

2021 (WG21-81)

The Financial Contingency Fund (Further Education) (Wales) Scheme 2021/2022

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme allows the Welsh Ministers to provide funding to further education institutions and Y Ganolfan Dysgu Cymraeg Genedlaethol (formerly Welsh for Adults language centres) in Wales for the purpose of establishing discretionary funds to be used to provide emergency payments in respect of unexpected crises; and to provide financial help for those eligible students whose access to further education at a further education institution or Y Ganolfan Dysgu Cymraeg Genedlaethol might be inhibited by financial considerations, or who, for whatever reason, including physical or other disability face financial difficulties. It provides institutions and language centres with information regarding the purpose of the Scheme and the administrative arrangements of such funding, and imposes requirements in respect of those arrangements.

This Scheme comes into force on 1 September 2021 and applies in respect of the period beginning on 1 September 2021 and ending on 31 August 2022.

2021 (WG21-81)

The Financial Contingency Fund (Further Education) (Wales) Scheme 2021/2022

PART 1 - GENERAL

Title, commencement and application

1. The title of this Scheme is the Financial Contingency Fund (Further Education) (Wales) Scheme 2021/2022.

2. This Scheme comes into force on 1 September 2021 and applies in respect of the period beginning 1 September 2021 and ending on 31 August 2022. This Scheme applies in relation to Wales.

Interpretation

3. In this Scheme—

“Institution” means an institution within the further education sector in Wales or Y Ganolfan Dysgu Cymraeg Genedlaethol which is in receipt of funding for the purposes of this Scheme from the Welsh Ministers.

Revision

4. The Welsh Ministers may at any time revise, revoke or add to the provisions set out in this Scheme.

Financial advice

5. The provision of financial advice to a student is a key part of ensuring the effective use of this Scheme.

PART 2 – PURPOSE OF SCHEME

6. Funding allocated to an Institution for the purposes of this Scheme is to be used to provide financial help to those eligible students whose access to education might be inhibited by financial considerations, or who, for whatever reason, including physical or other disability, face financial difficulties.

Purposes for which payments may be used

7. Payments made to students by virtue of this Scheme must only be used for the purposes specified in this Scheme.

Priority groups

8. Institutions must assess a student's application for funding in accordance with Part 5 (Determination of Payments) of this Scheme. When determining which individual students, from amongst those eligible, to support Institutions must give priority to students who fall into one or more of the priority groups set out in paragraph 9. The order in which priority groups are listed in paragraph 9 does not indicate an order of priority within the list.

9. The priority groups for support under this Scheme are eligible students who are:

(1) Students who need help with childcare costs, especially lone parents;

(2) Students who will reach the age of 20 before they complete their A levels or other FE courses and who face particular financial difficulties because their families will cease to receive child benefit and dependency additions in Social Security benefits or tax credits for these students as of their 20th birthday;

(3) Students who are carers (providing unpaid support to someone who could not manage without this help); have been in care, on probation or are otherwise considered at risk;

(4) Students on low income, including learners who do not qualify for income support, or students from low income families, including those families in receipt of Job Seekers allowance or means tested state benefits such as Working Tax Credit and those that have unwaged dependents;

(5) Students ordinarily resident in an area with an overall ranking of 190 or less according to the latest Welsh Index of Multiple Deprivation;⁽¹⁾

(6) Students who face particular financial difficulties because their families will cease to receive the children element of universal credit as of the 1st September following their 19th birthday.

Institutions should note that if an eligible student falls within one or more of the priority groups listed above, that is not, of itself, a basis for making an award from the funding allocated for the purposes of this Scheme.

(1) The latest Welsh Index of Multiple Deprivation was published on 1 May 2019, and will apply for the entire life of this Scheme. (<http://wales.gov.uk/statistics-and-research/welsh-multiple-deprivation-indicator-data/>)

10. Institutions are required to have a written policy for the allocation of payments to eligible students under this Scheme. It must be published (together with the appeals procedure under paragraph 45) in such manner as an Institution considers appropriate, provided that it is accessible to its students and those who advise them. The policy must explain the Institution’s operational arrangements for allocating such payments. The written policy and any materials or advertisements published in relation to this Scheme must refer to the Scheme as the “Financial Contingency Fund (Further Education) (Wales) Scheme 2021/22”.

PART 3 - ELIGIBILITY

Eligible students and courses

11. Payments under this Scheme may only be made to eligible students.

12. Subject to sub-paragraph (2), an eligible student is a student who, in the opinion of the Institution—

- (a) is a further education student who is aged 16 or over who is undertaking full or part-time courses at the Institution (including Welsh for Adults courses); and
- (b) falls within—
 - (i) one of the categories set out in paragraphs 2, 3, 4, 5, 6, 7, 9, 11, 13, 14, 16, 18 and 20 of Part 2 of the Schedule to this Scheme; or
 - (ii) in the case of a student whose course began before 1 August 2021, paragraphs 8, 10, 12, 15, 17 or 19 of Part 2 of the Schedule.

(2) A person falling within one of the categories set out in Part 3 of the Schedule to this Scheme will be an eligible student only for the purposes of support for tuition fees in accordance with paragraph 20.

(3) Where the Institution has determined before 1 August 2021 that a student is only eligible for support for tuition fees, the student will only be eligible for support for tuition fees for the duration of the course.

(4) A person will not be an eligible student in respect of a course that begins on or after 1 January 2028 if the only paragraph or paragraphs in the Schedule into which the person falls is one or more of paragraphs 13 or 14.

PART 4 – TYPES OF PAYMENT

Grants

13. Institutions may provide funding to eligible students in the form of grants.

Short-term loans

14. Institutions may make payments to eligible students in the form of short-term loans. It is for the Institution to determine the amount of short-term loan to be awarded to an eligible student.

Bulk purchase arrangements

15. Institutions may make bulk purchase arrangements with local transport companies and provide equipment or services at a lower cost for eligible students who would otherwise need support under this Scheme.

16. Funding under this Scheme may not be used to replace or subsidise existing bulk purchase arrangements financed by the Institution's own funds.

17. Where an Institution enters into a bulk purchase arrangement, a clear audit trail must be maintained which clearly identifies the student beneficiaries and the amount of funding allocated from this Scheme. The records must also demonstrate that the majority of students benefitting from the bulk purchasing arrangement are eligible students facing financial hardship and who, without such support, would have difficulty accessing their studies.

PART 5 – DETERMINATION OF PAYMENTS

Applications for funding

18. Applications for funding under this Scheme must be evaluated by Institutions on a case-by-case basis in accordance with their written policy for the allocation of funding, as referred to in paragraph 10. In each case, Institutions must assess a student's application on the basis of the evidence provided by that student and their individual circumstances. A student should be notified of whether their application for funding has been successful or not within four weeks of receipt of that application by the Institution.

Consideration of funding from other sources in assessing eligibility

19. Institutions must take account of the student's financial circumstances and the availability of support from other sources such as the Education Maintenance Allowance, Welsh Government Learning Grant (Further Education) (Wales) Scheme 2021 or other equivalent government funded scheme, social security benefits and any relevant tax credits, and support provided from the student's local authority.

Tuition fees and course related costs

20. Funding under this Scheme must not be used to meet the cost of tuition fees for any eligible student, except in cases where a part-time eligible student undertakes a higher education taster module of between 10% and less than 50% of a full-time higher education course. Institutions have discretion to provide funding under this Scheme to eligible students undertaking higher education taster modules, which are less than 10% of a full-time higher education course or less than 12 credits and otherwise fulfil the Institution's eligibility criteria for taster module support.

21. Funding under this Scheme may be used to help eligible students meet the costs of course related fees such as awarding body examination and registration fees, and items of equipment or materials essential for the eligible student to participate in course activities. Any such equipment or materials purchased by an Institution under this Scheme should usually remain the property of the Institution.

22. Institutions may also make payments to eligible students for the purpose of helping with other course related costs. Such costs include, but are not limited to, those related to childcare, travel, books and field trips.

23. Institutions may not make a payment to an eligible student in respect of fines and deposits.

Costs arising from disabilities

24. Institutions may make payments for the purpose of helping disabled eligible students and eligible students with disabled dependants. This includes, but is not limited to, payments in respect of reasonable costs associated with the disability. Where the Institution has made a purchase of equipment for a disabled eligible student under this Scheme, that equipment should remain the property of the Institution, unless that equipment is tailored to meet the individual needs of that student.

PART 6 – PROCESSES: INTERFACE BETWEEN WELSH MINISTERS AND INSTITUTIONS

Payment to Institutions

25. In order to access funding for the purposes of this Scheme, an Institution must provide the Welsh Ministers with written confirmation that it accepts the terms and conditions of this Scheme, prior to receipt of funding.

26. The total amount of funding to be paid to an Institution will be the amount that has been allocated to that Institution by the Welsh Ministers.

27. The Welsh Ministers will provide the funding to Institutions in three instalments. The instalments will be made in advance of each term in the ratio 40:30:30, but the Welsh Minister may decide to withhold in-year funding if an Institution has confirmed that it is holding sufficient funds to meet existing need.

Unspent funds

28. At the end of the period to which this Scheme applies, Institutions may carry forward up to 10% of any unspent funds and interest under this Scheme without reference to the Welsh Ministers.

29. Any funds and interest carried forward in accordance with paragraph 28 may only be used in relation to a successor hardship scheme established by the Welsh Ministers.

30. The remainder of any unspent funds and interest held by an Institution in respect of this Scheme (over and above that calculated under paragraph 28 and which remains unspent as of 31 August 2022) must be returned to the Welsh Government not later than 1 December 2022.

31. For the purpose of paragraph 28, the 10% figure is to be calculated by reference to the sum of the 2021/22 allocation to the Institution, together with any funds previously carried forward by the Institution and any interest earned on that sum and funds.

Publicity and administrative costs

32. Institutions may use 3% of their total funding allocation under this Scheme or £525, whichever is the greater, to ensure that the Scheme is effectively publicised and administered.

Accountability

33. The Chief Executive Officer (or equivalent officer) of the Institution is responsible for—

(1) advising the Governing Body of the Institution of its responsibilities under this Scheme;

(2) ensuring that the uses to which the Institution puts its funding allocation are consistent with the purpose of this Scheme and the terms and conditions of this Scheme are complied with; and

(3) taking those measures which the Welsh Ministers may from time to time require to ensure that a system of financial controls and managements are in place to enable it to fulfil its financial obligations.

Provision of accounts and additional information

34. Institutions are required to have regard to the advice in the document entitled ‘Financial Memorandum between the Welsh Government, further education institutions and higher education institutions providing further education’ (Guidance document No: 160/2015 dated March 2015) or any such revised or successor Financial Memorandum that may be issued by the Welsh Ministers.

35. Institutions must follow the audit arrangements contained in the above Financial Memorandum.

36. Institutions must make information in respect of their audited accounts available to the Welsh Ministers upon their request.

37. Institutions must use the repayments made by students in respect of short term loans made under paragraph 14 of this Scheme for the purposes set out in this Scheme, or for further payments which must be documented in the same way as original payments.

PART 7 – PROCESSES: INTERFACE BETWEEN INSTITUTIONS AND STUDENTS

Payments to students

38. Institutions must deal with students’ payments promptly bearing in mind the purpose of this Scheme and circumstances which give rise to financial hardship.

39. Institutions must not commit to any year on year awards to students.

40. Institutions may agree payments to eligible students under this Scheme in principle prior to the start of the eligible student’s course, although actual

payment cannot occur until the student has started the course.

41. Institutions may make payments to eligible students under this Scheme either in a lump sum or by instalments.

42. Institutions should have regard to any Code of Practice issued from time to time by the Equality and Human Rights Commission in respect of requirements imposed by Chapter 2 of Part 6 of the Equality Act 2010.

Payments to students in respect of equipment and materials

43. An eligible student may make an application for funding in respect of essential equipment and/or materials they have purchased in order to participate in course related activities. If the student's application is successful, an Institution may reimburse the costs incurred by the student in purchasing that equipment and/or materials in full or in part.

Payments during periods where study is suspended

44. An Institution may make payments under this Scheme to eligible students who have suspended their studies due to health, caring reasons, pregnancy, or for any other circumstances that the Institution deems appropriate, provided that the Institution is satisfied that the student has not withdrawn from or abandoned the course and that the student intends to return to the course.

Appeals

45. Institutions must have a published appeals procedure in place for cases where students have applied unsuccessfully for support under this Scheme. This procedure should be clear, and students must be informed of their right to appeal. Decisions on eligibility and awards rest with the Institutions responsible for administering this Scheme. It is for Institutions to consider each case and resolve appeals in accordance with their published procedure.

46. Institutions should consider including student representation in the decision making process.

Jeremy Miles MS

Minister for Education and Welsh Language, one of the Welsh Ministers

Date 10 September 2021

SCHEDULE

Eligible Students

PART 1

Interpretation

1.—(1) For the purposes of this Schedule—

“the 2020 Citizens’ Rights Regulations” (*“Rheoliadau Hawliau Dinasyddion 2020”*) means the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020;

“Directive 2004/38” (*“Cyfarwydddeb 2004/38”*) means Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

“EEA” (*“AEE”*) means the territory comprised by the member states of the European Economic Area;

“EEA EFTA separation agreement” (*“cytundeb gwahanu EFTA yr AEE”*) has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;

“EEA frontier self-employed person” (*“person hunangyflogedig trawsffiniol AEE”*) means an EEA national who —

- (a) is a self-employed person in the United Kingdom; and
- (b) resides in Switzerland or the territory of an EEA State and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“EEA frontier worker” (*“gweithiwr trawsffiniol AEE”*) means an EEA national who—

- (a) is a worker in the United Kingdom; and
- (b) resides in Switzerland or the territory of an EEA State and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“EEA migrant worker” (*“gweithiwr mudol AEE”*) means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

“EEA national” (*“gwladolyn AEE”*) means a national of an EEA State;

“EEA self-employed person” (“*person hunangyflogedig AEE*”) means an EEA national who is a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

“EEA State” (“*Gwladwriaeth AEE*”) means a Member State of the European Economic Area;

“employed person” (“*person cyflogedig*”) means an employed person within the meaning of Annex 1 to the Swiss Agreement;

“EU national” (“*gwladolyn UE*”) means a national of a Member State of the European Union;

“European Union” (“*yr Undeb Ewropeaidd*”) means the territory comprised by the Member States of the European Union as constituted from time to time;

“European Economic Area” (“*Ardal Economaidd Ewropeaidd*”) means the area comprised by the EEA States;

“family member” (“*aelod o deulu*”) means (unless otherwise indicated)—

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person, an EEA self-employed person or a relevant person of Northern Ireland who is treated as an EEA migrant worker or an EEA self-employed person—
 - (i) the person’s spouse or civil partner;
 - (ii) direct descendants of the person or of the person’s spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of the person or the person’s spouse or civil partner; or
 - (iii) dependent direct relatives in the ascending line of the person or that of the person’s spouse or civil partner;
- (b) in relation to a Swiss employed person, a Swiss frontier employed person, a Swiss frontier self-employed person or a Swiss self-employed person—
 - (i) the person’s spouse or civil partner; or
 - (ii) the person’s child or the child of the person’s spouse or civil partner;
- (c) in relation to an EU national who falls within Article 7(1)(c) of Directive 2004/38—
 - (i) the national’s spouse or civil partner; or
 - (ii) direct descendants of the national or of the national’s spouse or civil partner who are—
 - (aa) under the age of 21; or

- (bb) dependants of the national or of the national's spouse or civil partner;
- (d) in relation to an EU national who falls within Article 7(1)(b) of Directive 2004/38—
 - (i) the national's spouse or civil partner;
 - (ii) direct descendants of the national or of the national's spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of the national or of the national's spouse or civil partner; or
 - (iii) dependent direct relatives in the national's ascending line or that of the national's spouse or civil partner;
- (e) in relation to a United Kingdom national, for the purposes of paragraph 9—
 - (i) the national's spouse or civil partner; or
 - (ii) direct descendants of the national or of the national's spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of the national or of the national's spouse or civil partner;

“grace period” (“*cyfnod gras*”) has the meaning given by regulation 3 of the 2020 Citizens’ Rights Regulations;

“immigration rules” (“*rheolau mewnfudo*”) means the rules laid before Parliament by the Secretary of State under section 3(2) of the Immigration Act 1971⁽¹⁾;

“IP completion day” means “implementation period completion day” (“xx”) and has the meaning given by Schedule 1 of the Legislation (Wales) Act 2019;

“Islands” (“*Ynysoedd*”) means the Channel Islands and the Isle of Man;

“person granted leave to enter or remain as a protected person” (“*person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir*”) means a person who has extant leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules;

“person granted leave to remain as a protected partner” (“*person y rhoddwyd caniatâd iddo aros fel partner a ddiogelir*”) means a person granted

(1) 1971 c.77

leave to remain in the United Kingdom as either a victim of domestic violence or domestic abuse or as a bereaved partner under any of the following provisions of the immigration rules—

- (a) paragraphs 289B and 289D (victims of domestic violence);
- (b) paragraphs D-DVILR.1.1. and D-DVILR.1.2. of Appendix FM (victims of domestic abuse);
- (c) paragraphs 40 and 41 of Appendix Armed Forces (victims of domestic violence who are partners of members of the armed forces);
- (d) paragraph 288, as a person in relation to whom the requirements in paragraph 287(b) of those rules are met (bereaved spouses or civil partners);
- (e) paragraphs D-BPILR.1.1. and D-BPILR.1.2. of Appendix FM (bereaved partners);
- (f) paragraphs 36 and 37 of Appendix Armed Forces (bereaved partners); or
- (g) paragraph 295N, as a person in relation to whom the requirements in paragraph 295M of those rules are met (bereaved unmarried or same sex partners).

“person granted stateless leave” (*“person y rhoddwyd caniatâd iddo aros fel person diwldladwriaeth”*) means a person who—

- (a) has extant leave to remain as a stateless person under the immigration rules; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;

“person with Calais leave” (*“person sydd â chaniatâd Calais”*) means a person with extant leave to remain under paragraphs 352J, 352K, 352L or 352T of the Immigration Rules (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave);

“person with protected rights” (*“person sydd â hawliau gwarchoddedig”*) means—

- (a) a person within the personal scope of the citizens’ rights provisions who—
 - (i) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;
 - (ii) is an Irish citizen who, pursuant to section 3ZA of the Immigration Act 1971, does not require leave to enter or remain in the United Kingdom;
 - (iii) is a relevant person for the purposes of regulation 3 of the 2020 Citizens’ Rights

Regulations where the grace period has not ended;

(iv) is an applicant for the purposes of regulation 4 of the 2020 Citizens' Rights Regulations where the relevant period has not expired;

(v) otherwise has rights deemed to apply by virtue of any relevant citizens' rights provisions; or

(b) a family member of a relevant person of Northern Ireland for the purposes of residence scheme immigration rules, where that family member has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;

(2) In paragraph (1)(v) "relevant citizens' rights provisions" means—

(a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;

(b) Article 17(2) and (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);

(c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens' rights agreement;

"person with section 67 leave to remain" ("*person sydd â chaniatâd i aros o dan adran 67*") means a person who—

(a) has leave to remain in the United Kingdom under section 67 of the Immigration Act 2016 and in accordance with the immigration rules; and

(b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;

"refugee" ("*ffoadur*") means a person who is recognised by Her Majesty's government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28 July 1951 as extended by the Protocol thereto which entered into force on 4 October 1967;

"relevant period" ("*cyfnod perthnasol*") has the meaning given by regulation 4 of the 2020 Citizens' Rights Regulations;

"relevant person of Northern Ireland" ("*person perthnasol o Ogledd Iwerddon*") has the meaning given by residence scheme immigration rules;

"residence scheme immigration rules" ("*rheolau mewnfudo'r cynllun preswyllo*") has the meaning

given by section 17(1) of the European Union (Withdrawal Agreement) Act 2020⁽¹⁾;

“self-employed person” (*“person hunangyflogedig”*) means—

- (a) in relation to an EEA national, a person who is self-employed within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be; or
- (b) in relation to a Swiss national, a person who is a self-employed person within the meaning of Annex 1 to the Swiss Agreement;

“settled” (*“wedi setlo”*) has the meaning given by section 33(2A) of the Immigration Act 1971⁽²⁾;

“Swiss Agreement” (*“Cytundeb y Swistir”*) means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation of the other, on the Free Movement of Persons signed at Luxembourg on 21 June 1999⁽³⁾ and which came into force on 1 June 2002;

“Swiss citizens’ rights agreement” (*“cytundeb ar hawliau dinasyddion Swisaidd”*) has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;

“Swiss employed person” (*“person cyflogedig Swisaidd”*) means a Swiss national who is an employed person, other than a Swiss frontier employed person, in the United Kingdom;

“Swiss frontier employed person” (*“person cyflogedig trawsffiniol Swisaidd”*) means a Swiss national who—

- (a) is an employed person in the United Kingdom; and
- (b) resides in Switzerland or in the territory of an EEA State and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“Swiss frontier self-employed person” (*“person hunangyflogedig trawsffiniol Swisaidd”*) means a Swiss national who—

- (a) is a self-employed person in the United Kingdom; and
- (b) resides in Switzerland or in the territory of an EEA State, and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

(1) c. 1.
(2) 1971 c. 77; section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c. 61).
(3) Cm. 4904 and OJ No L114, 30.04.02, p. 6.

“Swiss self-employed person” (*“person hunangyflogedig Swisaidd”*) means a Swiss national who is a self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom;

“Turkish worker” (*“gweithiwr Twrcaidd”*) means a Turkish national who—

- (a) is ordinarily resident in the United Kingdom and Islands; and
- (b) is, or has been, lawfully employed in the United Kingdom;

“worker” (*“gweithiwr”*) means a worker within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be;

(3) For the purposes of this Schedule, “parent” includes a guardian, any other person having parental responsibility for a child and any person having care of a child and “child” is to be construed accordingly.

(4) For the purposes of this Schedule, a person (“A” in this sub-paragraph) is to be treated as ordinarily resident in Wales, the United Kingdom, Islands and the Republic of Ireland or in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey if A would have been so resident but for the fact that—

- (a) A;
- (b) A’s spouse or civil partner;
- (c) A’s parent; or
- (d) in the case of a dependent direct relative in the ascending line, A’s child or child’s spouse or civil partner,

is or was temporarily employed outside Wales, the United Kingdom, Islands and Republic of Ireland or the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey.

(5) For the purposes of sub-paragraph (3), temporary employment outside Wales, the United Kingdom, Islands and Republic of Ireland or the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;
- (b) in the case of members of the regular armed forces of the Republic of Ireland, any period which they serve outside the territory comprising the United Kingdom, Islands and the Republic of Ireland as members of such forces;

- (c) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland as members of such forces; and
 - (d) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey as members of such forces.
- (6) For the purposes of this Schedule an area other than the United Kingdom or Gibraltar which—
- (a) was previously not part of the European Union or the European Economic Area; but
 - (b) at any time before or after this Scheme came into force has become part of one or other or both of these areas,
- is to be considered to have always been a part of the European Economic Area.
- (7) For the purposes of this Schedule, a reference to a “Member State” or “State” in Article 7 of Directive 2004/38 is to be read as including the United Kingdom.
- (8) For the purposes of this Schedule, a person is within the personal scope of the citizens’ rights provisions if that person falls within—
- (a) Article 10 (personal scope) of the EU withdrawal agreement;
 - (b) Article 9 (personal scope) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
 - (c) Article 10 (personal scope) of the Swiss citizens’ rights agreement.

PART 2

Categories

Persons who are settled in the United Kingdom

- 2.—a) A person who on the first day of the first academic year of the course—
- (a) is settled in the United Kingdom and does not fall within paragraph 3;
 - (b) is ordinarily resident in the United Kingdom;
 - (c) 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) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands 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 United Kingdom and Islands in accordance with paragraph 1(3).

3.—(1) A person who—

- (a) meets one of the following conditions on the first day of the first academic year of the course—

- (i) the person is within the personal scope of the citizens' rights provisions and is settled in the United Kingdom by virtue of the grant of indefinite leave to enter or remain under residence scheme immigration rules;

- (ii) the person—

- (aa) is within the personal scope of the citizens' rights provisions;

- (bb) is an Irish citizen settled in the United Kingdom who, pursuant to section 3ZA of the Immigration Act 1971, does not require leave to enter or remain in the United Kingdom; and

- (cc) would meet the eligibility requirements for indefinite leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules if that person were to make an application for such leave;

- (iii) the person—

- (aa) is within the personal scope of the citizens' rights provisions;

- (bb) is a relevant person for the purposes of regulation 3 of the 2020 Citizens' Rights Regulations; and

- (cc) has, or is treated as having, a right of permanent residence for the purposes of the Immigration (EEA) Regulations 2016, as those Regulations continue to have effect by virtue of the 2020 Citizens' Rights Regulations in relation to that person during the grace period;

- (iv) the person—

- (aa) is within the personal scope of the citizens' rights provisions;
- (bb) is an applicant for the purposes of regulation 4 of the 2020 Citizens' Rights Regulations or otherwise has rights deemed to apply by virtue of any of the citizens' rights provisions specified in paragraph (3); and
- (cc) has, or is treated as having, a right of permanent residence for the purposes of the Immigration (EEA) Regulations 2016, as those Regulations continue to have effect by virtue of the 2020 Citizens' Rights Regulations in relation to that person during the relevant period or otherwise has a deemed right of permanent residence by virtue of any of the citizens' rights provisions specified in paragraph (3); or
- (v) the person is a family member of a relevant person of Northern Ireland for the purposes of residence scheme immigration rules, where that family member is settled in the United Kingdom by virtue of the grant of indefinite leave to enter or remain under residence scheme immigration rules;
- (b) is ordinarily resident in the United Kingdom 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 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 before the period of ordinary residence referred to in paragraph (c).

(2) For the purposes of sub-paragraph (1)(a)(ii)(cc), "eligibility requirements for indefinite leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules" means the eligibility requirements for such leave in accordance with paragraph EU11 of Appendix EU to the immigration rules.

(3) For the purpose of sub-paragraph (1)(a)(v), 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.

Refugees and their family members

4.—b) A person who—

- (a) is a refugee;
- (b) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since the person was recognised as a refugee; and
- (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(2) A person who—

- (a) is the spouse or civil partner of a refugee;
- (b) was the spouse or civil partner of the refugee on the date on which the refugee made the application for asylum;
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom; and
- (d) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(3) A person who—

- (a) is the child of a refugee or the child of the spouse or civil partner of a refugee;
- (b) on the date on which the refugee made the application for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date;
- (c) was under 18 on the date on which the refugee made the application for asylum;
- (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom; and
- (e) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

Protected persons and their family members

5.—(1) A person—

- (a) granted leave to enter or remain as a protected person;
- (b) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since the person was granted such leave; and
- (c) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(2) A person who—

- (a) is a protected spouse or civil partner;
- (b) on the leave application date, was the spouse or civil partner of a person granted leave to enter or remain as a protected person (by virtue of humanitarian protection under paragraph 339C of the immigration rules or as a stateless person under the immigration rules);
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
- (d) is ordinarily resident in Wales on the first day of the first academic year of the course.

(3) A person who—

- (a) is a protected child;
- (b) on the leave application date was—
 - (i) under 18 years old; and
 - (ii) was the child of a person granted leave to enter or remain as a protected person or, as the case may be, the child of a person who was the spouse or civil partner of the person granted leave to enter or remain as a protected person on that date (by virtue of humanitarian protection under paragraph 339C of the immigration rules, stateless leave under the immigration rules or section 67 of the Immigration Act 2016 and the immigration rules, as the case may be);
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
- (d) is ordinarily resident in Wales on the first day of the first academic year of the course.

(4) In this paragraph—

- (a) “leave application date” means the date on which a person (“P”) made an application for

leave to enter or remain in the United Kingdom that results in P becoming a person granted leave to enter or remain as a protected person;

- (b) “leave to enter or remain as a protected person” means—
 - (i) a person granted leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules;
 - (ii) a person granted stateless leave;
 - (iii) a person with section 67 leave to remain; or
 - (iv) a person with Calais leave;
- (c) “protected child” means—
 - (i) a child of—
 - (aa) a person who has extant leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules;
 - (bb) a person granted stateless leave;
 - (cc) a person with section 67 leave to remain;
 - (ii) a child of the spouse or civil partner of—
 - (aa) a person who has extant leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules; or
 - (bb) a person granted stateless leave;
- (d) “protected spouse or civil partner” means a spouse or civil partner of—
 - (i) a person who has extant leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules; or
 - (ii) a person granted stateless leave.

Persons granted leave to remain as a protected partner and their children

6.—(1) A person—

- (a) granted leave to remain as a protected partner;
- (b) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted such leave; and
- (c) who is ordinarily resident in Wales on the first day of the first academic year of the course.

(2) A person who—

- (a) is the child of a person granted leave to remain as a protected partner;
- (b) on the leave application date was under 18 years old and was the child of a person granted leave to remain as a protected partner;
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to remain in the United Kingdom;
- (d) is ordinarily resident in Wales on the first day of the first academic year of the course.

(3) In this paragraph, “leave application date” means the date on which a person (“P”) made an application for leave to enter or remain in the United Kingdom that results in P becoming a person granted leave to remain as a protected partner.

Persons with leave to enter or remain and their family members

7.—c) A person—

- (a) with leave to enter or remain; and
- (b) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(2) A person—

- (a) who is the spouse or civil partner of a person with leave to enter or remain;
- (b) who was the spouse or civil partner of the person with leave to enter or remain on the leave application date; and
- (c) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(3) A person—

- (a) who is the child of a person with leave to enter or remain or the child of the spouse or civil partner of a person with leave to enter or remain;
- (b) who, on the leave application date, was under 18 years old and was the child of the person with leave to enter or remain or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date; and
- (c) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(4) In this paragraph, a “person with leave to enter or remain” means a person (“P”)—

- (a) who has—

- (i) applied for refugee status but has as a result of that application been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is considered not to qualify for recognition as a refugee it is thought right to allow P to enter or remain in the United Kingdom on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly;
 - (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow that person to enter or remain in the United Kingdom on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly;
 - (iii) been granted leave to remain on the grounds of private or family life under the immigration rules; or
 - (iv) been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although that P is not considered to qualify for leave to remain on the grounds of private or family life under the immigration rules, that P has been granted leave to remain outside the rules on the grounds of Article 8 of the European Convention on Human Rights;
- (b) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (c) who has been ordinarily resident in the United Kingdom and Islands throughout the period since they were granted leave to enter or remain.

(5) In this paragraph, “leave application date” means the date on which the person with leave to enter or remain made the application that led to that person being granted leave to enter or remain in the United Kingdom.

Workers, employed persons, self-employed persons and their family members

8.—d) A person who—

- (a) is—
 - (i) an EEA migrant worker or an EEA self-employed person;
 - (ii) a Swiss employed person or a Swiss self-employed person;
 - (iii) a family member of a person mentioned in paragraph (i) or (ii);
 - (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 paragraph (iv) or (v);
- (b) subject to sub-paragraph (2), is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course.

(2) Paragraph (b) of sub-paragraph (1) does not apply where the person applying for support under this Scheme falls within paragraph (a)(iv), (v) or (vi) of sub-paragraph (1).

9.—e 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—
 - (i) an EEA migrant worker or an EEA self-employed person;
 - (ii) a Swiss employed person or a Swiss self-employed person;
 - (iii) a family member of a person mentioned in sub-paragraph (i) or (ii);
 - (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);
- (b) subject to sub-paragraph (2), is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (c) 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) Paragraph (b) of sub-paragraph (1) does not apply where the person applying for support falls within paragraph (a)(iv), (v) or (vi) of sub-paragraph (1).

(3) 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.

10.—(1) A person who—

- (a) is ordinarily resident in the United Kingdom 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 European Economic Area 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 Council Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on the freedom of 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.

(2) For the purposes of sub-paragraph (1)(c), in Article 10 of the Workers Regulation the reference to “another Member State” is to be read as including the United Kingdom and the references to “that State” construed accordingly.

(3) Any description of person who would have been eligible under this paragraph immediately before IP completion day is to be eligible on and after IP completion day.

11.—(1) 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 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.

(2) For the purposes of sub-paragraph (1)(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.

Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere

12.—f) A person who—

- (a) is settled in the United Kingdom;
- (b) was ordinarily resident in the United Kingdom and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence before IP completion day;
- (c) is ordinarily resident in the United Kingdom on the day on which the first term of the first academic year actually begins;
- (d) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (e) in a case where the person’s ordinary residence referred to in paragraph (d) was wholly or mainly for the purposes of receiving full time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).

(2) For the purposes of this paragraph, a person has exercised a right of residence if sub-paragraph (3) or (4) applies to the person.

(3) This sub-paragraph applies to a person who is—

- (a) a United Kingdom national;
- (b) a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement); or
- (c) a person who had the right of permanent residence;

who has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom.

- (4) This paragraph applies to a person—
- (a) who is settled in the United Kingdom and had the right of permanent residence; and
 - (b) who has gone to the state within the territory comprising the EEA and Switzerland of which they are a national or of which the person in relation to whom that person is a family member is a national.

(5) For the purposes of this paragraph, a person had the right of permanent residence if they had a right which arose under Directive 2004/38 to reside permanently in the United Kingdom without restriction.

13.—(1) A person who—

- (a) is settled in the United Kingdom;
- (b) was ordinarily resident in Wales and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence before IP completion day;
- (c) was ordinarily resident immediately before IP completion day—
 - (i) in the territory comprising Gibraltar, 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 Gibraltar, 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;
- (d) is ordinarily resident in the United Kingdom on the day on which the first term of the first academic year of the course actually begins;
- (e) 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
- (f) in a case where the person's ordinary residence referred to in paragraph (e) 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 before the period of ordinary residence referred to in paragraph (e).

(2) For the purposes of this paragraph, a person has exercised a right of residence if that person is a United Kingdom national, a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement) or a person who had the right of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom or, in the case of a person who is settled in the United Kingdom and had the right of permanent residence, if the person has gone to the state within the territory comprising the EEA and Switzerland of which the person is a national or of which the person in relation to whom the person is a family member is a national.

(3) For the purposes of sub-paragraph (2), a person had the right of permanent residence if they had a right which arose under Directive 2004/38 to reside permanently in the United Kingdom without restriction.

United Kingdom nationals

14.—(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 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 attending a course;
- (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) subject to sub-paragraph (2), 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.

(2) Paragraph (e) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland in accordance with paragraph 1(4).

(3) 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).

EU nationals ordinarily resident in the United Kingdom

15.—(1) A person who—

- (a) is an EU national on the first day of the first academic year of the course;
- (b) is ordinarily resident in the United Kingdom 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 European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(2) Where a state accedes to the European Union after the first day of the first academic year of the course and a person is a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EU national on the first day of the first academic year of the course is treated as being satisfied.

16. 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 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 sub-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 sub-paragraph (c).

Children of Swiss nationals

17.—(1) A person who—

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 3(6) of Annex 1 to the Swiss Agreement;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period 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 European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).

(2) Any description of person who would have been eligible under this paragraph immediately before IP completion day is to be eligible on and after IP completion day.

18. A person with protected rights who—

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 18(2) of the Swiss citizens' rights agreement;
- (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 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) in a case where the person's ordinary residence referred to in sub-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 sub-paragraph (c).

Children of Turkish workers

19. A person who—

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.

20. A person who—

- (a) is the child of a Turkish worker (“T”) where T was ordinarily resident in the United Kingdom immediately before IP completion day;
- (b) immediately before IP completion day—
 - (i) was the child of T; and
 - (ii) was ordinarily resident in the United Kingdom;
- (c) is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (d) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the EEA, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.

Part 3

Categories of Student Eligible for Tuition Fee Support Only

Persons settled in the United Kingdom

21. A person—

- (a) who is settled in the United Kingdom on the first day of the first academic year of the course and who does not fall within paragraph 3 of this Schedule;
- (b) who is undertaking a course in Wales;
- (c) who has been ordinarily resident in the territory comprising the United Kingdom, Islands and the Republic of Ireland 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, Islands and the Republic of Ireland 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.

EU nationals and United Kingdom nationals who have exercised a right of residence

22.—g) A person—

- (a) who, on the first day of the first academic year of the course, is—
 - (i) an EU national;
 - (ii) a United Kingdom national who has exercised a right of residence; or
 - (iii) the family member of a person in sub-paragraph (i) or (ii);
- (b) who is undertaking a 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.

(2) Any description of person who would have been eligible under sub-paragraph (1) immediately before IP completion day is to be eligible on and after IP completion day.

Persons with protected rights

23. 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 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.

Family members of United Kingdom nationals

24. 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 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.

Residents of Gibraltar

25. 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 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.