
 STATUTORY INSTRUMENTS

1984 No. 1361 (S. 117)

EDUCATION, SCOTLAND

The Education (Fees and Awards) (Scotland) Amendment Regulations 1984

<i>Made - - - -</i>	24th August 1984
<i>Laid before Parliament</i>	29th August 1984
<i>Coming into Operation</i>	10th September 1984

In exercise of the powers conferred on me by sections 1 and 2 of the Education (Fees and Awards) Act 1983 (a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Education (Fees and Awards) (Scotland) Amendment Regulations 1984 and shall come into operation on 10th September 1984.

2. In these regulations, a reference to the principal regulations is a reference to the Education (Fees and Awards) (Scotland) Regulations 1983 (b).

3. In regulation 2(1) of the principal regulations (Interpretation), the following words shall be inserted after the definition of “national of a member state of the European Community”:—

“ “parent”, in relation to a student, includes a guardian and any person who is liable to maintain or has the actual custody of the student;”.

4. For the sums specified in regulation 7(1) of the principal regulations (charging of higher relevant fees), there shall be substituted, in sub-paragraph (a) the sum of £2,148, in sub-paragraph (b) the sum of £1,653, and in sub-paragraph (c) the sum of £885.

5. After Part III of the principal regulations there shall be inserted the following:—

“PART IV

AWARDS BY NEWBATTLE ABBEY COLLEGE, DALKEITH

Scope of Part IV

11. This Part shall have effect as respects the adoption by that further education establishment known as Newbattle Abbey College, Dalkeith, of rules of eligibility for awards (however described) made by that establishment in connection with courses of education or training, or in connection with the undertaking of research, and any reference in this Part to an award, a candidate for an award, or the maker of an award, shall be construed accordingly.

(a) 1983 c.40.

(b) S.I. 1983/1215.

Relevant connection with England

12. For the purposes of this Part a candidate for an award has a relevant connection with England if—

- (a) he has been ordinarily resident in England throughout the 3 year period preceding the date of his application for an award, and
- (b) he has not been resident in England during any part of that 3 year period wholly or mainly for the purpose of receiving full-time education.

Authorised eligibility rules

13. It shall be lawful to adopt rules of eligibility for awards which, subject to Schedule 3, confine the awards to candidates having a relevant connection with England on 30th June next following the date of their applications.”.

6. For paragraph 3 of Schedule 1 to the principal regulations, there shall be substituted the following paragraph:—

“3. A person shall be an excepted student if—

- (a)(i) he is a refugee; or
- (ii) he has been informed in writing by a person, acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify for asylum or for recognition as a refugee, it is thought right to allow him to enter or remain in the United Kingdom, and has been granted leave to enter or remain accordingly;

and he has been ordinarily resident in the United Kingdom and Islands throughout the period since he was recognised as a refugee or granted asylum or granted leave to enter or remain, as the case may be; or

- (b) the person is the spouse, son or daughter of a person of the kind described in sub-paragraph (a) above.”

7. Schedule 2 of the principal regulations shall be amended as follows:—

In paragraph 3(1)(c) for “Scotland” there shall be substituted “the United Kingdom”.

8. The Schedule to these regulations shall be added to the principal regulations and shall be numbered Schedule 3 in those regulations.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
24th August 1984.

SCHEDULE

Regulation 8

"SCHEDULE 3

Regulation 13

NEWBATTLE ABBEY COLLEGE:
AWARDS—EXCEPTED CANDIDATES

1.—(1) It shall not be lawful in pursuance of regulation 13 to adopt rules of eligibility for awards which exclude from eligibility a person who is an excepted candidate within the meaning of this Schedule.

(2) In this Schedule "the relevant date" means, in relation to a candidate for an award, 31st October, the last day in February, or 30th June.

2.—(1) A person shall be an excepted candidate subject to sub-paragraph (2) below, if he was resident in England on the relevant date and his parent is a national of a member state of the European Community who—

- (a) where he was employed on the said date, was then in employment in England;
- (b) where he was not employed on that date (by reason of retirement or otherwise), was previously last employed in such employment; or
- (c) whether or not he was employed on that date, had during the period of 3 years ending therewith, been in such employment for an aggregate period of not less than a year,

and where he would have a relevant connection with the European Community for the purposes of Part IV, had any reference in regulation 12 to England been a reference to the European Community.

(2) Where Newbattle Abbey College is satisfied before the relevant date that an applicant for an award will fall within sub-paragraph (1) above on the relevant date such a person shall be so treated.

3.—(1) A national of a member state of the European Community shall be an excepted candidate, if he—

- (a) was resident in England on the relevant date;
- (b) entered the United Kingdom wholly or mainly for the purpose of taking up, or of seeking, employment;
- (c) during the year preceding the relevant date has been in employment in the United Kingdom for an aggregate period of not less than 9 months;
- (d) seeks an award in respect of a vocational training course, being a course leading to a qualification which is needed for, or is designed to fit a person for, engagement in a specific profession or trade; and
- (e) would have a relevant connection with the European Community for the purposes of Part IV, had any reference in regulation 12 to England been a reference to the European Community.

(2) For the purposes of this paragraph—

"qualification" includes authorisation, recognition, registration, enrolment, approval and certification;

4. Subject to paragraph 6 below, a refugee ordinarily resident in the United Kingdom and Islands who has not ceased to be so ordinarily resident since he was recognised as a refugee or was granted asylum, and the spouse, son or daughter of such a refugee, shall be an excepted candidate.

5.—(1) Subject to paragraph 6 below, a person shall be an excepted candidate for the purposes of Part IV, if he has not the relevant connection with England mentioned in regulation 12, by reason only that—

- (a) he, his spouse or his parent was temporarily employed outside England, or
- (b) he or his spouse was temporarily receiving full-time education outside England.

(2) Subject to paragraph 6 below, a person shall be an excepted candidate if he would be such in pursuance of paragraph 2 or 3 above but for his not having such a

relevant connection with the European Community as is mentioned in either of said paragraphs for the purposes of Part IV, where he has not relevant connection by reason only that—

- (a) he, his spouse, or his parent was temporarily employed outside the European Community, or
- (b) he, or his spouse, was temporarily receiving full-time education outside the European Community.

6. Such persons as are mentioned in paragraph 4, or, as the case may be, in paragraph 5 shall be excepted candidates only where Newbattle Abbey College has so determined.”.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Education (Fees and Awards) (Scotland) Regulations 1983 (“the 1983 Regulations”), under which students who do not have a specified connection with the United Kingdom may be charged fees higher than those charged to other students, and may be made ineligible for certain discretionary awards.

The 1983 Regulations provide that a student is to be regarded as having the requisite connection with the United Kingdom notwithstanding that he has not been ordinarily resident here during a period before the start of his course, if the reason for his absence was that his parent was temporarily employed abroad. Regulation 3 of these regulations introduces an extended definition of “parent” for this purpose.

Regulation 7 of the 1983 Regulations specified the maximum annual fees that may be charged to students unconnected with the United Kingdom who began courses here before 1st September 1980. These maxima, which relate respectively to postgraduate courses, advanced courses other than postgraduate courses, and non-advanced courses, are increased by 4.9 per cent by regulation 4 of these regulations.

Regulations 5 and 8 of, and the Schedule to, these regulations relate to rules of eligibility for scholarships tenable at Newbattle Abbey College in Dalkeith and make provision similar to that for Part III and Schedule 2 respectively of the 1983 Regulations.

Paragraph 3 of Schedule 1 to the 1983 Regulations describes the refugees—a term defined in regulation 2(1) of those regulations—who are excepted from liability to be charged higher fees. Regulation 6 of these regulations extends this description to include certain persons who have been granted leave to enter or remain in the United Kingdom, their spouses and children.

Paragraph 3 of Schedule 2 to the 1983 Regulations provides that European Community nationals who satisfy certain conditions are not to be excluded from discretionary awards in respect of vocational courses. Regulation 7 of these regulations amends one of the conditions to require 9 months previous employment in the United Kingdom rather than (as originally) in Scotland.

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