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WELSH STATUTORY INSTRUMENTS

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**2021 No. 481**

**The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021**

**PART 6**

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

**Amendments to the Education (Student Support) (Wales) Regulations 2018**

**134.** In Schedule 2, after paragraph 4 insert—

**“Category 4A - Workers, employed persons, self-employed persons and their family members with protected rights**

**4A.—(1)** A person with protected rights or a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020, who—

- (a) is one of the following—
    - (i) an EEA migrant worker or an EEA self-employed person, who is ordinarily resident in Wales on the first day of the first academic year of the course,
    - (ii) a Swiss employed person or a Swiss self-employed person, who is ordinarily resident in Wales on the first day of the first academic year of the course,
    - (iii) a family member of a person mentioned in sub-paragraph (i) or (ii), who is ordinarily resident in Wales on the first day of the first academic year of the course,
    - (iv) an EEA frontier worker or an EEA frontier self-employed person,
    - (v) a Swiss frontier employed person or a Swiss frontier self-employed person,  
or
    - (vi) a family member of a person mentioned in sub-paragraph (iv) or (v), and
  - (b) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course.
- (2) A person with protected rights who—
- (a) is ordinarily resident in Wales on the first day of the first academic year of the course,
  - (b) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
  - (c) is entitled to support by virtue of Article 10 of [Regulation \(EU\) No. 492/2011](#) of the European Parliament and the Council of 5 April 2011 on freedom of

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**Status:** This is the original version (as it was originally made).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

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movement for workers within the Union (“the Workers Regulation”), as it had effect immediately before IP completion day as extended by the EEA Agreement as it had effect immediately before IP completion day.

(3) For the purposes of sub-paragraph (2)(c), in Article 10 of the Workers Regulation—

(a) the reference to a “national of a Member State” is to be read as including a relevant person of Northern Ireland, and

(b) the reference to “another Member State” is to be read as including the United Kingdom, and the references to “that State” construed accordingly.

(4) In this paragraph, a description of a person in sub-paragraph (1)(a)(i) is to be read as if it includes a relevant person of Northern Ireland who would, if that person were an EEA national or solely an EEA national, be an EEA migrant worker or an EEA self-employed person.”