
STATUTORY INSTRUMENTS

2000 No. 2144

The Education (Grants) (Dance and Drama) (England) Regulations 2000

Citation and commencement

1. These Regulations may be cited as the Education (Grants) (Dance and Drama) (England) Regulations 2000 and shall come into force on 1st September 2000.

Interpretation

2.—(1) In these Regulations—

“the 1999 Regulations” means the Education (Grants) (Dance and Drama) (England) Regulations 1999⁽¹⁾;

“academic year” means the period from 1st September in one year to 31st August in the following year;

“award student” means an existing award student or a new award student;

“course of higher education” means a course of any description mentioned in Schedule 6 to the Education Reform Act 1988⁽²⁾;

“existing award student” means a student who became an award student by virtue of the 1999 Regulations;

“fees” has the same meaning as in section 28 of the Teaching and Higher Education Act 1998⁽³⁾;

“governing body” in relation to a relevant institution includes any person or body of persons responsible for the management of the institution;

“new award student” means, subject to regulations 3 to 5, a student of a description mentioned in Part II of Schedule 1 who has been selected as such by a relevant institution to follow a relevant course at that institution on the basis of high ability in, or aptitude for, dance or drama as the case may be, as demonstrated at an audition, in respect of whom a period of award has been specified and who (unless the student is selected under regulation 4(1)) has, before the beginning of the course—

(a) reached the age of 16 in the case of a dance course; or

(b) reached the age of 18 in the case of any other relevant course;

“the prescribed amount” means the amount prescribed for the time being by regulations made under section 22(2)(b) of the Teaching and Higher Education Act 1998 as the maximum amount of grant at the highest level available for an academic year in respect of fees payable in connection with attendance at a course of higher education at an institution which is maintained or assisted by recurrent grants out of public funds⁽⁴⁾;

(1) S.I.1999/2264

(2) 1988 c. 40.

(3) 1998 c. 30.

(4) The amount is currently £1,050; see regulation 11 of S.I. 2000/1121.

“relevant course” mean a course starting on or after 1st September 2000 other than a course of higher education; and

“relevant institution” means an institution specified in the first column of the Table in Schedule 2(5).

New award students—supplementary

3.—(1) For the purposes of these Regulations the maximum number of students which may be selected by a relevant institution as new award students for any academic year with a period of award of one, two or three academic years shall, subject to paragraphs (2) to (5), not exceed the number specified in relation to that institution in the second, third or fourth column (as the case may be) of the Table in Schedule 2.

(2) Where for any academic year the number of students selected by a relevant institution as new award students with a period of award of three years is less than the institution’s maximum for that period of award the institution may, with the consent of the Secretary of State, select more new award students with periods of award of one or two years than their maximum, provided that the difference between the aggregate numbers of students selected with periods of award of one or two years and the aggregate of the institution’s maxima for those periods of award does not exceed the amount by which the number of pupils selected with a period of award of three years falls short of the institution’s maximum for that period of award.

(3) Where for any academic year the number of students selected by a relevant institution as new award students with a period of award of two years is less than the institution’s maximum for that period of award the institution may, with the consent of the Secretary of State, select more new award students with a period of award of one year than their maximum, provided that the difference between the number of students selected with a period of award of one year and the institution’s maximum for that period of award does not exceed the amount by which the number of pupils selected with a period of award of two years falls short of the institution’s maximum for that period of award.

(4) Where for any academic year the number of students selected by a relevant institution as new award students with a period of award of one, two or three academic years is less than the institution’s maximum for that period of award the Secretary of State may determine that another institution may select more than their maximum for that period of award such that the total number of new award students who can be selected in that academic year with a particular period of award does not exceed the total of all the relevant institutions’ maxima for that period of award.

(5) For the purposes of this regulation—

- (a) an institution’s maximum for any particular period of award is the number specified in the second, third or fourth column of the Table in Schedule 2, as the case may be, and
- (b) a student is selected “for” a particular academic year if he is selected for a course the first academic year of which is the academic year in question.

(6) In this regulation references to a student “with” a particular period of award are references to a student in respect of whom that period of award has been specified.

Existing and new award students—supplementary

4.—(1) Where an award student (“the original student”) ceases to attend an institution before the end of the period of award specified in relation to that student the relevant institution may in accordance with paragraph (2) select another student (“the substituted student”) as an award student in substitution for the original student and for the purposes of these regulations the original student and the substituted student shall be treated as the same person provided that the substituted student—

(5) All the relevant institutions are in England.

- (a) has reached the age of 16 in the case of a dance course, or
 - (b) has reached the age of 18 in the case of a drama course
- at the date of the selection.

(2) Any selection of a substituted student under paragraph (5) shall be on the basis of high ability in, or aptitude for, dance or drama, as the case may be, as demonstrated at the same group of auditions as that at which the original student's ability or aptitude was demonstrated.

(3) If, before an award student completes his course, a relevant institution is discontinued and an award student at that institution transfers to another relevant institution the Secretary of State may determine that for the purposes of regulations 6 to 8 the student in question should become an award student at the institution to which the student has transferred for the remainder of the period of award specified in respect of that student.

(4) A student cannot be an award student if he has previously been an award student in respect of another course unless the Secretary of State otherwise determines, by reason of his being of the opinion that—

- (a) the student having been selected for one course (whether or not he has completed it) should attend another course which is more suitable to the continued development of the student; or
- (b) the student was prevented from completing the course for which he was selected due to circumstances outside his control.

(5) The Secretary of State may only make a determination under paragraph (4) if an application is made in writing by the institution at which it is proposed that the student should attend the second course.

Periods of award

5.—(1) Unless paragraph (2) applies a student is not an award student after the end of the period of award specified in respect of that student.

(2) Where an award student has been unable to attend a course throughout the whole of the period of award through circumstances outside the control of the student, the Secretary of State may determine that the student be an award student for a further period not exceeding a period which would result in the student being an award student for four academic years.

Grants to relevant institutions

6.—(1) The Secretary of State may, in respect of any academic year, pay a grant under this regulation to the governing body of a relevant institution.

(2) Grant paid under this regulation shall, subject to paragraphs (3) and (4), be the amount specified in the fifth column of the Table in Schedule 2 in relation to the institution multiplied by the number of award students attending the institution during the academic year in question.

(3) Where an award student attends a relevant institution during part only of an academic year grant paid to the governing body of a relevant institution under this regulation shall (unless a substituted student is selected under regulation 4(1)) be reduced by such amount as the Secretary of State considers appropriate having regard to the length of time during the academic year during which the student attended the institution.

(4) The governing body of any relevant institution to whom grant is paid under this regulation shall—

- (a) remit the fees payable in respect of each award student's attendance on the course to the extent necessary to secure that the amount payable in respect of each academic year by way of such fees is no more than the prescribed amount; and

- (b) secure that the fees paid in respect of the audition at which any new award student was selected do not exceed £30 (and accordingly where a fee in excess of that amount was paid repay the difference between the fee paid and £30).

Further grants to relevant institutions—fees

7.—(1) The Secretary of State may, in respect of any academic year, pay a grant under this regulation to the governing body of a relevant institution in respect of any award student who attends that institution during the academic year in question.

(2) Grant paid under this regulation shall be such amount as the Secretary of State may determine having regard to the income of the student and his parents, and (where the student does not attend the institution during the whole of the academic year) the length of time during the academic year during which the student attends the institution.

(3) The governing body of the institution to whom grant is paid under this regulation shall, in addition to the remission of fees which they are required to make by virtue of regulation 6(4)(a), further remit the fees payable in respect of the award student's attendance on the course by an amount equivalent to the amount of the grant.

Further grants to relevant institutions—maintenance

8.—(1) The Secretary of State may, in respect of any academic year, pay a grant under this regulation to the governing body of a relevant institution in respect of an award student other than a person mentioned in paragraph 9 of Schedule 1 and not in any other paragraph of that Schedule, who attends the institution during the academic year in question.

(2) Grant paid under this regulation shall be such amount as the Secretary of State may determine having regard to the income of the student and his parents and (where the student does not attend the institution during the whole of the academic year) the length of time during the academic year during which the student attends the institution.

(3) The governing body of an institution to whom grant is paid under this regulation shall, at such times and in such instalments as may be specified by the Secretary of State, make payments to the award student in respect of his maintenance of an amount equivalent to the amount of the grant.

Grant claims

9. The payment of grant under regulations 6, 7 or 8 shall be subject to the governing body of the institution submitting grant claims to the Secretary of State or to any person he may specify at such times and in such manner and form, and furnishing such declarations (including declarations by the award student or his parent) and other information, as the Secretary of State may require.

Requirements to be complied with

10.—(1) The governing body of a relevant institution shall comply with such requirements (including requirements as to the repayment of grant) as may be specified by the Secretary of State.

(2) Without prejudice to the generality of paragraph (1)—

- (a) the governing body of a relevant institution shall keep such records and accounts and furnish to the Secretary of State or, if the institution provides further education and he so directs, to the relevant council, such information, documents returns and accounts as the Secretary of State may from time to time require;
- (b) where a relevant institution provides further education, the governing body of the institution shall permit any person authorised by the relevant council to inspect the

institution and afford to such person all the facilities he may reasonably require for making such an inspection; and

- (c) where a relevant institution is a school, the governing body of the institution shall permit any person authorised by the Secretary of State to inspect the school and afford to such person all the facilities he may reasonably require for making such an inspection.

(3) In this regulation “the relevant council” means—

- (a) before section 89 of the Learning and Skills Act 2000⁽⁶⁾ is in force, the Further Education Funding Council for England, and
- (b) when that section is in force, the Learning and Skills Council for England.

Consents and determinations

11. Any consent or determination given or made by the Secretary of State for the purposes of these Regulations shall be given or made in writing.

Revocation

12. The 1999 Regulations are hereby revoked, but the revocation of those regulations shall not prevent the Secretary of State from making payments of grant authorised by those regulations in respect of the academic year starting on 1st September 1999 and ending on 31st August 2000, or affect any requirement imposed by or under those regulations.

4th August 2000

Tessa Blackstone
Minister of State,
Department for Education and Employment

⁽⁶⁾ 2000 c. 21.