



# Education (Fees and Awards) Act 1983

## 1983 CHAPTER 40

An Act to make provision with respect to the fees charged by universities and other institutions to students not having the requisite connection with the United Kingdom, the Channel Islands or the Isle of Man and the exclusion of such students from eligibility for certain discretionary awards. [13th May 1983]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1** Act amended by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. **163(1)**, 231(7), 235(6)
- C2** Act modified by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. **231(7)**, 235(6), 236(2)(a)
- C3** Act applied (Canterbury and York except Channel Islands and Isle of Man) (26.7.1991) by [Diocesan Boards of Education Measure 1991 \(No. 2, SIF 41:1\)](#), s. **7(3)**; [Archbishops' Instrument 1991 No. 1](#) (made 26.7.1991)  
Act applied (1.6.2001) by [S.I. 2001/1507, reg. 2](#), [Sch. 2 para. 2](#)
- C4** Education Acts explained (6. 5. 1992) (re. certain references) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. **1(6)**; [S.I. 1992/831, art. 2](#), [Sch. 1](#)
- C5** Act (except s. 1): certain functions transferred (1.7.1999) by [S.I. 1999/672, art. 2](#), [Sch. 1](#)
- C6** Act applied (E.W.) (1.4.2005) by [Central Sussex College \(Government\) Regulations 2005 \(S.I. 2005/397\)](#), [Sch. 2 para. 2](#)
- C7** Act modified (7.4.2005) by [Education Act 2005 \(c. 18\)](#), s. **96(2)**
- C8** Education Acts modified (temp.) (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 6 para. 3\(3\)](#); [S.I. 2007/935, art. 5\(bb\)](#)

### Commencement Information

- I1** Act wholly in force at Royal Assent

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*Status: Point in time view as at 01/04/2010.*

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## 1 Fees at universities and further education establishments.

- (1) The Secretary of State may, as respects any institutions to which this section applies, make regulations requiring or authorising the charging of fees which are higher in the case of students not having such connection with the United Kingdom or any part of it as may be specified in the regulations than in the case of students having such a connection.
- (2) The regulations may provide for exceptions and make different provision for different cases or purposes.
- (3) This section applies to—
  - (a) any university, university college, or college school, hall or other institution of a university;
  - <sup>F1</sup> any institution within the higher education sector];
  - <sup>F2</sup>(b)
  - (c) any institution which provides higher education or further education (or both) and is either maintained by a local education authority or falls within subsection (3A) below; and
  - <sup>F3</sup> any institution within the higher education sector]
  - (ca)
  - <sup>F4</sup> any designated institution within the meaning of Part II of the Further and
  - (cb) Higher Education (Scotland) Act 1992; and]
  - (d) any further education institution in Scotland
  - [ which is administered by an education authority.<sup>F5</sup>; or
  - <sup>F5</sup>(i)
  - (ii) which is a college of further education for which there is a board of management established under Part I of the Further and Higher Education (Scotland) Act 1992.]]
  - <sup>F6</sup>(e) any training provider, within the meaning of Part 3 of the Education Act 2005 (training the school workforce), who is receiving financial support under section 78 of that Act from the Training and Development Agency for Schools;
  - (ee) any institution eligible for funding by the Higher Education Funding Council for Wales under Part 3 of that Act;]
  - <sup>F7</sup>(f) any institution which receives funding from the [<sup>F8</sup>Young People’s Learning Agency for England or the Chief Executive of Skills Funding] (whatever proportion that funding represents of the institution’s total funding) and which is specified in, or is of a class or description specified in, the regulations;
  - (g) any institution which receives funding from the [<sup>F9</sup>National Assembly for Wales] (whatever proportion that funding represents of the institution’s total funding) and which is specified in, or is of a class or description specified in, the regulations.]
- <sup>F10</sup>(3A) An institution falls within this subsection if it is substantially dependent for its maintenance on public funds and either is specified in the regulations or is of a class or description so specified.]
- (4) In this section “fees” includes charges however described (including charges for board and lodging) and “public funds” means assistance from a local education authority or, in Scotland, an education authority or grants under [<sup>F11</sup>section 485 of the Education

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Act 1996] or section 73 of the <sup>M1</sup>Education (Scotland) Act 1980 [<sup>F12</sup>and expressions used in this section and in the [<sup>F13</sup>the 1996 Act] have the same meaning as in that Act.]

- (5) The power to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

<sup>F14</sup>(6) . . . . .

#### Textual Amendments

- F1** S. 1(3)(b)(c)(d) substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), 231(7), 235(6), 237(1), Sch. 12 para. 91(2)
- F2** S. 1(3)(b) substituted (1.4.1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8, Pt. I, para. 19(a)**; S.I. 1992/831, art. 2, **Sch. 3**
- F3** S. 1(3)(ca) inserted (1.4.1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8, Pt. I, para. 19(b)**; S.I. 1992/831, art. 2, **Sch. 3**
- F4** S. 1(3)(cb) inserted (16.5.1992) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(2), **Sch. 9, para. 8(1)(2)**; S.I. 1992/817, art. 3(2), **Sch. 1**
- F5** Words in s. 1(3)(d) inserted (1.4.1993) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(2), **Sch. 9, para. 8(3)(a)(b)**; S.I. 1992/817, art. 3(2), **Sch. 4**
- F6** S. 1(3)(e)(ee) substituted for s. 1(3)(e) (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(a), **Sch. 14 para. 9**
- F7** S. 1(3)(f)(g) inserted (28.7.2000 for specified purposes and otherwise 1.4.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 11** (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II**
- F8** Words in s. 1(3)(f) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 12** (with art. 2(3))
- F9** Words in s. 1(3)(g) substituted (1.4.2006) by [National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 9** (with art. 7)
- F10** S. 1(3A) inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 91(3)**
- F11** Words in s. 1(4) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. 1 para. 57(a)**.
- F12** Words inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 91(4)**
- F13** Words in s. 1(4) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. 1 para. 57(b)**.
- F14** S. 1(6) repealed (6.11.2006 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), Sch. 21 para. 5, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2006/2895, art. 2; S.I. 2007/3611, Sch. Pt 1

#### Modifications etc. (not altering text)

- C9** S. 1: transfer of functions (8.6.2006) by [National Assembly for Wales \(Transfer of Functions\) Order 2006 \(S.I. 2006/1458\)](#), arts. 1(2), 2, 3

#### Marginal Citations

- M1** 1980 c. 44.

## 2 Discretionary awards.

- (1) The Secretary of State may, as respects any awards to which this section applies, make regulations authorising the adoption of rules of eligibility which confine the awards

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to persons having such connection with the United Kingdom or any part of it as may be specified in the regulations.

- (2) The regulations may provide for exceptions and make different provision for different cases or purposes.
- (3) This section applies to—
  - <sup>F15</sup>(a) .....
  - (b) such <sup>F15</sup>... awards (however described) as may be specified by the regulations, being awards in connection with courses of education or training or the undertaking of research.
- (4) The power to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

#### Subordinate Legislation Made

- P1** S.2: s. 1 (with s. 2):power exercised by S.I. 1991/830: S.I. 1991/834  
S. 2: for previous exercises of power see Index to Government Orders
- P2** S. 2: s. 1 (with s. 2) power exercised by S.I. 1991/1839

#### Textual Amendments

- F15** S. 2(3)(a) and words in s. 2(3)(b) repealed (1.1.1999) by 1998 c. 30, s. 44(2), **Sch.4** (with s. 42(8)); S.I. 1998/3237, **art.2(1)** (with arts. 3, 4)

### 3 Short title interpretation and extent.

- (1) This Act may be cited as the Education (Fees and Awards) Act 1983.
- (2) In sections 1 and 2 above references to the United Kingdom include references to the Channel Islands and the Isle of Man.
- (3) This Act does not extend to Northern Ireland.

#### Modifications etc. (not altering text)

- C10** S. 3(2) excluded by S.I. 1983/1215, **art. 2(3)**  
S. 3(2) excluded (E.W.) (1.1.1995) by S.I. 1994/3042, **reg. 2(4)**  
S. 3(2) excluded (S.) (17.2.1997) by S.I. 1997/93, **reg. 2(3)**  
S. 3(2) excluded (E.W.) (1.9.1997) by S.I. 1997/1972, **reg. 2(3)**
- C11** S. 3(2) excluded (S.) (1.8.2007) by Education (Fees and Awards) (Scotland) Regulations 2007 (S.S.I. 2007/152), regs. 1(1), **2(2)**
- C12** S. 3(2) excluded (W.) (31.8.2007) by Education (Fees and Awards) (Wales) Regulations 2007 (S.I. 2007/2310), regs. 1(2), **2(2)**

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