
S T A T U T O R Y I N S T R U M E N T S

2000 No. 2945

EDUCATION, ENGLAND

**The Education (Fees and Awards) (Amendment No. 2)
(England) Regulations 2000**

Made - - - - - *25th October 2000*

Laid before Parliament *2nd November 2000*

Coming into force - - *23rd November 2000*

In exercise of the powers conferred on the Secretary of State by section 2 of the Education (Fees and Awards) Act 1983(a), the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Education (Fees and Awards) (Amendment No. 2) (England) Regulations 2000 and shall come into force on 23rd November 2000.

(2) These Regulations shall apply only in relation to England.

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

(2) In regulation 2(1), in the definition of “relevant date”, for “regulations 4, 5, 6, 6A and 7” there shall be substituted “regulations 4, 5, 6, 6A, 6B and 7”.

(3) In regulation 2(4) at the end there shall be added—

“Without prejudice to the foregoing, members of the regular naval, military or air forces of the Crown shall be treated as being temporarily employed within the meaning of this paragraph for any period during which they serve outside the United Kingdom as members of such forces.”

(4) In regulation 2(5) for “regulations 6, 6A and 7” there shall be substituted “regulations 6, 6A, 6B and 7”.

(5) After regulation 6A, there shall be inserted the following regulation—

(a) 1983 c. 40. Section 2(3)(a) and the word “other” in paragraph (b) were repealed (with savings) by section 44(2) of and Schedule 4 to the Teaching and Higher Education Act 1998 (c. 30). By virtue of article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by this provision are exercisable by the Secretary of State only in relation to England.

(b) S.I. 1997/1972, amended by S.I. 1998/1965, 1999/229 and 2000/2192.

“Payments by the Higher Education Funding Council for England

6B.—(1) It shall be lawful for the Higher Education Funding Council for England established under section 62(1) of the Further and Higher Education Act 1992^(a) to adopt rules of eligibility for awards (however described) in respect of a student’s training (otherwise than by way of a course leading to a first degree) to teach persons over compulsory school age^(b) by an institution to which it makes grants, loans or other payments for that purpose under section 65 of that Act which confine eligibility to the persons mentioned in paragraphs 1, 2, 5, 6, 7 and 8 of the Schedule.

(2) It shall be lawful for an institution to which grants, loans or other payments are made by the Higher Education Funding Council for England for the purpose described in paragraph (1) to adopt rules of eligibility for awards (however described) which confine eligibility to the persons mentioned in paragraphs 1, 2, 5, 6, 7 and 8 of the Schedule.

(3) For the purposes of the application of this regulation a reference in the Schedule to “relevant date” is a reference to 1st September, 1st January or 1st April closest to the beginning of the first term of the person’s course.”

25th October 2000

Tessa Blackstone
Minister of State,
Department for Education and Employment

(a) 1992 c. 13.

(b) By virtue of section 8(1) of the Education Act 1996 (c. 56) section 8(2) and (3) of that Act apply to determine whether a person is of compulsory school age.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Education (Fees and Awards) Regulations 1997 to make it lawful for the Higher Education Funding Council for England and institutions funded by it to adopt rules of eligibility for awards to students training (otherwise than by way of a course leading to a first degree) to teach persons over compulsory school age which confine eligibility to persons having the connection with the United Kingdom specified in paragraphs 1, 2 and 5 to 8 of the Schedule to those Regulations. Those persons are those who are settled in the United Kingdom within the meaning of the Immigration Act 1971 and who have been ordinarily resident in the United Kingdom and Islands other than for the purpose of receiving full-time education for the period of three years before the relevant date specified in regulation 6B(3); refugees; nationals of member states of the European Community and their children who have been ordinarily resident in the European Economic Area (EEA) other than for the purpose of receiving full-time education for the period of three years; and EEA migrant workers, their spouses and children, who have been ordinarily resident in the EEA other than for the purpose of receiving full-time education for three years.

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(England) Regulations 2000**

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