

1989 No. 352

**EDUCATION, ENGLAND AND WALES**

**The Education (Mandatory Awards) (Amendment)  
Regulations 1989**

<i>Made - - - -</i>	<i>6th March 1989</i>
<i>Laid before Parliament</i>	<i>9th March 1989</i>
<i>Coming into force</i>	<i>1st April 1989</i>

The Secretary of State for Education and Science, in exercise of the powers conferred by sections 1 and 4(2) of and paragraphs 3 and 4 of Schedule 1 to the Education Act 1962(a), hereby makes the following Regulations:-

1. These Regulations may be cited as the Education (Mandatory Awards) (Amendment) Regulations 1989 and shall come into force on 1st April 1989.

2. In these Regulations a reference to "the principal Regulations" is a reference to the Education (Mandatory Awards) Regulations 1988(b).

3. In regulation 2 of the principal Regulations for the definition of "establishment" there shall be substituted the following definition:-

" "establishment" means a university or establishment of higher education in the United Kingdom, and "establishment of higher education" excludes a university but includes an establishment which also provides further education;"

4. There shall be substituted for paragraph (4) of regulation 4 of the principal Regulations the following paragraph-

"(4)(a) Subject to sub-paragraph (b), in these Regulations any reference to a course of advanced further education is a reference to a course listed in paragraph 2 of Schedule 2 to the Education (Schools and Further Education) Regulations 1981(c) as in force at the making of these Regulations.

(b) In the case of a student who begins his course on or after 1st April 1989, any reference in these Regulations to a course of advanced further education shall be read as a reference to a course of higher education."

5. For the words "establishment of further education" in each place where they appear in the principal Regulations and the Schedules thereto there shall be substituted the words "establishment of higher education".

6. In regulation 12(4) for the word "advance" there shall be substituted the word "advanced".

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(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.

(b) S.I. 1988/1360.

(c) S.I. 1981/1086, to which there are amendments not relevant to these Regulations. Schedule 2 to the Regulations is revoked by the Education (Schools and Further and Higher Education) Regulations 1989 (S.I. 1989/351).

7. In regulation 12(7)(a)(ii) and (c)(iii) there shall be added after the reference to section 27 of the Education Act 1980(a) the following words—

“or section 218 of the Education Reform Act 1988(b)”.

8. In paragraph 1(1)(g)(iii) of Schedule 5 to the principal Regulations the word “personal” shall be deleted and there shall be substituted for the words “Health and Social Services Order” the words “Health and Personal Social Services (Northern Ireland) Order”.

6th March 1989

*Kenneth Baker*  
Secretary of State for Education and Science

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations which come into force on 1st April 1989 amend the Education (Mandatory Awards) Regulations 1988 mainly to reflect the amendment of the definition of “further education” in section 41 of the Education Act 1944 (c.31) by section 120(2) of the Education Reform Act 1988. The new definition excludes “higher education” which has the meaning assigned to it by section 120(1) of the 1988 Act. In the case of students who begin their courses on or after 1st April 1989 references in the 1988 Regulations to “courses of advanced further education” are to be read as references to “courses of higher education”. References to “establishments of further education” have, in all cases, been amended to refer to “establishments of higher education”.

Further, references to section 218 of the 1988 Act (which supersedes section 27 of the Education Act 1980) have been added to regulation 12(7) and the opportunity has been taken to make minor corrections to regulation 12(4) and Schedule 5.

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(a) 1980 c.20.

(b) 1988 c.40; the relevant Regulations currently in force are the Education (Teachers) Regulations 1982 (S.I. 1982/106) as amended by S.I. 1988/542. These Regulations, made under section 27 of the Education Act 1980 will, in future have effect as if made under section 218 of the Education Reform Act 1988 by virtue of section 17(2)(b) of the Interpretation Act 1978 (c.30).

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