

## SCHEDULE 2

[<sup>F1</sup>Regulations 5, 105, 122, 139 and 149]

### ELIGIBLE STUDENTS

#### Textual Amendments

- F1** Sch. 2 shoulder note substituted (with application in accordance with reg. 1(4) of the amending Rule) by The Education (Student Support (No.2), etc.) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/35), regs. 1(3), 16

## PART 1

### Interpretation

1.—(1) For the purposes of this Schedule—

[<sup>F2</sup>“EEA EFTA separation agreement” has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;]

“EEA frontier self-employed person” means an EEA national who—

- (a) is a self-employed person in Northern Ireland; and
- (b) resides in Switzerland or the territory of an EEA State <sup>F3</sup> ... and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“EEA frontier worker” means an EEA national who—

- (a) is a worker in Northern Ireland; and
- (b) resides in Switzerland or the territory of an EEA State <sup>F3</sup> ... and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“EEA migrant worker” means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

“EEA national” means a national of an EEA State <sup>F3</sup>...;

“EEA self-employed person” means an EEA national who is a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

“employed person” means an employed person within the meaning of Annex 1 to the Swiss Agreement;

“European Economic Area” means the area comprised by the EEA States;

“family member” unless otherwise indicated, means—

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person or an EEA self-employed person—
  - (i) that person’s spouse or civil partner;
  - (ii) [<sup>F4</sup>direct descendants of the person or of the person’s spouse or civil partner who are—
    - (aa) under the age of 21; or
    - (bb) dependants of the person or the person’s spouse or civil partner; or]

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- (iii) dependent direct relatives in the ascending line of that person or that of the person's spouse or civil partner;
- (b) in relation to a Swiss employed person, a Swiss frontier employed person, a Swiss frontier self-employed person or a Swiss self-employed person—
  - (i) that person's spouse or civil partner; or
  - (ii) that person's child or the child of that person's spouse or civil partner;
- (c) in relation to an EC national who falls within the meaning of article 7(1)(c) of Directive 2004/38—
  - (i) that person's spouse or civil partner; or
  - (ii) direct descendants of the person or of the person's spouse or civil partner who are—
    - (aa) under the age of 21; or
    - (bb) dependants of the person or the person's spouse or civil partner;
- (d) in relation to an EC national who falls within the meaning of article 7(1)(b) of Directive 2004/38—
  - (i) that person's spouse or civil partner;
  - (ii) direct descendants of the person or of the person's spouse or civil partner who are—
    - (aa) under the age of 21; or
    - (bb) dependents of the person or the person's spouse or civil partner; or
  - (iii) dependent direct relatives in the person's ascending line or that of the person's spouse or civil partner;
- (e) in relation to a United Kingdom national, for the purposes of paragraph 9—
  - (i) the person's spouse or civil partner; or
  - (ii) direct descendants of the person or the person's spouse or civil partner who are—
    - (aa) under the age of 21; or
    - (bb) dependants of the person or the person's spouse or civil partner;

[<sup>F2</sup>“residence scheme immigration rules” has the meaning given by section 17(1) of the European Union (Withdrawal Agreement) Act 2020;]

[<sup>F2</sup>“right of permanent residence”, unless otherwise indicated, means, in relation to a person (“A”), a right to reside in the United Kingdom permanently without restriction which arises under residence scheme immigration rules, but only where, had the facts pertaining to the determination of A's right to reside fallen to be considered immediately before IP completion day, A would have acquired such right under Directive 2004/38 as it had effect immediately before IP completion day;]

“self-employed person” means—

- (a) in relation to an EEA national, a person who is self-employed within the meaning of article 7 of Directive 2004/38 or the EEA Agreement, as the case may be; or
- (b) in relation to a Swiss national, a person who is a self-employed person within the meaning of Annex 1 to the Swiss Agreement;

“settled” has the meaning given by section 33(2A) of the Immigration Act 1971(1);

“Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of

(1) 1971 c. 77; section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c. 61)

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Persons signed at Luxembourg on 21st June 1999<sup>(2)</sup> and which came into force on 1st June 2002;

[<sup>F2</sup>“Swiss citizens’ rights agreement” has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;]

“Swiss employed person” means a Swiss national who is an employed person, other than a Swiss frontier employed person, in the United Kingdom;

“Swiss frontier employed person” means a Swiss national who—

- (a) is an employed person in Northern Ireland; and
- (b) resides in Switzerland or in the territory of an EEA State<sup>F3</sup>... and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“Swiss frontier self-employed person” means a Swiss national who—

- (a) is a self-employed person in Northern Ireland; and
- (b) resides in Switzerland or in the territory of an EEA State<sup>F5</sup>... and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“Swiss self-employed person” means a Swiss national who is a self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom

“worker” means a worker within the meaning of article 7 of Directive 2004/38 or the EEA Agreement as the case may be.

[<sup>F6</sup>(2) For the purposes of this Schedule, “parent” [<sup>F7</sup>means a parent, guardian or] and any other person having parental responsibility and “child” is to be construed accordingly.]

[<sup>F8</sup>(2A) For the purposes of this Schedule, a person is not to be treated as ordinarily resident in a place unless that person lawfully resides in that place.]

(3) For the purposes of this Schedule, a person who is ordinarily resident in Northern Ireland, England, Wales, Scotland or the Islands, as a result of having moved from another of those areas for the purpose of undertaking—

- (a) the current course; or
- (b) a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the current course,

is to be considered to be ordinarily resident in the place from which the person moved.

(4) For the purposes of this Schedule, a person (“A”) is to be treated as ordinarily resident in Northern Ireland, the United Kingdom and Islands, the territory comprising [<sup>F9</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland or the territory comprising [<sup>F9</sup>the United Kingdom, Gibraltar,] the European Economic Area, Switzerland and Turkey if A would have been so resident but for the fact that—

- (a) A;
- (b) A’s spouse or civil partner;
- (c) A’s parent; or
- (d) in the case of a dependent direct relative in the ascending line, A’s child or child’s spouse or civil partner,

is or was temporarily employed outside the area in question.

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(2) Cm. 4904

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(5) For the purposes of sub-paragraph (4), temporary employment outside of Northern Ireland, the United Kingdom and Islands, the territory comprising [<sup>F10</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland or the territory comprising [<sup>F10</sup>the United Kingdom, Gibraltar,] the European Economic Area, Switzerland and Turkey includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces; and
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside of the territory comprising [<sup>F10</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland as members of such forces; and
- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising [<sup>F10</sup>the United Kingdom, Gibraltar,] the European Economic Area, Switzerland and Turkey as members of such forces.

(6) For the purposes of this Schedule an area [<sup>F11</sup>other than the United Kingdom or Gibraltar] which —

- (a) was previously not part of the European Community or the European Economic Area; but
- (b) at any time before or after these Regulations come into operation has become part of one or other or both of these areas,

is to be considered to have always been a part of the European Economic Area.

#### Textual Amendments

- F2** Words in Sch. 2 para. 1(1) inserted (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(a)(i)(bb)**
- F3** Words in Sch. 2 para. 1(1) omitted (31.12.2020) by virtue of The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(a)(i)(aa)**
- F4** Words in Sch. 2 para. 1(1) substituted (23.12.2010) by The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/383), regs. 1, **25**
- F5** Words in Sch. 2 para. 1(1) omitted (31.12.2020) by virtue of The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(a)(i)(cc)**
- F6** Sch. 2 para. 1(2) substituted (21.3.2012) by The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/62), regs. 1, **13**
- F7** Words in Sch. 2 para. 1(2) substituted (with application in accordance with reg. 1(2) of the amending Rule) by The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) (No. 2) Regulations (Northern Ireland) 2012 (S.R. 2012/398), regs. 1(1), **19(a)**
- F8** Sch. 2 para. 1(2A) inserted (with application in accordance with reg. 1(2) of the amending Rule) by The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (Amendment) (No. 2) Regulations (Northern Ireland) 2012 (S.R. 2012/398), regs. 1(1), **19(b)**
- F9** Words in Sch. 2 para. 1(4) inserted (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(a)(ii)**
- F10** Words in Sch. 2 para. 1(5) inserted (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(a)(ii)**
- F11** Words in Sch. 2 para. 1(6) inserted (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(a)(iii)**

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**Commencement Information**

**I1** Sch. 2 para. 1 in operation at 17.12.2009, see [reg. 1\(1\)](#)

## PART 2

### Categories

#### Persons who are settled in the United Kingdom

2.—(1) A person who on the first day of the first academic year of the course—

- (a) is settled in the United Kingdom other than by reason of having acquired the right of permanent residence;
- (b) is ordinarily resident in Northern Ireland;
- (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) 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(4).

**Commencement Information**

**I2** Sch. 2 para. 2 in operation at 17.12.2009, see [reg. 1\(1\)](#)

3. A person who—

[<sup>F12</sup>(a) meets one of the following conditions—

- (i) the person is settled in the United Kingdom by virtue of having acquired the right of permanent residence; or
- (ii) the person falls within Article 18(2) or (3) of the EU withdrawal agreement, Article 17(2) or (3) of the EEA EFTA separation agreement, or Article 16(2) or (3) of the Swiss citizens' rights agreement, but only where that person would have acquired the right to reside permanently in the United Kingdom without restriction under Directive 2004/38 as it had effect immediately before IP completion day had the facts pertaining to that person's right to reside fallen to be considered immediately before IP completion day;]
- (b) is ordinarily resident in Northern Ireland 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 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 [<sup>F13</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

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### Textual Amendments

- F12** Sch. 2 para. 3(a) substituted (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(b)(i)(aa)**
- F13** Words in Sch. 2 para. 3(d) inserted (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(b)(i)(bb)**

### Commencement Information

- I3** Sch. 2 para. 3 in operation at 17.12.2009, see **reg. 1(1)**

## Refugees and their family members

- 4.—(1) A person—
- (a) who is a refugee;
  - (b) who 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) who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.
- (2) A person—
- (a) who is the spouse or civil partner of a refugee;
  - (b) who was the spouse or civil partner of the refugee on the date on which the refugee made the application for asylum;
  - (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 Northern Ireland on the first day of the first academic year of the course.
- (3) A person—
- (a) who is the child of a refugee or the child of the spouse or civil partner of a refugee;
  - (b) who, 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) who was under 18 on the date on which the refugee made the application for asylum;
  - (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 Northern Ireland on the first day of the first academic year of the course.

### Commencement Information

- I4** Sch. 2 para. 4 in operation at 17.12.2009, see **reg. 1(1)**

## [<sup>F14</sup>Persons granted section 67 leave

[<sup>F15</sup>4A. — A person granted section 67 leave who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.]]

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#### Textual Amendments

- F14** Sch. 2 para. 4A inserted (with application in accordance with reg. 1(5) of the amending Rule) by The Education (Student Support (No.2), etc.) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/35), regs. 1(3), **29**
- F15** Sch. 2 Pt. 2 para. 4A substituted (with effect in accordance with reg. 1(3)(a) of the amending Rule) by The Education (Student Support, etc.) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/50), regs. 1(3)(a), **6**

#### [<sup>F16</sup>Persons granted Calais leave

4B. A person granted Calais leave who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.]

#### Textual Amendments

- F16** Sch. 2 Pt. 2 para. 4B inserted (with effect in accordance with reg. 1(4)(a) of the amending Rule) by The Education (Student Support, etc.) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/50), regs. 1(4)(a), **8(n)**

#### [<sup>F17</sup>Persons granted humanitarian protection and their family members

4C. —

(1) A person granted humanitarian protection who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course;

(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”);
- (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 Northern Ireland on the first day of the first academic year of the course.

(3) A person who—

- (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 years of age on the asylum application date;
- (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 Northern Ireland on the first day of the first academic year of the course.]

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**Textual Amendments**

**F17** Sch. 2 Pt. 2 para. 4C inserted (with effect in accordance with reg.1(3)(a) of the amending Rule) by The Education (Student Support, etc.) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/50), regs. 1(3)(a), **10(n)**

**[<sup>F18</sup>Persons granted indefinite leave to remain as a bereaved partner**

4D. — A person granted indefinite leave to remain as a bereaved partner, who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.]

**Textual Amendments**

**F18** Sch. 2 Pt. 2 para. 4D inserted (with effect in accordance with reg. 1(3)(a) of the amending Rule) by The Education (Student Support, etc.) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/50), regs. 1(3)(a), **12(i)**

**[<sup>F19</sup>Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse**

4E. — A person granted indefinite leave to remain as a victim of domestic violence or domestic abuse, who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.]

**Textual Amendments**

**F19** Sch. 2 Pt. 2 para. 4E inserted (with effect in accordance with reg. 1(3)(a) of the amending Rule) by The Education (Student Support, etc.) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/50), regs. 1(3)(a), **14(i)**

**[<sup>F20</sup>Persons granted stateless leave and their family members**

4F. —

(1) A person granted stateless leave who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.

(2) A person—

(a) who—

(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 the person granted stateless leave; and

(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 Northern Ireland on the first day of the first academic year of the course.

(3) A person—

(a) who—



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- (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 the person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of the person granted stateless leave;
- (b) who was under 18 years of age on the leave application date; and
- (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 Northern Ireland on the first day of the first academic year of the course.

(4) In this paragraph, “leave application date” means the date on which the person granted stateless leave made an application to remain in Northern Ireland as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971).]

#### Textual Amendments

**F20** Sch. 2 Pt. 2 para. 4F inserted (with effect in accordance with reg. 1(3)(a) of the amending Rule) by The Education (Student Support, etc.) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/50), regs. 1(3)(a), **16(n)**

#### [<sup>F21</sup>Persons with leave to enter or remain on the grounds of discretionary leave and their family members]

[<sup>F22</sup>5. —

(1) A person granted leave to enter or remain on the grounds of discretionary leave who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.

(2) A person—

- (a) who is the spouse or civil partner of a person with leave to enter or remain on the grounds of discretionary leave;
- (b) who was the spouse or civil partner of the person with leave to enter or remain on the grounds of discretionary leave on the leave application date;
- (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 Northern Ireland on the first day of the first academic year of the course.

(3) A person –

- (a) who is the child of a person with leave to enter or remain on the grounds of discretionary leave or the child of the spouse or civil partner of a person with leave to enter or remain on the grounds of discretionary leave;
- (b) who, on the leave application date, was under 18 and was the child of the person with leave to enter or remain on the grounds of discretionary leave or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on the grounds of discretionary leave on that date;
- (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

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(d) who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.

(4) In this paragraph, “leave application date” means the date on which the person with leave to enter or remain on the grounds of discretionary leave made the application that led to that person being granted leave to enter or remain on the grounds of discretionary leave in the United Kingdom.]

#### Textual Amendments

- F21** Words in Sch. 2 Pt. 2 para. 5 heading substituted (25.3.2021) by [The Education \(Student Support, etc.\) \(Amendment\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/50\)](#), regs. 1(2), **18(n)(i)**
- F22** Sch. 2 Pt. 2 para. 5 substituted (25.3.2021) by [The Education \(Student Support, etc.\) \(Amendment\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/50\)](#), regs. 1(2), **18(n)(ii)**

#### Commencement Information

- I5** Sch. 2 para. 5 in operation at 17.12.2009, see [reg. 1\(1\)](#)

### 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 Northern Ireland on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising [<sup>F23</sup>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.

(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

- F23** Words in Sch. 2 para. 6(1)(c) inserted (31.12.2020) by [The Education \(Student Fees and Support\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/295\)](#), regs. 1(3), **12(b)(ii)**

#### Commencement Information

- I6** Sch. 2 para. 6 in operation at 17.12.2009, see [reg. 1\(1\)](#)

7.—[<sup>F24</sup>(1)] A person who—

- (a) is ordinarily resident in Northern Ireland on the first day of the first academic year of the course;

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- (b) has been ordinarily resident in the territory comprising [<sup>F25</sup>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<sup>(3)</sup>, as extended by the EEA Agreement.

[<sup>F26</sup>(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

- F24** Sch. 2 para. 7(a)-(c) renumbered as Sch. 2 para. 7(1)(a)-(c) (31.12.2020) by [The Education \(Student Fees and Support\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2020](#) (S.R. 2020/295), regs. 1(3), **12(b)(iii)(aa)**
- F25** Words in Sch. 2 para. 7(1)(b) inserted (31.12.2020) by [The Education \(Student Fees and Support\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2020](#) (S.R. 2020/295), regs. 1(3), **12(b)(iii)(bb)**
- F26** Sch. 2 para. 7(2) inserted (31.12.2020) by [The Education \(Student Fees and Support\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2020](#) (S.R. 2020/295), regs. 1(3), **12(b)(iii)(cc)**

#### Commencement Information

- I7** Sch. 2 para. 7 in operation at 17.12.2009, see [reg. 1\(1\)](#)

### 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;
  - (b) was ordinarily resident in Northern Ireland and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence [<sup>F27</sup>before IP completion day];
  - (c) is ordinarily resident in the United Kingdom on the day on which the first term of the first academic year actually begins;
  - (d) has been ordinarily resident in the territory comprising [<sup>F28</sup>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 [<sup>F29</sup>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 [<sup>F30</sup>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

(3) OJ No L257, 19.10.1968, p2 (OJ/SE 1968 (II) p475)

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United Kingdom and [<sup>F30</sup>had the right] of permanent residence, if the person [<sup>F31</sup>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.

[<sup>F32</sup>(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

- F27** Words in Sch. 2 para. 8(1)(b) inserted (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(b)(iv)(aa)**
- F28** Words in Sch. 2 para. 8(1)(d) inserted (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(b)(iv)(bb)**
- F29** Words in Sch. 2 para. 8(1)(e) inserted (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(b)(iv)(bb)**
- F30** Words in Sch. 2 para. 8(2) substituted (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(b)(iv)(cc)(i)**
- F31** Words in Sch. 2 para. 8(2) substituted (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(b)(iv)(cc)(ii)**
- F32** Sch. 2 para. 8(3) inserted (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(b)(iv)(dd)**

#### Commencement Information

- I8** Sch. 2 para. 8 in operation at 17.12.2009, see **reg. 1(1)**

#### EC nationals

- 9.—(1) A person who—
- (a) is either—
    - (i) an EC national on the first day of the first academic year of the course; or
    - (ii) a family member of a such a person;
  - (b) is—
    - (i) attending a designated course in Northern Ireland; or
    - (ii) undertaking a compressed degree course, [<sup>F33</sup>designated distance learning course,] designated part-time course [<sup>F34</sup>, a designated postgraduate course, or a designated Master's, etc. course] in Northern Ireland;
  - (c) has been ordinarily resident in the territory comprising [<sup>F35</sup>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 [<sup>F36</sup>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.

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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 [<sup>F37</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland in accordance with paragraph 1(4).

(3) Where a state accedes to the European Community 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 EC national on the first day of the first academic year of the course is treated as being satisfied.

[<sup>F38</sup>(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

- F33** Words in Sch. 2 para. 9(1)(b)(ii) inserted (with application in accordance with reg. 1(2) of the amending Rule) by [The Education \(Student Support\) \(No.2\) \(Amendment\) and Education \(Student Loan\) \(Repayment\) \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/7\)](#), regs. 1(1), **44(a)**
- F34** Words in Sch. 2 para. 9(1)(b)(ii) substituted (with application in accordance with reg. 1(2) of the amending Rule) by [The Education \(Student Support\) \(No.2\) \(Amendment\) and Education \(Student Loan\) \(Repayment\) \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/7\)](#), regs. 1(1), **44(b)**
- F35** Words in Sch. 2 para. 9(1)(c) inserted (31.12.2020) by [The Education \(Student Fees and Support\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/295\)](#), regs. 1(3), **12(b)(v)(aa)**
- F36** Words in Sch. 2 para. 9(1)(d) inserted (31.12.2020) by [The Education \(Student Fees and Support\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/295\)](#), regs. 1(3), **12(b)(v)(aa)**
- F37** Words in Sch. 2 para. 9(2) inserted (31.12.2020) by [The Education \(Student Fees and Support\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/295\)](#), regs. 1(3), **12(b)(v)(aa)**
- F38** Sch. 2 para. 9(4) inserted (31.12.2020) by [The Education \(Student Fees and Support\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/295\)](#), regs. 1(3), **12(b)(v)(bb)**

#### Commencement Information

- I9** Sch. 2 para. 9 in operation at 17.12.2009, see [reg. 1\(1\)](#)

10.—(1) A person who—

- (a) is an EC national <sup>F39</sup>... on the first day of the first academic year of the course;
- (b) is ordinarily resident in Northern Ireland 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 his 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 [<sup>F40</sup>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 European Community 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 EC national <sup>F41</sup>... on the first day of the first academic year of the course is treated as being satisfied.

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### Textual Amendments

- F39** Words in Sch. 2 para. 10(1)(a) omitted (31.12.2020) by virtue of The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(b)(vi)(aa)**
- F40** Words in Sch. 2 para. 10(1)(d) inserted (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(b)(vi)(bb)**
- F41** Words in Sch. 2 para. 10(2) omitted (31.12.2020) by virtue of The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(b)(vi)(aa)**

### Commencement Information

- I10** Sch. 2 para. 10 in operation at 17.12.2009, see **reg. 1(1)**

### Children of Swiss nationals

11.—<sup>[F42]</sup>(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 Northern Ireland on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the territory comprising <sup>[F43]</sup>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 <sup>[F43]</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

<sup>[F44]</sup>(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

- F42** Sch. 2 para. 11(a)-(d) renumbered as Sch. 2 para. 11(1)(a)-(d) (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(b)(vii)(aa)**
- F43** Words in Sch. 2 para. 11(1)(c)(d) inserted (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(b)(vii)(bb)**
- F44** Sch. 2 para. 11(2) inserted (31.12.2020) by The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/295), regs. 1(3), **12(b)(vii)(cc)**

### Commencement Information

- I11** Sch. 2 para. 11 in operation at 17.12.2009, see **reg. 1(1)**

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## Children of Turkish workers

12. A person who—
- (a) is the child of a Turkish worker;
  - (b) is ordinarily resident in Northern Ireland on the first day of the first academic year of the course; and
  - (c) has been ordinarily resident in the territory comprising [<sup>F45</sup>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

**F45** Words in Sch. 2 para. 12(c) inserted (31.12.2020) by [The Education \(Student Fees and Support\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/295\)](#), regs. 1(3), **12(b)(viii)**

### Commencement Information

**I12** Sch. 2 para. 12 in operation at 17.12.2009, see [reg. 1\(1\)](#)

## [<sup>F46</sup>Long Residence

13. —
- (1) A person
- (a) who on the first day of the first academic year of the course is either—
    - (i) 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) aged 18 years old 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) is ordinarily resident in Northern Ireland;
  - (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) 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(4).]

### Textual Amendments

**F46** Sch. 2 Pt. 2 para. 13 inserted (25.3.2021) by [The Education \(Student Support, etc.\) \(Amendment\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/50\)](#), regs. 1(2), **20**

### Changes to legislation:

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### Changes and effects yet to be applied to :

- Sch. 2 para. 4A heading added by [S.R. 2024/19 reg. 70](#)
- Sch. 2 para. 10 heading inserted by [S.R. 2021/85 reg. 13\(12\)](#)
- Sch. 2 para. 9(4) inserted by [S.I. 2019/387 reg. 11\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by [S.R. 2020/295, regs. 1\(2\), 2](#))
- Sch. 2 para. 9(3) omitted by [S.R. 2021/85 reg. 13\(10\)](#)
- Sch. 2 para. 10(2) omitted by [S.R. 2021/85 reg. 13\(13\)](#)
- Sch. 2 para. 2(1)(a) substituted by [S.R. 2021/85 reg. 13\(3\)](#)
- Sch. 2 para. 11 substituted by [S.I. 2019/387 reg. 11\(3\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by [S.R. 2020/295, regs. 1\(2\), 2](#))
- Sch. 2 para. 1(1) word substituted by [S.R. 2021/85 reg. 13\(2\)\(a\)\(ii\)\(bb\)](#)
- Sch. 2 para. 1(1) word substituted by [S.R. 2021/85 reg. 13\(2\)\(a\)\(ii\)\(cc\)](#)
- Sch. 2 para. 10(1)(a) word substituted by [S.R. 2021/85 reg. 13\(13\)](#)
- Sch. 2 para. 1(1) words inserted by [S.R. 2021/85 reg. 13\(2\)\(a\)\(ii\)\(bb\)](#)
- Sch. 2 para. 1(1) words inserted by [S.R. 2021/85 reg. 13\(2\)\(a\)\(ii\)\(cc\)](#)
- Sch. 2 para. 1(1) words inserted by [S.R. 2021/85 reg. 13\(2\)\(a\)\(iii\)](#)
- Sch. 2 para. 1(1) words inserted by [S.R. 2022/201 reg. 8\(a\)](#)
- Sch. 2 para. 13(1)(b) words inserted by [S.R. 2022/75 reg. 57](#)
- Sch. 2 para. 1(4) words inserted by [S.I. 2019/387 reg. 11\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by [S.R. 2020/295, regs. 1\(2\), 2](#))
- Sch. 2 para. 1(5) words inserted by [S.I. 2019/387 reg. 11\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by [S.R. 2020/295, regs. 1\(2\), 2](#))
- Sch. 2 para. 1(6) words inserted by [S.I. 2019/387 reg. 11\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by [S.R. 2020/295, regs. 1\(2\), 2](#))
- Sch. 2 para. 6(1)(c) words inserted by [S.I. 2019/387 reg. 11\(3\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by [S.R. 2020/295, regs. 1\(2\), 2](#))
- Sch. 2 para. 7(b) words inserted by [S.I. 2019/387 reg. 11\(3\)\(a\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by [S.R. 2020/295, regs. 1\(2\), 2](#))
- Sch. 2 para. 8(1)(d) words inserted by [S.I. 2019/387 reg. 11\(3\)\(a\)\(iv\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by [S.R. 2020/295, regs. 1\(2\), 2](#))
- Sch. 2 para. 8(1)(e) words inserted by [S.I. 2019/387 reg. 11\(3\)\(a\)\(iv\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by [S.R. 2020/295, regs. 1\(2\), 2](#))
- Sch. 2 para. 9(1)(c) words inserted by [S.I. 2019/387 reg. 11\(3\)\(a\)\(v\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by [S.R. 2020/295, regs. 1\(2\), 2](#))
- Sch. 2 para. 9(1)(d) words inserted by [S.I. 2019/387 reg. 11\(3\)\(a\)\(v\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by [S.R. 2020/295, regs. 1\(2\), 2](#))
- Sch. 2 para. 9(2) words inserted by [S.I. 2019/387 reg. 11\(3\)\(a\)\(v\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by [S.R. 2020/295, regs. 1\(2\), 2](#))



- Sch. 2 para. 10(1)(d) words inserted by [S.I. 2019/387 reg. 11\(3\)\(c\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by S.R. 2020/295, regs. 1(2), 2)
- Sch. 2 para. 12(c) words inserted by [S.I. 2019/387 reg. 11\(3\)\(e\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by S.R. 2020/295, regs. 1(2), 2)
- Sch. 2 para. 1(1) words omitted by [S.R. 2021/85 reg. 13\(2\)\(a\)\(i\)](#)
- Sch. 2 para. 1(1) words omitted by [S.I. 2019/387 reg. 11\(2\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by S.R. 2020/295, regs. 1(2), 2)
- Sch. 2 para. 1(1) words omitted by [S.I. 2019/387 reg. 11\(2\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by S.R. 2020/295, regs. 1(2), 2)
- Sch. 2 para. 10(1)(a) words omitted by [S.I. 2019/387 reg. 11\(3\)\(c\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by S.R. 2020/295, regs. 1(2), 2)
- Sch. 2 para. 10(2) words omitted by [S.I. 2019/387 reg. 11\(3\)\(c\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by S.R. 2020/295, regs. 1(2), 2)
- Sch. 2 para. 1(1) words substituted by [S.R. 2021/85 reg. 13\(2\)\(a\)\(ii\)\(aa\)](#)
- Sch. 2 para. 1(1) words substituted by [S.R. 2021/85 reg. 13\(2\)\(a\)\(ii\)\(dd\)](#)
- Sch. 2 para. 9 heading words substituted by [S.R. 2021/85 reg. 13\(9\)](#)
- Sch. 2 para. 9(1)(a)(i) words substituted by [S.R. 2021/85 reg. 13\(10\)](#)

### **Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:**

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

- Sch. 2 para. 3(1) Sch. 2 para. 3 renumbered as Sch. 2 para. 3(1) by [S.R. 2021/85 reg. 13\(5\)\(a\)](#)
- Sch. 2 para. 1(1A) inserted by [S.R. 2021/85 reg. 13\(2\)\(b\)](#)
- Sch. 2 para. 2A inserted by [S.R. 2021/85 reg. 13\(4\)](#)
- Sch. 2 para. 3(2) inserted by [S.R. 2021/85 reg. 13\(5\)\(c\)](#)
- Sch. 2 para. 6A6B inserted by [S.R. 2021/85 reg. 13\(6\)](#)
- Sch. 2 para. 7A inserted by [S.R. 2021/85 reg. 13\(7\)](#)
- Sch. 2 para. 8A inserted by [S.R. 2021/85 reg. 13\(8\)](#)
- Sch. 2 para. 9A-9D inserted by [S.R. 2021/85 reg. 13\(11\)](#)
- Sch. 2 para. 10A inserted by [S.R. 2021/85 reg. 13\(14\)](#)
- Sch. 2 para. 11A inserted by [S.R. 2021/85 reg. 13\(15\)](#)
- Sch. 2 para. 12A inserted by [S.R. 2021/85 reg. 13\(16\)](#)
- Sch. 2 para. 15 and cross-heading inserted by [S.R. 2022/201 reg. 8\(b\)](#)
- Sch. 2 para. 16 and cross heading inserted by [S.R. 2022/201 reg. 30](#)
- Sch. 2 para. 14 inserted by [S.R. 2022/75 reg. 52](#) (w/e reg. 1(4)(b))
- Sch. 2 para. 3(1)(a) substituted by [S.R. 2021/85 reg. 13\(5\)\(b\)](#)
- Sch. 2 para. 3(1)(d) words inserted by [S.I. 2019/387 reg. 11\(3\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regs. 2-13 revoked immediately before IP completion day by S.R. 2020/295, regs. 1(2), 2)
- Sch. 2 Pt. 2 para. 3(3) inserted by [S.R. 2022/75 reg. 31\(b\)](#)
- Sch. 2 Pt. 2 para. 9C(e) inserted by [S.R. 2022/75 reg. 31\(c\)\(ii\)](#)
- Sch. 2 Pt. 2 para. 3(1)(a)(iii) omitted by [S.R. 2022/75 reg. 31\(a\)\(i\)](#) (w/e reg. 1(4)(a))
- Sch. 2 Pt. 2 para. 14 and cross heading substituted by [S.R. 2024/19 reg. 29\(a\)](#)
- Sch. 2 Pt. 2 para. 16 and cross heading substituted by [S.R. 2024/19 reg. 29\(b\)](#)
- Sch. 2 Pt. 2 para. 9C word inserted by [S.R. 2022/75 reg. 31\(c\)\(i\)](#)
- Sch. 2 Pt. 2 para. 9C(1)(d) word inserted by [S.R. 2022/75 reg. 31\(c\)\(ii\)](#)
- Sch. 2 Pt. 2 para. 9C(1)(c) word re-positioned to after (d) by [S.R. 2022/75 reg. 31\(c\)\(ii\)](#)

- Sch. 2 Pt. 2 para. 3(1)(a)(iv) words inserted by S.R. 2022/75 reg. 31(a)(ii)
- Sch. 2 Pt. 2 para. 3(1)(a)(iv) words inserted by S.R. 2022/75 reg. 31(a)(iii)
- Sch. 2 Pt. 2 para. 3(2) words omitted by S.R. 2024/19 reg. 20(a)
- Sch. 2 Pt. 2 para. 4F(4) words omitted by S.R. 2024/19 reg. 20(b)
- Sch. 2 Pt. 2 para. 1(1)(e) words substituted by S.R. 2024/19 reg. 60(a)
- Sch. 2 Pt. 2 para. 2A(1)(a) words substituted by S.R. 2024/19 reg. 32(a)
- Sch. 2 Pt. 2 para. 4(1)(c) words substituted by S.R. 2024/19 reg. 32(b)(i)
- Sch. 2 Pt. 2 para. 4(2)(d) words substituted by S.R. 2024/19 reg. 32(b)(ii)
- Sch. 2 Pt. 2 para. 4(3)(e) words substituted by S.R. 2024/19 reg. 32(b)(iii)
- Sch. 2 Pt. 2 para. 4A words substituted by S.R. 2024/19 reg. 32(c)
- Sch. 2 Pt. 2 para. 4B words substituted by S.R. 2024/19 reg. 32(d)
- Sch. 2 Pt. 2 para. 4C(1) words substituted by S.R. 2024/19 reg. 32(e)(i)
- Sch. 2 Pt. 2 para. 4C(2)(d) words substituted by S.R. 2024/19 reg. 32(e)(ii)
- Sch. 2 Pt. 2 para. 4C(3)(e) words substituted by S.R. 2024/19 reg. 32(e)(iii)
- Sch. 2 Pt. 2 para. 4D words substituted by S.R. 2024/19 reg. 32(f)
- Sch. 2 Pt. 2 para. 4E words substituted by S.R. 2024/19 reg. 32(g)
- Sch. 2 Pt. 2 para. 4F(1) words substituted by S.R. 2024/19 reg. 32(h)(i)
- Sch. 2 Pt. 2 para. 4F(2)(c) words substituted by S.R. 2024/19 reg. 32(h)(ii)
- Sch. 2 Pt. 2 para. 4F(3)(d) words substituted by S.R. 2024/19 reg. 32(h)(iii)
- Sch. 2 Pt. 2 para. 5(1) words substituted by S.R. 2024/19 reg. 32(i)(i)
- Sch. 2 Pt. 2 para. 5(2)(d) words substituted by S.R. 2024/19 reg. 32(i)(ii)
- Sch. 2 Pt. 2 para. 5(3)(d) words substituted by S.R. 2024/19 reg. 32(i)(iii)
- Sch. 2 Pt. 2 para. 8(1)(c) words substituted by S.R. 2024/19 reg. 32(j)
- Sch. 2 Pt. 2 para. 8A(1)(d) words substituted by S.R. 2024/19 reg. 32(k)
- Sch. 2 Pt. 2 para. 9C(1)(a) words substituted by S.R. 2024/19 reg. 60(b)
- Sch. 2 Pt. 2 para. 15 words substituted by S.R. 2024/19 reg. 32(l)
- Sch. 3 para. 9 inserted by S.R. 2022/75 reg. 17
- Sch. 5 reg. 9(1)(a) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3)(b))
- reg. 2(1)reg. 2(1)(v) inserted by S.R. 2022/75 reg. 25(c)(iii)
- reg. 2(1)(a)(ia) inserted by S.R. 2024/19 reg. 22(b)(i)
- reg. 2(1)(a) omitted by S.R. 2021/85 reg. 3(a)(iii)(bb)
- reg. 2(1)(a) substituted by S.R. 2024/19 reg. 22(a)
- reg. 2(1)(a) words omitted by S.R. 2024/19 reg. 19(b)
- reg. 2(1)(a) words omitted by S.R. 2024/19 reg. 19(c)
- reg. 2(1)(a) words omitted by S.R. 2024/19 reg. 19(d)
- reg. 2(1)(a) words omitted by S.R. 2024/19 reg. 19(e)
- reg. 2(1)(a) words omitted by S.R. 2024/19 reg. 19(k)
- reg. 2(1)(a) words substituted by S.R. 2024/19 reg. 19(i)
- reg. 2(1)(a)(i) words substituted by S.R. 2024/19 reg. 19(f)
- reg. 2(1)(a)(i) words substituted by S.R. 2024/19 reg. 19(g)(i)
- reg. 2(1)(a)(i) words substituted by S.R. 2024/19 reg. 19(g)(ii)
- reg. 2(1)(a)(i) words substituted by S.R. 2024/19 reg. 19(h)(i)
- reg. 2(1)(a)(i) words substituted by S.R. 2024/19 reg. 19(j)(i)
- reg. 2(1)(a)(iii) omitted by S.R. 2022/75 reg. 25(c)(ii) (w/e reg. 1(4))
- reg. 2(1)(a)(iii) word substituted by S.R. 2024/19 reg. 22(b)(iii)
- reg. 2(1)(a)(ii) word inserted by S.R. 2024/19 reg. 22(b)(ii)
- reg. 2(1)(a)(ii) words substituted by S.R. 2024/19 reg. 19(h)(ii)
- reg. 2(1)(a)(ii) words substituted by S.R. 2024/19 reg. 19(j)(ii)
- reg. 2(1)(a)(iv) omitted by S.R. 2024/19 reg. 22(b)(v)
- reg. 2(1)(a)(iv) words inserted by S.R. 2024/19 reg. 22(b)(iv)
- reg. 2(1)(b) words omitted by S.R. 2021/85 reg. 3(a)(iii)(cc)
- reg. 2(1)(c) words omitted by S.R. 2021/85 reg. 3(a)(iii)(dd)
- reg. 2(1A) inserted by S.R. 2021/85 reg. 3(b)
- reg. 2A and heading inserted by S.R. 2024/19 reg. 36
- reg. 2A(3)(i) words inserted by S.R. 2024/19 reg. 23(a)
- reg. 2A(3)(j) words inserted by S.R. 2024/19 reg. 23(b)
- reg. 5(2)-(2B) substituted for reg. 5(2) by S.R. 2021/85 reg. 4(a)

- reg. 5(2)(a) words substituted by S.R. 2022/201 reg. 3
- reg. 5(2)(a) words substituted by S.R. 2022/75 reg. 34(a) (w/e reg. 1(4)(b))
- reg. 5(11E) inserted by S.R. 2022/75 reg. 34(b) (w/e reg. 1(4)(b))
- reg. 5(11E)(a) words inserted by S.R. 2024/19 reg. 24(a)
- reg. 5(11E)(a)(i) word substituted by S.R. 2024/19 reg. 11(d)(i)
- reg. 5(11E)(a)(ii) and word omitted by S.R. 2024/19 reg. 11(d)(ii)
- reg. 5(11E)(b) words substituted by S.R. 2024/19 reg. 11(d)(iii)
- reg. 5(11F) inserted by S.R. 2022/201 reg. 12(a)
- reg. 5(11F)(a) words inserted by S.R. 2024/19 reg. 24(b)
- reg. 5(11F)(a)(i) word substituted by S.R. 2024/19 reg. 11(e)(i)
- reg. 5(11F)(a)(ii) and word omitted by S.R. 2024/19 reg. 11(e)(ii)
- reg. 5(11F)(b) words substituted by S.R. 2024/19 reg. 11(e)(iii)
- reg. 5(12A)-(12C) inserted by S.R. 2021/85 reg. 4(b)
- reg. 5(12B) omitted by S.R. 2022/75 reg. 26(a) (w/e reg. 1(4)(a))
- reg. 5(12C)(a)(i) words substituted by S.R. 2022/75 reg. 26(b)
- reg. 6(e) inserted by S.R. 2024/19 reg. 16(c)
- reg. 6(1)(f) inserted by S.R. 2024/19 reg. 16(a)(iii)
- reg. 18(l) word inserted by S.R. 2021/85 reg. 5(g)
- reg. 18(l) word omitted by S.R. 2022/75 reg. 35(a) (w/e reg. 1(4)(b))
- reg. 18(m) inserted by S.R. 2021/85 reg. 5(h)
- reg. 18(m) word omitted by S.R. 2022/201 reg. 13(a)
- reg. 18(m) words substituted by S.R. 2022/75 reg. 35(b) (w/e reg. 1(4)(b))
- reg. 18(n) inserted by S.R. 2022/75 reg. 35(c) (w/e reg. 1(4)(b))
- reg. 18(n) words substituted by S.R. 2022/201 reg. 13(b)
- reg. 18(o) inserted by S.R. 2022/201 reg. 13(c)
- reg. 39(7)-(7B) substituted for reg. 39(7) by S.R. 2024/19 reg. 40
- reg. 41(2) inserted by S.R. 2022/75 reg. 19(b) (w/e reg. 1(2))
- reg. 42(6)-(6B) substituted for reg. 42(6) by S.R. 2024/19 reg. 41
- reg. 46(11)(11A) substituted for reg. 46(11) by S.R. 2024/19 reg. 42
- reg. 57(5)(5A) substituted for reg. 57(5) by S.R. 2024/19 reg. 45
- reg. 57(7) inserted by S.R. 2024/19 reg. 68
- reg. 59(5)(5A) substituted for reg. 59(5) by S.R. 2024/19 reg. 46
- reg. 66(2)(i) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3)(b))
- reg. 66(2)(iii) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3)(b))
- reg. 66(2)(ii) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3)(b))
- reg. 66(2)(iv) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3)(b))
- reg. 66(3)(i) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3)(b))
- reg. 66(3)(iii) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3)(b))
- reg. 66(3)(ii) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3)(b))
- reg. 66(3)(iv) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3)(b))
- reg. 69(1)(c)(i) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3)(b))
- reg. 69(1)(c)(iii) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3)(b))
- reg. 69(1)(c)(ii) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3)(b))
- reg. 69(1)(c)(iv) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3)(b))
- reg. 69(2)(c)(i) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3)(b))
- reg. 69(2)(c)(iii) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3)(b))

- reg. 69(2)(c)(ii) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3) (b))
- reg. 69(2)(c)(iv) sum substituted by S.R. 2022/263 reg. 8Sch. (reg 7-8 w/e reg.001(3) (b))
- reg. 74(1)(1A) substituted for reg. 74(1) by S.R. 2024/19 reg. 47(a)
- reg. 74(2)(l) inserted by S.R. 2021/85 reg. 7(c)(vii)
- reg. 74(2)(l) word omitted by S.R. 2022/201 reg. 20(a)
- reg. 74(2)(l) words substituted by S.R. 2022/75 reg. 42(b) (w/e reg. 1(4)(b))
- reg. 74(2)(m) inserted by S.R. 2022/75 reg. 42(c) (w/e reg. 1(4)(b))
- reg. 74(2)(m) words substituted by S.R. 2022/201 reg. 20(b)
- reg. 74(2)(n) inserted by S.R. 2022/201 reg. 20(c)
- reg. 78A inserted by S.R. 2021/260 reg. 8(b)
- reg. 83(2)(l) inserted by S.R. 2021/85 reg. 8(b)(viii)
- reg. 96(b) omitted by S.R. 2022/75 reg. 11(a)(ii)
- reg. 96(ab) omitted by S.R. 2022/75 reg. 11(a)(i)
- reg. 105(2)-(2B) substituted for reg. 105(2) by S.R. 2021/85 reg. 9(a)(i)
- reg. 105(2)(a) words substituted by S.R. 2022/201 reg. 4
- reg. 105(2)(a) words substituted by S.R. 2022/75 reg. 43(a) (w/e reg. 1(4)(b))
- reg. 105(11E) inserted by S.R. 2022/75 reg. 43(b) (w/e reg. 1(4)(b))
- reg. 105(11E)(a) words inserted by S.R. 2024/19 reg. 25(a)
- reg. 105(11F) inserted by S.R. 2022/201 reg. 21(a)
- reg. 105(11F)(a) words inserted by S.R. 2024/19 reg. 25(b)
- reg. 105(12A)-(12C) inserted by S.R. 2021/85 reg. 9(a)(ii)
- reg. 105(12B) omitted by S.R. 2022/75 reg. 27(a) (w/e reg. 1(4)(a))
- reg. 105(12C)(a)(i) words substituted by S.R. 2022/75 reg. 27(b)
- reg. 106(4)(n) inserted by S.R. 2021/85 reg. 9(b)(iv)(ii)
- reg. 106(4)(n) word omitted by S.R. 2022/201 reg. 22(d)(i)
- reg. 106(4)(n) words substituted by S.R. 2022/75 reg. 44(d)(ii) (w/e reg. 1(4)(b))
- reg. 106(4)(o) inserted by S.R. 2022/75 reg. 44(d)(iii) (w/e reg. 1(4)(b))
- reg. 106(4)(o) words substituted by S.R. 2022/201 reg. 22(d)(ii)
- reg. 106(4)(p) inserted by S.R. 2022/201 reg. 22(d)(iii)
- reg. 112(1A) inserted by S.R. 2022/75 reg. 21(a) (w/e reg. 1(2))
- reg. 122(2)-(2B) substituted for reg. 122(2) by S.R. 2021/85 reg. 10(a)(i)
- reg. 122(2)(a) words substituted by S.R. 2022/201 reg. 5
- reg. 122(2)(a) words substituted by S.R. 2022/75 reg. 45(a) (w/e reg. 1(4)(b))
- reg. 122(10E) inserted by S.R. 2022/75 reg. 45(b) (w/e reg. 1(4)(b))
- reg. 122(10E)(a) words inserted by S.R. 2024/19 reg. 26(a)
- reg. 122(10F) inserted by S.R. 2022/201 reg. 23(a)
- reg. 122(10F)(a) words inserted by S.R. 2024/19 reg. 26(b)
- reg. 122(11A)-(11C) inserted by S.R. 2021/85 reg. 10(a)(ii)
- reg. 122(11B) omitted by S.R. 2022/75 reg. 28(a) (w/e reg. 1(4)(a))
- reg. 122(11C)(a)(i) words substituted by S.R. 2022/75 reg. 28(b)
- reg. 123(3)(n) inserted by S.R. 2021/85 reg. 10(b)(iii)(ii)
- reg. 123(3)(n) word omitted by S.R. 2022/201 reg. 24(c)(i)
- reg. 123(3)(n) words substituted by S.R. 2022/75 reg. 46(c)(ii) (w/e reg. 1(4)(b))
- reg. 123(3)(o) inserted by S.R. 2022/75 reg. 46(c)(iii) (w/e reg. 1(4)(b))
- reg. 123(3)(o) words substituted by S.R. 2022/201 reg. 24(c)(ii)
- reg. 123(3)(p) inserted by S.R. 2022/201 reg. 24(c)(iii)
- reg. 130(1A) inserted by S.R. 2022/75 reg. 22(a) (w/e reg. 1(2))
- reg. 139(3)-(3B) substituted for reg. 139(3) by S.R. 2021/85 reg. 11(a)(ii)
- reg. 139(3)(a)(i) words substituted by S.R. 2022/201 reg. 6
- reg. 139(12E) inserted by S.R. 2022/75 reg. 48(b) (w/e reg. 1(4)(b))
- reg. 139(12E)(a) words inserted by S.R. 2024/19 reg. 27(a)
- reg. 139(12F) inserted by S.R. 2022/201 reg. 26(a)
- reg. 139(12F)(a) words inserted by S.R. 2024/19 reg. 27(b)
- reg. 139(13A)-(13C) inserted by S.R. 2021/85 reg. 11(a)(iv)
- reg. 139(13B) omitted by S.R. 2022/75 reg. 29(a) (w/e reg. 1(4)(a))
- reg. 139(13C)(a)(i) words substituted by S.R. 2022/75 reg. 29(b)

- reg. 140(1)(1A) substituted for reg. 140(1) by S.R. 2024/19 reg. 54(a)
- reg. 140(2)(l) inserted by S.R. 2021/85 reg. 11(b)(vii)
- reg. 140(2)(l) word omitted by S.R. 2022/201 reg. 27(a)
- reg. 140(2)(l) words substituted by S.R. 2022/75 reg. 49(b) (w/e reg. 1(4)(b))
- reg. 140(2)(m) inserted by S.R. 2022/75 reg. 49(c) (w/e reg. 1(4)(b))
- reg. 140(2)(m) words substituted by S.R. 2022/201 reg. 27(b)
- reg. 140(2)(n) inserted by S.R. 2022/201 reg. 27(c)
- reg. 141(1)(c)(vii) inserted by S.R. 2024/19 reg. 8
- reg. 141(1)(e) inserted by S.R. 2024/19 reg. 18
- reg. 149(2)-(2B) substituted for reg. 149(2) by S.R. 2021/85 reg. 12(a)(i)
- reg. 149(2)(a) words substituted by S.R. 2022/201 reg. 7
- reg. 149(2)(a) words substituted by S.R. 2022/75 reg. 50(a) (w/e reg. 1(4)(b))
- reg. 149(11E) inserted by S.R. 2022/75 reg. 50(b) (w/e reg. 1(4)(b))
- reg. 149(11E)(a) words inserted by S.R. 2024/19 reg. 28(a)
- reg. 149(11F) inserted by S.R. 2022/201 reg. 28(a)
- reg. 149(11F)(a) words inserted by S.R. 2024/19 reg. 28(b)
- reg. 149(12A)-(12C) inserted by S.R. 2021/85 reg. 12(a)(ii)
- reg. 149(12B) omitted by S.R. 2022/75 reg. 30(a) (w/e reg. 1(4)(a))
- reg. 149(12C)(a)(i) words substituted by S.R. 2022/75 reg. 30(b)
- reg. 151(m) inserted by S.R. 2021/85 reg. 12(b)(viii)
- reg. 151(m) word omitted by S.R. 2022/201 reg. 29(a)
- reg. 151(m) words substituted by S.R. 2022/75 reg. 51(b) (w/e reg. 1(4)(b))
- reg. 151(n) inserted by S.R. 2022/75 reg. 51(c) (w/e reg. 1(4)(b))
- reg. 151(n) words substituted by S.R. 2022/201 reg. 29(b)
- reg. 151(o) inserted by S.R. 2022/201 reg. 29(c)
- reg. 152(1)(c)(vii) inserted by S.R. 2024/19 reg. 9(a)(i)