

---

STATUTORY INSTRUMENTS

---

**2021 No. 929**

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

**PART 2**

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

**CHAPTER 2**

**Citizens' rights and residency criteria**

**Amendment to regulation 2**

- 3.** In regulation 2(1), in the definition of “person with protected rights”(1)—
- (a) the existing text after “means—” is numbered as paragraph (1) of the definition;
  - (b) in that paragraph as so numbered, omit the terminal “or” after sub-paragraph (a)(iii), and after sub-paragraph (a)(iv), insert—
    - “(v) otherwise has rights deemed to apply by virtue of any citizens’ rights deeming provisions; or”;
  - (c) after that paragraph as so numbered, insert—
    - “(2) In paragraph (1)(a)(v), “citizens’ rights deeming provisions” means—
      - (a) 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(2)); or
      - (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”.

**Amendment to regulation 4**

- 4.** In regulation 4(13B)(a)(i)(3), for “paragraph (a)(iii) or (iv)” substitute “paragraph (1)(a)(iii), (iv) or (v)”.

**Amendment to regulation 137**

- 5.** In regulation 137(11B)(a)(i)(4), for “paragraph (a)(iii) or (iv)” substitute “paragraph (1)(a)(iii), (iv) or (v)”.

---

(1) Definition inserted by [S.I. 2021/127](#).  
(2) [2020 c. 1](#).  
(3) Paragraph (13B) was inserted by [S.I. 2021/127](#).  
(4) Paragraph (11B) was inserted by [S.I. 2021/127](#).

### Amendment to regulation 159

6. In regulation 159(16B)(a)(i)(5), for “paragraph (a)(iii) or (iv)” substitute “paragraph (1)(a)(iii), (iv) or (v)”.

### Amendment to Schedule 1

7. In Schedule 1—

(a) in paragraph 2A(6)—

(i) in sub-paragraph (1)(a), for “on the first day of the first academic year of the course” substitute “on the day on which the first term of the first academic year actually begins”,

(ii) in sub-paragraph (1)(c), after “course” insert “and who has been ordinarily resident in the Republic of Ireland for least part of that period”, and move the terminal “and” to after sub-paragraph (1)(d),

(iii) after sub-paragraph (1)(d) insert—

“(e) who did not move to England from the Islands for the purpose of undertaking the current course, or a course which, disregarding any intervening vacation, the person undertook immediately before the current course.”;

(b) in paragraph 3(1)(a)(iv)—

(i) in paragraph (bb)(7), after “Regulations” insert “or otherwise has rights deemed to apply by virtue of any of the citizens’ rights provisions specified in paragraph (3)”,

(ii) in paragraph (cc), after “relevant period” insert “or otherwise has a deemed right of permanent residence by virtue of any of the citizens’ rights provisions specified in paragraph (3)”,

(iii) after sub-paragraph (2) insert—

“(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.”;

(c) in paragraph 9C(1)(8), move the terminal “and” after sub-paragraph (c) to after sub-paragraph (d), and after that sub-paragraph insert—

“(e) who did not move to England from the Islands for the purpose of undertaking the current course or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the current course.”.

---

(5) Paragraph (16B) was inserted by [S.I. 2021/127](#).

(6) Paragraph 2A was inserted by the [S.I. 2021/127](#).

(7) Paragraph 3(1)(a) was substituted by [S.I. 2021/127](#).

(8) Paragraph 9C was inserted by [S.I. 2021/127](#).