
STATUTORY INSTRUMENTS

2007 No. 779

The Education (Fees and Awards) (England) Regulations 2007

Interpretation

2.—(1) In these Regulations—

“the 2005 Act” means the Education Act 2005 ^{M1};

“academic year” means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of the course in question begins according to whether that academic year begins on or after 1st January and before 1st April, on or after 1st April and before 1st July, on or after 1st July and before 1st August or on or after 1st August and on or before 31st December, respectively;

“award” means a fees award or a maintenance award or both;

“education” includes post-graduate research otherwise than in the course of employment;

“employment” means full-time or part-time employment;

“European Community” means the territory comprised by the Member States of the European Community as constituted from time to time;

“European Economic Area” means the area comprised by the EEA States;

“fees award” means an award in respect only of any fees payable other than any element of those fees which is a charge for maintenance;

^{F1}
...

“the Islands” means the Channel Islands and the Isle of Man;

^{F2}
...

“maintenance award” means any award other than a fees award;

[^{F3}“OfS” means the Office for Students;]

“overseas territories” means Anguilla; Aruba; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; [^{F4}Gibraltar;] Mayotte; Greenland; Montserrat; Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius and Sint Maarten); Pitcairn, Henderson, Ducie & Oeno Islands; South Georgia and the South Sandwich Islands; [^{F5}St-Barthélemy]; St Helena and Dependencies (Ascension Island and Tristan de Cunha); St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; Turks and Caicos Islands and Wallis and Futuna;

“post-compulsory education award” means a scholarship, exhibition, bursary or other allowance granted by a local education authority under the Local Education Authority (Post-Compulsory Education Awards) Regulations 1999 ^{M2};

[^{F6}“specified British overseas territories” means Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia

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and the South Sandwich Islands; St Helena and Dependencies (Ascension Island and Tristan da Cunha); and Turks and Caicos Islands;]

“training provider” means a person who provides training for members of the school workforce under Part 3 of the 2005 Act;

[^{F3}“UKRI” means United Kingdom Research and Innovation;]

(2) Despite section 11 of the Interpretation Act 1978 ^{M3} section 3(2) of the Education (Fees and Awards) Act 1983 (references to the United Kingdom to include references to the Islands) shall not apply for the purposes of interpreting these Regulations.

[^{F7}(3) For the purposes of these Regulations, “parent” [^{F8}means a parent, guardian or] any other person having parental responsibility for a child and “child” is to be construed accordingly.]

[^{F9}(3A) For the purposes of these Regulations, a person is not to be treated as ordinarily resident in a place unless that person lawfully resides in that place.]

(4) For the purposes of these Regulations, a person is to be treated as ordinarily resident in England, England and Wales, Great Britain, the United Kingdom, the United Kingdom and Islands [^{F10}, the territory comprising the United Kingdom, the Islands and the Republic of Ireland], in [^{F11}the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland], in [^{F12}the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories][^{F13}, the territory comprising the United Kingdom, the Islands and the specified British overseas territories], or in [^{F14}the territory comprising the United Kingdom, the European Economic Area, Switzerland, Turkey and the overseas territories] if he would have been so resident but for the fact that—

- (a) he;
- (b) his spouse or civil partner;
- (c) his parent; or
- (d) in the case of dependent direct relative in the ascending line, his child or child's spouse or civil partner,

is or was temporarily employed outside the area in question.

(5) For the purposes of paragraph (4), temporary employment includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;
- [^{F15}(aa) in the case of members of the regular armed forces of the Republic of Ireland, any period which they serve outside the territory comprising the United Kingdom, the Islands and the Republic of Ireland as members of such forces;]
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising [^{F16}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland as members of such forces; and
- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.

(6) For the purposes of Regulations 6, 7, 8 and 9 a person is to be treated as ordinarily resident in England, England and Wales, Great Britain, the United Kingdom, the United Kingdom and Islands [^{F17}, the territory comprising the United Kingdom, the Islands and the Republic of Ireland], in [^{F18}the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland], in [^{F19}the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories][^{F20}, the territory comprising the United Kingdom, the

Islands and the specified British overseas territories], or in [^{F21}the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey] if he would have been so resident but for the fact that—

- (a) he;
- (b) his spouse or civil partner;
- (c) his parent; or
- (d) in the case of a dependent direct relative in the ascending line, his child or his child's spouse or civil partner,

was temporarily receiving full-time education outside the area in question.

(7) For the purposes of these Regulations an area [^{F22}other than the United Kingdom or Gibraltar] which—

- (a) was previously not part of the European Community or the European Economic Area; but
- (b) at any time before or after these Regulations come into force has become part of one or the other or both of these areas,

is to be considered to have always been a part of the European Economic Area.

^{F23}(8)

Textual Amendments

- F1** Words in reg. 2(1) omitted (1.8.2019) by virtue of [The Higher Education and Research Act 2017 \(Further Implementation etc.\) Regulations 2019 \(S.I. 2019/1027\)](#), regs. 1, **27(2)(a)**
- F2** Words in reg. 2(1) omitted (1.9.2010) by virtue of [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments to Subordinate Legislation\) \(England\) Order 2010 \(S.I. 2010/1941\)](#), arts. 1, **19(2)**
- F3** Words in reg. 2(1) inserted (1.8.2019) by [The Higher Education and Research Act 2017 \(Further Implementation etc.\) Regulations 2019 \(S.I. 2019/1027\)](#), regs. 1, **27(2)(b)**
- F4** Word in reg. 2(1) inserted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **15(a)**
- F5** Words in reg. 2(1) inserted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **8(a)**
- F6** Words in reg. 2 inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **27(a)**
- F7** Reg. 2(3) substituted (9.2.2011) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2011 \(S.I. 2011/87\)](#), regs. 1(2), **6** (with reg. 13(1))
- F8** Words in reg. 2(3) substituted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **8(b)**
- F9** Reg. 2(3A) inserted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **8(c)**
- F10** Words in reg. 2(4) inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **27(b)(i)**
- F11** Words in reg. 2(4) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **15(b)(i)**
- F12** Words in reg. 2(4) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **15(b)(ii)**
- F13** Words in reg. 2(4) inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **27(b)(ii)**
- F14** Words in reg. 2(4) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **15(b)(iii)**

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- F15** Reg. 2(5)(aa) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **27(c)**
- F16** Words in reg. 2(5) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **15(c)**
- F17** Words in reg. 2(6) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **27(d)(i)**
- F18** Words in reg. 2(6) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **15(d)(i)**
- F19** Words in reg. 2(6) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **15(d)(ii)**
- F20** Words in reg. 2(6) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **27(d)(ii)**
- F21** Words in reg. 2(6) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **15(d)(iii)**
- F22** Words in reg. 2(7) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **15(e)**
- F23** Reg. 2(8) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **27(e)**

Marginal Citations

- M1** 2005 c.18.
- M2** S.I. 1999/229, amended by S.I. 2000/2057, and revoked in relation to Wales by S.I. 2002/1856.
- M3** 1978 c.30.

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