

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Education Act 1980, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 19.

PROVISIONS SUBSTITUTED IN THE EDUCATION ACT 1962

Modifications etc. (not altering text)

- C1** The text of Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Local education authority awards for designated courses.

- 1 “(1) It shall be the duty of every local education authority, subject to and in accordance with regulations made under this Act, to bestow on persons who are ordinarily resident in the area of the authority awards in respect of their attendance at courses to which this section applies.
- (2) This section applies to any course which —
- (a) is provided by a university, college or other institution in the United Kingdom or by such a university, college or institution in conjunction with a university, college or other institution in another country ; and
 - (b) is designated by or under the regulations for the purposes of this section as being such a course as is mentioned in subsection (3) of this section.
- (3) The courses referred to in subsection (2)(b) of this section are—
- (a) full-time courses which are either first degree courses or comparable to first degree courses ;
 - (b) full-time courses for the diploma of higher education;
 - (c) courses for the initial training of teachers ;
 - (d) full-time courses for the higher national diploma, for the higher diploma of the Technician Education Council or for the higher national diploma of the Business Education Council.
- (4) A local education authority shall not be under a duty under subsection (1) above to bestow an award on a person in respect of a course designated as comparable to a first degree course unless he possesses such educational qualifications as may be prescribed by or under the regulations, either generally or with respect to that course or a class of courses which includes that course.
- (5) Regulations made for the purposes of subsection (1) of this section shall prescribe the conditions and exceptions subject to which the duty imposed by that subsection is to have effect, and the descriptions of payments to be

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made in pursuance of awards bestowed there-under, and, with respect to each description of payments, shall—

- (a) prescribe the circumstances in which it is to be payable, and the amount of the payment or the scales or other provisions by reference to which that amount is to be determined, and
- (b) indicate whether the payment is to be obligatory or is to be at the discretion of the authority bestowing the award ;

and, subject to the exercise of any power conferred by the regulations to suspend or terminate awards, a local education authority by whom an award has been bestowed under subsection (1) of this section shall be under a duty, or shall have power, as the case may be, to make such payments as they are required or authorised to make in accordance with the regulations.

- (6) Without prejudice to the duty imposed by subsection (1) of this section, a local education authority shall have power to bestow an award on any person in respect of his attendance at a course to which this section applies, where he is not eligible for an award under subsection (1) of this section in respect of that course.
- (7) The provisions of subsection (5) of this section and of the regulations made in accordance with that subsection (except so much of those provisions as relates to the conditions and exceptions subject to which the duty imposed by subsection (1) of this section is to have effect) shall apply in relation to awards under the last preceding subsection as they apply in relation to awards under subsection (1) of this section.
- (8) The reference in subsection (1) of this section to persons who are ordinarily resident in the area of a local education authority is a reference to persons who, in accordance with the provisions of Schedule I to this Act, are to be treated as being so resident.

Local authority awards for other courses.

- 2 (1) A local education authority shall have power to bestow awards on persons over compulsory school age (including persons undergoing training as teachers) in respect of their attendance at courses to which this section applies and to make such payments as are payable in pursuance of such awards.
- (2) Subject to subsection (3) of this section, this section applies to any course of full-time or part-time education (whether held in Great Britain or elsewhere) which is not a course of primary or secondary education, or (in the case of a course held outside Great Britain) is not a course of education comparable to primary or secondary education in Great Britain, and is not a course to which section I of this Act applies.
- (3) Except in the case of a person undergoing training as a teacher who attends the course as such training, this section does not apply to any course provided by a university, college or other institution which is for the time being designated by or under regulations made for the purposes of this section as being a postgraduate course or comparable to a postgraduate course.

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Awards by Secretary of State.

- 3 Provision may be made by regulations under this Act for authorising the Secretary of State—
- (a) to pay grants to or in respect of persons undergoing training as teachers ;
 - (b) to bestow awards on persons in respect of their attendance at such courses provided by universities, colleges or other institutions (whether in Great Britain or elsewhere) as may for the time being be designated by or under the regulations for the purposes of this section as being postgraduate courses or comparable to postgraduate courses ;
 - (c) to bestow awards on persons who, at such time as may be prescribed by the regulations, have attained such age as may be so prescribed, being awards in respect of their attendance at courses provided by any institution which—
 - (i) is in receipt of payments under section 100 of the Education Act 1944 or section 75 of the Education (Scotland) Act 1962 ; and
 - (ii) is designated by or under the regulations as a college providing long-term residential courses of full-time education for adults ;and in the case of awards bestowed in accordance with paragraph (b) or (c) of this section, for authorising the Secretary of State to make such payments as are payable in pursuance of the awards.

Provisions supplementary to ss. 1 to 3.

- 4 (1) For the purposes of the exercise of any power or the performance of any duty conferred or imposed by or under any of the provisions of sections 1 to 3 of this Act, it is immaterial—
- (a) whether an award is designated by that name or as a scholarship, studentship, exhibition or bursary or by any similar description, or
 - (b) in what terms the bestowal of an award is expressed.
- (2) Any enactment contained in those sections which requires or authorises the making of regulations shall be construed as requiring or authorising regulations to be made by the Secretary of State ; and regulations made for the purposes of any such enactment may make different provision for different cases to which that enactment is applicable.
- (3) Without prejudice to subsection (2) above, regulations under section 3(a) or (c) above may make in relation to persons ordinarily resident in Wales provision different from that made in relation to persons so resident in England.
- (4) Any power to make regulations under those sections shall be exercisable by statutory instrument ; and any statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (5) In sections 2 and 3 of this Act “training” (in relation to training as a teacher) includes further training, whether the person undergoing the further training is already qualified as a teacher or not ; and any reference to a person undergoing training includes a person admitted or accepted by the appropriate university, college or other authorities for undergoing that training.

SCHEDULE 1

ORDINARY RESIDENCE

- 1 The provisions of this Schedule shall have effect for the purposes of section I of this Act.
- 2 Subject to the following provisions of this Schedule, a person shall be treated for those purposes as ordinarily resident in the area of a local education authority if he would fall to be treated as belonging to that area for the purposes of section 31(3) of the Education Act 1980.
- 3 Regulations made under this Act may modify the operation of the last preceding paragraph in relation to cases where a person applies for an award under section I of this Act in respect of a course and, at any time within the period of twelve months ending with the date on which that course is due to begin, a change occurs or has occurred in the circumstances by reference to which (apart from this paragraph) his place of ordinary residence would fall to be determined.
- 4 Regulations made under this Act may make provision whereby a person who under paragraph 2 of this Schedule would fall to be treated for the purposes of section I of this Act as not being ordinarily resident in the area is to be treated for those purposes as being ordinarily resident in the area of such local education authority as may be specified by or under the regulations.
- 5 Subsections (1), (2) and (4) of section 4 of this Act shall have effect in relation to paragraphs 3 and 4 of this Schedule as they have effect in relation to section I of this Act.”

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