STATUTORY INSTRUMENTS

2000 No. 1425

EDUCATION, ENGLAND AND WALES

The Education (Mandatory Awards) (Amendment) Regulations 2000

Made - - - - -	*25th May 2000*
Laid before Parliament	*26th May 2000*
Coming into force - -	*16th June 2000*

The Secretary of State for Education and Employment, in exercise of the powers conferred by sections 1 and 4(2) of the Education Act 1962(**a**) hereby makes the following Regulations:

1. These Regulations may be cited as the Education (Mandatory Awards) (Amendment) Regulations 2000 and shall come into force on 16th June 2000.

2. The Education (Mandatory Awards) Regulations 1999(**b**) shall be amended as follows.

3. In regulation 7(2) insert after sub-paragraph (b) the following sub-paragraph:

"(c) a course the first year of which began before 1st September 1999.".

4. In regulations 12(7)(a) and 23 after the words "Health Services and Public Health Act 1968" insert the words "or article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(**c**)".

5. At the end of regulation 24(3), omit the full stop and insert the following words:

"except in respect of a student who becomes eligible for an award after 1st September 1999 in respect of a course that began before 1st September 1998, in which case fees shall be paid as soon as reasonably practicable thereafter".

6. After regulation 25(6) insert the following paragraph:

"(6A) Where a student is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS(**d**) and

(a) his course is an international course, and

(b) all the periods of study during a year are at an institution outside the United Kingdom

no sum shall be payable in respect of fees under regulation 17(1)(a) in respect of that year.".

7. In Schedule 1—

(a) in sub-paragraph (c) omit the word "and";

(b) at the end of sub-paragraph (d) add a semicolon followed by the word "and";

(**a**) 1962 c. 12; the relevant provisions, as amended, are set out in Schedule 5 to the Education Act 1980 (c. 20); section 1(3)(d) was amended by the Education (Grants and Awards) Act 1984 (c. 11), section 4; section 4 was amended by the Education Act 1994 (c. 30), Schedule 2, paragraph 2; the entire Act was repealed by the Teaching and Higher Education Act 1998 (c. 30), section 44(2) and Schedule 4, subject to the transitional and saving provisions set out in the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998 (S.I. 1998/3237 (c. 81)), article 4.

(**b**) S.I. 1999/1494.

(**c**) S.I. 1972/1265 (N.I.14).

(**d**) ERASMUS is part of the European Community action programme SOCRATES, OJ No. L87, 20.4.95, P. 10.

(c) after sub-paragraph (d) insert the following sub-paragraph:

"(e) which are prescribed under paragraph (e) of the definition of "fees" in section 28(1) of the Teaching and Higher Education Act 1998(**a**)";

(d) in sub-paragraph (iii) for the words "three instalments of £565" substitute the following words, "two instalments of £565 and a third instalment of £550";

8. In Schedule 3—

(a) in paragraph 1(1)(d)(ii) omit the words "(e) or (f)" and substitute "or (e)";

(b) in paragraph 1(1)(i) for the words "as are mentioned in Part III and living costs as are mentioned in Parts IV and V" substitute the words "and such requirements for maintenance as are specified in Schedules 1 and 2";

(c) in paragraph 1(1)(o) after the words "family credit" insert the words "or working families' tax credit".

9. In Schedule 5, paragraph 4(a), for the words "paragraph 1(1)(c)" substitute the words "paragraph 1(1)(d)(ii)".

Malcolm Wicks
Parliamentary Under Secretary of State,
Department for Education and Employment

25th May 2000

(**a**) 1998 c. 30.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 16th June 2000, amend the Education (Mandatory Awards) Regulations 1999 ("the Mandatory Awards Regulations").

The Education Act 1962, under which the Mandatory Awards Regulations are made, was repealed on 1st January 1999 with transitional and saving provisions for courses beginning before 1st September 1999, and certain other courses. Regulation 7(2) of the Mandatory Awards Regulations provides that awards can be bestowed under those Regulations for courses beginning after 1st September 1999 but only in certain cases where students have started a course directly after completing a course which began before 1st September 1998. Provision is now made for students who become entitled to an award after 1st September 1999 for a course that began before 1st September 1998 to be eligible for an award under the Mandatory Awards Regulations (*regulation 3*), and for any fees due to be paid as part of that award to be paid as soon as reasonably practicable after the award has been bestowed (*regulation 5*).

With effect from 1st September 1998, National Health Service bursaries for students studying in England, Wales and Scotland are made under section 63 of the Public and Health Services Act 1968. Bursaries for students studying in Northern Ireland are made under article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972. The Mandatory Awards Regulations are amended to include references to bursaries for students studying in Northern Ireland (*regulation 4*).

The Mandatory Awards Regulations are amended to remove the duty on authorities to bestow a fees award in respect of any student who is participating in the ERASMUS scheme where all periods of study during the academic year are undertaken at an institution outside the United Kingdom (*regulation 6*).

Fees which are prescribed under section 28(1) of the Teaching and Higher Education Act 1998 are added to the categories of fees left out of account in determining the amount of a fees award (*regulation 7(c)*).

The fee rate in sub-paragraph (d)(iii) of Schedule 1 to the Mandatory Awards Regulations is amended to limit the aggregate fees payable for an academic year at the Royal Agricultural College to £1,680 (*regulation 7(d)*).

Pursuant to the Tax Credits Act 1999, with effect from 5th October 1999, family credit is known as working families' tax credit. Paragraph 1(1)(o) of Schedule 3 to the Mandatory Awards Regulations is amended accordingly (*regulation 8(c)*).

The Regulations also correct a number of minor drafting errors.

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