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STATUTORY INSTRUMENTS

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**1988 No. 1360**

**The Education (Mandatory Awards) Regulations 1988**

**PART II**  
**AWARDS**

**No area students**

**9.**—(1) This regulation shall apply in the case of such a person as is mentioned in paragraph (2) who, apart from this regulation, would by virtue of paragraph 2 of Schedule 1 to the Education Act 1962 fall to be treated for the purposes of section 1 of that Act as not being ordinarily resident in the area of any authority.

(2) The person referred to in paragraph (1) is a person who—

- (a) is ordinarily resident in England and Wales on the relevant day; or
- (b) **is entitled to the payment of an award by virtue of Article 7(2) or (3) or Article 12 of Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community**(1).

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(3) A person to whom this regulation applies shall be treated for the purposes of section 1 of the Education Act 1962 as ordinarily resident—

- (a) if at any time during the period of two years preceding the relevant day he would have fallen to be treated as belonging to the area of an authority for the purposes of section 31(3) of the Education Act 1980(2) or of section 51(1) of the Education (No. 2) Act 1986(3) or of section 7 of the Education (Miscellaneous Provisions) Act 1953(4), in the last such area;
- (b) if sub-paragraph (a) does not apply but at any time during the said period he was resident in the area of an authority, in the last such area;
- (c) if neither sub-paragraph (a) nor (b) applies, in the area of the authority in which the establishment providing his course is situate.

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(4) In paragraphs (2) and (3) “relevant day” means, except in the case specified in paragraph (5), the last day of the month of October, February or June (according as the academic year of the course begins in the spring, the summer or the autumn respectively) preceding the beginning of the course.

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(5) In the case of a refugee, or the spouse or child of a refugee, who entered the United Kingdom on or after the relevant day as defined in paragraph (4), “relevant day” in paragraphs (2) and (3) means—

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(1) OJ No. L257, 19.10.68, p.2 (OJ/SE 1968 (II) p.475).  
(2) 1980 c. 20.  
(3) 1986 c. 61.  
(4) 1953 c. 33.

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- (a) where he had entered the United Kingdom before the day one month earlier than that of the beginning of the term in which he commences his course, the said day or the day on which he applies for an award, whichever is the earlier;
- (b) where he had not so entered the United Kingdom, the day of the beginning of that term or the day on which he applies for an award, whichever is the earlier.