\(ii\)](#)

^{F103}**10A.** A person who—

- (a) is an EU national ^{F104}... on the relevant date;
- (b) is ordinarily resident in England on the relevant date;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the five-year period immediately preceding the relevant date; and
- (d) in a case where the person's 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 [^{F105}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).

(2) Where a state accedes to the EU after the relevant date and a person is a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EU national ^{F104}... on the relevant date is treated as being satisfied.]

F103 Sch. 1 para. 10A inserted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), [37\(a\)](#)

F104 Words in [Sch. 1 para. 10A](#) omitted (31.12.2020) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), [18\(3\)\(g\)\(i\)](#)

F105 Words in [Sch. 1 para. 10A\(d\)](#) inserted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), [18\(3\)\(g\)\(ii\)](#)

Children of Swiss nationals

11. A person who—

- (a) [^{F106}(1)] (a) on the relevant date, is the child of a Swiss national who is entitled to support from the Secretary of State by virtue of article 3(6) of Annex 1 to the Swiss Agreement;
- (b) is ordinarily resident in England on the relevant date;
- (c) has been ordinarily resident in the territory comprising [^{F107}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
- (d) in a case whose 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 [^{F108}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

^{F109}(2) Any description of person who would have been eligible under this paragraph immediately before IP completion day is to be eligible on and after IP completion day.]

F106 [Sch. 1 para. 11\(a\)-\(d\)](#) renumbered as [Sch. 1 para. 11\(1\)\(a\)-\(d\)](#) (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), [18\(3\)\(h\)\(i\)](#)

- F107** Words in Sch. 1 para. 11(1)(c) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **18(3)(h)(ii)**
- F108** Words in Sch. 1 para. 11(1)(d) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **18(3)(h)(ii)**
- F109** Sch. 1 para. 11(2) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **18(3)(h)(iii)**

[^{F110}11A. A person with protected rights who—

- (a) on the relevant date is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 18(2) of the Swiss citizens' rights agreement;
- (b) is ordinarily resident in England on the relevant date;

[^{F111}(c) has been ordinarily resident throughout the three-year period preceding the relevant date either—

- (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
- (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories where at least part of that ordinary residence was in the overseas territories];
- (d) in a case where the person's 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 United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).]

F110 Sch. 1 para. 11A inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **44(13)**

F111 Sch. 1 para. 11A(c) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **29(6)(k)**

Children of Turkish workers

12. A person who—

- (a) on the relevant date, was the child of a Turkish worker;
- (b) was ordinarily resident in England on the relevant date; and
- (c) has been ordinarily resident in the territory comprising [^{F112}the United Kingdom, Gibraltar,] the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.

F112 Words in Sch. 1 para. 12(c) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **18(3)(i)**

[^{F113}12A. A person who—

- (a) is the child of a Turkish worker ("T"), where T was ordinarily resident in the United Kingdom immediately before IP completion day;
- (b) immediately before IP completion day—
 - (i) was the child of T; and

Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (European University Institute) Regulations 2010. (See end of Document for details)

- (ii) was ordinarily resident in the United Kingdom;
- (c) is ordinarily resident in England on the relevant date; and
- [^{F114}(d) has been ordinarily resident throughout the three-year period preceding the relevant date either—
 - (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey; or
 - (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland, Turkey and the overseas territories where at least part of that ordinary residence was in the overseas territories.]]

F113 Sch. 1 para. 12A inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **44(14)**

F114 Sch. 1 para. 12A(d) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **29(6)(I)**

[^{F115}Long Residence

13.—(1) A person—

- (a) who on the relevant date either—
 - (i) is under the age of 18 and has lived in the United Kingdom throughout the seven-year period preceding the relevant date; or
 - (ii) is aged 18 years old or above and, preceding the relevant date, has lived in the United Kingdom throughout either—
 - (aa) half their life; or
 - (bb) a period of twenty years;
- (b) who is ordinarily resident in England on the relevant date;
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the relevant date; and
- (d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(7).]

F115 Sch. 1 para. 13 inserted (3.3.2017) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(2), **37(b)**

SCHEDULE 2

Regulation 28

STUDENT'S CONTRIBUTION

PART 1

Interpretation

1.—(1) In this Schedule—

“EEA State” has the meaning given by paragraph 1 of Part 1 of Schedule 1;

“financial year” means the period of twelve months in respect of which the income of a person whose residual income is calculated under the provisions of Part 2 of this Schedule is computed for the purposes of the income tax legislation which applies to it;

“household income” has the meaning given in paragraph 2;

“Member State” has the meaning given by paragraph 1 of Part 1 of Schedule 1;

“partner” in relation to a student means any of the following—

- (i) the spouse of the student;
- (ii) the civil partner of the student;
- (iii) a person ordinarily living with the student (“A”) as if that person were A's spouse where A was aged 25 or over at the start of the academic year in respect of which A's contribution falls to be assessed;
- (iv) a person ordinarily living with the student (“A”) as if that person were A's civil partner where A was aged 25 or over at the start of the academic year in respect of which A's contribution falls to be assessed;

“preceding financial year” means the financial year immediately preceding the relevant year;

“relevant year” means the academic year in respect of which the household income falls to be assessed;

“residual income” means taxable income after the application of paragraph 3 (in the case of a student) and paragraph 4 (in the case of a student's partner) and income referred to in sub-paragraph (2) received net of income tax;

“taxable income” means, in relation to paragraph 3, in respect of the academic year for which support is sought and, in relation to paragraph 4, in respect (subject to sub-paragraphs (3) and (4) of paragraph 4) of the preceding financial year, a person's taxable income from all sources computed as for the purposes of—

- (a) the Income Tax Acts;
- (b) the income tax legislation of [F116an EEA State] or Switzerland which applies to a person's income;
- (c) [F117where the legislation of—
 - (i) the United Kingdom and one or more EEA States;
 - (ii) more than one EEA State;
 - (iii) the United Kingdom and Switzerland;
 - (iv) one or more EEA States and Switzerland; or
 - (v) the United Kingdom, Switzerland and one or more EEA States

applies to the period, the legislation under which the Secretary of State considers the person will pay the largest amount of tax in that period.]

(2) The income referred to in this sub-paragraph is any benefits under a pension arrangement pursuant to an order made under section 23 of the Matrimonial Causes Act 1973 ^{M7} which includes provision made by virtue of sections 25B(4) and 25E(2) of that Act or pension benefits under Part 1 of Schedule 5 to the Civil Partnerships Act 2004 ^{M8} which includes provision made by virtue of Parts 6 and 7 of that Schedule.

- F116** Words in [Sch. 2 para. 1\(1\)](#) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), [19\(2\)\(a\)](#)
- F117** Words in [Sch. 2 para. 1\(1\)](#) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), [19\(2\)\(b\)](#)

Marginal Citations

- M7** 1973 c.18; section 23 was amended by the [Administration of Justice Act 1982 \(c.53\)](#), [section 16](#). Section 25B was inserted by the [Pensions Act 1995 \(c.26\)](#), [section 166\(1\)](#) and was amended by the [Welfare Reform and Pensions Act 1999 \(c.30\)](#), [Schedule 4](#). Section 25E was inserted by the [Pensions Act 2004 \(c.35\)](#), section 319(1), [Schedule 12](#), paragraph 3.
- M8** 2004 c.33; paragraph 25 of Schedule 5 was modified by [S.I. 2006/1934](#).

PART 2

Calculation of contribution

Household income

- 2.—(1) The amount of a student's contribution depends on the household income.
- (2) The household income is—
- (a) in the case of a student who has a partner, the residual income of the student aggregated with the residual income of that student's partner; or
 - (b) in the case of a student who does not have a partner, the residual income of that student.
- (3) In determining the household income, an amount of £1,130 shall be deducted in the case of a student for each child wholly or mainly dependant on the student or the student's partner.

Calculation of the student's residual income

3.—(1) For the purpose of determining the residual income of a student (“A”), there shall be deducted from A's taxable income (unless already deducted in determining taxable income) the aggregate of any amounts falling within any of the following sub-paragraphs—

- (a) any remuneration for work done during any academic year of A's course, provided that such remuneration shall not include any sums paid in respect of any period for which A has leave of absence or is relieved of A's normal duties for the purpose of attending that course;
- (b) the gross amount of any premium or other sum paid by A in relation to a pension (not being a pension payable under a policy of life assurance) in respect of which relief is given under section 273, 619 or 639 of the Income and Corporation Taxes Act 1988 ^{M9} or under section 188 of the Finance Act 2004 ^{M10}, or where A's income is computed for the purpose of the income tax legislation of [^{F118}a Member State], the gross amount of any

such premium or sum in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts.

(2) Where the student receives income in a currency other than sterling, the value of that income for the purpose of this paragraph shall be—

- (a) if the student purchases sterling with the income, the amount of sterling the student so receives; or
- (b) otherwise, the value of the sterling the income would purchase using the rate for the month in which it is received published by the Office for National Statistics ^{M11}.

F118 Words in [Sch. 2 para. 3\(1\)\(b\)](#) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **19(3)(a)**

Marginal Citations

M9 1988 c. 1.

M10 2004 c. 12.

M11 “Financial Statistics” (ISSN 0015-203X).

Calculation of the student's partner's residual income

4.—(1) Subject to sub-paragraphs (7), (8) and (9), for the purposes of determining the taxable income of a student's partner, any deductions which fall to be made or exemptions which are permitted—

- (a) by way of personal reliefs provided for in Chapter 1 of Part VII of the Income and Corporation Taxes Act 1988, or where the income is computed for the purposes of the income tax legislation of [^{F119}an EEA State] or Switzerland, the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;
- (b) pursuant to any enactment or rule of law under which payments which would otherwise under United Kingdom law form part of a person's income are not treated as such; or
- (c) under sub-paragraph (2),

shall not be made or permitted.

(2) For the purpose of determining the residual income of a student's partner, there shall be deducted from the taxable income determined under sub-paragraph (1) the aggregated of any amounts falling within any of the following sub-paragraphs—

- (a) the gross amount of any premium or other sum relating to a pension (not being a pension payable under a policy of life assurance) in respect of which relief is given under section 273, 619 or 639 of the Income and Corporation Taxes Act 1988 or under section 188 of the Finance Act 2004, or where the income is computed for the purpose of the income tax legislation of [^{F120}an EEA State] or Switzerland, the gross amount of any such premium or sum in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;
- (b) in any case where income is computed in accordance with sub-paragraph (5) any sums equivalent to the deduction mentioned in paragraph (a), provided that any sums so deducted shall not exceed the deductions which would be made if the whole of the student's partner's income were in fact income for the purposes of the Income Tax Acts; and
- (c) in the case of a student's partner who holds a statutory award, £1,130.

(3) Where the Secretary of State is satisfied that the residual income of the student's partner in the financial year beginning immediately before the relevant year (“current financial year”) is likely

to be not more than 85 per cent. of the sterling value of the student's partner's residual income in the preceding financial year the Secretary of State may, for the purpose of enabling the student to attend the course without hardship, ascertain the student's partner's residual income for the current financial year.

(4) Where the student's partner ("A") satisfies the Secretary of State that A's income is wholly or mainly derived from the profits of a business or profession carried on by A, then any reference in this Part to a preceding financial year shall mean the earliest period of twelve months which ends after the start of the preceding financial year and in respect of which accounts are kept relating to that business or profession.

(5) Where a student's partner ("A") is in receipt of any income which does not form part of A's income for the purposes of the Income Tax Acts or the income tax legislation of [F121an EEA State] or Switzerland by reason only that—

- (a) A is not resident ^{F122}... or domiciled in the United Kingdom, or where A's income is computed as for the purposes of the income tax legislation of [F121an EEA State] or Switzerland, not so resident ^{F122}...or domiciled in that EEA State or Switzerland;
- (b) the income does not arise in the United Kingdom, or where A's income is computed for the purposes of the income tax legislation of [F121an EEA State] or Switzerland, does not arise in that EEA State or Switzerland; or
- (c) the income arises from an office, service or employment, income from which is exempt from tax in pursuance of any legislation,

A's taxable income for the purpose of this Schedule shall be computed as though the income under this sub-paragraph were part of A's income for the purpose of the Income Tax Acts or the income tax legislation of [F121an EEA State] or Switzerland, as the case may be.

(6) Where the income of the student's partner is computed as for the purposes of the income tax legislation of [F123an EEA State] or Switzerland, it shall be computed under the provision of this Schedule in the currency of that EEA State or Switzerland and the income of the student's partner for the purposes of this Schedule shall be the sterling value of that income determined in accordance with the rate for the month in which the last day of the financial year in question falls, as published by the Office for National Statistics.

(7) Where the Secretary of State determines that the student and the student's partner are separated for the duration of the relevant year, the partner's income is not taken into account in determining the household income.

(8) Where the Secretary of State determines that the student and the student's partner have separated in the course of the relevant year, the partner's income is determined by reference to that person's income under sub-paragraph (1) divided by fifty-two and multiplied by the number of complete weeks in the relevant year for which the Secretary of State determines that the student and the student's partner are not separated.

(9) Where a student has more than one partner in any one academic year, the provisions of this paragraph apply in relation to each.

F119 Words in Sch. 2 para. 4(1)(a) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **19(3)(b)(i)**

F120 Words in Sch. 2 para. 4(2)(a) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **19(3)(b)(ii)**

F121 Words in Sch. 2 para. 4(5) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **19(3)(b)(iii)**

F122 Words in Sch. 2 para. 4(5)(a) omitted (1.8.2013) by virtue of The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(3), **24**

F123 Words in Sch. 2 para. 4(6) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **19(3)(b)(iv)**

Calculation of contribution

- 5.—(1) A student's contribution shall be calculated in accordance with this regulation.
- (2) In relation to a student who has a partner, the contribution shall—
- (a) where the household income is £23,660 or more, be £45 with the addition of £1 for every complete £9.27 by which the household income exceeds £23,660; and
 - (b) in any case where the household income is less than £23,600, be nil.
- (3) In relation to a student who does not have a partner, the contribution shall—
- (a) where the household income is £11,020 or more, be £45 with the addition of £1 for every complete £9.27 by which the household income exceeds £11,020; and
 - (b) where the household income is less than £11,020, be nil.
- (4) The amount of contribution shall not exceed £7,998 where the contribution is calculated under sub-paragraph (2) or (3).

SCHEDULE 3

Regulation 4

REVOCATION SCHEDULE

| (1) | (2) | (3) |
|--|----------------|-----------------------|
| Regulations revoked | References | Extent of revocation |
| The Education (Student Support) (European Institutions) (No. 2) Regulations 2006 | S.I. 2006/3156 | The whole Regulations |
| The Education (Student Support) (European Institutions) (Amendment) Regulations 2007 | S.I. 2007/3344 | The whole Regulations |
| The Education (Student Support) (European Institutions) (Amendment) Regulations 2008 | S.I. 2008/1478 | The whole Regulations |
| The Education (Student Support) (European Institutions) (Amendment) (No. 2) Regulations 2008 | S.I. 2008/3054 | The whole Regulations |
| The Education (Student Support) (European Institutions) (Amendment) Regulations 2009 | S.I. 2009/1576 | The whole Regulations |

Changes to legislation:

There are currently no known outstanding effects for the The Education (Student Support) (European University Institute) Regulations 2010.