
 STATUTORY INSTRUMENTS

1985 No. 1219

EDUCATION, ENGLAND AND WALES
EDUCATION, SCOTLAND

The Education (Fees and Awards) (Amendment) Regulations 1985

<i>Made - - - -</i>	30th July 1985
<i>Laid before Parliament</i>	8th August 1985
<i>Coming into Operation</i>	1st September 1985

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:—

1. These Regulations may be cited as the Education (Fees and Awards) (Amendment) Regulations 1985 and shall come into operation on 1st September 1985.

2. In Regulation 2(1) of the Education (Fees and Awards) Regulations 1983(b) (“the principal Regulations”), in the definition of “European Community” there shall be substituted for the words “member states of the European Community” the words “member states of the European Economic Community”.

3. For paragraph 1 of Schedule 2 to the principal Regulations there shall be substituted the following paragraph:—

“1. It shall not be lawful in pursuance of Regulation 7 to charge higher fees in the case of a student—

(a) who is an excepted student within the meaning of these Regulations, or

(b) in relation to any period falling after the date on which he will become an excepted student within the meaning of these Regulations by virtue of the accession to the European Community of the Kingdom of Spain and the Portuguese Republic.”

4. In sub-paragraph (1)(a) of paragraph 2 of Schedule 2 to the principal Regulations, a comma shall be substituted for the semi-colon and the word “or” shall be added after that comma.

5. For sub-paragraph (2)(a) of paragraph 2 of Schedule 2 to the principal Regulations, there shall be substituted the following sub-paragraph:—

(a) 1983 c. 40.

(b) S.I. 1983/973, as amended by S.I. 1984/1201.

- “(a) he has, throughout the 3 year period referred to in Regulation 6(a), been ordinarily resident within the territories comprising—
- (i) the European Community, and
 - (ii) (as regards any period prior to their accession to that Community) the Kingdom of Spain and the Portuguese Republic,
- and”.

6. In paragraph 5 of Schedule 2 to the principal Regulations, there shall be added after the words “ordinarily resident in the European Community,” the words “the Kingdom of Spain or the Portuguese Republic,” and after the words “outside the European Community”, there shall be added a comma followed by the words “the Kingdom of Spain or the Portuguese Republic”.

Keith Joseph,
Secretary of State for
Education and Science.

30th July 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations which come into operation on 1st September 1985 further amend the Education (Fees and Awards) Regulations 1983.

The amendment in Regulation 2 to the definition of “European Community” makes it clear that the Community referred to is the European Economic Community.

Regulation 3 makes it unlawful to charge students from Spain and Portugal higher fees in relation to any period falling after the date on which they will become excepted students by virtue of those countries acceding to the European Community. Ordinary residence in those countries will count towards the qualifying three year period for excepted student status (*Regulation 5*).

Paragraph 5 of Schedule 2 is similarly extended in relation to temporary employment abroad or outside the European Community (*Regulation 6*).

The amendment to paragraph 2 of Schedule 2 (*Regulation 4*) makes it clear that the requirements specified in sub-paragraph (a), (b) and (c) are alternatives.

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