
 S T A T U T O R Y I N S T R U M E N T S

1985 No. 1223 (S. 101)

EDUCATION, SCOTLAND

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

<i>Made - - - -</i>	<i>24th July 1985</i>
<i>Laid before Parliament</i>	<i>5th August 1985</i>
<i>Coming into Operation</i>	<i>1st September 1985</i>

In exercise of the powers conferred on me by sections 1 and 2 of the Education (Fees and Awards) Act 1983(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

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

2. In these regulations, a reference to the principal regulations is a reference to the Education (Fees and Awards) (Scotland) Regulations 1983(b).

3. For paragraph 1 of Schedule 1 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 this Schedule; 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 1 to the principal regulations, the word “or” shall be added after the semi-colon.

5. For sub-paragraph (2)(a) of paragraph 2 of Schedule 1 to the principal regulations, there shall be substituted the following sub-paragraph:—

“(a) he has, throughout the 3-year period referred to in regulation (6)(a), been ordinarily resident within the territories comprising—

(a) 1983 c. 40.

(b) S.I. 1983/1215, amended by S.I. 1984/1361.

- (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(b) of Schedule 1 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”, for the full stop there shall be substituted a comma and the following words shall be added “the Kingdom of Spain or the Portuguese Republic.”.

New St Andrew's House,
Edinburgh.
24th July 1985.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Education (Fees and Awards) (Scotland) Regulations 1983 (“the 1983 Regulations”) which provide among other things that European Community nationals who satisfy certain conditions, and in particular the requirement to have been resident in the European Community for a period of 3 years prior to the beginning of a period of study, shall be charged the same fee as United Kingdom students and not the higher fee which may lawfully be charged to overseas students.

The accession of Spain and Portugal to the European Community on 1st January 1986 will allow nationals from these countries to benefit from the lower “home student” level of fees thereafter, but the requirement to have been resident in the Community for 3 years prior to commencing study would have generally precluded such nationals from benefitting until 1st January 1989. These regulations however provide for residence in Spain or Portugal prior to accession to the Community to count towards the required qualifying period of residence. Children of UK nationals living and working in Spain or Portugal will also benefit from this provision as will nationals of all other Member States of the Community.

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