

1987 No. 1364

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

**The Education (Fees and Awards) (Amendment)  
Regulations 1987**

<i>Made - - - -</i>	<i>28th July 1987</i>
<i>Laid before Parliament</i>	<i>7th August 1987</i>
<i>Coming into force</i>	<i>1st September 1987</i>

In exercise of the powers conferred on the Secretary of State 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 1987 and shall come into force on 1st September 1987.
2. In regulation 2(1) of the Education (Fees and Awards) Regulations 1983(b) ("the principal regulations")—
  - (a) before the definition of "education" there shall be added—  
" "award" means a fees award or a maintenance award or both as the context may require;";
  - (b) after the definition of "fees" there shall be added the following definition—  
" "fees award" means an award in respect only of any fees payable by the student other than any element of those fees representing or attributable to charges for his maintenance;";
  - (c) after the definition of "the Islands" there shall be added the following definition—  
" "maintenance award" means any award other than a fees award;".
3. In regulation 7 of the principal regulations the proviso to paragraph (1) and the whole of paragraph (2) shall be deleted.
4. In regulations 10, 13(1)(a) and 16 of the principal regulations there shall be added after the words "Schedule 3" the words "and Schedule 4".
5. In regulation 13(1)(b) of the principal regulations, there shall be added after the words in brackets the words "or of that paragraph and paragraph 3(1) of Schedule 4".
6. In paragraph 2 of Schedule 1 to the principal regulations—
  - (1) to the list of assisted establishments there shall be added "Derbyshire College of Higher Education" and "West London Institute of Higher Education"; and
  - (2) in the list of grant aided establishments—

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(a) 1983 c.40.

(b) S.I. 1983/973, as amended by S.I. 1984/1201 and 1985/1219.

- (a) for "Cambridge Institute" there shall be substituted "Cambridge Institute of Education";
- (b) for "Chester College" there shall be substituted "Chester College of Higher Education";
- (c) for "La Sainte Union College" there shall be substituted "La Sainte Union College of Higher Education, Southampton";
- (d) "Rolls Royce Technical College, Bristol" shall be deleted;
- (e) for "St Martins College" there shall be substituted "S. Martins College";
- (f) "St Mary's College, Newcastle-upon-Tyne" shall be deleted;
- (g) for "St Mary's College, Twickenham" there shall be substituted "St Mary's College, Strawberry Hill";
- (h) for "Seale Hayne Agricultural College" there shall be substituted "Seale Hayne College".

7. In Schedule 3 to the principal regulations—

- (a) for the heading there shall be substituted the heading "MAINTENANCE AWARDS – EXCEPTED CANDIDATES";
- (b) in paragraph 1(1) after the words "rules of eligibility for" there shall be added the word "maintenance";
- (c) in paragraph 1(2) for the words "an award" there shall be substituted the words "a maintenance award";
- (d) in paragraph 2(3) there shall be added after the word "confine" the word "maintenance".

8. After Schedule 3 to the principal regulations there shall be added the following Schedule—

**"SCHEDULE 4**

**FEE AWARDS – EXCEPTED CANDIDATES**

1. In this Schedule "the relevant date" means, in relation to a candidate for a fees 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 1st September, 1st January or 1st April closest to 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) It shall not be lawful in pursuance of regulation 10 to adopt rules of eligibility for fees awards under section 1(6) of the Education Act 1962 which exclude from eligibility a person who is an excepted candidate within the meaning of Schedule 3.

(2) It shall not be lawful in pursuance of regulation 10 to adopt rules of eligibility for fees awards under section 2 of the Education Act 1962 which exclude from eligibility a person who is an excepted candidate within the meaning of this Schedule.

(3) It shall not be lawful in pursuance of regulations 13(1)(a) or 16 to adopt rules of eligibility for fees awards which exclude from eligibility a person who is an excepted candidate within the meaning of this Schedule.

3.—(1) A person who is an excepted candidate within the meaning of Schedule 3 shall be an excepted candidate within the meaning of this Schedule.

(2) Subject to paragraph 4 a person who—

- (a) is a national of a member state of the European Community; or
- (b) is the son or daughter of such a national

shall be an excepted candidate if he satisfies the conditions mentioned in sub-paragraph (3).

(3) The conditions referred to in sub-paragraph (2) are that—

- (a) he has been ordinarily resident in the territory comprising the European Community and (as regards any period prior to their accession to that Community), the

Kingdom of Spain and the Portuguese Republic, throughout the three year period preceding the relevant date; and

- (b) he has not been resident therein, during any part of that three year period, wholly or mainly for the purpose of receiving full-time education.

4. A candidate who would but for this paragraph be an excepted candidate by virtue of paragraph 3(2) and (3) shall not be an excepted candidate in a case where rules of eligibility confine awards to candidates having a relevant connection with part only of the United Kingdom and Islands and he is, on the relevant date, ordinarily resident in some other part of the United Kingdom and Islands.

5. The condition set out in sub-paragraph 3(3)(a) is satisfied if a person has not been ordinarily resident in the territory comprising the European Community and (as regards any period prior to their accession to that Community) the Kingdom of Spain and the Portuguese Republic, throughout the three year period preceding the relevant date only because he, his spouse or his parent was temporarily employed outside that territory or only because he or his spouse was temporarily receiving full-time education outside that territory."

28th July 1987

*Kenneth Baker*  
Secretary of State for Education and Science

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Education (Fees and Awards) Regulations 1983 by making it unlawful to adopt rules of eligibility which exclude European Community nationals from eligibility for awards for fees where they satisfy the condition of having been ordinarily resident in the European Community (otherwise than for education) throughout the three-year period preceding 1st September, 1st January or 1st April closest to the beginning of the first term of their intended course or (in certain cases) throughout the three year period preceding the date of their application for an award. The condition as to ordinary residence is satisfied where the candidate was not so resident only because he, his spouse or parent was temporarily employed outside the Community or he or his spouse was temporarily receiving full-time education outside the Community. Where rules of eligibility confine awards to those having a relevant connection with part only of the United Kingdom and Islands, those who are, on the relevant date, ordinarily resident in some other part of the United Kingdom and Islands may be excluded from eligibility.

Regulation 7 of the principal regulations has been amended by the deletion of the proviso about maximum levels of fees for students who commenced their courses before 1st September 1980 (regulation 3).

This list of assisted and grant aided establishments has been revised by the inclusion of Derbyshire College of Higher Education and West London Institute of Higher Education in the assisted category and the deletion of Rolls Royce Technical College, Bristol and St. Mary's College, Newcastle-upon-Tyne. Corrections are made to the names of other establishments (regulation 7).