STATUTORY INSTRUMENTS

1983 No. 1274

EDUCATION, ENGLAND AND WALES

The State Awards (State Bursaries for Adult Education) (Wales) (Amendment) Regulations 1983

Made - - - -	*16th August* 1983
Laid before Parliament	*30th August* 1983
Coming into Operation	*20th September* 1983

The Secretary of State for Wales, in exercise of the powers conferred upon him by sections 3*(c)* and 4(2) of the Education Act 1962(**a**), hereby makes the following Regulations:—

1. These Regulations may be cited as the State Awards (State Bursaries for Adult Education) (Wales) (Amendment) Regulations 1983 and shall come into operation on 20th September 1983.

2. In these Regulations a reference to the principal Regulations is a reference to the State Awards (State Bursaries for Adult Education) (Wales) Regulations 1979(**b**).

3. In Regulation 2(2) of the principal Regulations (Interpretation) after the word "regulation" in each place where it occurs there shall be added the words "or a Schedule".

4. In Regulation 3 of the principal Regulations (Revocations and transitional provisions) for the words "the Schedule" there shall be substituted the words "Schedule 1".

5. At the beginning of Regulation 5(1) of the principal Regulations (Authority to bestow state bursaries for adult education) there shall be inserted the words "Subject to the provisions of Schedule 2 hereto relating to eligibility for state awards and".

6. After the Schedule to the principal Regulations, which shall stand as Schedule 1, there shall be added the Schedule set out in the Appendix hereto.

(**a**) 1962 c.12; the relevant provisions, as amended, are set out in Schedule 5 to the Education Act 1980 (c.20).
(**b**) S.I. 1979/333.

APPENDIX

SCHEDULE 2 Regulation 5.

ELIGIBILITY FOR STATE AWARDS

1.—(1) In this Schedule—

"employment" means full-time employment or part-time employment which, in a normal week, involves a significant number of hours of work and "employed" shall be construed accordingly, and for the purposes hereof the references to employment include references to the holding of any office and to any occupation for gain;

"European Community" means the area comprised by the member states of the European Economic Community (including the United Kingdom) as constituted from time to time;

"national of a member state of the European Community" means a person who is a national for the purposes of the Community Treaties of any member state of the European Economic Community (including the United Kingdom) as constituted from time to time;

"refugee" means a person who is recognised by Her Majesty's government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951 as extended by the Protocol thereto which entered into force on 4th October 1967 or a person who enjoys asylum in the United Kingdom in pursuance of a decision of Her Majesty's government though not so recognised;

"relevant date", in relation to an applicant for a state award, means the date of his application therefore; and

"United Kingdom and Islands" means the United Kingdom, the Channel Islands and the Isle of Man.

(2) A person shall be treated for the purposes of Regulation 5(2)*(b)* or of paragraph 2(1) or 3*(a)* of this Schedule as ordinarily resident in Wales, in the United Kingdom and Islands or in the European Community ("the relevant area") if the Secretary of State is satisfied that he was only not so resident for the purposes of the said Regulation or not so resident in the relevant area at the date, or throughout the period, mentioned in the paragraphs in question because:—

(a) he, his spouse or his parent was temporarily employed outside the relevant area, or

(b) he or his spouse was temporarily receiving full-time education, or undertaking post-graduate research, outside the relevant area.

2.—(1) The Secretary of State shall not bestow a state award upon a person unless he is ordinarily resident in Wales on the relevant date and he is not then resident therein wholly or mainly for the purpose of receiving full-time education.
Provided that a state award may be bestowed upon a person if:—

(a) he is ordinarily resident in the United Kingdom and Islands on the relevant date and satisfies the Secretary of State that, on 30th June next following the relevant date he will be ordinarily resident in Wales and will not then be resident therein wholly or mainly for the purpose of receiving full-time education; or

(b) he is the child of a national of a member state of the European Community who—

(i) where he is employed on the relevant date, is then in employment in England and Wales; or

(ii) where he is not employed on that date (by reason of retirement or otherwise), was last employed in such employment; or

(iii) whether or not he is employed on that date, he has, during the period of 3 years ending therewith, been in such employment for an aggregate period of not less than a year; or

(c) he is a national of a member state of the European Community who:—

(i) entered the United Kingdom wholly or mainly for the purpose of taking up, or seeking, employment,

(ii) during the year preceding the relevant date has been in employment in England and Wales for an aggregate period of not less than 9 months, and

(iii) seeks an award in respect of a course provided by a vocational training establishment, 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.

(2) In sub-paragraph (1)*(c)*:—

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

"vocational training establishment" means a further education establishment being a vocational school within the meaning of Article 7 of EEC Regulation 1612/68.

3. Subject to paragraphs 4 and 5, the Secretary of State shall not bestow a state award upon a person who is ordinarily resident in Wales on the relevant date:—

(a) unless he has been ordinarily resident, throughout the period of 3 years preceding the relevant date, in the United Kingdom and Islands or, in the case of such a person as is mentioned in paragraph 2*(b)* or *(c)*, has been so ordinarily resident in the European Community, or

(b) if his residence in the United Kingdom and Islands or, as the case may be, the European Community has during any part of that period been wholly or mainly for the purposes of receiving full-time education or undertaking post-graduate research otherwise than in the course of employment.

4.—(1) Paragraph 3 shall not apply in the case of:–

(a) a refugee who has not been ordinarily resident outside the United Kingdom and Islands since he was recognised as a refugee or was accorded asylum, or

(b) the spouse, son or daughter of such a refugee.

(2) The reference in this paragraph to a refugee's son or daughter includes a reference to a person adopted in pursuance of adoption proceedings, a step-child and an illegitimate child of whom the refugee is the mother or in whose case he has admitted paternity or been adjudged the putative father.

5. Paragraph 3*(b)* shall not apply in the case of a person who, in pursuance of paragraph 1(2), is treated as ordinarily resident in the United Kingdom and Islands or, as the case may be, the European Community throughout the period mentioned in paragraph 3*(a)*.

Nicholas Edwards,
16th August 1983. Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the provisions of the State Awards (State Bursaries for Adult Education) (Wales) Regulations 1979 relating to the bestowal of state awards on persons ordinarily resident in Wales other than awards in respect of post-graduate and comparable courses.

The general arrangements made by the Secretary of State for the purposes of his functions under the Regulations of 1979 have provided that a state award should not be bestowed on a person, who, throughout the three years preceding his application for an award has not been ordinarily resident in the British Islands. These arrangements are relaxed or modified in the case of applicants for awards who are refugees or are the children of workers from the European Community.

The present Regulations make express provision in that behalf and further provide that a state award shall not be bestowed on a person if his residence in the British Islands (or the European Community, as appropriate) has, during any part of the three year period preceding his application, been wholly or mainly for purposes of receiving full-time education or undertaking post-graduate research otherwise than in the course of employment.

The Regulations also extend the existing arrangements relating to the eligibility of refugees for awards to their spouses and children. They take account of the provisions of Article 7 of EEC Regulation 1612/68 relating to the access of workers from the European Community to training in vocational schools by providing that such persons and the children of workers from the European Community are not subject to the requirement imposed by the Regulations that a person cannot receive a state award if he is receiving full-time education.

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