

## SCHEDULES

### SCHEDULE 5

#### PROVISIONS SUBSTITUTED IN THE EDUCATION ACT 1962

##### *Local education authority awards for designated courses.*

- 1 (1) It shall be the duty of every local education authority, subject to and in accordance with regulations made under this Act, to bestow on persons who are ordinarily resident in the area of the authority awards in respect of their attendance at courses to which this section applies.
- (2) This section applies to any course which—
- (a) is provided by a university, college or other institution in the United Kingdom or by such a university, college or institution in conjunction with a university, college or other institution in another country ; and
  - (b) is designated by or under the regulations for the purposes of this section as being such a course as is mentioned in subsection (3) of this section.
- (3) The courses referred to in subsection (2)(b) of this section are—
- (a) full-time courses which are either first degree courses or comparable to first degree courses ;
  - (b) full-time courses for the diploma of higher education;
  - (c) courses for the initial training of teachers ;
  - (d) full-time courses for the higher national diploma, for the higher diploma of the Technician Education Council or for the higher national diploma of the Business Education Council
- (4) A local education authority shall not be under a duty under subsection (1) above to bestow an award on a person in respect of a course designated as comparable to a first degree course unless he possesses such educational qualifications as may be prescribed by or under the regulations, either generally or with respect to that course or a class of courses which includes that course.
- (5) Regulations made for the purposes of subsection (1) of this section shall prescribe the conditions and exceptions subject to which the duty imposed by that subsection is to have effect, and the descriptions of payments to be made in pursuance of awards bestowed thereunder, and, with respect to each description of payments, shall—
- (a) prescribe the circumstances in which it is to be payable, and the amount of the payment or the scales or other provisions by reference to which that amount is to be determined, and
  - (b) indicate whether the payment is to be obligatory or is to be at the discretion of the authority bestowing the award ;
- and, subject to the exercise of any power conferred by the regulations to suspend or terminate awards, a local education authority by whom an award has been bestowed under subsection (1) of this section shall be under a duty, or shall have power, as the

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*Status: This is the original version (as it was originally enacted).*

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case may be, to make such payments as they are required or authorised to make in accordance with the regulations.

- (6) Without prejudice to the duty imposed by subsection (1) of this section, a local education authority shall have power to bestow an award on any person in respect of his attendance at a course to which this section applies, where he is not eligible for an award under subsection (1) of this section in respect of that course.
- (7) The provisions of subsection (5) of this section and of the regulations made in accordance with that subsection (except so much of those provisions as relates to the conditions and exceptions subject to which the duty imposed by subsection (1) of this section is to have effect) shall apply in relation to awards under the last preceding subsection as they apply in relation to awards under subsection (1) of this section.
- (8) The reference in subsection (1) of this section to persons who are ordinarily resident in the area of a local education authority is a reference to persons who, in accordance with the provisions of Schedule 1 to this Act, are to be treated as being so resident.