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STATUTORY INSTRUMENTS

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**2011 No. 1987**

**EDUCATION, ENGLAND**

**The Education (Fees and Awards) (England)  
Regulations 2007 (Amendment) Regulations 2011**

<i>Made</i>	- - - -	<i>9th August 2011</i>
<i>Laid before Parliament</i>		<i>11th August 2011</i>
<i>Coming into force</i>	- -	<i>1st September 2011</i>

The Secretary of State, in exercise of the powers conferred by sections 1 and 2 of the Education (Fees and Awards) Act 1983<sup>(1)</sup> makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Fees and Awards) (England) Regulations 2007 (Amendment) Regulations 2011 and come into force on 1st September 2011.

(2) These Regulations apply in relation to England.

(3) The amendments made by regulation 2 do not apply in relation to a person where the first day of the first academic year of that person's course is before 1st September 2011.

**Amendment to the Education (Fees and Awards) (England) Regulations 2007**

2. Paragraph 9 of Schedule 1 to the Education (Fees and Awards) (England) Regulations 2007<sup>(2)</sup> is amended as follows—

(a) in sub-paragraph (1)(c), before “has been ordinarily resident”, insert “subject to sub-paragraph (1A),”;

(b) after sub-paragraph (1), insert—

“(1A) Paragraph (c) of sub-paragraph (1) does not apply to a family member of an EC national where that EC national—

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- (1) 1983 c. 40; section 1 was amended by the Education Reform Act 1988 (c. 40), section 237 and Schedule 12; the Further and Higher Education Act 1992 (c. 13), section 93 and Schedule 8; the Education Act 1994 (c. 30), section 24 and Schedule 2; the Education Act 1996 (c. 56), section 582(1) and Schedule 37; the Learning and Skills Act 2000, section 149 and Schedule 9; the Education Act 2002 (c. 32), section 215 and Schedule 21; the Education Act 2005, section 98 and Schedule 14; the Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), article 2 and Schedule 1 and the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), article 5 and Schedule 2. Section 2 was amended by the Teaching and Higher Education Act 1998 (c. 30), section 44 and Schedule 4.
- (2) S.I. 2007/779, as amended by S.I. 2007/1336, S.I. 2007/2263 and S.I. 2011/87.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) is—
  - (i) a United Kingdom national who has exercised a right to reside on the territory of another Member State under article 7(1) of Directive 2004/38;  
or
  - (ii) not a United Kingdom national;
- and
- (b) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.”.

9th August 2011

*Mark Prisk*  
Minister of State for Business and Enterprise  
Department for Business, Innovation and Skills

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend Schedule 1 to the Education (Fees and Awards) (England) Regulations 2007 ([S.I. 2007/779](#)), as amended (“the Fees Regulations”).

Schedule 1 to the Fees Regulations lists categories of people who are entitled to be charged tuition fees on the same basis as home students. Regulation 2 amends paragraph 9 of Schedule 1 to remove the requirement for non-EU family members of EU nationals to have been ordinarily resident in the EEA for the 3 years immediately preceding the start of their course. The effect of the amendment is that these family members will qualify for home fee status if the EU national from whom they derive their right of residence satisfies two conditions; that is, that the person is either not a UK national, or is a UK national who has exercised an EU law right of free movement, and that the person has been ordinarily resident in the EEA for the 3 years immediately preceding the first day of the first academic year of their family member’s course.

These changes only apply to students whose courses start on or after 1st September 2011 and will not apply to existing students.

An impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or the public sector. The impact on the public sector is minimal.