

## 1983 No. 973

**EDUCATION, ENGLAND AND WALES  
EDUCATION, SCOTLAND**

**The Education (Fees and Awards) Regulations 1983**

<i>Made - - - - -</i>	<i>6th July 1983</i>
<i>Laid before Parliament</i>	<i>18th July 1983</i>
<i>Coming into Operation</i>	<i>21st July 1983</i>

In exercise of the powers conferred on me by sections 1 and 2 of the Education (Fees and Awards) Act 1983 (a), I hereby make the following Regulations:—

PART I

GENERAL

*Citation, operation and extent*

1.—(1) These Regulations may be cited as the Education (Fees and Awards) Regulations 1983 and shall come into operation on 21st July 1983.

(2) Except for the purposes of Part II in its application as respects university fees, these Regulations do not extend to Scotland.

*Interpretation*

2.—(1) In these Regulations—

“education” includes post-graduate research otherwise than in the course of employment;

“education authority” means a local education authority;

“employment” means full-time employment or part-time employment which, in a normal week, involves a significant number of hours of work and “employed” shall be construed accordingly, and for the purposes hereof the references to employment include references to the holding of any office and to any occupation for gain;

“European Community” means the area comprised by the member states of the European Community (including the United Kingdom) as constituted from time to time;

“fees” includes charges however described;

“the Islands” means the Channel Islands and the Isle of Man;

“national of a member state of the European Community” means a person who is a national for the purposes of the Community Treaties of any member state of the European Economic Community (including the United Kingdom) as constituted from time to time;

“refugee” means a person who is recognised by Her Majesty’s government as a refugee within the meaning of the United Nations

(a) 1983 c.40.

Convention relating to the Status of Refugees done at Geneva on 28th July 1951 as extended by the Protocol thereto which entered into force on 4th October 1967 or a person who enjoys asylum in the United Kingdom in pursuance of a decision of Her Majesty's government though not so recognised.

(2) In these Regulations a reference to a person's son or daughter includes a reference to a person adopted in pursuance of adoption proceedings, a step-child and an illegitimate child of whom the person concerned is the mother or in whose case he has admitted paternity or been adjudged the putative father.

(3) Notwithstanding section 11 of the Interpretation Act 1978 (a) section 3(2) of the Education (Fees and Awards) Act 1983 (references to the United Kingdom to include references to the Islands) shall not apply for the purpose of the interpretation of these Regulations.

(4) In these Regulations, unless the context otherwise requires, a reference to a Regulation, Part or Schedule is a reference to a Regulation or Part of these Regulations or to a Schedule thereto, a reference in a Regulation or Schedule to a paragraph is a reference to a paragraph of that Regulation or Schedule and a reference in a paragraph to a sub-paragraph is a reference to a sub-paragraph of that paragraph.

#### *Lawful acts*

3.—(1) Nothing in Part II shall be construed as rendering unlawful any discrimination arising from the remission in whole or in part of any fee (on grounds of financial hardship or otherwise) if it would have been lawful had these Regulations not been made.

(2) Nothing in Part III, IV or V shall be construed as rendering unlawful any discrimination arising from any rule of eligibility for an award if it would have been lawful had these Regulations not been made.

## PART II

### FEES FOR TUITION ETC.

#### *Scope of Part II*

4.—(1) This Part shall have effect as respects the charging of relevant fees in respect of students attending a full-time or sandwich course provided by a university or further education establishment and any reference in this Part to a student shall be construed accordingly.

(2) In this Regulation—

“full-time course” means a course normally involving not less than 15 hours attendance a week in term-time for the organised day-time study of a single subject or related subjects;

“further education establishment” means such an establishment as is mentioned in Schedule 1;

“sandwich course” means a course consisting of alternate periods of full-time study in an establishment and periods of experience so organised that, taking the course as a whole, the student attends the periods of full-time study for an average of not less than 19 weeks in each year (the course being treated for the purpose of calculating attendance as beginning with the first period of full-time study and ending with the

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(a) 1978 c.30.

last such period) and, for the purposes hereof “periods of experience” means periods of industrial, professional or commercial experience associated with full-time study at the establishment but at a place outside the establishment except that, in the case of a student studying modern languages whose course includes periods of residence in a country whose language is the main language of that course, it means such periods of residence for which he is in gainful employment;

“university” includes a university college and a college, school, hall or other institution of a university.

*Relevant fees*

5.—(1) For the purposes of this Part “relevant fees” means the aggregate of—

- (a) any fees for admission, registration or matriculation (including matriculation exemption);
- (b) any sessional or tuition fees;
- (c) any composition fee, and
- (d) any graduation fee,

in each case excluding any element thereof representing or attributable to such fees as are mentioned in paragraph (2).

(2) The fees last referred to in paragraph (1) are—

- (a) college fees or dues at the University of Cambridge, Durham, Kent, Lancaster, Oxford or York;
- (b) any fees charged by an external body in respect of examinations or validation of a course or otherwise charged by such a body whose requirements must (for the purposes of a course) be met;
- (c) charges for board and lodging.

*Relevant connection with the United Kingdom and Islands*

6. For the purposes of this Part a student has a relevant connection with the United Kingdom and Islands if—

- (a) he has been ordinarily resident therein throughout the 3 year period preceding 1st September, 1st January or 1st April closest to the beginning of the first term of the student’s course, and
- (b) he has not been resident therein, during any part of that 3 year period, wholly or mainly for the purpose of receiving full-time education.

*Charging of higher relevant fees*

7.—(1) Subject to Schedule 2, it shall be lawful to charge higher relevant fees in the case of students who have not a relevant connection with the United Kingdom and Islands than in the case of students having such a connection:

Provided that, in the case of a student pursuing a course which he began before 1st September 1980, the annual rate of the higher relevant fees shall not exceed—

- (a) £2,046, where the student’s course is a postgraduate or comparable course;
- (b) £1,575, where the student’s course, not being such as aforesaid, is a course of advanced further education, or
- (c) £843, in any other case.

(2) For the purposes of this Regulation—

“postgraduate or comparable course” means a course so designated for the purposes of section 4 of the Education Act 1973 (a) by or under regulations (b) from time to time in force under that section;

“course of advanced further education” means a course so designated by or under regulations (c) from time to time in force under section 27(6) of the Education Act 1980 (d).

### PART III

#### AWARDS UNDER SECTION 1(6) OR 2 OF THE EDUCATION ACT 1962

##### *Scope of Part III*

8. This Part shall have effect as respects the adoption by an education authority of rules of eligibility for awards under section 1(6) or 2 of the Education Act 1962, and any reference in this Part to an award or a candidate for an award shall be construed accordingly.

##### *Relevant connection with the United Kingdom and Islands*

9. For the purposes of this Part a candidate for an award has a relevant connection with the United Kingdom and Islands if—

- (a) he has been, or satisfies the education authority that he will have been, ordinarily resident therein throughout the 3 year period preceding 1st September, 1st January or 1st April closest to the beginning of the first term of his intended course, and
- (b) he has not been resident therein, during any part of that 3 year period, wholly or mainly for the purpose of receiving full-time education.

##### *Authorised eligibility rules*

10. Subject to Schedule 3, it shall be lawful to adopt rules of eligibility for awards which confine the awards to candidates having a relevant connection with the United Kingdom and Islands.

### PART IV

#### AWARDS BY RESEARCH COUNCILS AND CERTAIN OTHER INSTITUTIONS

##### *Scope of Part IV*

11.—(1) This Part shall have effect as respects the adoption by a body or institution mentioned in paragraph (2) of rules of eligibility for awards (however described) made by that body or institution in connection with courses of education or training or in connection with the undertaking of research and any reference in this Part to an award, a candidate for an award or the maker of an award shall be construed accordingly.

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- (a) 1973 c.16.
  - (b) The regulations currently in force are the Postgraduate Etc. Courses (Exclusion from Discretionary Awards) Regulations 1973 (S.I. 1973/1232).
  - (c) The regulations currently in force are the Education (Schools and Further Education) Regulations 1981 (S.I. 1981/1086) and the relevant provision is Schedule 2 thereto. Amendments previously made to that instrument are not relevant to the subject matter of these Regulations.
  - (d) 1980 c.20.

- (2) The bodies and institutions referred to in paragraph (1) are—
- (a) the following research councils, namely—
    - Agricultural Research Council,
    - Medical Research Council,
    - Natural Environment Research Council,
    - Science and Engineering Research Council, and
    - Social Science Research Council;
  - (b) the British Museum (Natural History);
  - (c) the Royal Society;
  - (d) the following further education establishments, namely—
    - Coleg Harlech, Gwynedd,
    - Co-operative College, Loughborough,
    - Fircroft College, Birmingham,
    - Hillcroft College, Surbiton,
    - Northern College, Nr. Barnsley,
    - Plater College, Oxford,
    - Royal College of Art, London, and
    - Ruskin College, Oxford, and
  - (e) the National Film and Television School, Beaconsfield.

*Relevant connection with the United Kingdom and Islands or Great Britain*

12. For the purposes of this Part a candidate for an award has a relevant connection with the United Kingdom and Islands, or with Great Britain, if—

- (a) he has been ordinarily resident therein throughout the 3 year period preceding the date of his application for an award, and
- (b) he has not been resident therein, during any part of that 3 year period, wholly or mainly for the purpose of receiving full-time education.

*Authorised eligibility rules*

13.—(1) It shall be lawful to adopt rules of eligibility for awards which—

- (a) subject to Schedule 3, confine the awards to candidates having a relevant connection either with the United Kingdom and Islands or with Great Britain, as the maker of the awards has determined, and
  - (b) if the maker of the awards has so determined, further confine the awards to candidates who, unless they are excepted candidates in pursuance of paragraph 5 of Schedule 3 (temporary employment etc. abroad)—
    - (i) are ordinarily resident in the United Kingdom and Islands, in Great Britain, in England and Wales or in England, as the maker of the awards has determined, at the date of application for an award and are not then resident in the area in question wholly or mainly for the purpose of receiving full-time education, or
    - (ii) satisfy the maker of the awards that they will satisfy the aforesaid conditions on 30th June next following the date of their applications.
- (2) The maker of the awards may adopt different eligibility rules falling within paragraph (1) for different classes or descriptions of awards.

## PART V

## POSTGRADUATE AGRICULTURAL STUDENTSHIPS

*Scope of Part V*

14. This Part shall have effect as respects the adoption by the Minister of Agriculture, Fisheries and Food or the Secretary of State for Wales of rules of eligibility for awards made by him in pursuance of section 2(3) of the Board of Agriculture Act 1889 (a) and any reference in this Part to an award or a candidate for an award shall be construed accordingly.

*Relevant connection with England and Wales*

15. For the purposes of this Part a candidate for an award has a relevant connection with England and Wales if—

- (a) he has been ordinarily resident therein throughout the 3 year period preceding the date of his application for an award,
- (b) he has not been resident therein during any part of that 3 year period wholly or mainly for the purpose of receiving full-time education, and
- (c) he is a British citizen or otherwise enjoys in the United Kingdom the status of a Commonwealth citizen.

*Authorised eligibility rules*

16. Subject to Schedule 3, it shall be lawful to adopt rules of eligibility for awards which confine the awards to candidates having a relevant connection with England and Wales.

## SCHEDULE 1

## FURTHER EDUCATION ESTABLISHMENTS

1. The reference in Regulation 4 to a further education establishment is a reference to such an establishment which is—

- (a) provided by an education authority, or
- (b) is substantially dependent for its maintenance on assistance from an education authority or grants under section 100(1)(b) of the Education Act 1944 (b) and is specified in paragraph 2.

2. The following establishments are hereby specified for the purpose of paragraph 1(b):—

*Assisted establishments*

Camborne School of Mines, Cornwall;  
 Central School of Speech and Drama, London;  
 City of London Polytechnic;  
 Cordwainers Technical College, London;  
 Dartington College of Arts, Devon;  
 London School of Nautical Cookery;  
 Morley College, London;  
 Polytechnic of Central London;  
 Polytechnic of North London;  
 Polytechnic of the South Bank, London;  
 Rose Bruford College of Speech and Drama, Bexley;  
 Thames Polytechnic, London.

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(a) 1889 c.30.

(b) 1944 c.31.

*Grant aided establishments*

Bishop Grosseteste College, Lincoln;  
 Cambridge Institute;  
 Chester College;  
 Christ Church College, Canterbury;  
 Coleg Harlech, Gwynedd;  
 College of Ripon and York St John, North Yorkshire;  
 College of St Mark and St John, Plymouth;  
 College of St Paul and St Mary, Cheltenham;  
 College of the Sea, London;  
 Co-operative College, Loughborough;  
 Cranfield Institute of Technology;  
 De La Salle College, Manchester;  
 Derby Lonsdale College, Derby;  
 Fircroft College, Birmingham;  
 Goldsmiths' College, London;  
 Harper Adams Agricultural College, Newport, Shropshire;  
 Hillcroft College, Surbiton;  
 Homerton College, Cambridge;  
 King Alfred's College, Winchester;  
 La Sainte Union College, Southampton;  
 Liverpool Institute of Higher Education;  
 National Sea Training Trust, London;  
 Newman College, Birmingham;  
 Northern College, Nr. Barnsley;  
 Plater College, Oxford;  
 Roehampton Institute of Higher Education;  
 Rolls Royce Technical College, Bristol;  
 Royal Academy of Music, London;  
 Royal College of Art, London;  
 Royal College of Music, London;  
 Royal College of Nursing, London;  
 Ruskin College, Oxford;  
 St Martin's College, Lancaster;  
 St Mary's College, Newcastle-upon-Tyne;  
 St Mary's College, Twickenham;  
 Seale Hayne Agricultural College, Newton Abbot;  
 Shuttleworth Agricultural College, Biggleswade;  
 Trinity and All Saints College, Leeds;  
 Trinity College, Carmarthen, Dyfed;  
 Trinity College of Music, London;  
 Westhill College, Birmingham;  
 West London Institute of Higher Education;  
 Westminster College, Oxford;  
 West Sussex Institute of Higher Education.

## SCHEDULE 2

## FEES—EXCEPTED STUDENTS

1. It shall not be lawful in pursuance of Regulation 7 to charge higher fees in the case of a student who is an excepted student within the meaning of this Schedule.
- 2.—(1) A person who—
  - (a) is a national of a member state of the European Community;
  - (b) is the son or daughter of such a national, or
  - (c) began his course before 1st January 1984,
 shall be an excepted student if he satisfies the conditions mentioned in sub-paragraph (2).

- (2) The conditions referred to in sub-paragraph (1) are that—
- (a) he has been ordinarily resident in the European Community throughout the 3 year period referred to in Regulation 6(a), and
  - (b) he has not been resident therein, during any part of that 3 year period, wholly or mainly for the purpose of receiving full-time education.
3. A refugee ordinarily resident in the United Kingdom and Islands who has not ceased to be so ordinarily resident since he was recognised as a refugee or was granted asylum, and the spouse, son or daughter of such a refugee, shall be an excepted student.
- 4.—(1) A person shall be an excepted student if—
- (a) at the date referred to in Regulation 6(a) he is settled in the United Kingdom, and
  - (b) he neither had the right of abode in the United Kingdom nor was settled therein at, or at a time before, the beginning of the 3 year period so referred to:
- (2) References in this paragraph to a person having the right of abode in the United Kingdom or being settled therein have the same meanings as in the Immigration Act 1971(a).
5. A person shall be an excepted student if—
- (a) he has not been ordinarily resident throughout the 3 year period referred to in Regulation 6(a) in the United Kingdom and Islands, or
  - (b) being a national of a member state of the European Community or the son or daughter of such a national he has not been so ordinarily resident in the European Community,
- only because he, his spouse or his parent was temporarily employed outside the United Kingdom and Islands or, as the case may be, outside the European Community.
6. A person shall be an excepted student if he was admitted to his course in pursuance of arrangements with an institution outside the United Kingdom for the exchange of students on a fully reciprocal basis.

### SCHEDULE 3

#### AWARDS—EXCEPTED CANDIDATES

- 1.—(1) It shall not be lawful in pursuance of Regulation 10, 13(1)(a), or 16 to adopt rules of eligibility for awards which exclude from eligibility a person who is an excepted candidate within the meaning of this Schedule.
- (2) In this Schedule “the relevant date” means, in relation to a candidate for an award, the date of his application therefor except that, where the maker of the awards is—
- (a) an education authority, or
  - (b) a further education establishment mentioned in Regulation 11(2)(d),
- it means 30th October, 28th (or, in a leap year, 29th) February or 30th June last occurring before the beginning of the first term of the candidate’s intended course or, as the case may be, of the period for which he would undertake research.
- 2.—(1) A person shall be an excepted candidate, subject to sub-paragraphs (2) and (3), if he was resident in England and Wales on the relevant date and is the child of a national of a member state of the European Community who—
- (a) where he was employed on the said date, was then in employment in England and Wales;

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(a) 1971 c. 77, amended by section 39 of the British Nationality Act 1981 (c.61).



- (b) where he was not employed on that date (by reason of retirement or otherwise), was previously last employed in such employment, or
- (c) whether or not he was employed on that date, had, during the period of 3 years ending therewith, been in such employment for an aggregate period of not less than a year,

where he would have a relevant connection with the European Community for the purposes of Part III, Part IV or, as the case may be, Part V had any reference in Regulation 9, in Regulation 12, or in Regulation 15 to the United Kingdom and Islands or to England and Wales been a reference to the European Community and had sub-paragraph (c) of Regulation 15 been omitted.

(2) Where the maker of the awards is—

- (a) an education authority, or
- (b) a further education establishment mentioned in Regulation 11(2)(d),

before the relevant date a person shall be treated as falling within sub-paragraph (1) if he satisfies the maker of the awards that he will fall within that sub-paragraph on that date.

(3) Where the maker of the awards is such a body or institution as is mentioned in Regulation 11(2) and the rules of eligibility adopted confine awards (in pursuance of Regulation 13(1)(b)) to candidates who, unless they are excepted candidates in pursuance of paragraph 5, are ordinarily resident in the United Kingdom and Islands, in Great Britain or in England at the date of application for an award, sub-paragraph (1) shall have effect as if the references therein to England and Wales (other than the last such reference) were references to the United Kingdom and Islands, to Great Britain or, as the case may be, to England.

3.—(1) A national of a member state of the European Community shall be an excepted candidate, subject to sub-paragraph (2), if he—

- (a) was resident in England and Wales on the relevant date;
- (b) entered the United Kingdom wholly or mainly for the purpose of taking up, or of seeking, employment;
- (c) during the year preceding the relevant date has been in employment in England and Wales for an aggregate period of not less than 9 months;
- (d) seeks an award in respect of a course provided by a vocational training establishment, being a course leading to a qualification which is needed for, or is designed to fit a person for, engagement in a specific profession or trade, and
- (e) would have a relevant connection with the European Community for the purposes of Part III, Part IV, or, as the case may be, Part V had any reference in Regulation 9, in Regulation 12 or in Regulation 15 to the United Kingdom and Islands or to England and Wales been a reference to the European Community and had sub-paragraph (c) of Regulation 15 been omitted.

(2) For the purposes of this paragraph, sub-paragraph (2) of paragraph 2 shall have effect as it has effect for the purposes of that paragraph and—

“qualification” includes authorisation, recognition, registration, enrolment, approval and certification;

“vocational training establishment” means a further education establishment being a vocational school within the meaning of Article 7 of Council Regulation (EEC) No. 1612/68 on freedom of movement of workers within the Community (a).

4. Subject to paragraph 6, a refugee ordinarily resident in the United Kingdom and Islands who has not ceased to be so ordinarily resident since he was recognised as a refugee or was granted asylum, and the spouse, son or daughter of such a refugee, shall be an excepted candidate.

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(a) OJ No. L257, 19.10.68, p.2 (OJ/SE 1968 (II) p.475).

- 5.—(1) Subject to paragraph 6, a person shall be an excepted candidate—
- (a) for the purposes of Part III, if he has not the relevant connection with the United Kingdom and Islands mentioned in Regulation 9;
  - (b) for the purposes of Part IV, if he has not the relevant connection with the United Kingdom and Islands or with Great Britain mentioned in Regulation 12 as the maker of the awards has determined in pursuance of Regulation 13(1)(a) and, where the eligibility rules adopted contain such provision as is mentioned in Regulation 13(1)(b), if he is not, and cannot satisfy the maker of the awards that he will be, ordinarily resident as mentioned therein;
  - (c) for the purposes of Part V, if he has not the relevant connection with England and Wales mentioned in Regulation 15;

by reason only that—

- (i) he, his spouse or his parent was temporarily employed outside the relevant area referred to in the sub-paragraph in question, that is to say, outside the United Kingdom and Islands, outside Great Britain or, as the case may be, outside England and Wales, or
- (ii) in the case only of Part IV or V, he or his spouse was temporarily receiving full-time education outside the relevant area referred to in sub-paragraph (b) or, as the case may be, sub-paragraph (c).

(2) Subject to paragraph 6, a person shall be an excepted candidate if he would be such in pursuance of paragraph 2 or 3 but for his not having such a relevant connection with the European Community as is mentioned in the paragraph in question—

- (a) for the purposes of Part III;
- (b) for the purposes of Part IV, or
- (c) for the purposes of Part V

as the case may be, where he has not that relevant connection by reason only that—

- (i) he, his spouse or his parent was temporarily employed outside the European Community, or
- (ii) in the case only of Part IV or V, he or his spouse was temporarily receiving full-time education outside the European Community.

6. Such persons as are mentioned in paragraph 4 or, as the case may be, in paragraph 5 shall only be excepted candidates where the maker of the awards has so determined.

*Keith Joseph,*  
One of Her Majesty's  
Principal Secretaries of State.

6th July 1983.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations, which come into operation on 21st July 1983, provide (subject to specified exceptions) that in the cases mentioned below it shall be lawful to differentiate between students with, and those without, a specified connection with the United Kingdom (including the Channel Islands and the Isle of Man) or with a particular part of the United Kingdom either as respects fees charged or in rules of eligibility for awards. Nothing in the Regulations is to be construed as rendering unlawful anything done in this behalf which would have been lawful had the Regulations not been made (*Regulation 3*).

Part II relates to tuition and certain other fees (referred to as "relevant fees") in respect of full-time or sandwich courses provided by a university or by certain further education establishments (*Regulations 4 and 5 and Schedule 1*). Students who have not 3 years' ordinary residence in the United Kingdom and Islands or who, having such ordinary residence, have during the 3 year period been resident wholly or mainly for the purposes of receiving full-time education may be charged higher relevant fees unless they are "excepted students"; excepted students for the purposes of Part II include nationals of member states of the European Community with a corresponding connection with the Community, refugees and recently arrived immigrants (*Regulations 6 and 7 and Schedule 2*).

Part III relates to rules of eligibility for discretionary awards made by local education authorities under section 1(6) or 2 of the Education Act 1962 (*Regulation 8*). The rules adopted by an authority may provide that such students as are mentioned above should be ineligible for the awards unless they are "excepted candidates" for eligibility purposes (*Regulations 9 and 10 and Schedule 3*).

Part IV relates to rules of eligibility for awards made by Research Councils and certain other specified institutions (*Regulation 11*) and makes provision similar to that made by Part III save that, if the maker of the awards so determines, first, the required connection may be with Great Britain instead of with the United Kingdom and Islands and, secondly, the awards may be confined to candidates currently ordinarily resident in, or in a specified part of, the United Kingdom and Islands (*Regulations 12 and 13 and Schedule 3*).

Part V relates to rules of eligibility for postgraduate agricultural studentships (*Regulation 14*) and again makes provision similar to that made by Part III save that, first, the required connection is with England and Wales instead of with the United Kingdom and Islands and, secondly, the rules may require a candidate to be a British or Commonwealth citizen (*Regulations 15 and 16 and Schedule 3*).

"Excepted candidates" for the purposes of Part III, Part IV or Part V include the children of European Community migrant workers, such workers themselves who seek an award in respect of a vocational training course at a vocational training establishment and, if the maker of the awards so determines, refugees (*Schedule 3*).

Part II applies in respect of Scottish university fees but the Regulations do not otherwise extend to Scotland (*Regulation 1(2)*).

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