

SCHEDULE 1

FEES—EXCEPTED STUDENTS

1. It shall not be lawful in pursuance of regulation 7 to charge higher fees in the case of a student who is an excepted student within the meaning of these Regulations.

2.—(1) A person who—

- (a) is a national of a member State of the European Community, or
- (b) is the son or daughter of such a national

shall be an excepted student if he satisfies the conditions mentioned in sub-paragraph (2).

(2) The conditions referred to in sub-paragraph (1) are that—

- (a) he has, throughout the 3 year period referred to in regulation 6(a), been ordinarily resident within the European Economic Area, and
- (b) he has not been resident therein, during any part of that 3 year period, wholly or mainly for the purpose of receiving full-time education.

3. A person shall be an excepted student if—

- (a) (i) he is a refugee, or
(ii) he has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify for recognition as a refugee, it is thought right to allow him to enter or remain in the United Kingdom, and he has been granted leave to enter or remain accordingly, and he has been ordinarily resident in the United Kingdom and Islands throughout the period since he was recognised as a refugee or granted leave to enter or remain, as the case may be; or
- (b) the person is the spouse, son or daughter of a person of the kind described in sub-paragraph (a).

4.—(1) A person shall be an excepted student if—

- (a) at the date referred to in regulation 6(a) he is settled in the United Kingdom, and
- (b) he neither had the right of abode in the United Kingdom nor was settled therein at, or at a time before, the beginning of the 3 year period so referred to.

(2) References in this paragraph to a person having the right of abode in the United Kingdom or being settled therein have the same meanings as in the Immigration Act 1971⁽¹⁾.

5. A person shall be an excepted student if—

- (a) he has not been ordinarily resident throughout the 3 year period referred to in Regulation 6(a) in the United Kingdom and Islands, or
- (b) being a national of a member State of the European Community or the son or daughter of such a national he has not been so ordinarily resident in the European Economic Area,

only because he, his spouse or his parent was temporarily employed outside the United Kingdom and Islands or, as the case may be, outside the European Economic Area.

6. A person shall be an excepted student if he was admitted to his course in pursuance of arrangements with an institution outside the United Kingdom for the exchange of students on a fully reciprocal basis.

(1) 1971 c. 77, amended by section 39 of the British Nationality Act 1981 (c. 61).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

7. A person shall be an excepted student if he is a person to whom Article 7(2) or (3) or Article 12 of Council Regulation (EEC) No. 1612/68 on free movement for workers within the Community(2), as extended by the EEA Agreement, applies and—

- (a) he has, throughout the 3 year period referred to in regulation 6(a), been ordinarily resident within the European Economic Area, and
- (b) he has not been resident therein, during any part of that 3 year period, wholly or mainly for the purpose of receiving full-time education.

8. A person shall be an excepted student if he has not been ordinarily resident within the European Economic Area as required by paragraph 7(a) only because he, his spouse, or his parent was temporarily employed elsewhere.

9. For the purposes of this Schedule fees shall be considered to be charged on the last date or dates on which they are required to be paid by the student, and not on the date or dates on which the student enters an agreement to pay them, or on which he receives an account in respect of them.

(2) OJ No. L257, 19.10.68, p.2 (OJSE 1968 (II) p.475).