WELSH STATUTORY INSTRUMENTS

2021 No. 1365

The Education (Student Fees, Awards and Support) (Amendment) (Wales) Regulations 2021

PART 6

AMENDMENTS TO THE EDUCATION (STUDENT SUPPORT) (WALES) REGULATIONS 2018

CHAPTER 2

Citizens' rights and residency criteria

Amendments to Schedule 2

36. In Schedule 2, in paragraph 1—

(a) in sub-paragraph (2)(a)(iv)—

(i) in paragraph (bb), after "Regulations" insert "or otherwise has rights deemed to apply by virtue of any of the citizens' rights provisions specified in paragraph (5)";

(ii) in paragraph (cc) after "relevant period" insert "or otherwise has a deemed right of permanent residence by virtue of any of the citizens' rights provisions specified in paragraph (5)";

(b) in sub-paragraph (3)—

(i) in paragraph (a), for "on the first day of the first academic year of the course" substitute "on the day on which the first term of the first academic year actually begins";

(ii) in paragraph (c), after "course" insert "and who has been ordinarily resident in the Republic of Ireland for at least part of that period", and move the terminal "and" to the end of paragraph (d);

(iii) after paragraph (d) insert—

"(e)   who did not move to Wales from the Islands for the purpose of undertaking the current course, or a course which, disregarding any intervening vacation, the person undertook immediately before the current course".

(c) after sub-paragraph (4) insert—

"(5) For the purposes of sub-paragraph (2)(a)(iv), the citizens' rights provisions referred to are—

(a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement,

(b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020), or

(c) Article 16(3) (issuance of residence documents) of the Swiss citizens' rights agreement."