
WELSH STATUTORY INSTRUMENTS

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

138. In Schedule 2, after paragraph 6 insert—

“Category 6A - EU nationals etc. with protected rights

6A.—(1) A person with protected rights—

- (a) who is—
 - (i) an EU national on the first day of the first academic year of the course,
 - (ii) a family member of a person mentioned in sub-paragraph (i), or
 - (iii) a family member of a relevant person of Northern Ireland,
- (b) who is undertaking a designated course in Wales,
- (c) who 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
- (d) whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the EEA 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 (unless the person is treated as being ordinarily resident in that territory in accordance with paragraph 9(2)).

(2) A person with protected rights who—

- (a) is an EU national on the first day of the first academic year of the course,
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course,
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course, and
- (d) in a case where the person’s ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).

Category 6B - United Kingdom nationals

6B.—(1) A person—

- (a) who is—
 - (i) a United Kingdom national on the first day of the first academic year of the course, or
 - (ii) a family member of a person mentioned in sub-paragraph (i),
- (b) who was ordinarily resident immediately before IP completion day—
 - (i) in the territory comprising the EEA and Switzerland, or
 - (ii) in the United Kingdom, where that ordinary residence began after 31 December 2017 immediately following a period of ordinary residence in the territory comprising the EEA and Switzerland,
and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course,
- (c) who is undertaking a designated course in Wales,
- (d) who 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
- (e) whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education (unless the person is treated as being ordinarily resident in that territory in accordance with paragraph 9(2)).

(2) Where a person (“P”) falls within sub-paragraph (1)(a)(ii), the person in relation to whom P is a family member must also meet the requirements of sub-paragraph (1)(b) and (d).

Category 6C – Family members of United Kingdom nationals

6C. A person—

- (a) who is a family member of a person who is a United Kingdom national on the first day of the first academic year of the course,
- (b) who is undertaking a designated course in Wales,
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course, and
- (d) whose ordinary residence in the United Kingdom and Islands has not during any part of the period referred to in sub-paragraph (c) been wholly or mainly for the purpose of receiving full-time education (unless the person is treated as being ordinarily resident in that territory in accordance with paragraph 9(2)).

Category 6D - Persons resident in Gibraltar

6D. A person—

- (a) who is—

- (i) a United Kingdom national who has resident status in Gibraltar granted by the Government of Gibraltar,
 - (ii) a family member of a United Kingdom national, where that family member has resident status in Gibraltar granted by the Government of Gibraltar,
 - (iii) an EU national who has a right of residence in Gibraltar arising under the EU withdrawal agreement, or
 - (iv) a family member of an EU national, where that family member has a right of residence in Gibraltar arising under the EU withdrawal agreement,
- (b) who is undertaking a designated course in Wales,
- (c) who 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
- (d) whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland has not during any part of the period referred to in sub-paragraph (c) been wholly or mainly for the purpose of receiving full-time education (unless the person is treated as being ordinarily resident in that territory in accordance with paragraph 9(2)).”