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STATUTORY INSTRUMENTS

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**2021 No. 929**

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

**PART 3**

Corresponding amendments to other regulations

CHAPTER 1

Amendment of the Education (Fees and Awards) (England) Regulations 2007

*SECTION 3*

*Irish citizens in the EEA and Switzerland*

**Eligibility of Irish citizens in the EEA and Switzerland**

**11.—(1)** In regulation 4—

- (a) in paragraph (1)(a), after “9B,” insert “9BA,”;
- (b) in paragraph (1B), for “8A and 9B” substitute “8A, 9B and 9BA”.

**(2)** In regulation 5—

- (a) in paragraph (1)(b), after “9B,” insert “9BA,”;
- (b) in paragraph (2) for “8A and 9B” substitute “8A, 9B and 9BA”.

**(3)** In regulation 6—

- (a) in paragraph (1)(b)(i), after “9B,” insert “9BA,”;
- (b) in paragraph (1C) for “8A and 9B” substitute “8A, 9B and 9BA,”;
- (c) in sub-paragraph (3), after “paragraph 9B,” insert “paragraph 9BA,”.

**(4)** In regulation 7—

- (a) in paragraphs (1) and (2), after “9B,” insert “9BA,”;
- (b) in paragraph (3) for “8A and 9B” substitute “8A, 9B and 9BA,”.

**(5)** In regulation 8—

- (a) in paragraphs (1)(a) and (2)(a), after “9B,” insert “9BA,”;
- (b) in paragraph (4) for “8A and 9B” substitute “8A, 9B and 9BA”.

**(6)** In regulation 9—

- (a) in paragraphs (1)(a) and (2)(a), after “9B,” insert “9BA,”;
- (b) in paragraph (4) for “8A and 9B” substitute “8A, 9B and 9BA”.

**(7)** In regulation 9A—

- (a) in paragraphs (1) and (2), after “9B,” insert “9BA,”;

(b) in paragraph (4) for “8A and 9B” substitute “8A, 9B and 9BA”.

(8) In Schedule 1—

(a) after paragraph 9B insert—

“**9BA.**—(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 regulation 2(4).

(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.”.