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STATUTORY INSTRUMENTS

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**1994 No. 3043**

**EDUCATION, ENGLAND AND WALES**

**The Education (Mandatory Awards)  
(Amendment) (No. 2) Regulations 1994**

*Made* - - - - - *30th November 1994*  
*Laid before Parliament* *1st December 1994*  
*Coming into force* - - - *1st January 1995*

The Secretary of State for Education, in exercise of the powers conferred by sections 1 and 4(2) of the Education Act 1962<sup>(1)</sup> hereby makes the following Regulations:

1. These Regulations may be cited as the Education (Mandatory Awards) (Amendment) (No. 2) Regulations 1994, and shall come into force on 1st January 1995.
2. The Education (Mandatory Awards) (No. 2) Regulations 1993<sup>(2)</sup> (“the principal Regulations”) are amended as follows.
3. In regulation 2—
  - (a) in the definition of “European student” delete the words “relevant territory” and replace them with the words “European Economic Area”; and
  - (b) delete the definition of “relevant territory”.
4. In regulation 5—
  - (a) in paragraph (4) delete the words “relevant territory” in the two places where they appear and replace them with the words “European Economic Area”;
  - (b) insert the following paragraph after paragraph (4):

“(5) For the purposes of these Regulations an area which—

    - (a) was previously not part of the European Community or the European Economic Area, but
    - (b) at any time before or after these Regulations come into force has become part of one or other or both of those areas

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(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.1993/2914, amended by S.I. 1994/1606.

shall be considered to have always been part of the area of the European Economic Area.”; and

(c) re-number the present paragraph (5) as paragraph (6).

5. In regulation 11(2)—

(a) insert after sub-paragraph (b) the following sub-paragraph:

“(c) in the case of a person who becomes a European student as a result of the accession of the State of which he is a national to the European Community, where the application reaches the authority not later than four months after the date of the accession;” and

(b) re-number the present sub-paragraphs (c) and (d) as sub-paragraphs (d) and (e) respectively.

6. In regulation 13 delete the words “relevant territory” in the three places where they appear and replace them with the words “European Economic Area”.

7.—(1) Re-number the present regulation 17 as regulation 17(1) and insert after the words “Subject to” the words “paragraphs (2) and (3) and”.

(2) Insert after regulation 17(1) the following paragraphs:

“(2) Where the authority have come under a duty to bestow an award on a person during a year because he has become—

- (a) a European student as a result of the accession of the State of which he is a national to the European Community, or
- (b) a refugee, or the spouse or child of a refugee, as a result of the recognition of him, or his spouse or parent, as a refugee,

they shall deduct from the sums and grant payable in respect of that year in pursuance of the award under paragraph (1) the amounts referred to in paragraph (3).

(3) The amounts to be deducted under paragraph (2) are—

- (a) from the sum payable in respect of fees under paragraph (1)(a), the amount of any instalment payable before the date on which the student became a European student or the refugee was recognised as a refugee, and
- (b) from the sum or grant payable in respect of maintenance under paragraph (1)(b), the proportion of that sum or grant which relates to the period before the date referred to in sub-paragraph (a).”

(3) For any reference in the principal regulations to a sub-paragraph of regulation 17 substitute a reference to the same sub-paragraph of regulation 17(1).

8. In paragraph 1(1)(k) of Schedule 3 after the words “mobility allowance” insert the words “severe disablement allowance”, after the number “35” insert the number “36” and after the number “64” insert the number “68”.

30th November 1994

*Gillian Shephard,*  
Secretary of State for Education

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Education (Mandatory Awards) (No. 2) Regulations 1993 (“the principal Regulations”) and come into force on 1st January 1995.

They make provision for the bestowal of fees only awards on persons who are nationals of States which join the European Community on 1st January 1995. The residence of such persons in areas which were formerly not part of the area of the Community or the European Economic Area but which become part of that area qualifies as residence in the European Economic Area (the new regulation 5(5)). The insertion of this provision has made possible the removal of the definition of “relevant territory” in regulation 2.

They provide that the persons mentioned above who have begun courses before 1st January 1995 may apply for an award within four months of that date, rather than within four months of the date of the beginning of their course (the new regulation 11(2)(c)). They also provide that a person who becomes entitled to an award part way through a year, either because he has become a “European student” when the State of which he is a national joins the European Community, or because he or his spouse or parent has been recognised as a refugee, is only entitled to payments in respect of the part of the year following the date on which he becomes entitled (the new regulation 17(2) and (3)).

Provision is also made to ensure that severe disablement allowance continues to be disregarded in calculating a student’s income for the purpose of determining his entitlement to a maintenance grant (regulation 8).