
STATUTORY INSTRUMENTS

1994 No. 3148 (S.172)

EDUCATION, SCOTLAND

**The Education (European Community
Enlargement) (Scotland) Regulations 1994**

Made - - - - *7th December 1994*
Laid before Parliament *9th December 1994*
Coming into force - - *1st January 1995*

The Secretary of State, in exercise of the powers conferred on him by sections 49(3), 73(f) and 74(1) of the Education (Scotland) Act 1980(1) and sections 1 and 2 of the Education (Fees and Awards) Act 1983(2), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations made be cited as the Education (European Community Enlargement) (Scotland) Regulations 1994 and shall come into force on 1st January 1995.

Education Authority Bursaries

2. The Education Authority Bursaries (Scotland) Regulations 1988(3) shall be amended as follows:—

(a) in regulation 2(1)—

(i) there shall be inserted after the definition of “EEA Agreement” the following definition:—

““EEA State” means a state which is a Contracting Party to the EEA Agreement but until the EEA Agreement comes into force in relation to Liechtenstein does not include Liechtenstein;”;

(ii) the definition of “European Community” shall be deleted; and

(iii) for the definition of “European Economic Area” there shall be substituted—

(1) 1980 c. 44; section 74(1) was amended by paragraph 8(17) of Schedule 10 to the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39).
(2) 1983 c. 40; section 1 was amended by paragraph 91 of Schedule 12 to the Education Reform Act 1988 (c. 40), by paragraph 8 of Schedule 9 to the Further and Higher Education (Scotland) Act 1992 (c. 37) and by paragraph 19 of Schedule 8 to the Further and Higher Education Act 1992 (c. 13).
(3) S.I.1988/1042; relevant amending instruments are S.I. 1988/1423, 1990/1347, 1991/834 and 1993/3184.

- “European Economic Area” means the area of the EEA States, and includes—
- (a) those States at any time before the EEA Agreement came into force in relation to them; and
 - (b) as regards any time prior to the unification of the Federal Republic of Germany, the former German Democratic Republic;”;
- (b) regulation 2(5A) shall be deleted; and
- (c) in regulation 5(b)(i), for the words “as given effect by the EEA Agreement” there shall be substituted “(which was extended to apply to the whole European Economic Area by the EEA Agreement)”.

Students' Allowances

3. The Students' Allowances (Scotland) Regulations 1991(4) shall be amended as follows:—
- (a) in regulation 2(1)—
 - (i) there shall be inserted after the definition of “EEA Agreement” the following definition:—
 - ““EEA State” means a state which is a Contracting Party to the EEA Agreement but until the EEA Agreement comes into force in relation to Liechtenstein does not include Liechtenstein;”;
 - (ii) the definition of “European Community” shall be deleted;
 - (iii) for the definition of “European Economic Area” there shall be substituted—
 - ““European Economic Area” means the area of the EEA States, and includes—
 - (a) those States at any time before the EEA Agreement came into force in relation to them; and
 - (b) as regards any time prior to the unification of the Federal Republic of Germany, the former German Democratic Republic;”;
 - (b) in Schedule 1, in paragraph 2(a) for the words “as given effect by the EEA Agreement” there shall be substituted “(which was extended to apply to the whole European Economic Area by the EEA Agreement)”.

Fees and Awards

4. The Education (Fees and Awards) (Scotland) Regulations 1983(5) shall be amended as follows:—
- (a) in regulation 2(1)—
 - (i) there shall be inserted after the definition of “EEA Agreement” the following definition:—
 - ““EEA State” means a state which is a Contracting Party to the EEA Agreement but until the EEA Agreement comes into force in relation to Liechtenstein does not include Liechtenstein;”;
 - (ii) the definition of “European Community” shall be deleted; and
 - (iii) for the definition of “European Economic Area” there shall be substituted—
 - ““European Economic Area” means the area of the EEA States, and includes—

(4) S.I. 1991/1522; as amended by S.I. 1993/3184.

(5) S.I. 1983/1215; relevant amending instruments are S.I. 1984/1361, 1985/1223, 1987/1383, 1991/834, and 1993/3184.

- (a) those States at any time before the EEA Agreement came into force in relation to them; and
 - (b) as regards any time prior to the unification of the Federal Republic of Germany, the former German Democratic Republic;”;
- (b) In Schedule 1—
 - (i) for paragraph 2(2)(a) there shall be substituted—
 - “(a) he has, throughout the 3 year period referred to in regulation 6(a), been ordinarily resident within the European Economic Area; and”;
 - (ii) in paragraph 5, for the words “territory specified in paragraph 2(2)(a) of this Schedule” and “said territory” there shall be substituted in each case “European Economic Area”;
 - (iii) in paragraph 7, for the words “by virtue of the EEA Agreement” there shall be substituted “(which was extended to apply to the whole European Economic Area by the EEA Agreement)”;
 - (iv) for paragraph 7(a) there shall be substituted—
 - “(a) he has, throughout the 3 year period referred to in regulation 6(a), been ordinarily resident within the European Economic Area; or”;
- (c) in Schedule 2—
 - (i) in paragraph 2(a), for the words “as given effect by the EEA Agreement” there shall be substituted “(which was extended to apply to the whole European Economic Area by the EEA Agreement)”;
 - (ii) for paragraph 2(b) there shall be substituted—
 - “(b) he has been ordinarily resident throughout the period of 3 years immediately preceding the relevant date in the European Economic Area;”;
 - (iii) in paragraph 5(2)(i), for the words “territory specified in that sub-paragraph” there shall be substituted “European Economic Area”; and
 - (iv) in paragraph 5(2)(ii), for the words “that territory” there shall be substituted “the European Economic Area”; and
- (d) in Schedule 4(6)—
 - (i) for paragraph 3(3)(a) there shall be substituted—
 - “(a) he has been ordinarily resident in the European Economic Area throughout the 3 year period preceding 1st September, 1st January or 1st April closest to the beginning of the first term of his intended course; and”;
 - (ii) in paragraph 5, for the words “the territory specified therein” and “that territory” (occurring twice) there shall be substituted in each case “the European Economic Area”;
 - (iii) in paragraph 6, for the words “by virtue of the EEA Agreement” there shall be substituted “(which was extended to apply to the whole European Economic Area by the EEA Agreement)”;
 - (iv) for paragraph 6(a) there shall be substituted—
 - “(a) he has throughout the 3 year period referred to in Regulation 6(a) been ordinarily resident within the European Economic Area; or”.

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

St Andrew's House,
Edinburgh
7th December 1994

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education Authority Bursaries (Scotland) Regulations 1988 as amended, the Students Allowances (Scotland) Regulations 1991 as amended and the Education (Fees and Awards) (Scotland) Regulations 1983 as amended to reflect the fact that certain of the Contracting Parties to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cmnd. 2073) as adjusted by the Protocol signed at Brussels on 17th March 1993 (Cmnd. 2183) will have joined the European Community as at 1st January 1995 while remaining party to that Agreement. In each set of Regulations a previous definition of “European Economic Area” as comprising the European Community and certain specified non-European Community Contracting Parties to the Agreement is replaced with a definition which covers all the Contracting Parties to the Agreement, whether members of the European Community or not. A person’s connections with the European Economic Area are relevant to the provisions of those sets of Regulations regarding eligibility for student support and liability to fees.

The states that will have joined the European Community are Austria, Finland and Sweden. The European Economic Area will then comprise all European Community States plus Iceland, Norway and Switzerland.

The other amendments are all technical or consequential. No change of substance is made.