

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 3 to the Education (Fees and Awards) Regulations 1983 which provide, subject to certain exceptions, that it is lawful to differentiate between students with and those without a specified connection with the United Kingdom, the Channel Islands and the Isle of Man or with a particular part of the United Kingdom either as respects fees charged or eligibility for awards.

The main changes relate to the exception in Schedule 3 as regards certain European Community migrant workers and their children. The main effect of the changes in their case is that it is no longer lawful to require such workers, in order to be eligible for a maintenance award, to have been in employment in the United Kingdom for 9 months or to be seeking an award in respect of a course provided by a vocational training establishment. Instead they will be excepted candidates where they are eligible for a maintenance award by virtue of Article 7(2) or (3) or Article 12 of Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community and where they satisfy a test of a minimum period of ordinary residence in the Community or (prior to their accession) Spain and Portugal.