
STATUTORY INSTRUMENTS

1996 No. 2088

EDUCATION, ENGLAND AND WALES

Education (Mandatory Awards) (Amendment) Regulations 1996

Made - - - - *6th August 1996*
Laid before Parliament *9th August 1996*
Coming into force - - *1st September 1996*

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

1. These Regulations may be cited as the Education (Mandatory Awards) (Amendment) Regulations 1996, and shall come into force on 1st September 1996.

2. The Education (Mandatory Awards) Regulations 1995(2) shall be amended as follows.

3. In regulation 2—

(a) insert after the definition of “EEA Agreement” the following definition:

““EEA migrant worker” means 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 under Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community, as extended by the EEA Agreement(3);”

(b) in the definition of “European student”—

(i) substitute for the words “has been ordinarily resident within the European Economic Area” the words “who has not been ordinarily resident within the British Islands”, and

(ii) delete the words “, but who is not entitled to a full award by virtue of regulation 7”.

4. Substitute for regulation 3(2)(a) the following sub-paragraph:

“he was participating in arrangements for training under section 2 of the Employment and Training Act 1973(4), under the Training Opportunities Programme, the Youth Opportunities

(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.1995/3321.

(3) O.J. No. L257, 19.10.68, p. 2 (O.J./SE 1968 (II) p. 457).

(4) 1973 c. 50; section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 19), section 25(1).

Programme, the Youth Training Scheme of the Manpower Services Commission or the Training Commission as the case may be or any scheme run by the Training and Enterprise Councils or the Local Enterprise Companies; or”

5. In regulation 9 delete subparagraphs (a) to (c) and the words “but who,”.
6. In regulation 10(1)(d)(iii) insert after the word “whether” the words “full-time,”.
7. In regulation 12(5) insert after the word “comparable” in both places where it occurs the words “first degree or”.
- 8.—(1) In regulation 13(1)—
 - (a) in sub-paragraphs (a) and (b) delete the words “a European student or of”;
 - (b) in sub-paragraphs (a) and (b) substitute for the words “regulation 9(a)” the words “paragraph (3)”; and
 - (c) in sub-paragraph (a) delete the words “or, in the case of a European student, who has been so resident in the British Islands”.(2) In regulation 13(2) delete the words “, or in the case of a person mentioned in paragraph (3)”.
- (3) Substitute for regulation 13(3) the following paragraph:

“(3) The person referred to in paragraph (1)(a) and (b) is—

 - (a) a European student,
 - (b) an EEA migrant worker who is entitled to the payment of an award by virtue of Article 7(2) or (3) of Council Regulation (EEC) No. 1612/68 on free movement of workers within the Community, as extended by the EEA Agreement,
 - (c) the spouse of an EEA migrant worker who is installed in the United Kingdom with his spouse,
 - (d) the child of an EEA migrant worker who is entitled to the payment of an award by virtue of Article 12 of the above mentioned Council Regulation, and
 - (e) a British citizen within the meaning of the British Nationality Act 1981(4) who was not ordinarily resident in the British Islands throughout the three years preceding the first year of the course in question only because—
 - (i) he was ordinarily resident for the purposes of employment in the European Economic Area during every part of that period in which he was not ordinarily resident in the British Islands; or
 - (ii) his parent or spouse is such a person as is mentioned in sub-paragraph (i) and is ordinarily resident in England and Wales on the relevant day.”
9. In regulation 25(3) insert after the words “Bachelor of Education” the words “(or a comparable first degree or academic award of an institution)”.

6th August 1996

James Paice
Parliamentary Under Secretary of
State, Department for Education and
Employment

(4) 1973 c. 50; section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 19), section 25(1).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Mandatory Awards) Regulations 1995, and come into force on the same day they do, 1st September 1996.

Provision is made for treating a person participating in any arrangements for training under section 2 of the Employment and Training Act 1973, in addition to arrangements under named programmes, as supporting himself out of his own earnings, (regulation 4).

Any person who is not treated as ordinarily resident in the area of any local education authority for the purposes of section 1 of the Education Act 1962 by virtue of the Education (Areas to which Pupils and Students Belong) Regulations 1996, will be treated as being ordinarily resident in the area in which the institution providing his course is located (regulation 5). Previously only certain categories of students fell to be treated in this way.

Provision has been made for the designation by the Secretary of State of full-time courses for the initial training of teachers which are not provided wholly by publicly funded institutions in the United Kingdom, or by such institutions in conjunction with certain other institutions in the United Kingdom, or wholly by those certain other institutions (regulation 6).

First degrees comparable to Bachelor of Education degrees are now conferred by some institutions under different names so provision has been made for them to be treated for the purposes of the Regulations as Bachelor of Education degrees (regulation 7 and 9).

Provision has been made for the bestowal of awards on the spouses of EEA migrant workers (regulation 8). In consequence the drafting of regulation 13 of the 1995 Regulations has been altered (regulation 8) and a definition of an EEA migrant worker provided (regulation 3).