

2007 No. 1336

EDUCATION, ENGLAND

**The Education (Student Fees, Awards and Support)
(Amendment) Regulations 2007**

<i>Made</i> - - - -	<i>26th April 2007</i>
<i>Laid before Parliament</i>	<i>8th May 2007</i>
<i>Coming into force</i> - -	<i>1st June 2007</i>

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by sections 1 and 2 of the Education (Fees and Awards) Act 1983(a), sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998(b) and sections 24 and 47 of the Higher Education Act 2004(c):

PART 1
GENERAL

Citation, commencement, application and interpretation

1. These Regulations may be cited as the Education (Student Fees, Awards and Support) (Amendment) Regulations 2007 and come into force on 1st June 2007.
2. Regulation 4 and Part 2 apply in relation to England only(d).

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- (a) 1983 c.40. Section 1 was amended by the Education Reform Act 1988 (c. 40), Schedule 12, paragraph 91; the Further and Higher Education Act 1992 (c. 13), Schedule 8, paragraph 19; the Education Act 1994 (c.30), Schedule 2, paragraph 7; the Education Act 1996 (c.56), Schedule 37, paragraph 57; the Teaching and Higher Education Act 1998 (c.30), Schedule 3, paragraph 5; the Learning and Skills Act 2000 (c.21) Schedule 9, paragraph 11; the Education Act 2002 (c. 32) Schedule 21, paragraph 5 and the Education Act 2005 (c.18) Schedule 14, paragraph 9. Section 2 was amended by the Teaching and Higher Education Act 1998, Schedule 4.
- (b) 1998 c.30; section 22 was amended by the Learning and Skills Act 2000 (c.21), section 146 and Schedule 11; the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6; the Finance Act 2003 (c. 14), section 147 and the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7. In relation to Wales, the functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004 except so far as they relate to the making of any provision authorised by subsection (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22.
- (c) 2004 c. 8.
- (d) The 1997 Regulations extend to England and Wales but the amendments made by virtue of these amendment regulations apply only in relation to England. The functions of the Secretary of State under section 1 of the Education (Fees and Awards) Act 1983, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 2006/1458 with effect from 8th June 2006. The remaining functions under the Education (Fees and Awards) Act 1983, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 with effect from 1st July 1999.

3. In these regulations—

- “1997 Regulations” means the Education (Fees and Awards) Regulations 1997(**a**);
- “European Institutions Regulations” means the Education (Student Support) (European Institutions) (No. 2) Regulations 2006(**b**);
- “SSR 2006” means the Education (Student Support) Regulations 2006(**c**);
- “SSR 2007” means the Education (Student Support) Regulations 2007(**d**);
- “Student Fees Regulations” means the Student Fees (Qualifying Courses and Persons) Regulations 2006(**e**).

Amendment to the 1997 Regulations, SSR 2006, European Institutions Regulations, Student Fees Regulations and SSR 2007

- 4.** The 1997 Regulations are amended in accordance with Part 2.
- 5.** The SSR 2006 are amended in accordance with Part 3.
- 6.** The European Institutions Regulations are amended in accordance with Part 4.
- 7.** The Student Fees Regulations are amended in accordance with Part 5.
- 8.** The SSR 2007 are amended in accordance with Part 6

PART 2

AMENDMENTS TO THE 1997 REGULATIONS

Amendment of regulation 2 of the 1997 Regulations

9. In regulation 2 of the 1997 Regulations—

- (a) after the definition of “Swiss self-employed person” in paragraph (1A), insert—
 - ““Turkish worker” means a Turkish national who—
 - (a) is ordinarily resident in the United Kingdom; and
 - (b) is, or has been, lawfully employed in the United Kingdom;”;
- (b) for paragraph (4B), substitute—
 - “(4B) A person is to be treated as ordinarily resident in England, England and Wales, Great Britain, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey if he would have been so resident but for the fact that—
 - (i) he;
 - (ii) his spouse or civil partner;
 - (iii) his parent; or
 - (iv) in the case of a dependent direct relative in the ascending line, his child or his child’s spouse or civil partner,is or was temporarily employed outside the area in question.

(a) S.I. 1997/1972 as amended by S.I. 1999/229, S.I. 2000/2192, S.I. 2003/3280, S.I. 2005/2114 and S.I. 2006/483. The Education (Fees and Awards) Regulations 1997 have been repealed by regulation 10 of S.I. 2007/779. Regulation 10 of S.I. 2007/779 comes into force on 1st September 2007.

(b) S.I. 2006/3156.

(c) S.I. 2006/119 as amended by S.I. 2006/955, S.I. 2006/1745 and S.I. 2007/176. The Education (Student Support) Regulations 2006, S.I. 2006/955 and S.I. 2006/745 have been repealed, with savings, by regulation 4 of S.I. 2007/176. Regulation 4 of S.I. 2007/176 takes effect on 1st September 2007.

(d) S.I. 2007/176.

(e) S.I. 2006/482.

(4C) For the purposes of paragraph (4B), temporary employment outside England, England and Wales, Great Britain, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside of the territory comprising the European Economic Area and Switzerland as members of such forces; and
- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.”;

(c) for paragraph (5B), substitute—

“(5B) For the purposes of regulations 6, 6A, 6B and 7 a person is to be treated as ordinarily resident in England, England and Wales, Great Britain, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey if he would have been so resident but for the fact that—

- (a) he;
- (b) his spouse or civil partner;
- (c) his parent; or
- (d) in the case of a dependent direct relative in the ascending line, his child or his child’s spouse or civil partner,

was temporarily receiving full-time education outside the area in question.”.

Amendment of the Schedule to the 1997 Regulations

10. After paragraph 6(10) of the Schedule to the 1997 Regulations, insert—

“(11) A person who—

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.”.

PART 3

AMENDMENTS TO THE SSR 2006

Amendment of regulation 2 of the SSR 2006

11. After the definition of “transitional award” in regulation 2(1) of the SSR 2006, insert—

““Turkish worker” means a Turkish national who—

- (a) is ordinarily resident in the United Kingdom and Islands; and
- (b) is, or has been, lawfully employed in the United Kingdom;”.

Amendment of regulation 9 of the SSR 2006

12. After regulation 9(2)(c) of the SSR 2006, insert—

“(ca) the applicant is a person mentioned in paragraph 12 of Part 2 of Schedule 1, in which case the application must reach the Secretary of State by 3rd March 2008 or within a period of nine months beginning with the first day of the academic year in respect of which it is submitted, whichever is the later;”.

Amendment of regulation 14 of the SSR 2006

13. After regulation 14(e) of the SSR 2006, insert—

“(ea) the student becomes the child of a Turkish worker;”.

Amendment of regulation 37 of the SSR 2006

14. After regulation 37(8)(d) of the SSR 2006, insert—

“(da) the student becomes the child of a Turkish worker;”.

Amendment of regulation 60 of the SSR 2006

15. In regulation 60 for “an accelerated course” in each place it occurs, substitute “an intensive course”.

Amendment of regulation 64 of the SSR 2006

16. After regulation 64(2)(d) of the SSR 2006, insert—

“(da) the student becomes the child of a Turkish worker;”.

Amendment of regulation 84 of the SSR 2006

17. In regulation 84 of the SSR 2006—

(a) in paragraph (12) after “(f)”, insert “, (fa)”;

(b) after paragraph 13(f), insert—

“(fa)the student becomes the child of a Turkish worker;”

Amendment of regulation 92 of the SSR 2006

18. After regulation 92(6)(a) of the SSR 2006, insert—

“(aa) the applicant is a person mentioned in paragraph 12 of Part 2 of Schedule 1, in which case the application must reach the Secretary of State by 1st December 2007 or within a period of six months beginning with the first day of the academic year in respect of which it is submitted, whichever is the later;”.

Amendment of regulation 100 of the SSR 2006

19. After regulation 100(14)(d) of the SSR 2006, insert—

“(da) the student becomes the child of a Turkish worker;”.

Amendment of Schedule 1 to the SSR 2006

20. In Schedule 1 to the SSR 2006—

(a) for paragraph 1(4), substitute—

“(4) For the purposes of this Schedule, a person is to be treated as ordinarily resident in England, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey if he would have been so resident but for the fact that—

(a) he;

- (b) his spouse or civil partner;
- (c) his parent; or
- (d) in the case of a dependent direct relative in the ascending line, his child or his child's spouse or civil partner,

is or was temporarily employed outside the area in question.”;

- (b) for paragraph 1(5), substitute—

“(5) For the purposes of sub-paragraph (4), temporary employment outside of England, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside of the territory comprising the European Economic Area and Switzerland as members of such forces; and
- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.”;

- (c) after paragraph 11, insert—

“Children of Turkish workers

12. A person who—

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in England on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.”.

Amendment of Schedule 3A to the SSR 2006

21. After paragraph 11(d) of Schedule 3A to the SSR 2006, insert—

“(da) the student becomes the child of a Turkish worker;”.

PART 4

AMENDMENTS TO THE EUROPEAN INSTITUTIONS REGULATIONS

Amendment of regulation 3 of the European Institutions Regulations

22. After the definition of “supplementary grants” in regulation 3 of the European Institutions Regulations, insert—

““Turkish worker” means a Turkish national who on the relevant date—

- (a) was ordinarily resident in the United Kingdom and Islands; and
- (b) was, or had been, lawfully employed in the United Kingdom.”

Amendment of regulation 8 of the European Institutions Regulations

23. In regulation 8 of the European Institutions Regulations—

- (a) in paragraph (3) for “paragraph (4)”, substitute “paragraphs (3A) and (4)”;
- (b) after paragraph (3), insert—
 - “(3A) Subject to paragraph (4) where the applicant is the child of a Turkish worker, the application deadline is—
 - (a) 2nd July 2007, in the case of the Bologna Center;
 - (b) 15th June 2007, in the case of the College of Europe; and
 - (c) 1st July 2007, in the case of the European University Institute.”.

Amendment of regulation 9 of the European Institutions Regulations

24. In regulation 9 of the European Institution Regulations—

- (a) in paragraph (8) at the beginning, insert “subject to paragraph (8A),”;
- (b) after paragraph (8), insert—
 - “(8A) The maximum number of eligible students specified for a European Institution in sub-paragraph (8) may be exceeded if, in the Secretary of State’s opinion, it is necessary to do so to allow a person falling within paragraph 12 of Part 2 of Schedule 1 to qualify for support for a relevant academic year.
 - (8B) For the purposes of sub-paragraph (8A), “relevant academic year” means an academic year beginning on or after 1st September 2007 but on or before 31st August 2008.”;
- (c) for paragraph (17), substitute—
 - “(17) The deadline for receipt of financial information is—
 - (a) where the eligible student falls within paragraph 12 of Part 2 of Schedule 1, 1st January 2008 or, in the case of grants payable under regulations 19(7) or 21(6), 1st August 2008;
 - (b) in any other case, 31st July 2007 or, in the case of grants payable under regulations 19(7) or 21(6), 28th February 2008.”.

Amendment of Schedule 1 to the European Institutions Regulations

25. In Schedule 1 to the European Institutions Regulations—

- (a) for paragraph 1(7), substitute—
 - “(7) For the purposes of this Schedule, a person is to be treated as ordinarily resident in England, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey if he would have been so resident but for the fact that—
 - (a) he;
 - (b) his spouse or civil partner;
 - (c) his parent; or
 - (d) in the case of a dependent direct relative in the ascending line, his child or child’s spouse or civil partner,
 is or was temporarily employed outside the area in question.”;
- (b) for paragraph 1(8), substitute—
 - “(8) For the purposes of sub-paragraph (7), temporary employment outside of England, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey includes—
 - (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;

- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside of the territory comprising the European Economic Area and Switzerland as members of such forces; and
 - (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.”;
- (c) after paragraph 11, insert—

“Children of Turkish workers

12. A person who—

- (a) on the relevant date, was the child of a Turkish worker;
- (b) was ordinarily resident in England on the relevant date; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.”.

PART 5

Amendment of the Student Fees Regulations

Amendment of regulation 2 of the Student Fees Regulations

26. For the definition of “Student Support Regulations” in regulation 2 of the Student Fees Regulations, substitute—

““Student Support Regulations” means the Education (Student Support) Regulations 2006, as amended by the Education (Student Support) (Amendment) Regulations 2006, the Education (Student Support) (Amendment) (No. 2) Regulations 2006, the Education (Student Support) Regulations 2007 and the Education (Student Fees, Awards and Student Support) (Amendment) Regulations 2007”.

PART 6

AMENDMENTS TO THE SSR 2007

Amendment of regulation 2 of the SSR 2007

27. After the definition of “transitional award” in regulation 2(1) of the SSR 2007, insert—

““Turkish worker” means a Turkish national who—

- (a) is ordinarily resident in the United Kingdom and Islands; and
- (b) is, or has been, lawfully employed in the United Kingdom;”

Amendment of regulation 10 of the SSR 2007

28. After regulation 10(2)(c) of the SSR 2007, insert—

“(ca) the applicant is a person mentioned in paragraph 12 of Part 2 of Schedule 2, in which case the application must reach the Secretary of State by 3rd March 2008 or within a period of nine months beginning with the first day of the academic year in respect of which it is submitted, whichever is the later;”.

Amendment of regulation 16 of the SSR 2007

29. After regulation 16(e) of the SSR 2007, insert—
“(ea) the student becomes the child of a Turkish worker;”.

Amendment of regulation 38 of the SSR 2007

30. After regulation 38(8)(d) of the SSR 2007, insert—
“(da) the student becomes the child of a Turkish worker;”.

Amendment of regulation 72 of the SSR 2007

31. After regulation 72(2)(d) of the SSR 2007, insert—
“(da) the student becomes the child of a Turkish worker;”.

Amendment of regulation 83 of the SSR 2007

32. After regulation 83(2)(d) of the SSR 2007, insert—
“(da) the student becomes the child of a Turkish worker;”.

Amendment of regulation 111 of the SSR 2007

33. After regulation 111(3)(f) of the SSR 2007, insert—
“(fa)the student becomes the child of a Turkish worker;”

Amendment of regulation 119 of the SSR 2007

34. After regulation 119(6)(a) of the SSR 2007, insert—
“(aa) the applicant is a person mentioned in paragraph 12 of Part 2 of Schedule 1, in which case the application must reach the Secretary of State by 1st December 2007 or within a period of six months beginning with the first day of the academic year in respect of which it is submitted, whichever is the later;”.

Amendment of regulation 128 of the SSR 2007

35. After regulation 128(2)(d) of the SSR 2007, insert—
“(da) the student becomes the child of a Turkish worker;”.

Amendment of regulation 130 of the SSR 2007

36. For regulation 130(9) of the SSR 2007, substitute—
“(9) Where the period of eligibility terminates—
(a) before the end of the academic year in which the eligible postgraduate student completes the designated postgraduate course; and
(b) otherwise than under paragraph (5),
the Secretary of State may, at any time, renew or extend the period of eligibility for such period as he determines.”.

Amendment of Schedule 2 to the SSR 2007

37. In Schedule 2 to the SSR 2007—
(a) for paragraph 1(4), substitute—

“(4) For the purposes of this Schedule, a person is to be treated as ordinarily resident in England, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey if he would have been so resident but for the fact that—

- (a) he;
- (b) his spouse or civil partner;
- (c) his parent; or
- (d) in the case of a dependent direct relative in the ascending line, his child or child’s spouse or civil partner,

is or was temporarily employed outside the area in question.”;

(b) for paragraph 1(5), substitute—

“(5) For the purposes of sub-paragraph (4), temporary employment outside of England, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside of the territory comprising the European Economic Area and Switzerland as members of such forces; and
- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.”;

(c) after paragraph 11, insert—

“Children of Turkish workers

12. A person who—

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in England on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.”.

26th April 2007

Bill Rammell
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Fees and Awards) Regulations 1997, the Student Fees (Qualifying Courses and Persons) Regulations 2006, the Education (Student Support) Regulations 2006, the Education (Student Support) (European Institutions) (No. 2) Regulations 2006 and the Education (Student Support) Regulations 2007 to comply with article 9 of Decision No 1/80 of the Association Council of 19 September 1980 on the development of the Association between the European Community and Turkey.

The Association Council was created by the agreement establishing an association between the European Community and Turkey which was signed in Ankara on 12 September 1963 by the Republic of Turkey on the one hand and the Member States of the EEC and the Community on the other. The agreement was concluded, approved and confirmed on behalf of the Community by Council Decision 64/732/EEC of 23 December 1963 (OJ 1973 c 113 p 1).

Article 9 of Decision No 1/80 of the Association Council of 19th September 1980 on the development of the association provides: "Turkish children residing legally in a Member State of the Community with their parents who are or have been legally employed in that member State, shall be admitted to courses of general education, apprenticeship and vocational training under the same educational entry qualifications as the children of nationals of that member State. They may in that Member State be eligible to benefit from the advantages provided for under the national legislation in this area."

These Regulations also make further amendments to the Education (Student Support) Regulations 2006 ("SSR 2006") and the Education (Student Support) Regulations 2007 ("SSR 2007").

The SSR 2006 were amended by regulation 3 and Schedule 1 to the SSR 2007 to make provision for support for students on courses determined by the Secretary of State to be compressed degree courses. Regulation 15 makes additional provision in respect of such students.

The SSR 2007 specify that an eligible postgraduate student will cease to be eligible for support if he is undertaking a designated postgraduate course that is a part-time course and he is unable to complete that course within twice the ordinary duration of a full-time course leading to the same qualification. Regulation 36 of these Regulations amends regulation 130 of the SSR 2007 to clarify this.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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