
STATUTORY INSTRUMENTS

1993 No. 3183

**EDUCATION, ENGLAND AND WALES
EDUCATION, SCOTLAND**

**The Education (European Economic
Area) (Amendment) Regulations 1993**

<i>Made</i>	- - - -	<i>15th December 1993</i>
<i>Laid before Parliament</i>		<i>16th December 1993</i>
<i>Coming into force</i>	- -	<i>1st January 1994</i>

The Secretary of State for Education, in exercise of the powers conferred by sections 1 and 4(2) of, and paragraphs 4 and 5 of Schedule 1 to, the Education Act 1962⁽¹⁾, sections 1 and 2 of the Education (Fees and Awards) Act 1983⁽²⁾, section 1(2) and (7) of the Education (Student Loans) Act 1990⁽³⁾ and section 2(2) of the European Economic Area Act 1993⁽⁴⁾ hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (European Economic Area) (Amendment) Regulations 1993 and shall come into force on 1st January 1994.

Mandatory awards

2. Section 2(1) of the European Economic Area Act 1993 shall not have effect, in relation to the definition of “European student” in regulation 2 (definitions) of the Education (Mandatory Awards) Regulations 1993⁽⁵⁾, so as to substitute for the reference to “the European Community” a reference to “the European Economic Area”.

3. The Education (Mandatory Awards) Regulations 1993 shall be amended as follows—

(a) in regulation 2 (definitions)—

(i) there shall be inserted at the appropriate places in alphabetical order the following definitions—

(1) 1962 c. 12; the relevant provisions, as amended, are set out in Schedule 5 to the Education Act 1980 (c. 20).
(2) 1983 c. 40.
(3) 1990 c. 6.
(4) 1993 c. 51.
(5) S.I.1993/1850.

Status: This is the original version (as it was originally made).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

““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(6) as adjusted by the Protocol signed at Brussels on 17th March 1993(7);

“European Economic Area” means the European Community and, subject to the conditions laid down in the EEA Agreement, the area comprised by the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and, from such date as the EEA Council, established by Article 89 of the EEA Agreement, determines that that Agreement shall enter into force as regards the Principality of Liechtenstein, the Principality of Liechtenstein;”, and

- (ii) for the words “European Community”, in the definition of “relevant territory”, there shall be substituted the words “European Economic Area”; and
- (b) in regulation 9(1)(a) (no area students) after the word “Community” there shall be inserted the words “as given effect by the EEA Agreement”.

Student loans

4. The Schedule (conditions of eligibility) to the Education (Student Loans) Regulations 1993(8) shall be amended as follows—

- (a) in paragraphs 1 to 4 for the words “European Community” wherever they appear there shall be substituted the words “European Economic Area”;
- (b) in paragraph 2 after the word “Community” there shall be inserted the words “, as given effect by the EEA Agreement,”; and
- (c) in paragraph 5 there shall be inserted at the appropriate places in alphabetical order the following definitions—

““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“European Economic Area” means the European Community and, subject to the conditions laid down in the EEA Agreement, the area comprised by the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and, from such date as the EEA Council, established by Article 89 of the EEA Agreement, determines that that Agreement shall enter into force as regards the Principality of Liechtenstein, the Principality of Liechtenstein;”.

Fees and awards

5. The Education (Fees and Awards) Regulations 1983(9) shall be amended as follows—

- (a) in regulation 2 (interpretation), there shall be inserted at the appropriate places in alphabetical order, the following definitions—

““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“European Economic Area” means the European Community and, subject to the conditions laid down in the EEA Agreement, the area comprised by the Republic of

(6) Cm. 2073.

(7) Cm. 2183.

(8) S.I. 1993/1214.

(9) S.I.1983/973; the relevant amending instruments are S.I.1985/1219, 1987/1364, 1988/1391 and 1991/830.

Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and, from such date as the EEA Council, established by Article 89 of the EEA Agreement, determines that that Agreement shall enter into force as regards the Principality of Liechtenstein, the Principality of Liechtenstein;”;

- (b) in Schedule 2 (fees excepted students)—
- (i) in paragraph 2(2)(a)(i) for the words “European Community” there shall be substituted the words “European Economic Area”,
 - (ii) in paragraph 5 for the words “European Community” in the second and third places where they occur there shall be substituted the words “European Economic Area”, and
 - (iii) there shall be inserted a new paragraph—

“7. A person shall be an excepted student if he is a person to whom Article 7(2) or (3) or Article 12 of Council Regulation (EEC) No.1612/68 on freedom of movement for workers within the Community⁽¹⁰⁾, as given effect by the EEA Agreement, applies and either—

 - (a) he has, throughout the 3 year period referred to in Regulation 6(a), been ordinarily resident within the territories comprising—
 - (i) the European Economic Area; and
 - (ii) (as respects any period prior to the unification of the Federal Republic of Germany) the former German Democratic Republic; or
 - (b) if he was not so ordinarily resident throughout that 3 year period it is only because he, his spouse, or his parent was temporarily employed elsewhere.”;
- (c) in Schedule 3 (maintenance awards excepted candidates)—
- (i) for the words “European Community” wherever they appear there shall be substituted the words “European Economic Area”, and
 - (ii) in paragraph 3(a) after the words in brackets occurring after the word “Community”, there shall be inserted the words “as given effect by the EEA Agreement”; and
- (d) in paragraphs 3(3)(a) and 5 of Schedule 4 (fees awards excepted candidates) there shall be substituted for the words “European Community” the words “European Economic Area”.

15th December 1993

John Patten
Secretary of State for Education

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Mandatory Awards) Regulations 1993, the Education (Student Loans) Regulations 1993 (which also apply to Scotland) and the Education (Fees and Awards) Regulations 1983 to give effect to certain obligations arising from the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm.2073) as adjusted by the Protocol signed at Brussels on 17th March 1993 (Cm.2183).

The amendments reflect the fact that Council Regulation (EEC) No. 1612/68 now extends to the European Economic Area and not only to the European Community. Persons who have rights arising out of Article 7(2) or (3) or 12 of the Regulation are entitled to a full mandatory award in respect of maintenance and tuition fees and to student loans for attendance on prescribed courses of higher education and are also eligible for local authority discretionary awards, awards from the Research Councils and certain other institutions and post graduate agricultural studentships. The tuition fees and other fees charged to such students must be no higher than those charged to students from the United Kingdom.

A mandatory award only in respect of tuition and other fees, which must be no higher than those charged to students from the United Kingdom, continues to be available only to nationals of a member state of the European Community who are not entitled to a full mandatory award, and is not made available to nationals from other states within the European Economic Area who are not so entitled.

The residence requirement, which nationals from member states of the European Community and migrant workers must satisfy, is extended to apply to residence within the European Economic Area.