
WELSH STATUTORY INSTRUMENTS

2021 No. 1365

The Education (Student Fees, Awards and Support) (Amendment) (Wales) Regulations 2021

PART 2

AMENDMENTS TO THE EDUCATION (FEES AND AWARDS) (WALES) REGULATIONS 2007

CHAPTER 3

Eligibility of Irish citizens in the EEA and Switzerland

Amendments to regulations 4 to 8

- 4.** In regulation 4—
 - (a) in paragraph (1)(a), after “9B,” insert “9BA,”;
 - (b) in paragraph (1B), for “paragraphs 8A and 9B” substitute “paragraphs 8A, 9B and 9BA”.
- 5.** In regulation 5—
 - (a) in paragraphs (1)(b)(i) and (c)(i), in each case after “9B,” insert “9BA,”;
 - (b) in paragraph (4), for “paragraphs 8A and 9B” substitute “paragraphs 8A, 9B and 9BA”.
- 6.** In regulation 6—
 - (a) in paragraphs (2)(a) and (3)(a), in each case after “9B,” insert “9BA,”;
 - (b) in paragraph (5), for “paragraphs 8A and 9B” substitute “paragraphs 8A, 9B and 9BA”.
- 7.** In regulation 7—
 - (a) in paragraphs (2)(a) and (3)(a), in each case after “9B,” insert “9BA,”;
 - (b) in paragraph (5), for “paragraphs 8A and 9B” substitute “paragraphs 8A, 9B and 9BA”.
- 8.** In regulation 8—
 - (a) in paragraphs (1)(a) and (2)(a), in each case after “9B,” insert “9BA,”;
 - (b) in paragraph (4), for “paragraph 8A and 9B” substitute “paragraphs 8A, 9B and 9BA”.

Amendments to Schedule 1

- 9.** In Schedule 1, after paragraph 9B insert—

“Irish citizens in the EEA and Switzerland

- 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 31 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.”