
STATUTORY INSTRUMENTS

1991 No. 827

EDUCATION, ENGLAND AND WALES

**The Education (Mandatory Awards)
(Amendment) Regulations 1991**

<i>Made</i>	- - - -	<i>25th March 1991</i>
<i>Laid before Parliament</i>		<i>27th March 1991</i>
<i>Coming into force</i>	- -	<i>17th April 1991</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⁽¹⁾ and section 3(1) and (3) of the Education Act 1973⁽²⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Mandatory Awards) (Amendment) Regulations 1991 and shall come into force on 17th April 1991.

Amendment of the Principal Regulations

2. The Education (Mandatory Awards) Regulations 1990⁽³⁾ shall be amended as follows—
- (a) in regulation 2—
 - (i) in the definition of “European Student” there shall be substituted for the words “the Community” the words “the relevant territory”;
 - (ii) there shall be added after the definition of “refugee” the following—

““relevant territory” means the territory comprising the European Community and, as respects any period prior to the unification of the Federal Republic of Germany, the former German Democratic Republic;”;
 - (b) in regulation 5(4), there shall be substituted for the words “European Community, . . .” in both places where they occur the words “relevant territory”;
 - (c) in regulation 11(2) there shall be substituted for sub-paragraph (d) and the word “or” which immediately precedes it the following—

(1) 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.
(2) 1973 c. 16.
(3) S.I.1990/1628.

- “(d) in the case of a student who before commencing his course was resident in the former German Democratic Republic, or who has previously attended one or more courses of higher education the aggregate duration of which does not exceed two academic years (a part-time course being treated as its full-time equivalent), where the application reaches the authority before 31st August 1991; or
- (e) where, having regard to the circumstances of the particular case, the authority consider that it should be so treated;”;
- (d) in regulation 12(2) there shall be added after the words “higher education” the words “the aggregate duration of which exceeds two academic years (a part-time course being treated as its full-time equivalent)”;
- (e) in regulation 13—
 - (i) in paragraph (1)(a) there shall be inserted after the words “in the case of” the words “a European student or of” and there shall be substituted for the words “... European Community ...” the words “relevant territory”;
 - (ii) in paragraph (1)(b) there shall be substituted for the words “in a member state of the European Community” the words “in the relevant territory”; and
 - (iii) in paragraph (3)(a) there shall be substituted for the words “territory comprising the European Community” the words “relevant territory”;
- (f) there shall be added at the end of regulation 23(3) the words
“or in pursuance of any bursary bestowed on him under the Bursary Scheme for “Part 2” Architecture Course Students”
- (g) in line 2 of regulation 24(2) the word “three” shall be omitted; and
- (h) in Schedule 2—
 - (i) in paragraph 4(a) “5 and 6” shall be substituted for “5, 6 and 11”;
 - (ii) in paragraph 4(b) “7 to 11” shall be substituted for “7 to 10 and 12”;
 - (iii) paragraph 11 shall be deleted; and
 - (iv) paragraph 12 shall be renumbered 11 and in sub-paragraph (4) the word “further” shall be substituted for the word “other”.

25th March 1991

Kenneth Clarke
Secretary of State for Education and Science

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 17th April 1991, amend the Education (Mandatory Awards) Regulations 1990.

Residence in the former German Democratic Republic prior to the unification of the Federal Republic of Germany shall be treated as equivalent to residence in the European Community in assessing a student's entitlement to an award (Regulations 2, 5 and 13).

Regulation 11(2) has been amended to provide for late applications from students who before commencing their courses were resident in the former German Democratic Republic, and from students who may be affected by the amendment to regulation 12.

Regulation 12 has been amended so that previous attendance at courses of higher education the duration of which does not exceed two years does not relieve an authority of its duty to bestow an award.

Regulation 13 has also been amended to provide that the requirement for three years' ordinary residence in the British Islands does not apply to European students.

Regulation 23 has been amended to provide that a person who has received a payment from the Architecture Bursary Scheme, which was set up following the de-designation of certain architecture courses, shall not be entitled to a mandatory award in respect of the same year following the subsequent re-designation of those courses.

Regulation 24 has been amended to cover the case of institutions which have more or less than three terms.

The vacation hardship allowance has been abolished (Schedule 2, former paragraph 11).

Payments to a disabled student under paragraph 11(4) of Schedule 2 may now be used to supplement payments made under 11(2) and (3).