

2003 No. 3280

EDUCATION, ENGLAND AND WALES

**The Education (Student Fees and Support) (Switzerland)
Regulations 2003**

<i>Made</i> - - - -	<i>13th December 2003</i>
<i>Laid before Parliament</i>	<i>18th December 2003</i>
<i>Coming into force</i> - -	<i>8th January 2004</i>

In exercise of the powers conferred upon the Secretary of State by sections 1 and 2 of the Education (Fees and Awards) Act 1983(a) and sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998(b), the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Fees and Support) (Switzerland) Regulations 2003 and shall come into force on 8th January 2004.

(2) Subject to paragraph (3) these Regulations apply to England and Wales.

(3) Insofar as the amendments made by regulation 2(4) have effect for the purposes of regulations 5, 6, 6A, 6B and 7 of the Education (Fees and Awards) Regulations 1997 they apply to England only.

Amendment of Fees and Awards Regulations

2.—(1) The Education (Fees and Awards) Regulations 1997(c) shall be amended as follows.

(2) In regulation 2—

(a) in paragraph (1) at the end of the definition of “relevant date” replace “7.” with “7; and”;

(b) after that definition insert—

““Switzerland Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on

(a) 1983 c.40; section 1 was amended by the Education Reform Act 1988 (c.40), Schedule 12, paragraph 91, by the Further and Higher Education Act 1992 (c.13), Schedule 8, paragraph 19, by the Education Act 1994 (c.30), Schedule 2, paragraph 7, by the Education Act 1996 (c.56), Schedule 37, paragraph 57, and by the Learning and Skills Act (c.21), Schedule 9, paragraph 7, and section 2 was amended by the Education Act 1996 (c.56), Schedule 37, paragraph 57 and by the Teaching and Higher Education Act 1998 (c.30), Schedules 3 and 4. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by section 2 of the Education (Fees and Awards) Act 1983 are exercisable by the Secretary of State only in relation to England.

(b) 1998 c.30; section 22 was amended by the Learning and Skills Act 2000 (c.21), sections 146 and 153 and Schedule 11, by the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, paragraph 236, and by the Finance Act 2003 (c.14), section 147.

(c) S.I. 1997/1972; relevant amending instruments are S.I. 1999/229, S.I. 2000/2192 and S.I. 2000/2945.

the Free Movement of Persons signed at Luxembourg on 21st June 1999^(a) and which came into force on 1st June 2002.”;

- (c) in paragraph (4) after “European Economic Area” insert “or Switzerland”; and
 - (d) in paragraph (6) after “European Economic Area” insert “or Switzerland” and in subparagraph (a) after “EEA Agreement” insert “, or the Switzerland Agreement”.
- (3) In regulation 8(2)(c) after “European Economic Area” insert “or Switzerland”.
- (4) In the Schedule—
- (a) in paragraph 6 after “EEA migrant worker” insert “and”;
 - (b) in paragraph 6(a)—
 - (i) after “EEA Agreement,” insert “or Article 9(3) of Annex I to the Switzerland Agreement,” and
 - (ii) replace “subject of Article 7(2) and (3)” with “subject of either of those Articles”;
 - (c) in paragraph 8(1)(a)—
 - (i) after “Council Regulation” insert “or Article 3(6) of Annex I to the Switzerland Agreement”, and
 - (ii) replace “subject of Article 12” with “subject of either of those Articles”; and
 - (d) in paragraph 9(a) and (b) after “European Economic Area” insert “or Switzerland”.

Amendment of Disabled Postgraduate Students Regulations

3.—(1) The Education (Grants for Disabled Postgraduate Students) Regulations 2000^(b) shall be amended as follows.

- (2) In regulation 2—
- (a) in paragraph (1) at the end of the definition of “Research Council or similar body” replace “(7).” with “(7); and”;
 - (b) after that definition insert—

““Switzerland Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons signed at Luxembourg on 21st June 1999 and which came into force on 1st June 2002.”;
 - (c) in paragraph (3) after “European Economic Area” insert in both instances “or Switzerland”; and
 - (d) in paragraph (5) after “European Economic Area” insert “or Switzerland” and in subparagraph (a) after “EEA Agreement” insert “, or the Switzerland Agreement”.
- (3) In the Schedule—
- (a) in paragraph 4 after “EEA migrant worker” insert “and”;
 - (b) in paragraph 4(a)—
 - (i) after “EEA Agreement” insert “or Article 9(3) of Annex I to the Switzerland Agreement”, and
 - (ii) replace “subject of Article 7(2) and (3)” with “subject of either of those Articles”;
 - (c) in paragraph 6(1)(a)—
 - (i) after “Council Regulation” insert “or Article 3(6) of Annex I to the Switzerland Agreement”, and
 - (ii) replace “subject of Article 12” with “subject of either of those Articles”; and
 - (d) in paragraph 7(b) and (c) after “European Economic Area” insert “or Switzerland”.

^(a) Cm. 4904.

^(b) S.I. 2000/2330, to which there are amendments not relevant to these Regulations.

Amendment of Student Support (No. 2) Regulations

4.—(1) The Education (Student Support) (No. 2) Regulations 2002(a) shall be amended as follows.

(2) In regulation 2—

(a) in paragraph (1) after the definition of “support” insert—

““Switzerland Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons signed at Luxembourg on 21st June 1999 and which came into force on 1st June 2002;”;

(b) in paragraph (3) after “European Economic Area” insert in both instances “or Switzerland”; and

(c) in paragraph (5) after “European Economic Area” insert “or Switzerland” and in subparagraph (a) after “EEA Agreement” insert “, or the Switzerland Agreement”.

(3) In Schedule 1—

(a) in paragraph 4 after “EEA migrant worker” insert “and”;

(b) in paragraph 4(a)—

(i) after “EEA Agreement” insert “or Article 9(3) of Annex I to the Switzerland Agreement”, and

(ii) replace “subject of Article 7(2) and (3)” with “subject of either of those Articles”;

(c) in paragraph 6(1)(a)—

(i) after “Council Regulation” insert “or Article 3(6) of Annex I to the Switzerland Agreement”, and

(ii) replace “subject of Article 12” with “subject of either of those Articles”; and

(d) in paragraph 8(b) and (c) after “European Economic Area” insert “or Switzerland”.

Alan Johnson

Minister of State

Department for Education and Skills

13th December 2003

(a) S.I. 2002/3200, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the regulations listed in the table below to treat Swiss migrant workers and their spouses and children on the same basis as EEA migrant workers. These amendments are consequential on the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons signed at Luxembourg on 21st June 1999 and which came into force on 1st June 2002. These Regulations also amend the regulations listed in the table below to include Switzerland in the area within which an EC national, or the child of an EC national, can meet the ordinary residence requirement.

Amended regulations	Amendments	Regulation of these Regulations
Education (Fees and Awards) Regulations 1997	Regulations 2(1), (4) and (6) and 8(2)(c) and paragraphs 6, 6(a), 8(1)(a) and 9(a) and (b) of the Schedule	Regulation 2
Education (Grants for Disabled Postgraduate Students) Regulations 2000	Regulation 2(1), (3) and (5) and paragraphs 4, 4(a), 6(1)(a) and 7(b) and (c) of the Schedule	Regulation 3
Education (Student Support) (No. 2) Regulations 2002	Regulation 2(1), (3) and (5) and paragraphs 4, 4(a), 6(1)(a) and 8(b) and (c) of Schedule 1	Regulation 4

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