2002 No. 1841

EDUCATION, ENGLAND

The Education Maintenance Allowance (Pilot Areas) (Amendment) Regulations 2002

Made - - - - -	*16th July 2002*
Laid before Parliament	*23rd July 2002*
Coming into force - -	*19th August 2002*

In exercise of the powers conferred on the Secretary of State by sections 518 and 569(4) of the Education Act 1996(**a**) the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education Maintenance Allowance (Pilot Areas) (Amendment) Regulations 2002 and shall come into force on 19th August 2002.

Amendment of Education Maintenance Allowance (Pilot Areas) Regulations 2001

2. The Education Maintenance Allowance (Pilot Areas) Regulations 2001(**b**) shall be amended as follows.

3. In regulation 2(1) (Interpretation)—

(a) for paragraphs (a) and (b) of the definition of "vulnerable student" there shall be substituted the following—

"(a) is at any time during a relevant period in the opinion of the local authority estranged from his parents, or has at any time been in receipt of any of the allowances specified in regulations 8, 9, 10 or 11 while being so estranged, but has later reconciled with his parents,

(b) is pregnant at any time during a relevant period, or has at any time been in receipt of any of the allowances specified in regulations 8, 9, 10 or 11 while she was pregnant, whether or not as a result of that pregnancy she became, or continued to be, a parent to whom child benefit is paid under Part IX of the 1992 Act,"

(b) for paragraph (g) of the definition of "vulnerable student" there shall be substituted the following—

"(g) has not, by the end of the student's final school year, achieved NVQ level 1, GNVQ level 1 or more than one GCSE pass at grade A-C or obtained any qualifications of a higher standard,"

4. In regulation 2 for paragraph (6) there shall be substituted the following paragraph—

"(6) Any reference in these Regulations to the student's final school year is a reference to the academic year in which the student reached the age of 16."

(**a**) 1996 c. 56; section 518 was substituted by section 129 of the School Standards and Framework Act 1998 (c. 31). By virtue of S.I. 1999/672 the powers conferred by this section are exercisable by the Secretary of State only in relation to England.

(**b**) S.I. 2001/2750.

5. In regulation 6(1) for paragraph (a) there shall be substituted the following paragraph—

"(a) that—

(i) where the relevant area is the area of an authority specified in Part I of the Schedule, the student's final school year was the 1998–1999, 1999–2000, 2000–2001 or 2001–2002 academic year,

(ii) where the relevant area is the area of an authority specified in Part II of the Schedule (or the wards in East Lancashire specified in paragraph (b) of the definition of "relevant area"), the student's final school year was the 1999–2000, 2000–2001 or 2001–2002 academic year;".

Margaret Hodge
Minister of State,
Department for Education and Skills

16th July 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education Maintenance Allowance (Pilot Areas) Regulations 2001.

They extend the definition of a "vulnerable student" in regulation 2 in three respects.

The first concerns those students who are vulnerable students because they are estranged from their parents during the relevant period (as defined in the Regulations), but who then reconcile with their parents in a subsequent year. They will now not lose their vulnerability status on reconciliation, but will continue to be treated as vulnerable students for the purposes of subsequent applications.

The second concerns those students who are vulnerable students because they are pregnant during the relevant period (as defined in the Regulations). These students will now not lose their vulnerability status for the purposes of subsequent applications, where they suffer a loss or termination of the pregnancy, the child dies or is in the care of a local authority.

The third concerns those students who are vulnerable students because they have failed to achieve NVQ level 1, GNVQ level 1, any GCSE passes or any qualifications of a higher standard by the end of their final school year. This category of vulnerable students will be extended to cover those who have achieved a maximum of one GCSE pass at grade A-C by the end of their final school year.

Regulation 2 has also amended the definition of "the student's final school year". This now no longer differentiates between those students who are attending school and those who are not. This extends eligibility for an education maintenance allowance to those students who have repeated a year at school and so are a year older than their fellow pupils, but who now wish to study for their final year at school.

Regulation 6 has been amended to allow education maintenance allowances to be paid in respect of students whose final school year was 2001–2002.

STATUTORY INSTRUMENTS

2002 No. 1841

EDUCATION, ENGLAND

The Education Maintenance Allowance (Pilot Areas) (Amendment) Regulations 2002

ISBN 0-11-042510-3

9 780110 425108

£1.75

© Crown copyright 2002

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1053 7/2002 121053 19585