STATUTORY INSTRUMENTS

1999 No. 229

EDUCATION, ENGLAND AND WALES

The Local Education Authority (Post-Compulsory Education Awards) Regulations 1999

Made - - - -	*1st February 1999*
Laid before Parliament	*4th February 1999*
Coming into force	*1st March 1999*

In exercise of the powers conferred on the Secretary of State by sections 518(1)(b) and (2) and 569(4) of the Education Act 1996**(a)** and section 2 of the Fees and Awards Act 1983**(b)**, the Secretary of State for Education and Employment, as regards England, and the Secretary of State for Wales, as regards Wales, hereby make the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Education Authority (Post-Compulsory Education Awards) Regulations 1999, and shall come into force on 1st March 1999.

(2) These Regulations shall apply in relation to educational facilities made available to eligible persons on or after 1st September 1999.

Interpretation

2.—(1) In these Regulations–

"educational facilities", in relation to an eligible person, means–

(a) secondary education provided at a school, or

(b) a course of further or higher education, whether pursued by full-time or part-time attendance at an educational institution or otherwise, apart from a course–

(i) beginning before 1st September 1999, or

(ii) a course in respect of which that person is eligible for any financial support by way of grant or loan under Regulations made under section 22 of the Teaching and Higher Education Act 1998**(c)**;

"eligible person" means a person over compulsory school age;

"financial year" has the meaning given by section 579(1) of the Education Act 1996;

"post-compulsory education award" means an award granted by a local education authority under regulation 3.

(a) 1996 c. 56. Section 518 was substituted by section 129 of the School Standards and Framework Act 1998 (c. 31). *See* section 579(1) of the 1996 Act for the meaning of "regulations".

(b) 1983 c. 40. Section 2 was amended by Schedules 3 and 4 to the Teaching and Higher Education Act 1998 (c. 30).

(c) 1998 c. 30.

(2) A course which begins in August 1999 and continues through the autumn of that year shall be regarded for the purposes of these Regulations as having begun on or after 1st September 1999.

Power to grant post-compulsory education awards

3.—(1) This regulation applies to a local education authority in relation to the 1999–2000 and every subsequent financial year, apart from a financial year in relation to which that authority have determined pursuant to regulation 4 that it should not apply to them at all.

(2) Subject to paragraph (3), a local education authority shall have power, in any financial year in relation to which this regulation applies to them, to grant a post-compulsory education award, that is to say–

(a) a scholarship,

(b) an exhibition,

(c) a bursary, or

(d) an other allowance,

granted in respect of an eligible person for the purpose of enabling that person to take advantage of any educational facilities available to him.

(3) Where a local education authority have determined pursuant to regulation 4(1)(b) that this regulation is to apply to them in relation to that year only in the cases of eligible persons who satisfy particular criteria, the authority shall have power to grant a post-compulsory education award only in respect of an eligible person who satisfies those criteria.

Determination by local education authority

4.—(1) A local education authority shall determine, in respect of each financial year, whether regulation 3 is to apply to them in relation to that year; and, if it is to apply to them in that year, whether it is to do so–

(a) generally, or

(b) only in the cases of eligible persons who satisfy such criteria as may be determined by the authority.

(2) An authority shall make a determination under paragraph (1)–

(a) in relation to the 1999–2000 financial year, as soon after the coming into force of these Regulations as is reasonably practicable and, in any event, by no later than 31st March 1999; and

(b) in relation to every subsequent financial year, in the period of twelve months ending with the first day of that year.

(3) No determination under paragraph (1) in relation to any financial year shall affect the continued obligation of the authority to make payments under a post-compulsory education award granted in respect of an eligible person before the date on which the determination takes effect.

(4) Immediately after a local education authority have made a determination under paragraph (1) in relation to any financial year, they shall take such steps as they consider reasonable to bring the effect of the determination to the attention of those persons likely to be affected by it.

Amendment of the Education (Fees and Awards) Regulations 1997

5.—(1) The Education (Fees and Awards) Regulations 1997**(a)** shall be amended as follows.

(2) In regulation 2(1), in the appropriate place there shall be inserted the following new definition–

"post-compulsory education award" means a scholarship, exhibition, bursary or other allowance granted by an education authority under the Local Education Authority (Post-Compulsory Education Awards) Regulations 1999**(b)**;".

(a) S.I. 1997/1972.
(b) S.I. 1999/229.

(3) In regulation 5–

(a) in paragraph (1), after "the Education Act 1962" there shall be inserted "or for post-compulsory education awards"; and

(b) in paragraph (3), after "course" there shall be inserted–

or, in relation to a post-compulsory education award in respect of a person's attendance at a school, the beginning of that school's first term after he has ceased to be of compulsory school age".

Revocation and saving

6.—(1) Regulation 4(e) of the Scholarships and Other Benefits Regulations 1977**(a)** is hereby revoked.

(2) However paragraph (1) shall not affect the continued operation of regulation 4(e) in connection with–

(a) any grants made under that provision before the coming into force of these Regulations;

(b) the making of grants under that provision in relation to educational facilities made available before 1st September 1999; and

(c) any grants made as described in sub-paragraph (b).

Tessa Blackstone
Minister of State,
1st February 1999 Department for Education and Employment

Peter Hain
1st February 1999 Parliamentary Under Secretary of State, Welsh Office

(a) S.I. 1977/1443. Regulation 4 has been amended by S.I. 1979/260, 1979/542 and 1998/86.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under section 518(1)(b) and (2) of the Education Act 1996 (as substituted by section 129 of the School Standards and Framework Act 1998), confer power on a local education authority (LEA) to make a post-compulsory education award, that is to say a scholarship, exhibition, bursary or other award granted in respect of "an eligible person", that is, a person over compulsory school age.

Such an award may be granted for the purpose of enabling an eligible person to take advantage of certain educational facilities available to him, namely secondary education provided at a school, or a course of further or higher education—other than a course beginning before 1st September 1999 or one in respect of which he is eligible for financial support under section 22 of the Teaching and Higher Education Act 1998 (*regulation 2*).

The power to grant an award does not apply in a financial year in relation to which an LEA have determined that it should not do so; and where an LEA have determined that the power should apply in a financial year only in the cases of eligible persons who satisfy particular criteria, the authority have no power to make awards to persons who do not satisfy those criteria (*regulation 3*).

Every LEA are required to determine in relation to each financial year whether the power to make post-compulsory education awards is to apply to them in that year, and if so, the extent to which it will apply. They will have to make the determination in the period of 12 months ending with the start of that year. After making a determination they must take reasonable steps to bring it to the attention of those persons it is likely to affect. A determination made in relation to any financial year cannot affect the obligation of the LEA to make payments under awards granted before the determination takes effect (*regulation 4*).

The Education (Fees and Awards) Regulations 1997 are amended to enable LEAs to adopt rules of eligibility for grants of post-compulsory education awards which confine eligibility for such awards to persons to have the connection with the United Kingdom specified in the Schedule to those Regulations (*regulation 5*).

Provision is also made for the revocation, with savings, of regulation 4(e) of the Scholarships and Other Benefits Regulations 1977 (*regulation 6*).

£1.50

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WO 4139 2/99 ON (MFK)