
STATUTORY INSTRUMENTS

1998 No. 1972

EDUCATION, ENGLAND AND WALES

**The Education (Mandatory Awards) Regulations
1998 (Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>11th August 1998</i>
<i>Laid before Parliament</i>		<i>12th August 1998</i>
<i>Coming into force</i>	- -	<i>1st September 1998</i>

The Secretary of State for Education and Employment, in exercise of the powers conferred by sections 1 and 4(2) of the Education Act 1962(1), hereby makes the following Regulations:—

1. These Regulations may be cited as the Education (Mandatory Awards) Regulations 1998 (Amendment) Regulations 1998 and shall come into force on 1st September 1998.
2. The Education (Mandatory Awards) Regulations 1998(2) shall be amended as follows.
3. In regulation 2, in the definition of “old award”, “and before 1st September 1999” shall be omitted.
4. In regulation 6(8)—
 - (a) the words “and before 1st September 1999” shall be omitted where they first occur;
 - (b) in sub-paragraph (a), “which is no longer offered” shall be omitted, and for “that year” there shall be substituted “a year which begins on or after 1st September 1998 and before 1st September 1999”;
 - (c) at the end of sub-paragraph (a), there shall be added:
 - “(aa) the person had received an offer of a place on a designated course for a year which begins before 1st September 1998, and—
 - (i) the authority are satisfied that the person was unable to take up that offer because of illness, and
 - (ii) the person was offered a place on a designated course, whether or not at the same institution, and the first year of the course begins on or after 1st September 1998 and before 1st September 1999;”;

(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; section 4 was amended by the Education Act 1994 (c. 30), Schedule 2, paragraph 2.

(2) S.I.1998/1166.

- (d) in sub-paragraph (b)(iv), for “the course” there shall be substituted “a designated course, whether or not at the same institution,”
 - (e) for sub-paragraph (c)(ii) there shall be substituted:
 - “(ii) an award was bestowed on him in respect of his attendance at the DipHE or HND course which is an old award other than by virtue of this sub-paragraph or sub-paragraph (d); or”;
 - (f) for sub-paragraph (d)(ii) there shall be substituted:
 - “(ii) an award was bestowed on him in respect of his attendance at the first degree course which is an old award other than by virtue of sub-paragraph (c) or this sub-paragraph.”.
5. In regulation 6(9)–
- (a) “, whether or not it is at the same institution,” shall be omitted;
 - (b) sub-paragraph (a) shall be omitted;
 - (c) in sub-paragraph (b), for “for the most” there shall be substituted “in”; and
 - (d) at the end of sub-paragraph (b) there shall be added:
 - “and
 - (c) where the offer of a place was on a course which is still offered, the other course is at the same institution.”
6. In regulation 12(7)(a), for “23(3)” there shall be substituted “23(4)”.
7. In paragraph (b) of Schedule 1, “, Durham,” shall be omitted.
8. In paragraph 6(2)(j) of Schedule 3 there shall be inserted after the words “any income” in both places where they occur the words “not referred to in paragraph 2(4)”.

11th August 1998

Andrew Smith,
Minister of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Mandatory Awards) Regulations 1998 (“the main Regulations”).

The Regulations make various amendments to regulations 2 and 6(8) and (9), in relation to awards which are to be treated as “old awards”. For an award to be treated as an old award where a person had, on or before 1st August 1997, received an offer of a place on a similar course (“the old course”) beginning on or after 1st September 1998 and before 1st September 1999, it is no longer necessary that the old course should still be available. In addition, to be treated as a similar course the course for which the award is bestowed (“the new course”) no longer has to lead to a degree or other qualification which is the same as the degree or qualification to which the old course leads; and the authority only needs to be satisfied that the subject matter of the new course is in part (rather than for the most part) the same as the subject matter of the old course. However, to be treated as a similar course where the old course is still offered, the new course must be at the same institution. (Regulations 4(b) and 5.)

Regulation 4(c) provides for an award bestowed on a person who is prevented by illness from taking up the offer of a place on a course beginning on or after 1st September 1997 and before 1st September 1998 to be treated as an old award.

Regulation 4(d) amends regulation 6(8)(b) of the main Regulations, so that an award bestowed on a person who has successfully appealed against his examination results is treated as an old award, whether or not it is in respect of the same designated course for which the person had been offered a place, and whether or not it is at the same institution.

The Regulations further amend regulation 6(8) so that an award is to be treated as an “old award” where it is in respect of a person’s attendance on a first degree course starting on 1st September 1998 or at any time thereafter, where the person attends the course immediately after ceasing to attend a DipHE or HND course for which he held an old award. The same applies where an award is in respect of a person’s attendance on a postgraduate course for the initial training of teachers, starting on 1st September 1998 or at any time thereafter, where the person attends the course immediately after ceasing to attend a first degree course for which he held an old award. (Regulation 4(e) and (f).)

Regulation 6 corrects a typographical error in regulation 12(7)(a), and regulation 7 amends paragraph (b) of Schedule 1 to remove the reference to Durham, since it is no longer intended that payments should be made under the main Regulations in respect of any college fees or dues charged at that university.

Finally, the Regulations amend paragraph 6(2)(j) of Schedule 3, so that income referred to in paragraph 2(4) of that Schedule is not to be deducted from a parent’s gross income for the purposes of determining his residual income. (Regulation 8.)