

SCHEDULE 1

ELIGIBLE STUDENTS

PART 2

Categories

Persons who are settled in the United Kingdom

[^{F1}2.—(1) A person—

- (a) who on the first day of the first academic year of the course—
 - (i) [^{F2}is settled in the United Kingdom and does not fall within paragraph 3;]
 - (ii) is ordinarily resident in England; and
 - (iii) 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
- (b) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in sub-paragraph (a)(iii) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (b) 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 1(5).]

Textual Amendments

- F1** Sch. 1 para. 2 substituted (12.6.2017) by [The Education \(Postgraduate Masters Degree Loans\) \(Amendment\) Regulations 2017 \(S.I. 2017/594\)](#), regs. 1(1), **2(7)(a)**
- F2** Sch. 1 para. 2(1)(a)(i) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **57(3)**

[^{F3}2A.—(1) A person—

- (a) who is settled in the United Kingdom [^{F4}on [^{F5}the course start date]] and does not fall within paragraph 3;
- (b) who is attending or undertaking a designated course in England;
- (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 [^{F6}and who has been ordinarily resident in the Republic of Ireland for least part of that period]; ^{F6}...
- (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 period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education; [^{F6}and]

[who did not move to England from the Islands for the purpose of undertaking the ^{F7}(e) designated course or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated course.]

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(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 1(5).]

Textual Amendments	
F3	Sch. 1 para. 2A inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), 57(4)
F4	Words in Sch. 1 para. 2A(1)(a) substituted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), 25(a)(i)
F5	Words in Sch. 1 para. 2A(1)(a) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, 85(a)
F6	Words in Sch. 1 para. 2A(1)(c) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), 25(a)(ii)
F7	Sch. 1 para. 2A(e) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), 25(a)(iii)

3.—^{F8}(1) A person who—

^{F9}(a) meets one of the following conditions—

- (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;

^{F10}(iii)

- (iv) 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 ^{F11}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 ^{F12}or otherwise has a deemed right of permanent residence by virtue of any of the citizens’ rights provisions specified in paragraph (3)]; or
- (v) 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 England on the first day of the first academic year of the course;

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- (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 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 [^{F13}the United Kingdom, ^{F14}...,] the European Economic Area [^{F15}, Switzerland and the overseas territories] immediately before the period of ordinary residence referred to in paragraph (c).

[^{F16}(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 ^{F17}....]

[^{F18}(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.]

Textual Amendments

- F8** Sch. 1 para. 3 renumbered as Sch. 1 para. 3(1) (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **57(5)(a)**
- F9** Sch. 1 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), **57(5)(b)**
- F10** Sch. 1 para. 3(1)(a)(iii) omitted (with application in accordance with reg. 1(3)(e) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **44(3)**
- F11** Words in Sch. 1 para. 3(1)(a)(iv)(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), **25(b)(i)**
- F12** Words in Sch. 1 para. 3(1)(a)(iv)(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), **25(b)(ii)**
- F13** Words in Sch. 1 para. 3(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), **27(3)(a)(ii)**
- F14** Word in Sch. 1 para. 3(1)(d) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **45(3)(d)(i)**
- F15** Words in Sch. 1 para. 3(1)(d) substituted (with application in accordance with reg. 1(3)(d) 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), **45(3)(d)(ii)**
- F16** Sch. 1 para. 3(2) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **57(5)(c)**
- F17** Words in Sch. 1 para. 3(2) omitted (16.2.2023) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **87(a)**
- F18** Sch. 1 para. 3(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), **25(b)(iii)**

Refugees and their family members

4.—(1) A person who—

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- (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; and
 - (c) is ordinarily resident in England on [^{F19}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 made the application for asylum;
 - (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 England on [^{F20}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 made the application 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 on the date on which the refugee made the application for asylum;
 - (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 England on [^{F21}the course start date].

Textual Amendments

- F19** Words in Sch. 1 para. 4(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. 90(2)(a)
- F20** Words in Sch. 1 para. 4(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. 90(2)(b)
- F21** Words in Sch. 1 para. 4(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. 90(2)(c)

^{F22}Persons granted stateless leave and their family members

Textual Amendments

- F22** Sch. 1 para. 4A inserted (with application in accordance with reg. 1(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), 14(3)

4A.—^{F23}(1) A person granted stateless leave, who is ordinarily resident in England on [^{F24}the course start date].]

- (2) A person—
- (a) who—

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- (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 a person granted stateless leave;
- [^{F25}(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 England on [^{F26}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 a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave;
 - (b) was under 18 on the leave application date;
 - [^{F27}(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 England on [^{F28}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 ^{F29}....]

Textual Amendments

- F23** Sch. 1 para. 4A(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), **22(2)(a)**
- F24** Words in Sch. 1 para. 4A(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. 90(3)(a)**
- F25** Sch. 1 para. 4A(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), **22(2)(b)**
- F26** Words in Sch. 1 para. 4A(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. 90(3)(b)**
- F27** Sch. 1 para. 4A(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), **22(2)(c)**
- F28** Words in Sch. 1 para. 4A(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. 90(3)(c)**
- F29** Words in Sch. 1 para. 4A(4) omitted (16.2.2023) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), regs. 1, **87(b)**

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[^{F30}Persons granted section 67 leave

Textual Amendments

F30 Sch. 1 para. 4B 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), **22(2)(d)**

4B. A person granted section 67 leave, who is ordinarily resident in England on [^{F31}the course start date].]

Textual Amendments

F31 Words in [Sch. 1 para. 4B](#) 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. 90(4)**

[^{F32}Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse

Textual Amendments

F32 Sch. 1 para. 4C 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(5)(c)**

4C. A person—

- (a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—
 - (i) paragraph 289B (victims of domestic violence);
 - (ii) paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse); or
 - (iii) paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces);
- (b) who has been ordinarily resident in the United Kingdom and the Islands since the person was granted such leave; and
- (c) who is ordinarily resident in the United Kingdom on [^{F33}the course start date].]

Textual Amendments

F33 Words in [Sch. 1 para. 4C\(c\)](#) 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. 90(5)**

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[^{F34}Persons granted Calais leave

Textual Amendments

F34 Sch. 1 para. 4D 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), **22(3)**

4D. A person granted Calais leave, who is ordinarily resident in England on [^{F35}the course start date].]

Textual Amendments

F35 Words in Sch. 1 para. 4D 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. **90(6)**

[^{F36}Persons granted indefinite leave to remain as a bereaved partner

Textual Amendments

F36 Sch. 1 para. 4E 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), **15(4)**

4E. A person granted indefinite leave to remain as a bereaved partner, who is ordinarily resident in England on [^{F37}the course start date].]

Textual Amendments

F37 Words in Sch. 1 para. 4E 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. **90(7)**

Persons granted humanitarian protection and their family members

5.—[^{F38}(1) A person granted humanitarian protection, who is ordinarily resident in England on [^{F39}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”);

[^{F40}(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 England on [^{F41}the course start date].]

(3) A person who—

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- (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 on the asylum application date;
- [^{F42}(d) 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
- (e) who is ordinarily resident in England on [^{F43}the course start date].]

Textual Amendments

- F38** Sch. 1 para. 5(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), **22(4)(a)**
- F39** Words in Sch. 1 para. 5(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. 90(8)(a)**
- F40** Sch. 1 para. 5(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), **22(4)(b)**
- F41** Words in Sch. 1 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. 90(8)(b)**
- F42** Sch. 1 para. 5(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), **22(4)(c)**
- F43** Words in Sch. 1 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. 90(8)(c)**

[^{F44}Persons granted leave under one of the Afghan Schemes and their family members]

5A.—[^{F45}(1)] A person granted leave under [^{F46}one of the Afghan Schemes] who is ordinarily resident in England on the first day of [^{F47}the course start date].

[^{F48}(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 England 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—

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- (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 England 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.]

Textual Amendments

- F44** Sch. 1 para. 5A 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. 95(a)(i)
- F45** Sch. 1 para. 5A renumbered as Sch. 1 para. 5A(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. 95(a)(ii)
- F46** Words in Sch. 1 para. 5A substituted (15.2.2022) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2022 (S.I. 2022/57), regs. 1(1), 23(3) (with reg. 1(3))
- F47** Words in Sch. 1 para. 5A 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. 90(9)
- F48** Sch. 1 para. 5A(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. 95(a)(iii)

[^{F49} Evacuated or assisted British nationals from Afghanistan

5B. An evacuated or assisted British national from Afghanistan who is ordinarily resident in England on [^{F50}the course start date].]

Textual Amendments

- F49** Sch. 1 para. 5B inserted (with application in accordance with reg. 1(3)(e) 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), 15(2)(b)
- F50** Words in Sch. 1 para. 5B 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. 90(10)

[^{F51} Persons granted leave under one of the Ukraine Schemes and their family members

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

- (2) A person who—

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- (a) is the spouse or the 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 England 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 England 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.]

Textual Amendments

F51 Sch. 1 para. 5C 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. 95(b)

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

- 6.—(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) subject to sub-paragraph (2), is ordinarily resident in England on the first day of the first academic year of the course; and
 - (c) has been ordinarily resident in the territory comprising [^{F52}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course.

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(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).

Textual Amendments

F52 Words in Sch. 1 para. 6(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), **27(3)(b)**

^{F53}**6A.**—(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 England 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, ^{F54} ..., the European Economic Area [^{F55} 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 (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.]

Textual Amendments

F53 Sch. 1 para. 6A inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **57(6)**

F54 Word in Sch. 1 para. 6A(1)(c) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **45(3)(e)(i)**

F55 Words in Sch. 1 para. 6A(1)(c) substituted (with application in accordance with reg. 1(3)(d) 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), **45(3)(e)(ii)**

7.—^{F56}(1) A person who—

- (a) is ordinarily resident in England on the first day of the first academic year of the course;
- (b) has been ordinarily resident in the territory comprising [^{F57}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland 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 on the freedom of movement of workers ^{M1}, as extended by the EEA Agreement.

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[^{F58}(2) Any description of person who would have been eligible under this paragraph immediately before IP completion day is to be eligible on and after IP completion day.]

Textual Amendments

- F56** Sch. 1 para. 7(a)-(c) renumbered as Sch. 1 para. 7(1)(a)-(c) (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), [27\(3\)\(c\)\(i\)](#)
- F57** Words in Sch. 1 para. 7(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), [27\(3\)\(c\)\(ii\)](#)
- F58** Sch. 1 para. 7(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), [27\(3\)\(c\)\(iii\)](#)

Marginal Citations

- M1** OJ No L257, 19.10.1968, p2 (OJ/SE 1968 (II) p475).

[^{F59}7A.—(1) A person with protected rights who—

- (a) is ordinarily resident in England on the first day of the first academic year of the course;
 - (b) has been ordinarily resident in the territory comprising the United Kingdom, ^{F60}..., the European Economic Area [^{F61}, 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.]

Textual Amendments

- F59** Sch. 1 para. 7A inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), [57\(7\)](#)
- F60** Word in Sch. 1 para. 7A(1)(b) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), [45\(3\)\(f\)\(i\)](#)
- F61** Words in Sch. 1 para. 7A(1)(b) substituted (with application in accordance with reg. 1(3)(d) 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), [45\(3\)\(f\)\(ii\)](#)

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

8.—(1) A person who—

- (a) is settled in the United Kingdom;

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- (b) was ordinarily resident in England and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence [^{F62}before IP completion day];
- (c) is ordinarily resident in the United Kingdom on [^{F63}the course start date];
- (d) has been ordinarily resident in the territory comprising [^{F64}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (e) in a case where the person's ordinary residence referred to in paragraph (d) was wholly or mainly for the purposes of receiving full-time education, was ordinarily resident in the territory comprising [^{F64}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).

(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 [^{F65}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 [^{F65}had the right] of permanent residence, if the person [^{F66}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.

[^{F67}(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.]

Textual Amendments

- F62** Words in Sch. 1 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), **27(3)(d)(i)**
- F63** Words in Sch. 1 para. 8(1)(c) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **85(b)**
- F64** Words in Sch. 1 para. 8(1)(d)(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), **27(3)(d)(ii)**
- F65** Words in Sch. 1 para. 8(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), **27(3)(d)(iii)(aa)**
- F66** Words in Sch. 1 para. 8(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), **27(3)(d)(iii)(bb)**
- F67** Sch. 1 para. 8(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), **27(3)(d)(iv)**

[^{F68}**8A.**—(1) A person who—

- (a) is settled in the United Kingdom;
- (b) was ordinarily resident in England 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 Gibraltar, the European Economic Area and Switzerland;
 - or

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(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 Gibraltar, the European Economic Area and Switzerland,

and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland 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 [^{F69}the course start date];
- (e) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland 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.]

Textual Amendments

- F68** Sch. 1 para. 8A inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **57(8)**
- F69** Words in Sch. 1 para. 8A(1)(d) substituted (16.2.2023) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), regs. 1, **85(e)**

EU nationals [^{F70}etc.]

Textual Amendments

- F70** Word in Sch. 1 para. 9 cross-heading inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **57(9)**

9.—(1) A person who—

(a) is either—

- (i) an EU national on the first day of the first academic year of the course; or
- (ii) a family member of a such a person;

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- (b) is attending or undertaking a designated course in England;
- (c) has been ordinarily resident in the territory comprising [^{F71}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland 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 [^{F72}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland 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 territory comprising [^{F73}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland in accordance with paragraph [^{F74}1(5)].

(3) Where a state accedes to the EU after the first day of the first academic year of the course and a person is a national of that state or the family member of a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EU national on the first day of the first academic year of the course is treated as being satisfied.

[^{F75}(4) Any description of person who would have been eligible under this paragraph immediately before IP completion day is to be eligible on and after IP completion day.]

Textual Amendments

- F71** Words in Sch. 1 para. 9(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), **27(3)(e)(i)**
- F72** Words in Sch. 1 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), **27(3)(e)(i)**
- F73** Words in Sch. 1 para. 9(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), **27(3)(e)(i)**
- F74** Word in Sch. 1 para. 9(2) substituted (12.6.2017) by The Education (Postgraduate Masters Degree Loans) (Amendment) Regulations 2017 (S.I. 2017/594), regs. 1(1), **2(7)(b)**
- F75** Sch. 1 para. 9(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), **27(3)(e)(ii)**

[^{F76}9A.—(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 attending or undertaking a designated course in England;
- (c) who has been ordinarily resident in the territory comprising the United Kingdom, ^{F77}..., the European Economic Area [^{F78}, 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 (2), whose ordinary residence in the territory comprising the United Kingdom, ^{F79}..., the European Economic Area [^{F80}, 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.

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(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,^{F81} ..., the European Economic Area [^{F82}, Switzerland and the overseas territories] in accordance with paragraph 1(5).

Textual Amendments

- F76** Sch. 1 paras. 9A-9D inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **57(10)**
- F77** Word in Sch. 1 para. 9A(1)(c) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **45(3)(g)(i)(aa)**
- F78** Words in Sch. 1 para. 9A(1)(c) substituted (with application in accordance with reg. 1(3)(d) 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), **45(3)(g)(i)(bb)**
- F79** Word in Sch. 1 para. 9A(1)(d) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **45(3)(g)(ii)(aa)**
- F80** Words in Sch. 1 para. 9A(1)(d) substituted (with application in accordance with reg. 1(3)(d) 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), **45(3)(g)(ii)(bb)**
- F81** Word in Sch. 1 para. 9A(2) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **45(3)(h)(i)**
- F82** Words in Sch. 1 para. 9A(2) substituted (with application in accordance with reg. 1(3)(d) 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), **45(3)(h)(ii)**

United Kingdom nationals

9B.—(1) A person—

- (a) who is—
- (i) a United Kingdom national 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);
- (b) who was ordinarily resident immediately before IP completion day—
- (i) in the territory comprising the European Economic Area and Switzerland; 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 and Switzerland,
- and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland 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 attending or undertaking a designated course in England;
- (d) who has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland 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, Gibraltar, the European Economic Area and Switzerland has not during

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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, Gibraltar, the European Economic Area and Switzerland in accordance with paragraph 1(5).

(3) 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).

Textual Amendments

F76 Sch. 1 paras. 9A-9D inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **57(10)**

^{F83}**9BA.**—(1) A person—

- (a) who is an Irish citizen on the first day of the first academic year of the course;
- (b) who was ordinarily resident immediately before IP completion day—
 - (i) in the territory comprising the European Economic Area and Switzerland; 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 and Switzerland,and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland 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 attending or undertaking a designated course in England;
- (d) who has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland 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, Gibraltar, the European Economic Area and Switzerland 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, Gibraltar, the European Economic Area and Switzerland in accordance with paragraph 1(5).]

Textual Amendments

F76 Sch. 1 paras. 9A-9D inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **57(10)**

F83 Sch. 1 para. 9BA inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **26(2)**

^{F84}**9BB.**—(1) A person—

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- (a) who is settled in the United Kingdom on the first day of the first academic year of the course;
- (b) who is attending or undertaking a designated course in England;
- (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;
- (e) who did not move to England from the Islands for the purpose of undertaking the designated course or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated course; and
- (f) 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 (f) 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 1(5).]

Textual Amendments

- F76** Sch. 1 paras. 9A-9D inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **57(10)**
- F84** Sch. 1 para. 9BB inserted (with application in accordance with reg. 1(3)(d) 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), **45(3)(i)**

9C.—(1) A person—

- (a) who is a family member of a person who is [^{F85}settled in the United Kingdom] on the first day of the first academic year of the course;
 - (b) who is attending or undertaking a designated course in England;
 - (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; ^{F86}...
 - (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, [^{F86}and]
- [who did not move to England from the Islands for the purpose of undertaking the ^{F86}(e) designated course or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated course.]

(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 1(5).

Textual Amendments

- F76** Sch. 1 paras. 9A-9D inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **57(10)**

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- F85** Words in Sch. 1 para. 9C(1)(a) substituted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **46**
- F86** Sch. 1 para. 9C(1)(e) inserted and terminal word "and" moved to para. 9C(1)(d) (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **25(c)**

Textual Amendments

- F76** Sch. 1 paras. 9A-9D inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **57(10)**
- F83** Sch. 1 para. 9BA inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **26(2)**
- F84** Sch. 1 para. 9BB inserted (with application in accordance with reg. 1(3)(d) 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), **45(3)(i)**
- F85** Words in Sch. 1 para. 9C(1)(a) substituted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **46**
- F86** Sch. 1 para. 9C(1)(e) inserted and terminal word "and" moved to para. 9C(1)(d) (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **25(c)**

Persons resident in Gibraltar

- [^{F87}**9D**].—(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;
 - (b) who is attending or undertaking a designated course in England;
 - (c) who has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland 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, Gibraltar, the European Economic Area and Switzerland 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) A person—
- (a) who is—
 - (i) an EU national who has a right of residence in Gibraltar arising under the EU withdrawal agreement; or
 - (ii) 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 attending or undertaking a designated course in England;
 - (c) 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

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- (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.

(3) Paragraph (d) of sub-paragraphs (1) and (2) does not apply to a person treated as being ordinarily resident in the territory referred to in paragraph (c) of those sub-paragraphs in accordance with paragraph 1(5).]]

Textual Amendments

- F76** Sch. 1 paras. 9A-9D inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **57(10)**
- F87** Sch. 1 para. 9D substituted (with application in accordance with reg. 1(3)(d) 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), **45(3)(j)**

[^{F88}EU nationals ordinarily resident in the United Kingdom and Islands]

10.—(1) A person who—

- (a) is an EU national ^{F89}... on the first day of the first academic year of the course;
- (b) is ordinarily resident in England 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 higher education, was ordinarily resident in the territory comprising [^{F90}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).

(2) Where a state accedes to the EU 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) to be an EU national ^{F91}... on the first day of the first academic year of the course is treated as being satisfied.

Textual Amendments

- F88** Sch. 1 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), **57(11)**
- F89** Words in Sch. 1 para. 10(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), **27(3)(f)(i)**
- F90** Words in Sch. 1 para. 10(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), **27(3)(f)(ii)**
- F91** Words in Sch. 1 para. 10(2) 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), **27(3)(f)(i)**

[^{F92}**10A.** 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 England 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

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- (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, ^{F93}..., the European Economic Area [^{F94}, Switzerland and the overseas territories] immediately prior to the period of ordinary residence referred to in paragraph (c).]

Textual Amendments

- F92** Sch. 1 para. 10A inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **57(12)**
- F93** Word in Sch. 1 para. 10A(d) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **45(3)(k)(i)**
- F94** Words in Sch. 1 para. 10A(d) substituted (with application in accordance with reg. 1(3)(d) 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), **45(3)(k)(ii)**

Children of Swiss nationals

11.—^{F95}(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 England on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the territory comprising [^{F96}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland 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 [^{F97}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

^{F98}(2) Any description of person who would have been eligible under this paragraph immediately before IP completion day is to be eligible on and after IP completion day.]

Textual Amendments

- F95** Sch. 1 para. 11(a)-(d) renumbered as Sch. 1 para. 11(1)(a)-(d) (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **27(3)(g)(i)**
- F96** Words in Sch. 1 para. 11(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), **27(3)(g)(ii)**
- F97** Words in Sch. 1 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), **27(3)(g)(ii)**
- F98** Sch. 1 para. 11(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), **27(3)(g)(iii)**

^{F99}11A. A person with protected rights who—

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- (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 England on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the territory comprising the United Kingdom, ^{F100}..., the European Economic Area [^{F101}, 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).]

Textual Amendments

- F99** Sch. 1 para. 11A inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **57(13)**
- F100** Word in Sch. 1 para. 11A(c) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **45(3)(i)**
- F101** Words in Sch. 1 para. 11A(c) substituted (with application in accordance with reg. 1(3)(d) 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), **45(3)(ii)**

Children of Turkish workers

12. A person who—

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in England on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising [^{F102}the United Kingdom, Gibraltar,] the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.

Textual Amendments

- F102** Words in Sch. 1 para. 12(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), **27(3)(h)**

^{F103}12A. 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—
 - (i) was the child of T; and
 - (ii) was ordinarily resident in the United Kingdom;
- (c) is ordinarily resident in England on the first day of the first academic year of the course; and

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- (d) has been ordinarily resident in the territory comprising the United Kingdom, ^{F104} ..., the European Economic Area, Switzerland [^{F105}, Turkey and the overseas territories] throughout the three-year period preceding the first day of the first academic year of the course.]

Textual Amendments

- F103** Sch. 1 para. 12A inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **57(14)**
- F104** Word in Sch. 1 para. 12A(d) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **45(3)(m)(i)**
- F105** Words in Sch. 1 para. 12A(d) substituted (with application in accordance with reg. 1(3)(d) 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), **45(3)(m)(ii)**

Long Residence

[^{F106}13.—(1) A person—

- (a) who on the first day of the first academic year of the course either—
- (i) is 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) is aged 18 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) who is ordinarily resident in England [^{F107}on the first day of the first academic year of the course];
- (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 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 1(5).]

Textual Amendments

- F106** Sch. 1 para. 13 substituted (12.6.2017) by The Education (Postgraduate Masters Degree Loans) (Amendment) Regulations 2017 (S.I. 2017/594), regs. 1(1), **2(7)(c)**
- F107** Words in Sch. 1 para. 13(1)(b) inserted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **43**

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 1 para. 4C heading words inserted by [S.I. 2024/85 reg. 34\(2\)\(a\)](#)
- Sch. 1 para. 4E heading words inserted by [S.I. 2024/85 reg. 34\(2\)\(d\)](#)
- Sch. 1 para. 4C heading words substituted by [S.I. 2024/85 reg. 31\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 11(1)(a)-(d) Sch. 1 para. 11(a)-(d) renumbered as Sch. 1 para. 11(1)(a)-(d) by [S.I. 2019/139 reg. 22\(3\)\(d\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Amending Regulations revoked immediately before IP completion day by S.I. 2020/1181, regs. 1(2), 2)
- Sch. 1 para. 4C(1) Sch. 1 para. 4C renumbered as Sch. 1 para. 4C(1) by [S.I. 2024/85 reg. 34\(2\)\(b\)](#)
- Sch. 1 para. 4E(1) Sch. 1 para. 4E renumbered as Sch. 1 para. 4E(1) by [S.I. 2024/85 reg. 34\(2\)\(e\)](#)
- Sch. 1 para. 9(4) inserted by [S.I. 2019/139 reg. 22\(3\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Amending Regulations revoked immediately before IP completion day by S.I. 2020/1181, regs. 1(2), 2)
- Sch. 1 para. 11(2) inserted by [S.I. 2019/139 reg. 22\(3\)\(d\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Amending Regulations revoked immediately before IP completion day by S.I. 2020/1181, regs. 1(2), 2)
- Sch. 1 para. 4C(2)(3) inserted by [S.I. 2024/85 reg. 34\(2\)\(c\)](#)
- Sch. 1 para. 4E(2)(3) inserted by [S.I. 2024/85 reg. 34\(2\)\(f\)](#)
- Sch. 1 para. 9BB(1)(a)(ii) and word inserted by [S.I. 2024/85 reg. 37\(a\)\(iii\)](#)
- Sch. 1 para. 9BB(3)(4) inserted by [S.I. 2024/85 reg. 37\(b\)](#)
- Sch. 1 para. 9BB(1)(a)(i) words in Sch. 1 para. 9BB(1)(a) renumbered as Sch. 1 para. 9BB(1)(a)(i) by [S.I. 2024/85 reg. 37\(a\)\(ii\)](#)
- Sch. 1 para. 11(1)(c) words inserted by [S.I. 2019/139 reg. 22\(3\)\(d\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Amending Regulations revoked immediately before IP completion day by S.I. 2020/1181, regs. 1(2), 2)
- Sch. 1 para. 11(1)(d) words inserted by [S.I. 2019/139 reg. 22\(3\)\(d\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Amending Regulations revoked immediately before IP completion day by S.I. 2020/1181, regs. 1(2), 2)
- Sch. 1 para. 9BB(1)(a)(i) words omitted by [S.I. 2024/85 reg. 35\(2\)\(a\)](#)
- reg. 3(8A)(b)(i)-(iii) and words substituted for words in reg. 3(8A)(b) by [S.I. 2024/85 reg. 33\(a\)](#)
- reg. 3(8E)(b)(i)-(iii) and words substituted for words in reg. 3(8E)(b) by [S.I. 2024/85 reg. 33\(d\)](#)
- reg. 3(8I) inserted by [S.I. 2024/85 reg. 33\(h\)](#)
- reg. 7(2)(ba)(bb) inserted by [S.I. 2024/85 reg. 35\(1\)\(a\)](#)
- reg. 7(2)(da) inserted by [S.I. 2024/85 reg. 35\(1\)\(b\)](#)