

SCHEDULE

Regulation 5

PART 1

Interpretation

Interpretation: general

1.—(1) In this Schedule—

[^{F1}“the 2020 Citizens’ Rights Regulations” means the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020;]

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

“EEA Agreement” means the European Economic Area Agreement signed at Porto on 2 May 1992 and which came into force on 1 January 1994;

[^{F2}“EEA EFTA separation agreement” has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;]

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

- (a) is a self-employed person in the United Kingdom; and
- (b) resides in Switzerland or the territory of an EEA State ^{F3}... and returns to the person's residence in Switzerland or that EEA State daily or at least once a week;

“EEA frontier worker” means an EEA national who—

- (a) is a worker in the United Kingdom; and
- (b) resides in Switzerland or the territory of another EEA State ^{F3}... and returns to the person's residence in Switzerland or that EEA State daily or at least once a week;

“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;

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

“employment” means full-time or part-time employment;

“European Community” means the territory comprised by the Member States of the European Community as was constituted from time to time;

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

“European Economic Area” means the area comprised by the EEA States;

[^{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—

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- (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” 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 7A(3)]—
 - (i) the 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 the person's spouse or civil partner; or
 - (iii) dependent direct relatives in the 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) the person's spouse or civil partner; or
 - (ii) the person's child or the child of the person's spouse or civil partner;
- (c) in relation to an EU national who falls within Article 7(1)(c) of Directive 2004/38 [^{F6}or, for the purposes of paragraph 10A, 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) the person's spouse or civil partner; or
 - (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;
- (d) in relation to an EU national who falls within Article 7(1)(b) of Directive 2004/38 [^{F7}or, for the purposes of paragraph 10A, 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) the 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 the person's spouse or civil partner; or
 - (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 [^{F8}paragraphs 10, 10B and 10E and for the purposes of paragraphs 10C and 10D in relation to persons settled in the United Kingdom]—

- (i) the 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 the person's spouse or civil partner.

“the Islands” means the Channel Islands and the Isle of Man;

“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; [^{F9}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; [^{F10}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;

[^{F11}“parent” means a parent, guardian or any other person having parental responsibility for a child, and “child” is to be construed accordingly;

“person granted stateless leave” means a person who—

- (a) has extant leave to remain as a stateless person under the immigration rules ^{F12}...; and
- (b) has been ordinarily resident in the United Kingdom and the Islands throughout the period since the person was granted such leave;]

[^{F13}“person with protected rights” means—

- (1) (a) [^{F14}a person within the personal scope of the citizens’ rights provisions who—
 - (i) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;
 - (ii) is an Irish citizen who, pursuant to section 3ZA of the Immigration Act 1971, does not require leave to enter or remain in the United Kingdom; ^{F15}...
 - (iii) is an applicant for the purposes of regulation 4 of the 2020 Citizens’ Rights Regulations where the relevant period has not expired; or
 - (iv) [^{F16}otherwise has rights deemed to apply by virtue of any citizens’ rights deeming provisions; or]
 - (b) a family member of a relevant person of Northern Ireland for the purposes of residence scheme immigration rules, where that family member has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;]
- (2) (a) [^{F17}Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
 - (b) Article 17(2) and (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(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement.]]

[^{F2}“residence scheme immigration rules” has the meaning given by section 17(1) of the European Union (Withdrawal Agreement) Act 2020;]

^{F18} ...

“self-employed person” means—

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- (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 ^{M2}

[^{F19}“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; [^{F20}St Helena, Ascension and Tristan da Cunha]; and Turks and Caicos Islands;]

“Swiss Agreement” means the Agreement between the European Community 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 and which came into force on 1 June 2002 ^{M3};

[^{F2}“Swiss citizens’ rights agreement” has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;]

“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” means a Swiss national who—

- (a) is an employed person in the United Kingdom; and
- (b) resides in Switzerland or in the territory of an EEA State ^{F3}... and returns to the person's residence in Switzerland or that EEA State daily or at least once a week;

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

- (a) is a self-employed person in the United Kingdom; and
- (b) resides in Switzerland or in the territory of an EEA State ^{F3}... and returns to the person's residence in Switzerland or that EEA State daily or at least once a week;

“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;

[^{F21}“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.

[^{F22}(1A) 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.

(1B) For the purposes of this Schedule, a person is within the personal scope of the citizens’ rights provisions if that person falls within—

- (a) Article 10 (personal scope) of the EU withdrawal agreement;
- (b) Article 9 (personal scope) of the EEA EFTA separation agreement; or
- (c) Article 10 (personal scope) of the Swiss citizens’ rights agreement.]

(2) In this Schedule, an area [^{F23}other than the United Kingdom or Gibraltar] which—

- (a) was previously not part of the European Union or the European Economic Area; but
- (b) at any time before or after these Regulations come into force has become part of one or the other or both of those areas,

is to be considered to have always been a part of the European Economic Area.

- F1** Words in Sch. 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), **61(2)(a)(i)**
- F2** Words in Sch. para. 1(1) 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), **30(2)(a)(i)(aa)**
- F3** Words in Sch. 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), **30(2)(a)(i)(bb)**
- F4** Words in Sch. para. 1(1) inserted (with application in accordance with reg. 1(3)(f) 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), **18(2)(a)**
- F5** Words in Sch. 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), **61(2)(a)(ii)(aa)**
- F6** Words in Sch. 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), **61(2)(a)(ii)(bb)**
- F7** Words in Sch. 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), **61(2)(a)(ii)(cc)**
- F8** Words in Sch. para. 1(1) substituted (with application in accordance with reg. 1(3)(j) 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), **53(a)**
- F9** Words in Sch. para. 1(1) 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), **30(2)(a)(i)(cc)**
- F10** Words in Sch. para. 1(1) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **102(a)**
- F11** Words in Sch. para. 1(1) inserted (25.7.2018) by The Higher Education (Fee Limits and Fee Limit Condition) (England) Regulations 2018 (S.I. 2018/903), regs. 1, **18(a)**
- F12** Words in Sch. 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, **101(2)**
- F13** Words in Sch. 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), **61(2)(a)(iii)**
- F14** Words in Sch. para. 1(1) renumbered (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **28(a)(i)**
- F15** Word in Sch. para. 1(1) omitted (1.9.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **28(a)(ii)**
- F16** Words in Sch. para. 1(1) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **28(a)(ii)**
- F17** Words in Sch. para. 1(1) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **28(a)(iii)**
- F18** Words in Sch. 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), **61(2)(a)(iv)**
- F19** Words in Sch. 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), **61(2)(a)(v)**
- F20** Words in Sch. para. 1(1) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **102(b)**
- F21** Words in Sch. 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), **61(2)(a)(vi)**
- F22** Sch. paras. 1(1A)(1B) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **61(2)(b)**
- F23** Words in Sch. para. 1(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), **30(2)(a)(ii)**

Marginal Citations

- M1** OJ L158, 30.4.2004, p77-123.

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- M2** 1971 c.77; section 33(2A) was inserted by paragraph 7 of Schedule 4 to the [British Nationality Act 1981 \(c.61\)](#).
- M3** Cm. 4904.

Interpretation: ordinarily resident

2.—(1) This paragraph applies for the purposes of this Schedule to determine whether a person is to be treated as ordinarily resident in a given place.

(2) A person (“A”) is to be treated as ordinarily resident in the United Kingdom, the United Kingdom and Islands [^{F24}, the territory comprising the United Kingdom, the Islands and the Republic of Ireland], in [^{F25}the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland], in [^{F26}the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories][^{F27}, the territory comprising the United Kingdom, the Islands and the specified British overseas territories], or in [^{F28}the territory comprising the United Kingdom, the European Economic Area, Switzerland, Turkey and the overseas territories] 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.

^{F29}(3)

(4) A person is not to be treated as ordinarily resident in a place unless that person lawfully resides in that place.

(5) In sub-paragraph (2)—

- ^{F30}(a)
- (b) “temporarily employed” includes in the case of members of the regular naval, military or air forces of—
 - (i) the Crown, any period which they serve outside the United Kingdom as members of such forces;
 - [^{F31}(ia) 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;]
 - (ii) an EEA State or Switzerland, any period which they serve outside the territory comprising [^{F32}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland as members of such forces; and
 - (iii) Turkey, any period which they serve outside the territory comprising [^{F32}the United Kingdom, Gibraltar,] the European Economic Area, Switzerland and Turkey as members of such forces.

- F24** Words in Sch. para. 2(2) inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(3)(a)(i)**
- F25** Words in Sch. para. 2(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), **30(2)(b)(i)(aa)**

- F26** Words in Sch. para. 2(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), **30(2)(b)(i)(bb)**
- F27** Words in Sch. para. 2(2) inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(3)(a)(ii)**
- F28** Words in Sch. para. 2(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), **30(2)(b)(i)(cc)**
- F29** Sch. para. 2(3) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(3)(b)**
- F30** Sch. para. 2(5)(a) omitted (25.7.2018) by virtue of [The Higher Education \(Fee Limits and Fee Limit Condition\) \(England\) Regulations 2018 \(S.I. 2018/903\)](#), regs. 1, **18(b)**
- F31** Sch. paras. 2(5)(b)(ia) inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(3)(c)**
- F32** Words in Sch. para. 2(5) 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), **30(2)(b)(ii)**

PART 2

Qualifying Persons

Persons who are settled in the United Kingdom

- 3.—(1) A person who on the first day of the [^{F33}first] academic year of the course—
- [^{F34}(a) is settled in the United Kingdom and does not fall within paragraph 4;]
- (b) is ordinarily resident in the United Kingdom;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) 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) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 2(2).

- F33** Word in Sch. para. 3(1) inserted (25.7.2018) by [The Higher Education \(Fee Limits and Fee Limit Condition\) \(England\) Regulations 2018 \(S.I. 2018/903\)](#), regs. 1, **18(c)**
- F34** Sch. 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), **61(4)**

- [^{F35}3A.—(1) A person—
- (a) who is settled in the United Kingdom [^{F36}on [^{F37}the course start date]] and does not fall within paragraph 4;
- (b) who is ordinarily resident in the United Kingdom [^{F36}on [^{F38}the course start 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 first day of the first academic year of the course; 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

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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 2(2).]

- F35** Sch. para. 3A inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(5)**
- F36** Words in Sch. paras. 3A(1)(a)(b) substituted (1.9.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **28(b)**
- F37** Words in Sch. para. 3A(1)(a) substituted (16.2.2023) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), regs. 1, **99(2)(a)**
- F38** Words in Sch. para. 3A(1)(b) substituted (16.2.2023) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), regs. 1, **99(2)(b)**

4.—^{F39}(1) A person who—

^{F40}(a) meets one of the following conditions on the first day of an academic year of the course—

(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;

(iii) 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 ^{F41}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 ^{F42}or otherwise has a deemed right of permanent residence by virtue of any of the citizens' rights provisions specified in paragraph (3)]; or

(iv) 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 the United Kingdom on the first day of the first academic year of the course;

- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where the residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, the person was ordinarily resident in the territory comprising [^{F43}the United Kingdom,] the European Economic Area, Switzerland and the overseas territories immediately before the period of residence referred to in paragraph (c).

[^{F44}(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 ^{F45}....]

[^{F46}(3) For the purposes of sub-paragraph (1)(a)(iii), 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.]

F39	Sch. para. 4 renumbered as Sch. para. 4(1) (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127) , regs. 1(1), 61(6)(a)
F40	Sch. para. 4(1)(a) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127) , regs. 1(1), 61(6)(b)
F41	Words in Sch. para. 4(1)(a)(iii)(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), 28(c)(i)
F42	Words in Sch. para. 4(1)(a)(iii)(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), 28(c)(ii)
F43	Words in Sch. para. 4(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), 30(3)(a)(ii)
F44	Sch. para. 4(2) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127) , regs. 1(1), 61(6)(c)
F45	Words in Sch. para. 4(2) omitted (16.2.2023) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74) , regs. 1, 101(3)(a)
F46	Sch. para. 4(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), 28(c)(iii)

Refugees and their family members

- 5.—(1) A person who—
- (a) is a refugee;
 - (b) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since the person was recognised as a refugee;
 - (c) is ordinarily resident in the United Kingdom on [^{F47}the course start date].
- (2) A person who—
- (a) is the spouse or civil partner of a refugee;
 - (b) was the spouse or civil partner of the refugee on the date on which the refugee applied for asylum;
 - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since the person was given leave to remain in the United Kingdom; and

Changes to legislation: There are currently no known outstanding effects for the *The Higher Education (Fee Limit Condition) (England) Regulations 2017, SCHEDULE*. (See end of Document for details)

- (d) is ordinarily resident in the United Kingdom on [^{F48}the course start date].
- (3) A person who—
- (a) is the child of a refugee or the child of the spouse or civil partner of a refugee;
 - (b) on the date on which the refugee applied 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) was under 18 years of age on the date on which the refugee applied for asylum;
 - (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since the person was given leave to remain in the United Kingdom; and
 - (e) is ordinarily resident in the United Kingdom on [^{F49}the course start date].

(4) In this paragraph, “refugee” means a person who is recognised by Her Majesty's government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951 ^{M4} as extended by the Protocol thereto which entered into force on 4th October 1967 ^{M5}.

F47 Words in *Sch. para. 5(1)(c)* substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by *The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74)*, **reg. 104(2)(a)**

F48 Words in *Sch. para. 5(2)(d)* substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by *The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74)*, **reg. 104(2)(b)**

F49 Words in *Sch. para. 5(3)(e)* substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by *The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74)*, **reg. 104(2)(c)**

Marginal Citations

M4 Cmnd. 9171.

M5 Cmnd. 3906.

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

5A.—[^{F51}(1) A person granted stateless leave, who is ordinarily resident in the United Kingdom on [^{F52}the course start 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 the person granted stateless leave;
 - [^{F53}(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 the United Kingdom on [^{F54}the course start 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 the person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of the person granted stateless leave;
- (b) who was under 18 years of age on the leave application date;
- ^{F55}(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 the United Kingdom on [^{F56}the course start 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 ^{F57}....]

- F50** Sch. para. 5A inserted (25.7.2018) by [The Higher Education \(Fee Limits and Fee Limit Condition\) \(England\) Regulations 2018 \(S.I. 2018/903\)](#), regs. 1, **18(d)**
- F51** Sch. para. 5A(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), **23(2)(a)**
- F52** Words in Sch. para. 5A(1) substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), **reg. 104(3)(a)**
- F53** Sch. para. 5A(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), **23(2)(b)**
- F54** Words in Sch. para. 5A(2)(c) substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), **reg. 104(3)(b)**
- F55** Sch. para. 5A(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), **23(2)(c)**
- F56** Words in Sch. para. 5A(3)(d) substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), **reg. 104(3)(c)**
- F57** Words in Sch. para. 5A(4) omitted (16.2.2023) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), regs. 1, **101(3)(b)**

^{F58}Persons granted section 67 leave

5B. A person who—

- (a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules, having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016, or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules; [^{F59}and]

^{F60}(b) is ordinarily resident in the United Kingdom on [^{F61}the course start date].]

- F58** Sch. para. 5B inserted (with application in accordance with [reg. 1\(2\)\(3\)\(5\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **46(4)**

Changes to legislation: There are currently no known outstanding effects for the The Higher Education (Fee Limit Condition) (England) Regulations 2017, SCHEDULE. (See end of Document for details)

- F59** Word in Sch. para. 5B(a) inserted (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), **23(3)(a)**
- F60** Sch. para. 5B(b) substituted for Sch. para. 5B(b)-(d) (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), **23(3)(b)**
- F61** Words in Sch. para. 5B(b) substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 104(4)**

[^{F62}Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse

5C. A person granted indefinite leave to remain as a victim of domestic violence or domestic abuse, who is ordinarily resident in the United Kingdom on [^{F63}the course start date].]

- F62** Sch. para. 5C 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(6)(c)**
- F63** Words in Sch. para. 5C substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 104(5)**

Persons granted Calais leave

[^{F64}5D. A person granted Calais leave, who is ordinarily resident in the United Kingdom on [^{F65}the course start date].]

- F64** Sch. para. 5D 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), **23(4)**
- F65** Words in Sch. para. 5D substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 104(6)**

[^{F66}Persons granted indefinite leave to remain as a bereaved partner

5E. A person granted indefinite leave to remain as a bereaved partner, who is ordinarily resident in the United Kingdom on [^{F67}the course start date].]

- F66** Sch. para. 5E 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), **16(4)**
- F67** Words in Sch. para. 5E substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 104(7)**

[^{F68}Persons granted leave under one of the Afghan Schemes and their family members]

5F.—[^{F69}(1)] A person granted leave under [^{F70}one of the Afghan Schemes] who is ordinarily resident in the United Kingdom on [^{F71}the course start date].

[^{F72}(2) A person who—

- (a) is the spouse or 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 the United Kingdom on the course start 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 the United Kingdom on the course start 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.]

F68 Sch. para. 5F heading 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. 108(a)(i)**

F69 Sch. para. 5F renumbered as Sch. para. 5F(1) (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. 108(a)(ii)**

F70 Words in Sch. para. 5F substituted (15.2.2022) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2022 \(S.I. 2022/57\)](#), regs. 1(1), **26(3)** (with reg. 1(3))

F71 Words in Sch. para. 5F substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), **reg. 104(8)**

F72 Sch. para. 5F(2)-(4) 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. 108(a)(iii)**

[^{F73}Evacuated or assisted British nationals from Afghanistan

5G. An evacuated or assisted British national from Afghanistan who is ordinarily resident in the United Kingdom on the first day of [^{F74}the course start date].]

Changes to legislation: There are currently no known outstanding effects for the The Higher Education (Fee Limit Condition) (England) Regulations 2017, SCHEDULE. (See end of Document for details)

- F73** Sch. para. 5G inserted (with application in accordance with reg. 1(3)(f) 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), **18(2)(b)**
- F74** Words in Sch. para. 5G substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 104(9)**

[^{F75}Persons granted leave under one of the Ukraine Schemes and their family members

5H.—(1) A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in the United Kingdom on the course start date.

(2) A person who—

- (a) is the spouse or 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 the United Kingdom on the course start 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 the United Kingdom on the course start 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.]

- F75** Sch. para. 5H 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. 108(b)**

Persons granted humanitarian protection and their family members

6.—[^{F76}(1) A person granted humanitarian protection, who is ordinarily resident in the United Kingdom on [^{F77}the course start date].]

(2) A person who—

- (a) is the spouse or civil partner of a person granted humanitarian protection;

- (b) 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”);
- [^{F78}(c) 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) is ordinarily resident in the United Kingdom on [^{F79}the course start date].]
- (3) A person who—
 - (a) 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) 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) was under 18 years of age on the asylum application date;
 - [^{F80}(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 the United Kingdom on [^{F81}the course start date].]
- (4) In this paragraph, “person granted humanitarian protection” means a person—
 - (a) who, on the grounds of humanitarian protection, has been granted leave to remain under the immigration rules ^{F82} ...;
 - (b) whose leave to remain is extant, or in respect of whose leave to remain an appeal is pending (within section 104 of the Nationality, Immigration and Asylum Act 2002) ^{M6};
 - (c) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave to remain.

- F76** Sch. para. 6(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), **23(5)(a)**
- F77** Words in Sch. para. 6(1) substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), **reg. 104(10)(a)**
- F78** Sch. para. 6(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), **23(5)(b)**
- F79** Words in Sch. para. 6(2)(d) substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), **reg. 104(10)(b)**
- F80** Sch. para. 6(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), **23(5)(c)**
- F81** Words in Sch. para. 6(3)(e) substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), **reg. 104(10)(c)**
- F82** Words in Sch. para. 6(4)(a) omitted (16.2.2023) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), regs. 1, **101(3)(c)**

Marginal Citations

- M6** 2002 c.41; section 104 was amended by the [Asylum and Immigration \(Treatment of Claimants etc.\) Act 2004 \(c.19\)](#), **section 26** and Schedules 2 and 4, the [Immigration, Asylum and Nationality Act 2006 \(c.13\)](#), **section 9**, and the [Immigration Act 2014 \(c.22\)](#), **Schedule 9**.

Changes to legislation: There are currently no known outstanding effects for the The Higher Education (Fee Limit Condition) (England) Regulations 2017, SCHEDULE. (See end of Document for details)

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

- 7.—(1) A person who—
- (a) is—
 - (i) an EEA migrant worker or an EEA self-employed person;
 - (ii) a Swiss employed person or a Swiss self-employed person;
 - (iii) a family member of a person mentioned in paragraph (i) or (ii);
 - (iv) an EEA frontier worker or an EEA frontier self-employed person;
 - (v) a Swiss frontier employed person or a Swiss frontier self-employed person; or
 - (vi) a family member of a person mentioned in paragraph (iv) or (v);
 - (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
 - (c) has been ordinarily resident in the territory comprising [^{F83}the United Kingdom,] the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.
- (2) Paragraph (b) of sub-paragraph (1) does not apply where the person falls within paragraph (a) (iv), (a)(v) or (a)(vi) of that sub-paragraph.

F83 Words in Sch. para. 7(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), **30(3)(b)**

[^{F84}7A.—(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) 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 the United Kingdom on the first day of the first academic year of the course; and
 - (c) has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.
- (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.]

F84 Sch. para. 7A inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(7)**

8.—^{F85}(1) A person who—

- (a) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (b) has been ordinarily resident in the territory comprising ^{F86}the United Kingdom,] the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and
- (c) is entitled to support by virtue of Article 12 of Council Regulation (EEC) No. 1612/68^{M7} on the freedom of movement of workers, as extended by the EEA Agreement.

^{F87}(2) Any description of person who would have fallen within this paragraph immediately before IP completion day is to be treated as falling within this paragraph on and after IP completion day.]

F85 Sch. para. 8 renumbered as Sch. para. 8(1) (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **30(3)(c)(i)**

F86 Words in Sch. 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), **30(3)(c)(ii)**

F87 Sch. para. 8(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), **30(3)(c)(iii)**

Marginal Citations

M7 OJ L257, 19.10.1968 p2 (OJ/SE 1968 (II) p475).

^{F88}**8A.**—(1) A person with protected rights who—

- (a) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (b) has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and
- (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.]

F88 Sch. para. 8A inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(8)**

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

9.—(1) A person who—

- (a) is settled in the United Kingdom;

Changes to legislation: There are currently no known outstanding effects for the The Higher Education (Fee Limit Condition) (England) Regulations 2017, SCHEDULE. (See end of Document for details)

- (b) was ordinarily resident in the United Kingdom and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence [^{F89}before IP completion day] ;
- (c) is ordinarily resident in the United Kingdom on [^{F90}the course start date];
- (d) has been ordinarily resident in the territory comprising [^{F91}the United Kingdom,] the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and
- (e) in a case where the ordinary residence referred to in paragraph (d) was wholly or mainly for the purposes of receiving full-time education, the person was ordinarily resident in the territory comprising [^{F92}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).

(2) In this paragraph, a person has exercised a right of residence if the 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 [^{F93}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 has a right of permanent residence, if the person [^{F94}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 a person in relation to whom the person is a family member is a national.

[^{F95}(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.]

F89	Words in Sch. para. 9(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), 30(3)(d)(i)(aa)
F90	Words in Sch. para. 9(1)(c) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74) , regs. 1, 99(3)
F91	Words in Sch. 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), 30(3)(d)(i)(bb)
F92	Words in Sch. para. 9(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), 30(3)(d)(i)(cc)
F93	Words in Sch. para. 9(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), 30(3)(d)(ii)(aa)
F94	Words in Sch. para. 9(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), 30(3)(d)(ii)(bb)
F95	Sch. 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), 30(3)(d)(iii)

[^{F96}**9A.**—(1) A person who—

- (a) is settled in the United Kingdom;
- (b) was ordinarily resident in the United Kingdom 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 the European Economic Area, Switzerland and the overseas territories; 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, Switzerland and the overseas territories, and has remained ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course;
- (d) is ordinarily resident in the United Kingdom on [^{F97}the course start date];
- (e) has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; 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.]

F96 Sch. para. 9A inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(9)**

F97 Words in Sch. para. 9A(1)(d) substituted (16.2.2023) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), regs. 1, **99(4)**

EU nationals [^{F98}etc.]

10.—(1) A person who—

- (a) is either—
 - (i) an EU national on the first day of an academic year of the course; or
 - (ii) a family member of such a person;
- (b) is undertaking the course in the United Kingdom;
- (c) has been ordinarily resident in the territory comprising [^{F99}the United Kingdom,] the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and

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- (d) whose ordinary residence in the relevant territory 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.

[^{F100}(2) Paragraph (c) of sub-paragraph (1) does not apply to a family member of a person who—

(a) is—

(i) a United Kingdom national who has exercised a right to reside in the territory of a Member State under Article 7(1) of Directive 2004/38; or

(ii) an EU national; and

(b) has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.]

(3) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the [^{F101}relevant territory] in accordance with paragraph (2)(2).

[^{F102}(4) Any description of person who would have fallen within this paragraph immediately before IP completion day is to be treated as falling within this paragraph on and after IP completion day.]

F98 Word in Sch. 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), **61(10)**

F99 Words in Sch. para. 10(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), **30(3)(e)(i)**

F100 Sch. para. 10(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), **30(3)(e)(ii)**

F101 Words in Sch. para. 10(3) substituted (25.7.2018) by [The Higher Education \(Fee Limits and Fee Limit Condition\) \(England\) Regulations 2018 \(S.I. 2018/903\)](#), regs. 1, **18(e)**

F102 Sch. para. 10(4) 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), **30(3)(e)(iii)**

[^{F103}**10A.**—(1) A person with protected rights—

(a) who is —

(i) an EU national on the first day of the first academic year of the course;

(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 undertaking the course in the United Kingdom;

(c) who, subject to sub-paragraph (2), has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; 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.

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

(a) is an EU national or a relevant person of Northern Ireland; and

- (b) has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.

(3) 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 European Economic Area, Switzerland and the overseas territories in accordance with paragraph 2(2).

F103 Sch. paras. 10A-10E inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(11)**

United Kingdom nationals

10B.—(1) A person—

- (a) who is—
 - (i) a United Kingdom national on the first day of an academic year of the course; 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, Switzerland and the EU overseas territories; 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, Switzerland and the EU overseas territories,
and has remained ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the EU overseas territories throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course;
- (c) who is undertaking the course in the United Kingdom;
- (d) who, subject to sub-paragraph (2), has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and
- (e) 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 (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to the family member of a United Kingdom national, where that United Kingdom national—

- (a) had, before IP completion day, exercised a right to reside in the territory of a Member State under Article 7(1) of Directive 2004/38; and
- (b) has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.

(3) 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 European Economic Area, Switzerland and the overseas territories in accordance with paragraph 2(2).

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(4) 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).

(5) In this paragraph, “EU overseas territories” means Aruba; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; Mayotte; Greenland; Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten); St Barthélemy; St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; and Wallis and Futuna.

F103 Sch. paras. 10A-10E inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(11)**

F104 **10BA.**—(1) A person—

- (a) who is an Irish citizen on the first day of an academic year of the course;
- (b) who was ordinarily resident immediately before IP completion day—
 - (i) in the territory comprising the European Economic Area, Switzerland and the EU overseas territories; 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, Switzerland and the EU overseas territories,
 and has remained ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the EU overseas territories throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course;
- (c) who is undertaking the course in the United Kingdom;
- (d) 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 first day of the first academic year of the course; and
- (e) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the 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 European Economic Area, Switzerland and the overseas territories in accordance with paragraph 2(2).

(3) In this paragraph, “EU overseas territories” means Aruba; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; Mayotte; Greenland; Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten); St Barthélemy; St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; and Wallis and Futuna.]

F103 Sch. paras. 10A-10E inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(11)**

F104 Sch. para. 10BA inserted (1.9.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **29(2)**

10C.—(1) A person—

- (a) who is—
- (i) ^{F105} a person who is settled in the United Kingdom] on the first day of the first academic year of the course; or
 - (ii) a family member of a person mentioned in sub-paragraph (i) ^{F106}, or who would be such a person if they were ordinarily resident in the United Kingdom];
- (b) who is undertaking the course in the United Kingdom;
- (c) who has been ordinarily resident in the specified British overseas territories for at least part of the three year period preceding the first day of the first academic year of the course;
- (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 first day of the first academic year of the course; and
- (e) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, 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 2(2).

- F103** Sch. paras. 10A-10E inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(11)**
- F105** Words in Sch. para. 10C(1)(a)(i) substituted (with application in accordance with reg. 1(3)(j) 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), **53(b)(i)**
- F106** Words in Sch. para. 10C(1)(a)(ii) inserted (with application in accordance with reg. 1(3)(j) 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), **53(b)(ii)**

10D.—(1) A person—

- (a) who is a family member of a person who is ^{F107} settled in the United Kingdom] on the first day of the first academic year of the course;
- (b) who is undertaking the course in the United Kingdom;
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; 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 2(2).

- F103** Sch. paras. 10A-10E inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(11)**
- F107** Words in Sch. para. 10D(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), **54**

Persons resident in Gibraltar**10E.—(1) A person—**

- (a) who 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;
 - (iii) an EU national who has a right of residence in Gibraltar arising under the EU withdrawal agreement; or
 - (iv) 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 undertaking the course in the United Kingdom;
- (c) who, subject to sub-paragraph (2), has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; 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.

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

- (a) is an EU national or a relevant person of Northern Ireland; and
- (b) has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.

(3) 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 European Economic Area, Switzerland and the overseas territories in accordance with paragraph 2(2).]

F103 Sch. paras. 10A-10E inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(11)**

[^{F108}EU nationals ordinarily resident in the United Kingdom and Islands]**11.—(1) A person who—**

- (a) is an EU national ^{F109}... on the first day of the first academic year of the course;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course; and
- (d) in a case where the ordinary residence referred to in paragraph (c) was wholly or mainly for the purposes of receiving full-time education, was ordinarily resident in the territory comprising [^{F110}the United Kingdom,] the European Economic Area, Switzerland and the overseas territories immediately prior to the period of ordinary residence referred to in that paragraph.

(2) Where a state accedes to the European Union after the first day of the first academic year of the course and a person is a national of that state, the requirement in paragraph (a) of sub-paragraph (1) is treated as being satisfied.

- F108** Sch. para. 11 cross-heading inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(12)**
- F109** Words in Sch. para. 11(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), **30(3)(f)(i)**
- F110** Words in Sch. 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), **30(3)(f)(ii)**

[^{F111}11A. A person with protected rights who—

- (a) is an EU national on the first day of the first academic year of the course;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course; 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, the European Economic Area, Switzerland and the overseas territories immediately prior to the period of ordinary residence referred to in paragraph (c).]

- F111** Sch. para. 11A inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(13)**

Children of Swiss nationals

12.—[^{F112}(1)] A person who—

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 3(6) of Annex 1 to the Swiss Agreement;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the territory comprising [^{F113}the United Kingdom,] the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where the ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, the person was ordinarily resident in the territory comprising [^{F114}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

[^{F115}(2) Any description of person who would have fallen within this paragraph immediately before IP completion day is to be treated as falling within this paragraph on and after IP completion day.]

- F112** Sch. para. 12 renumbered as Sch. para. 12(1) (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **30(3)(g)(i)**

Changes to legislation: There are currently no known outstanding effects for the The Higher Education (Fee Limit Condition) (England) Regulations 2017, SCHEDULE. (See end of Document for details)

- F113** Words in Sch. para. 12(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), **30(3)(g)(ii)**
- F114** Words in Sch. para. 12(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), **30(3)(g)(iii)**
- F115** Sch. para. 12(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), **30(3)(g)(iv)**

[^{F116}12A. A person with protected rights who—

- (a) 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 the United Kingdom on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; 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, Gibraltar, the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).]

- F116** Sch. para. 12A inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(14)**

Children of Turkish Workers

13.—(1) A person who—

- (a) is the child of a Turkish worker;
 - (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
 - (c) has been ordinarily resident in the territory comprising [^{F117}the United Kingdom,] the European Economic Area, Switzerland, Turkey and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.
- (2) In sub-paragraph (1)(a), "Turkish worker" means a Turkish national who—
- (a) is ordinarily resident in the United Kingdom; and
 - (b) is, or has been, lawfully employed in the United Kingdom.

- F117** Words in Sch. para. 13(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), **30(3)(h)**

[^{F118}13A. 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—

Changes to legislation: There are currently no known outstanding effects for the *The Higher Education (Fee Limit Condition) (England) Regulations 2017, SCHEDULE*. (See end of Document for details)

- (i) was the child of T; and
- (ii) was ordinarily resident in the United Kingdom;
- (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (d) has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland, Turkey and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.]

F118 Sch. para. 13A inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **61(15)**

Long residence

- 14.—(1) A person who on the first day of the first academic year of the course—
- (a) is either—
 - (i) under the age of 18 and has lived in the United Kingdom throughout the seven-year period preceding the first day of the first academic year of the course; or
 - (ii) aged 18 years old or above and, preceding the first day of the first academic year of the course, has lived in the United Kingdom throughout either—
 - (aa) half their life; or
 - (bb) a period of twenty years;
 - (b) is ordinarily resident in the United Kingdom;
 - (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and
 - (d) 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 (2)(2).

Changes to legislation:

There are currently no known outstanding effects for the The Higher Education (Fee Limit Condition) (England) Regulations 2017, SCHEDULE.