
 STATUTORY INSTRUMENTS

1980 No. 1352

EDUCATION, ENGLAND AND WALES

**The Education (Mandatory Awards) (Amendment) (No. 3)
Regulations 1980**

<i>Made</i> - - - -	8th September 1980
<i>Laid before Parliament</i>	11th September 1980
<i>Coming into Operation— for the purposes of Part II</i> - - -	15th September 1980
<i>for the purposes of Part III</i> - - -	1st January 1981

The Secretary of State for Education and Science, in exercise of the powers conferred by sections 1 and 4(2) of the Education Act 1962(a) and paragraph 4 of Schedule 1 thereto and vested in him(b), hereby makes the following Regulations:—

PART I

GENERAL

1. These Regulations may be cited as the Education (Mandatory Awards) (Amendment) (No. 3) Regulations 1980 and shall come into operation—
 - (a) for the purposes of Part II thereof, on 15th September 1980;
 - (b) for the purposes of Part III thereof, on 1st January 1981.
2. Any reference in these Regulations to the principal Regulations is a reference to the Education (Mandatory Awards) Regulations 1980(c).

PART II

REFUGEES

3. In Regulation 2 of the principal Regulations (definitions) after the definition of the expression “previous Awards Regulations” there shall be inserted the following definition:—

““refugee” means a person recognised by Her Majesty’s government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951 as extended by the Protocol thereto which entered into force on 4th October 1967;”.

(a) 1962 c. 12; amended by section 19 of the Education Act 1980 (c. 20).

(b) S.I. 1964/490.

(c) S.I. 1980/974, The amending Regulations are not relevant to the subject matter of this instrument.

4. At the end of Regulation 9(4) of the principal Regulations (no area students) there shall be added the following proviso:—

“Provided that, in the case of a refugee who entered the United Kingdom on or after the relevant day defined as aforesaid, “relevant day” means—

- (a) where he had entered the United Kingdom before the day one month earlier than that of the beginning of the term in which he commences his course, the said day or the day on which he applies for an award, whichever is the earlier;
- (b) where he had not so entered the United Kingdom, the day of the beginning of that term or the day on which he applies for an award, whichever is the earlier.”.

5.—(1) In Regulation 13 of the principal Regulations at the beginning of sub-paragraph (a) (requirement of three years ordinary residence) there shall be inserted the words “subject to paragraph (2),”.

(2) At the end of the said Regulation 13 there shall be added the following provision:—

“(2) Paragraph (1)(a) shall not apply in the case of a refugee who has not been ordinarily resident outside the British Islands since he was recognised as a refugee.”.

PART III

FEEs

6. In the proviso to sub-paragraph (a) of Schedule 1 to the principal Regulations (fees) after the words “Provided that” there shall be inserted the words “the said maximum shall be £990 in the case of a course at the University College at Buckingham and”.

Mark Carlisle,
Secretary of State for
Education and Science.

8th September 1980.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Education (Mandatory Awards) Regulations 1980.

Part II relates to refugees, defined by reference to the United Nations Convention relating to the Status of Refugees (*Regulation 3*). Refugees are relieved of the normal requirement of Regulation 13(a) of the Regulations of 1980 that, to qualify for an award, a student must have been ordinarily resident in the British Islands for a period of three years (*Regulation 5*). Under the Regulations of 1980 it is the duty of the local education authority in whose area a student is ordinarily resident to grant an award; Regulation 9 provides that a student who is ordinarily resident in England and Wales on the "relevant day" (defined, in the case of a student whose course begins in the autumn, as 30th June) but not so resident in the area of any particular authority shall be treated as being ordinarily resident in an area determined in accordance with the Regulation. A refugee could not benefit, therefore, from Regulation 9 if he entered the United Kingdom after the "relevant day" as defined in the Regulations of 1980; the present Regulations amend the definition so that a recently arrived refugee can benefit from Regulation 9 (*Regulation 4*).

Part III relates to fees. In the normal case an award under the Regulations of 1980 covers fees not exceeding £740 in respect of tuition and certain other matters. The present Regulations raise this maximum to £990 in the case of a course at the University College at Buckingham (which has four, instead of the usual three, terms each year).

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