
STATUTORY INSTRUMENTS

2001 No. 2857

EDUCATION, ENGLAND

The Education (Grants etc.) (Dance and
Drama) (England) Regulations 2001

Made - - - - - *3rd August 2001*
Laid before Parliament *9th August 2001*
Coming into force - - - *1st September 2001*

In exercise of the powers conferred on the Secretary of State by sections 485, 489 and 569(4) and (5) of the Education Act 1996⁽¹⁾ and sections 53(1)(e) and 60(1)(d) of the Learning and Skills Act 2000⁽²⁾, the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Grants etc.) (Dance and Drama) (England) Regulations 2001 and shall come into force on 1st September 2001.

Interpretation

2.—(1) In these Regulations—

“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⁽³⁾;

“existing award student” means a student who became an award student by virtue of the Education (Grants) (Dance and Drama) (England) Regulations 1999⁽⁴⁾ or the Education (Grants) (Dance and Drama) (England) Regulations 2000⁽⁵⁾;

(1) 1996 c. 56. By virtue of S.I. 1999/672 the powers conferred by sections 485 and 489 are exercisable by the Secretary of State only in relation to England.
(2) 2000 c. 21.
(3) 1988 c. 40.
(4) S.I. 1999/2264.
(5) S.I. 2000/2144; amended by S.I. 2000/2240.

“fees” has the same meaning as in section 28 of the Teaching and Higher Education Act 1998(6);

“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” has the meaning given in regulation 3;

“Part 1 relevant institution” and “Part 2 relevant institution” mean the institutions specified in the first column of Part 1 and Part 2 respectively of the Table in Schedule 2;

“relevant course” mean a course starting on or after 1st September 2001 other than a course of higher education; and

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

Meaning of “new award student”

3.—(1) In these Regulations “new award student” means a student who has been selected as such according to the appropriate criteria by a Part 1 relevant institution to follow a relevant course at that institution in respect of whom a period of award has been specified and who (unless the student is selected under regulation 5(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 a drama course.

(2) For the purposes of this regulation an institution selects students according to the appropriate criteria—

- (a) if the institution selects students on the basis of high ability in, or aptitude for, dance or drama, as the case may be, as demonstrated at an audition, and
- (b) where—
 - (i) it appears to the institution that two or more students are of similar ability or aptitude, and
 - (ii) the maximum number of students who may be selected as new award students in accordance with regulation 4(1) is such that both or all such students cannot be selected,

if the institution selects the student or students the income for whom appears to be the lower.

(3) For the purpose of paragraph (2)(b) the income for a student is—

- (a) unless sub-paragraph (b) applies, the income of the students' parents or, in cases where, in accordance with criteria specified by or on behalf of the Secretary of State, the institution so determines, the income of one of the student's parents, and
- (b) where, in accordance with criteria specified by or on behalf of the Secretary of State, the institution determines that the student is independent, the income of the student.

New award students—supplementary

4.—(1) For the purposes of these Regulations the maximum number of students which may be selected by a Part 1 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) in Part 1 of the Table in Schedule 2.

(2) Where for any academic year the number of students selected by a Part 1 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 Part 1 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 Part 1 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 in Part 1 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

5.—(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—

- (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 (1) 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 7 to 9 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.

(6) Where (pursuant to a determination under paragraph (4)) a student becomes an award student at a second course the period of award to be specified in respect of the second course shall be such that the periods of award specified in respect of the first course and the period of award specified in respect of the second course taken together do not exceed four academic years.

Periods of award

6.—(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

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.

(2) Subject to paragraphs (3) and (4) grant paid under this regulation shall—

- (a) in the case of a Part 1 relevant institution, be the amount specified in the fifth column of Part 1 of the Table in Schedule 2 in relation to the institution; and
- (b) in the case of a Part 2 relevant institution, be the amount specified in the second column of Part 2 of the Table in Schedule 2 in relation to the institution,

in each case 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 5(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 £1,075; 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

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 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 7(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

9.—(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.

Additional grants to relevant institutions

10.—(1) The Secretary of State may pay a grant under this regulation to the governing body of a relevant institution in respect of expenditure incurred or to be incurred for the purpose of or in connection with the education or training in dance or drama of persons who are not award students with a view to such persons becoming award students (whether at the institution in question or at another institution).

(2) Grant paid under this regulation shall be such amount as the Secretary of State may determine.

Grant claims

11. The payment of grant under regulations 7, 8, 9 or 10 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

12.—(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 the Secretary of State or, if he so directs, to the Learning and Skills Council for

England, 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 Learning and Skills Council for England 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.

Consents and determination

13. 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.

Remit of inspectorates

14.—(1) Education or training in dance or drama which is—

- (a) provided by a relevant institution to award students; and
- (b) suitable to the requirements of persons aged 19 or over

is hereby prescribed for the purposes of section 53(1)(e) of the Learning and Skills Act 2000 (which provides that the Adult Learning Inspectorate's remit includes such other education or training as may be prescribed).

(2) Education or training in dance or drama which is—

- (a) provided by a relevant institution to award students; and
- (b) suitable to the requirements of persons aged under 19

is hereby prescribed for the purposes of section 60(1)(d) of the Learning and Skills Act 2000 (which provides that such other education and training as may be prescribed is brought within the extended remit of Her Majesty's Chief Inspector of Schools in England).

Revocation

15. The Education (Grants) (Dance and Drama) (England) Regulations 2000 and the Education (Grants) (Dance and Drama) (England) (Amendment) Regulation 2000(7) 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 2000 and ending on 31st August 2001, or affect any requirement imposed by or under those regulations.

3rd August 2001

Ivan Lewis
Parliamentary Under Secretary of State,
Department for Education and Skills

SCHEDULE 1

Regulation 2

PERSONS WHO CAN BE AWARD STUDENTS

PART I

Interpretation

1. In this Schedule—

“the Council Regulation” means Council Regulation (EEC) No. 1612/68 on freedom of movement of workers within the Community as extended by the EEA Agreement⁽⁸⁾;

“the EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992⁽⁹⁾ as adjusted by the Protocol signed at Brussels on 17th March 1993⁽¹⁰⁾;

“European Community” means the territory comprised in the members States of the European Community as constituted from time to time; and

“European Economic Area” means the European Community and, subject to conditions laid down in the EEA Agreement, the area comprised by the Republic of Iceland, the Kingdom of Norway and the Principality of Liechtenstein.

2. In this Schedule a reference to an EEA migrant worker is a reference to a person who is a national of a member State of the European Economic Area who has taken up an activity as an employed person in the United Kingdom—

(a) under the Council Regulation; or

(b) in circumstances where as a national of the United Kingdom he has an enforceable Community right to be treated no less favourably than a national of another member state in relation to matters which are the subject of the Council Regulation.

PART II

CATEGORIES OF PERSON

3. A person who on the first day of the first academic year of the course—

(a) is settled in the United Kingdom within the meaning of the Immigration Act 1971⁽¹¹⁾; and

(b) meets the residence conditions referred to in paragraph 10.

4. A person who is a refugee, ordinarily resident in the United Kingdom and Islands, who has not ceased to be so resident since he was recognised as a refugee, or who is the spouse, child or stepchild of such a refugee, in each case who meets the residence condition in paragraph 10(a).

5. A person who—

(a) (i) has been informed by a person acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify for recognition as a refugee, it is thought right to allow him to enter or remain in the United Kingdom; or

⁽⁸⁾ OJ No. L257, 19.10.98, p.2 (OJ/SE 1968 (II) p.475).

⁽⁹⁾ Cmnd 2073.

⁽¹⁰⁾ Cmnd 2183.

⁽¹¹⁾ 1971 c. 77; amended by the British Nationality Act 1981 (c. 61), section 39 and Schedule 4; by the Immigration Act 1998 (c. 14), sections 1, 3, 4, 6 and 10 and the Schedule, and by the Asylum and Immigration Appeals Act 1993 (c. 23), sections 10 to 12.

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- (ii) before 1st July 1993 applied to the Secretary of State for the Home Department for recognition as a refugee and who has been informed by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow him to enter or remain in the United Kingdom;
- (b) has been granted leave to enter or to remain accordingly; and
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the period since he was granted leave to enter or remain

or who is the spouse, child or stepchild of such a person, where the person, or as the case may be the spouse, child or stepchild meets the residence conditions referred to in paragraph 10.

6. A person who is an EEA migrant worker who—

- (a) is entitled to support by virtue of Article 7(2) or (3) of the Council Regulation or, where he is a national of the United Kingdom, by virtue of an enforceable Community right to be treated no less favourably than a national of another member State in relation to matters which are the subject of Article 7(2) and (3) of the Council Regulation; and
- (b) meets the residence conditions referred to in paragraph 10.

7. A person who is the spouse of an EEA migrant worker and who—

- (a) is installed in the United Kingdom with his spouse; and
- (b) meets the residence conditions referred to in paragraph 10.

8.—(1) A person who is the child of an EEA migrant worker and who—

- (a) is entitled to support by virtue of Article 12 of the Council Regulation, or, where his migrant worker parent is a national of the United Kingdom, by virtue of an enforceable Community right to be treated no less favourably than the child of a national of another member State in relation to matters which are the subject of Article 12 of the Council Regulation; and
- (b) meets the residence conditions referred to in paragraph 10.

(2) For the purposes of this paragraph “parent” includes a guardian, any other person having parental responsibility for a child and any person having care of a child, and “child” shall be construed accordingly.

9. A person who is a national of a member State of the European Community who meets the residence conditions referred to in paragraph 10(b) and (c).

10. The residence conditions referred to above are that—

- (a) the person is ordinarily resident in England and Wales on the first day of the first academic year of the course;
- (b) the person has been ordinarily resident throughout the three year period preceding the first day of the first academic year of the course, in the case of a person mentioned in paragraphs 3 or 5, in the United Kingdom and Islands, or, in the case of a person mentioned in paragraphs 6, 7, 8 or 9 in the European Economic Area; and
- (c) his residence in the United Kingdom and Islands, or in the European Economic Area, as the case may be, has not during any part of the period referred to in sub-paragraph (b) been wholly or mainly for the purpose of receiving full-time education.

SCHEDULE 2

Regulations 2 and 3

TABLE

PART 1

<i>(1)</i> <i>Name of Institution</i>	<i>(2)</i> <i>No. of new award students with a period of award of one year</i>	<i>(3)</i> <i>No. of new award students with a period of award of two years</i>	<i>(4)</i> <i>No. of new award students with a period of award of three years</i>	<i>(5)</i> <i>Grant under regulation 7 per award student p.a.</i>
Academy of Live and Recorded Arts	5	4	21	£6,816
Arts Educational School (London)	10	0	54	£6,849
Arts Educational School (Tring)	0	10	0	£7,135
Central School of Ballet	2	6	34	£7,490
Doreen Bird College of Performing Arts	0	4	19	£5,840
Elmhurst, The School for Dance and the Performing Arts	0	0	20	£5,607
English National Ballet School	5	15	0	£8,115
Hammond School	0	0	17	£7,609
Italia Conti Academy of Theatre Arts	0	6	19	£6,877
Laine Theatre Arts	2	2	33	£5,958
Liverpool Theatre School	0	0	15	£5,830
London Academy of Music and Dramatic Art	0	24	20	£6,122
Millennium Dance 2000	1	2	16	£5,279

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<i>(1)</i> <i>Name of Institution</i>	<i>(2)</i> <i>No. of new award students with a period of award of one year</i>	<i>(3)</i> <i>No. of new award students with a period of award of two years</i>	<i>(4)</i> <i>No. of new award students with a period of award of three years</i>	<i>(5)</i> <i>Grant under regulation 7 per award student p.a.</i>
Northern Ballet School	0	0	24	£6,733
Oxford School of Drama	8	0	13	£4,929
Performers College	0	4	24	£5,151
Stella Mann College	0	2	11	£5,764
Urdang Academy	0	5	31	£6,401
Webber Douglas Academy of Dramatic Art	0	1	16	£7,068

PART 2

<i>(1)</i> <i>Name of Institution</i>	<i>(2)</i> <i>Grant under regulation 7 per award student p.a.</i>
Merseyside Dance and Drama Centre	£3,650
Midlands Academy of Dance and Drama	£3,949
Studios La Pointe	£6,059

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for grant to be paid by the Secretary of State to the institutions listed in the first column of the Table in Schedule 2 (defined in the regulations as “relevant institutions”), in respect of dance and drama students selected by the institution (referred to in the regulations as award students). They replace the Education (Dance and Drama) (England) Regulations 2000 as amended which are revoked by regulation 15.

Regulations 2 and 3 provide definitions. Regulation 4 makes provision for the maximum number of students who can be selected as new award students for a course starting on or after 1st September 2000.

Regulations 5 and 6 make further provision about award students and the period for which an award lasts at each relevant institution.

Regulation 7 provides for grant to be paid to the governing body of each relevant institution. The amount of grant is, in general, the amount specified for that institution in the Table in Schedule 2 multiplied by the number of award students attending the institution during the academic year in question. Regulation 7 also imposes a requirement to remit fees for award students and to secure that any fee for an audition does not exceed £30.

Regulations 8 and 9 provide for further grant to relevant institutions in respect of award students. The amount of such grant is determined by the Secretary of State having regard to the income of the student in question and his parent. Regulations 8 and 9 impose a requirement to remit fees (in the case of grant paid under regulation 8) or make a payment to the student (in the case of grant paid under regulation 9).

Regulation 10 provides for grants to relevant institutions for education or training in dance or drama of persons who are not award students with a view to their becoming award students.

Regulations 11 to 13 deal with grant claims, further requirements to be complied with by institutions receiving grant and provide that determinations and consents should be in writing.

Regulation 14 expands the remits of the Adult Learning Inspectorate and Her Majesty's Chief Inspector of Schools in England to include education or training in dance or drama provided by "relevant institutions" for award students.