
WELSH STATUTORY INSTRUMENTS

2002 No. 1856 (W.180)

EDUCATION, WALES

**Local Education Authority (Post-Compulsory
Education Awards)(Wales) Regulations 2002**

Made - - - - *16th July 2002*

Coming into force - - *1st August 2002*

The National Assembly for Wales makes the following regulations in exercise of the powers conferred upon the Secretary of State by sections 518(1)(b) and (2) and 569(4) of the Education Act 1996⁽¹⁾ and now vested in the National Assembly⁽²⁾.

Name and commencement

1. These Regulations are called the Local Education Authority (Post-Compulsory Education Awards) (Wales) Regulations 2002 and shall come into force on 1st August 2002.

Revocation, saving and transitional provision

2.—(1) The Local Education Authority (Post-Compulsory Education Awards) Regulations 1999⁽³⁾ are revoked in relation to local education authorities in Wales, but the revoked regulations continue to apply in connection with any awards under those regulations made before the coming into force of these Regulations.

(2) Any determination made by an education authority under regulation 4 of the revoked regulations in relation to the 2002—2003 financial year shall be deemed to have been made under regulation 5 of these Regulations.

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires—

“Assembly Learning Grant” (“*Grant Dysgu'r Cynulliad*”) means a post-compulsory education award to a person undergoing a course of further or higher education which has been designated for the purposes of the Assembly Learning Grant Scheme, where that person meets the eligibility requirements of that Scheme;

(1) 1996 c. 56. Section 518 was substituted by section 129 of the School Standards and Framework Act 1998 (c. 31).

(2) See The National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(3) S.I.1999/229.

“the Assembly Learning Grant Scheme” (“*Cynllun Grant Dysgu'r Cynulliad*”) means the scheme established by the National Assembly, setting out conditions for the making of grant by the National Assembly under regulations made under section 484 of the Education Act 1996⁽⁴⁾ to reimburse expenditure incurred by education authorities in paying Assembly Learning Grants being expenditure which is approved by the National Assembly for the purposes of those regulations for the financial year in question;

“educational facilities” (“*cyfleusterau addysgol*”), in relation to an eligible person, means—

- (a) secondary education provided at a school, or
- (b) a full-time or part-time course of further or higher education at an educational institution or otherwise, apart from (unless the award is an Assembly Learning Grant) 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⁽⁵⁾;

“education authority” (“*awdurdod addysg*”) means a local education authority in Wales;

“eligible person” (“*person cymwys*”) means a person over compulsory school age;

“financial year” (“*blwyddyn ariannol*”) means a period of twelve months ending with 31st March;

“National Assembly” (“*Cynulliad Cenedlaethol*”) means National Assembly for Wales;

“post-compulsory education award” (“*dyfarndal addysg ôl-orfodol*”) means an award granted by an education authority under regulation 4;

“the revoked regulations” (“*y rheoliadau a ddiddymwyd*”) are the regulations revoked by regulation 2.

(2) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations and any reference in a regulation to a paragraph is a reference to a paragraph of that regulation.

Power to grant post-compulsory education awards

4.—(1) Subject to paragraph (2) an education authority shall have power to grant a post-compulsory education award, that is to say—

- (a) a scholarship,
- (b) an exhibition,
- (c) a bursary, or
- (d) any other allowance

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

(2) Except where the award is an Assembly Learning Grant—

- (a) the power in subsection (1) cannot be exercised in relation to any financial year if the education authority have determined under regulation 5 that it should not be exercised in relation to that financial year; and
- (b) where in relation to any financial year the education authority have determined under regulation 5 that the power can be exercised only in the case of eligible persons who satisfy particular criteria, the authority can exercise the power under subsection (1) to grant a

(4) The current regulations made under section 484 of the Education Act 1996 are the Education (Assembly Learning Grant Scheme)(Wales) Regulations (S.I. 2002/1857 (W.181)).

(5) 1998 c. 30.

post-compulsory education award only in respect of an eligible person who satisfies those criteria.

Determination by an education authority

5.—(1) An education authority must determine, in respect of each financial year, whether they should exercise the power in regulation 4(1) in respect of post-compulsory education awards and if they are to do so in that year whether 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 education authority must make a determination under paragraph (1)—

- (a) in relation to the 2002–2003 financial year, within three months after the coming into force of these Regulations (unless that authority has already made a determination in relation to that financial year under regulation 4 of the revoked regulations); 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 education 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 an education authority have made a determination under paragraph (1) in relation to any financial year, they must 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.

Signed on behalf of the National Assembly under section 66(1) of the Government of Wales Act 1998(6)

16th July 2002

D Elis-Thomas
The Presiding Officer of the National Assembly

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-enact, with some changes, the Local Education Authority (Post-Compulsory Education Awards) Regulations 1999 in relation to local education authorities (LEAs) in Wales.

The changes made are consequent upon the introduction of the Assembly Learning Grant Scheme. Under that Scheme the National Assembly reimburses expenditure by LEAs on the payment of those post-compulsory education awards which are known as Assembly Learning Grants, to those attending courses of further or higher education, who satisfy the conditions as to financial resources and other eligibility criteria of the Scheme.

The power given to LEAs by the previous regulations, to make a scholarship, exhibition, bursary or other award to an “eligible person”, that is, a person over compulsory school age, continues. Such an award may be granted for the purpose of enabling an eligible person to take advantage of certain educational facilities available to him or her, namely secondary education provided at a school, or a course of further or higher education. The previous regulations prohibited awards to those eligible for financial support under section 22 of the Teaching and Higher Education Act 1998 and this prohibition is continued, but is disapplied in respect of Assembly Learning Grants.

The previous regulations required each LEA to make a determination in respect of each financial year as to whether it would apply its power to make post-compulsory education awards in that year and if so, to what extent. That requirement continues, as does the requirement to bring any such determination to the attention of those likely to be affected by it. The determination does not affect any obligation of that LEA to make payments under awards granted before it took effect. However, LEAs have no powers to make such a determination in respect of Assembly Learning Grants.