

1987 No. 1383 (S.103)

EDUCATION, SCOTLAND

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

Made 3rd August 1987

Laid before Parliament 11th August 1987

Coming into force 1st September 1987

The Secretary of State, in exercise of the powers conferred on him by sections 1 and 2 of the Education (Fees and Awards) Act 1983(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Education (Fees and Awards) (Scotland) Amendment Regulations 1987 and shall come into force on 1st September 1987.

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

2. In regulation 2(1) of the principal Regulations—

(a) before the definition of “education” there shall be inserted the following definition:—
“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 inserted the following definition:—
“fees award” means an award in respect of any fees payable by the candidate for the award other than any element of those fees representing or attributable to charges for his maintenance;”; and

(c) after the definition of “the Islands” there shall be inserted 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 regulation 10 of the principal Regulations after the words “Schedule 2” there shall be added the words “and Schedule 4”.

5. In regulation 13 of the principal Regulations after the words “Schedule 3” there shall be added the words “and Schedule 4”.

6. In Schedules 2 and 3 respectively to the principal Regulations—

(a) in the heading, before the word “AWARDS” there shall be inserted the word “MAINTENANCE”;

(b) in paragraph 1(1) after the words “rules of eligibility for” there shall be added the word “maintenance”; and

(a) 1983 c.40.

(b) S.I. 1983/1215, amended by S.I. 1984/1361 and 1985/1223.

- (c) in paragraph 1(2) for the words "an award" there shall be substituted the words "a maintenance award".

7. After Schedule 3 to the principal Regulations there shall be added the following Schedule:-

"SCHEDULE 4

Regulations 10 and 13

FEES 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.

2. It shall not be lawful in pursuance of regulation 10 or 13 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 paragraph 4 of Schedule 2 shall be an excepted candidate within the meaning of this Schedule.

(2) 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 or the Portuguese Republic throughout the three 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 three year period, wholly or mainly for the purpose of receiving full-time education.

4. A candidate who would, but for this sub-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 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."

New St. Andrew's House, Edinburgh
3rd August 1987

Michael B. Forsyth
Parliamentary Under Secretary of State,
Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Fees and Awards) (Scotland) 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. 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 because 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 are not excepted candidates. (Regulation 7)

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)