
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st September 1998, supersede the Education (Mandatory Awards) Regulations 1997 as amended.

Provisions in these Regulations which differ from the corresponding provisions of the 1997 Regulations as amended (except as a result of minor drafting or consequential changes) are indicated by the use of heavy type. Omissions are indicated by the use of dots. The changes of substance made by these Regulations other than the changes in the rates of fees, grants and allowances are described below.

The Regulations implement the first stage of the Government's reforms of the student support system. Students who began courses before 1st September 1998, and certain other students, will be eligible for awards under which payments are broadly the same as those available under the 1997 Regulations (see the definition of "old award" in regulation 2, and regulation 6(8)). These include the payment of tuition fees in full, and a means tested maintenance grant intended to cover up to approximately half of the overall support for maintenance from public funds.

Students beginning courses during the period 1st September 1998 to 31st August 1999 will be eligible for a transitional award, under which smaller means tested grants will be paid for one year only (see the definition of "transitional award" in regulation 2). The amount of the grant will in the first instance be paid in respect of maintenance, and then any balance in respect of fees (regulation 17(2)(c)). The maximum fee normally paid will now be £1,000 (Schedule 1 paragraph (a) (i)). Certain fees will continue to be paid in full regardless of means (regulation 17(2)(a)). European students will continue to be eligible for a fees only award to cover the cost of fees, but payments will be means tested in the same fashion as payments pursuant to full awards (regulation 17(2)(b)). The intention is that from 1st September 1999 support for students holding one year transitional awards will be replaced by support, in the form of grants and loans, under new legislation.

The means testing arrangements for transitional awards are broadly the same as those for old awards, under which a grant for the difference between a student's requirements and his resources is paid. A student's requirements will now include the fees he is required to pay (Part V of Schedule 2). His resources include as at present a parental contribution (Part II of Schedule 3). The means testing arrangements are modified in the case of certain students who will be paying fees of £500 rather than £1,000 (regulation 18(3)).

Special provision is made for transitional award holders where the year of their course is a sandwich year (regulation 20 and Schedule 5 paragraph 4). Their resources, including any parental or spouse's contribution, are not modified except that, in calculating the student's income, any payment made to him by his employer in respect of any period of experience is disregarded.

Special provision is made for transitional award holders who are members of religious orders. The fixed sums payable for maintenance for transitional award holders are lower than the corresponding rates for old award holders and the fees payable in respect of them are to be paid without reference to their resources (regulation 21).

Special provisions are made for transitional award holders who are attending courses of initial teacher training other than first degree courses. The fees payable in respect of them are to be paid without reference to their resources (regulation 17(2)(a)). In the case of a part-time course of initial teacher training, no payment in respect of maintenance may be made in a year in which there are no periods of full-time attendance (regulation 22(3)(b)).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The following changes in the Regulations apply to all award holders.

The allowances for personal help, major items of specialist equipment, travel expenses and other expenditure payable in respect of an award holder who is obliged to incur additional expenditure on these items as a result of his disability are now payable without reference to his resources (regulation 17(3)).

References to student loans and career development loans have been removed from the list of payments which are expressly not taken into account in determining whether payments under the Regulations should be made in a particular year. Payments under loans will still not be taken account of, because they do not fall within the type of payment of which account is taken in any event (regulation 23(2)). A similar change has been made in Schedule 3, paragraph 1.

The list of courses referred to in regulation 23(4) has been extended. The local education authority shall not make payments under the Regulations to an award holder on such a course who receives payments in the year under section 63 of the Health Services and Public Health Act 1968.

The arrangements for the payment of fees have been simplified. Fees payable for courses at publicly funded institutions are now payable in a single instalment and become payable three months after the start of the year (regulation 24(3)). No payment of fees shall be made if the student abandons his course before the date on which they become payable (regulation 26(2)). Lower fees are now payable in respect of an academic year of an international course which is spent in full-time study at the overseas institution (Schedule 1, paragraph (a)(vi)). Lower fees are also payable in respect of one academic year of a course where the student undertakes either a period of experience or a period of full-time study overseas which, in aggregate with such periods undertaken in previous years, amount to a year away from the United Kingdom institution (Schedule 1, paragraph (a)(ix)).

The list of subjects for the degree of Bachelor of Education listed in regulation 25(3) has been extended to include music. Where a student holds an award for such a course of up to two years' duration the local education authority will not have a discretion to not make payments for the first year of the course (regulation 25(4)).

The method for calculating reductions in payments in respect of maintenance which the local authority may or shall make in specified circumstances where the student is absent from his course for a period has been clarified (regulation 26(5)).

References to United Kingdom legislation in relation to social security benefits, income tax and the care of children have been modified throughout the Regulations so that they more clearly identify the policy objective behind the reference. In this way it will be possible for the reference to apply to the circumstances of European students as easily as it does to United Kingdom students. In particular this will facilitate the means testing of European students, which will be undertaken for the first time from 1st September. Provision has been made for calculating income in currencies other than sterling, and for determining the sterling equivalent of that income (Schedule 3, paragraphs 1(4) and 2(5)).