

SCHEDULE 1

[^{F1}8A.—(1) A person who—

- (a) is settled in the United Kingdom;
- (b) left the United Kingdom and exercised a right of residence before IP completion day after having been settled in the United Kingdom;
- (c) was ordinarily resident immediately before IP completion day—
 - (i) in the territory comprising the European Economic Area, Switzerland and the overseas territories; 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, Switzerland and the overseas territories, and has remained ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course;
- (d) is ordinarily resident in the United Kingdom on the day on which the first term of the first academic year actually begins;
- (e) 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
- (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

- F1** 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), 35(8)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Fees and Awards) (England) Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 1 para. 8A(1)(d) words substituted by [S.I. 2023/74 reg. 56\(4\)](#)

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. para. 11(1)(a)-(d) Sch. para. 11(a)-(d) renumbered as Sch. para. 11(1)(a)-(d) by [S.I. 2019/139 reg. 13\(7\)\(a\)](#) (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. para. 9(3) inserted by [S.I. 2019/139 reg. 13\(5\)\(d\)](#) (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. para. 11(2) inserted by [S.I. 2019/139 reg. 13\(7\)\(d\)](#) (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. para. 9(1A) substituted by [S.I. 2019/139 reg. 13\(5\)\(c\)](#) (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. para. 8(1)(d) words inserted by [S.I. 2019/139 reg. 13\(4\)\(a\)](#) (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. para. 8(1)(e) words inserted by [S.I. 2019/139 reg. 13\(4\)\(b\)](#) (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. para. 9(1)(c) words inserted by [S.I. 2019/139 reg. 13\(5\)\(b\)\(ii\)](#) (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. para. 10(1)(d) words inserted by [S.I. 2019/139 reg. 13\(6\)\(b\)](#) (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. para. 11(1)(c) words inserted by [S.I. 2019/139 reg. 13\(7\)\(b\)](#) (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. para. 11(1)(d) words inserted by [S.I. 2019/139 reg. 13\(7\)\(c\)](#) (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. para. 12 words inserted by [S.I. 2019/139 reg. 13\(8\)](#) (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. para. 9 heading words substituted by [S.I. 2019/139 reg. 13\(5\)\(a\)](#) (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. para. 9(1)(a)(i) words substituted by [S.I. 2019/139 reg. 13\(5\)\(b\)\(i\)](#) (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. para. 10(1)(a) words substituted by [S.I. 2019/139 reg. 13\(6\)\(a\)](#) (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. para. 10(2) words substituted by [S.I. 2019/139 reg. 13\(6\)\(a\)](#) (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. 17\(2\)\(b\)](#)
- Sch. 1 para. 4E(1) Sch. 1 para. 4E renumbered as Sch. 1 para. 4E(1) by [S.I. 2024/85 reg. 17\(2\)\(e\)](#)
- Sch. 1 para. 5A(1) Sch. 1 para. 5A renumbered as Sch. 1 para. 5A(1) by [S.I. 2023/74 reg. 64\(3\)\(b\)](#)
- Sch. 1 para. 5B inserted by [S.I. 2022/534 reg. 6\(2\)\(b\)](#)
- Sch. 1 para. 5C inserted by [S.I. 2022/534 reg. 7\(1\)\(b\)](#)
- Sch. 1 para. 5A(2)-(4) inserted by [S.I. 2023/74 reg. 64\(3\)\(c\)](#)
- Sch. 1 para. 4C(2)(3) inserted by [S.I. 2024/85 reg. 17\(2\)\(c\)](#)
- Sch. 1 para. 4E(2)(3) inserted by [S.I. 2024/85 reg. 17\(2\)\(f\)](#)
- Sch. 1 para. 9C(1)(a)(iii) and word inserted by [S.I. 2024/85 reg. 19\(a\)\(iii\)](#)
- Sch. 1 para. 9C(3)(4) inserted by [S.I. 2024/85 reg. 19\(b\)](#)
- Sch. 1 para. 5C substituted by [S.I. 2023/74 reg. 64\(4\)](#)
- Sch. 1 para. 4C(1)(a)(i)(ii) substituted for Sch. 1 para. 4C(1)(a)(i)-(iii) by [S.I. 2024/85 reg. 16\(2\)](#)
- Sch. 1 para. 4E(1)(a)(i)(ii) substituted for Sch. 1 para. 4E(1)(a)(i)-(iv) by [S.I. 2024/669 reg. 9](#)
- Sch. 1 para. 5B words substituted by [S.I. 2023/74 reg. 60\(10\)](#)
- reg. 4(2)-(2D) substituted for reg. 4(2) by [S.I. 2023/74 reg. 62](#)
- reg. 4(2)(a) words substituted by [S.I. 2024/85 reg. 14\(1\)](#)
- reg. 4(2C)(c) words inserted by [S.I. 2024/85 reg. 17\(1\)](#)
- reg. 4(2C)(c) words substituted by [S.I. 2024/85 reg. 16\(1\)](#)
- reg. 4(2C)(e) words inserted by [S.I. 2024/85 reg. 17\(1\)](#)
- reg. 4(2C)(f) words inserted by [S.I. 2023/74 reg. 63\(a\)](#)
- reg. 4(2C)(g) words inserted by [S.I. 2023/74 reg. 63\(b\)](#)
- reg. 4(2D)(e) words substituted by [S.I. 2024/85 reg. 16\(1\)](#)
- reg. 4(2ZA) inserted by [S.I. 2024/85 reg. 15](#)
- reg. 9(1)(a) words inserted by [S.I. 2022/534 reg. 6\(1\)\(f\)](#)
- reg. 9(2)(a) words inserted by [S.I. 2022/534 reg. 6\(1\)\(f\)](#)
- reg. 9B inserted by [S.I. 2024/418 reg. 2](#)