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WELSH STATUTORY INSTRUMENTS

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**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 2**

**Citizens' rights and residency criteria**

**Amendments to Schedule 1**

**3. In Schedule 1—**

- (a) in paragraph 1, in the definition of “person with protected rights”—
  - (i) the existing text after “means—” is numbered as paragraph (1) of that definition;
  - (ii) in that paragraph as so numbered, omit the terminal “or” at the end of 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”
  - (iii) 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(1)); or
      - (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”
- (b) in paragraph 2A(1)(a) and (b), for “on the first day of the first academic year of the course” in each case substitute “on the day on which the first term of the first academic year actually begins”;
- (c) in paragraph 3(1)(a)(iv)—
  - (i) in paragraph (bb), 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 sub-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.”