EXPLANATORY MEMORANDUM

The Education (Mandatory Awards) (Amendment) (No.2) Regulations 2004

2004 No. 1792

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

2. Description

This Statutory Instrument makes an amendment to the Education (Mandatory Awards) Regulations 2003 (S.I.2003/1994) ("the 2003 Regulations"), as amended by the Education (Mandatory Awards) (Amendment) Regulations 2004 (S.I. 2004/1038). This Statutory Instrument increases the payment rate of the dependants requirement for students receiving mandatory awards from £2,280 to £2,335.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Background

The 2003 Regulations were made under sections 1 and 4(2) of, and paragraphs 3 and 4 of Schedule 1 to, the Education Act 1962 and section 3(1) and (3) of the Education Act 1973. Section 1 of the 1962 Act provides that it is the duty of local education authorities ('LEAs') to bestow awards on students who are ordinarily resident in their areas and attending higher education courses. Section 4(2) of the 1962 Act provides that the Secretary of State can make regulations in relation to section 1. The whole of the 1962 Act was repealed by section 44(2) of, and Schedule 4 to the Teaching and Higher Education Act 1998, with effect from 1st January 1999. However, the repeal was subject to transitional and saving provisions which enabled the continued payment of LEA awards made before the repeal and LEA awards made after the repeal, in respect of students attending courses which began before 1st September 1999. Section 3 of the 1973 Act enables the Secretary of State to make regulations allowing LEAs to pay allowances to the families of students who have received LEA awards under the 1962 Act.

5. Extent

This instrument applies to England and Wales.

6. European Convention on Human Rights

This Minister, Alan Johnson, has made the following statement under section 19(1) (a) of the Human Rights Act 1998:

In my view the provisions of the Education (Mandatory Awards) (Amendment) (No.2) Regulations 2004 are compatible with the Convention rights.

7. Policy background

This Statutory Instrument increases the payment rate of dependants requirement for students who are eligible for mandatory awards. The increase is from £2,280 to £2,335 and shall only apply in relation to an academic term which begins on or after the 1st September 2004. Where an academic year starts before 1st September 2004, but ends after 1st September 2004, the old payment rate and the new payment rate shall be applied proportionally.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is minimal.

9. Contact

Cliff Woods at the Department of Education and Skills Tel: 0207-925-5353 or e-mail: cliff.woods@dfes.gsi.gov.uk can answer any queries regarding this instrument.