

EXPLANATORY MEMORANDUM TO
THE EDUCATION (MANDATORY AWARDS) (AMENDMENT) REGULATIONS
2007

2007 No. 1629

1. This explanatory memorandum has been prepared by the Department for Education 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 2007/08 academic year. The Regulations also amend the eligibility criteria for mandatory awards.

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 The whole of the 1962 Act was repealed by section 44(2) of and Schedule 4 to the Teaching and Higher Education Act 1998, with effect from 1st January 1999.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 1st 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 2007/08 in line with inflation.

4.3. The Regulations also make amendments to the criteria that students must satisfy in order to be eligible for a mandatory award in the 2006/07 or 2007/08 academic years. This is being done to enable the 2003 Regulations to comply with article 9 of Decision No. 1/80 of the Association Council of 19th September 1980 on the

development of the Association between the European Community and Turkey. The amendments will enable the children of Turkish migrant workers working in the United Kingdom to become potentially eligible for financial support.

5. Extent

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 students who will remain eligible for payments under the 2003 Regulations in respect of the academic year beginning on or after 1st September 2007. The increases to all maximum amounts are in line with inflation.

7.2. Students must satisfy certain eligibility criteria to potentially be eligible for a mandatory award towards their tuition fees only or their tuition fees and maintenance. The eligibility criteria, which are set out in regulation 13 and Schedule 5A (as inserted by the Education (Mandatory Awards)(Amendment) Regulations 2006 – SI 2006 No. 930) to the 2003 Regulations, are further amended for the 2006/07 and 2007/08 academic years by these Regulations.

7.3. The changes introduce a further new category of students who may potentially be eligible for mandatory awards, namely the children of Turkish migrant workers working in the United Kingdom.

7.4. Article 9 of Decision No. 1/80 of the Association Council of 19th September 1980 provides that Turkish children residing legally in a Member State of the European Community with their parents who are or who have been legally employed in that Member State, shall be admitted to courses of general education, apprenticeship and vocational training under the same educational entry qualifications as the children of nationals of that Member State.

7.5. The changes made by these Regulations accordingly enable the children of Turkish migrant workers in the United Kingdom who started first degree courses prior to 1st September 1999 and who go on to do an end-on course or a postgraduate course of initial teacher training in or after September 2006 to be potentially eligible for a mandatory award in respect of their second course, provided that they meet the other eligibility criteria.

7.6 Such students who wish to apply for a mandatory award in respect of the 2006/07 academic year must submit their application to their LA by not later than 16th November 2007. Such a student who starts their second course in the 2007/08 academic year must apply within four months of the start of that course, and an eligible student who at any time becomes the child of a Turkish worker may apply within four months of acquiring that status.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is minimal.

9. Contact

Kathryn Symms at the Department for Education and Skills in Darlington Tel: 01325 391187 or e-mail: kathryn.symms@dfes.gsi.gov.uk can answer queries regarding Article 9 of Decision No. 1/80 of the Association Council of 19th September 1980. **Cliff Woods** at the Department of Education and Skills in London (e-mail: cliff.woods@dfes.gsi.gov.uk) can answer any queries regarding the uprating of the maximum amounts of grant for fees and maintenance.