
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend:

- (a) Education (Fees and Awards) (Wales) Regulations 2007 ([S.I. 2007/2310 \(W.181\)](#)) (“the 2007 Regulations”);
- (b) Student Fees (Qualifying Courses and Persons) (Wales) Regulations 2011 ([S.I. 2011/691 \(W.103\)](#)) (“the 2011 Regulations”).

Regulations 4 and 7 insert reference to St-Barthélemy into the 2007 and 2011 Regulations following European Council Decision 2010/718/EU which changed the status of St-Barthélemy from one of the outermost regions of the European Union to an overseas country or territory.

Regulations 5 and 8 amend the 2007 and 2011 Regulations to remove the requirement for non-EU family members of EU nationals to have been ordinarily resident in the EEA for the 3 years immediately preceding the start of their course. The effect of these amendments is that these family members will qualify for home fee status if the EU national from whom they derive their right of residence satisfies two conditions; that is, that the person is either not a UK national, or is a UK national who has exercised an EU law right of free movement, and that the person has been ordinarily resident in the EEA for the 3 years immediately preceding the first day of the first academic year of their family member’s course.

These Regulations apply to those students starting their courses on or after 1 September 2013.