

## **EXPLANATORY MEMORANDUM TO**

### **THE EDUCATION (MANDATORY AWARDS) (AMENDMENT) REGULATIONS 2008**

**2008 No. 1477**

1. This explanatory memorandum has been prepared by the Department for Innovation, Universities and Skills and is laid before Parliament by Command of Her Majesty.

#### **2. Description**

2.1. These Regulations amend the Education (Mandatory Awards) Regulations 2003 (S.I.2003/1994) (“the 2003 Regulations”), as amended. The 2003 Regulations provide support for students attending higher education courses who began their courses before 1st September 1998, as well as certain students who started their courses after that date.

2.2. These Regulations increase the maximum amounts of fee support and grants for maintenance available to students who will continue to receive support payments under the 2003 Regulations during the 2008/09 academic year.

#### **3. Matters of special interest to the Joint Committee on Statutory Instruments**

None.

#### **4. Legislative Background**

4.1. The 2003 Regulations were made under sections 1 and 4(2) of, and paragraphs 3 and 4 of Schedule 1 to, the Education Act 1962 and section 3(1) and (3) of the Education Act 1973. Section 1 of the 1962 Act provides that it is the duty of local education authorities (‘LAs’) to bestow awards on students who are ordinarily resident in their areas and attending higher education courses. Section 4(2) of the 1962 Act provides that the Secretary of State can make regulations in relation to section 1. The whole of the 1962 Act was repealed by section 44(2) of and Schedule 4 to the Teaching and Higher Education Act 1998, with effect from 1<sup>st</sup> January 1999. However, the repeal was subject to transitional and saving provisions which enabled the continued payment of LA awards made before the repeal and LA awards made after the repeal, in respect of students attending certain courses which began before 1<sup>st</sup> September 1999. Section 3 of the 1973 Act enables the Secretary of State to make regulations allowing LAs to pay allowances in respect of the families of students who have received LA awards under the 1962 Act.

4.2. These Regulations increase the maximum amounts of fee support and grants for maintenance for the academic year 2008/09 in line with inflation.

#### **5. Territorial Extent and Application**

This instrument applies to England and Wales.

## **6. European Convention on Human Rights**

As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1. These Regulations increase the maximum amounts of grant for fees and for living costs, including the maintenance of dependants, available to any students who will remain eligible for payments under the 2003 Regulations in respect of the academic year beginning on or after 1st September 2008. The increases to all maximum amounts are in line with inflation.

### 7.2. Consultation

As the amendments being made are routine and are expected, no consultation was considered necessary.

## **8. Impact**

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. The impact on the public sector is minimal.

## **9. Contact**

**Cliff Woods** at the Department of Innovation, Universities and Skills in London (e-mail: cliff.woods@dius.gsi.gov.uk) can answer any queries regarding this instrument.