

SCHEDULE 1

ELIGIBLE STUDENTS

PART 2

Categories

EU nationals

9.—(1) A person who—

(a) is either—

(i) an EU national on the relevant date, other than a person who is a United Kingdom national who has not exercised a right of residence; or

(ii) a family member of such a person;

(b) is ordinarily resident in Wales on the relevant date;

(c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the relevant date; and

(d) subject to sub-paragraph (2), whose ordinary residence in the territory comprising 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 the European Economic Area and Switzerland in accordance with paragraph 1(3).

(3) For the purposes of this paragraph, a United Kingdom national has exercised a right of residence if that person has exercised a right under Article 7 of the Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom.

Commencement Information

II Sch. 1 para. 9 in force at 23.4.2013, see [reg. 2](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (European Institutions) and Student Support (Wales) Regulations 2013. 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 :

- Regulations revoked by [S.I. 2014/1895 reg. 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):

- reg. 28(2)(i) inserted by [S.I. 2013/1965 reg. 26\(c\)](#)