

1999 No. 1824

**EDUCATION, ENGLAND
EDUCATION, WALES**

**The Education (Mandatory Awards) (Amendment)
Regulations 1999**

Made - - - - *28th June 1999*

Laid before Parliament *29th June 1999*

Coming into force *20th July 1999*

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

1. These Regulations may be cited as the Education (Mandatory Awards) (Amendment) Regulations 1999 and shall come into force on 20th July 1999.
2. The Education (Mandatory Awards) Regulations 1998(b) shall be amended as follows.
3. In regulation 15—
 - (a) in paragraph (1) insert after the word “An” the word “old”;
 - (b) insert after paragraph (1) the following paragraph:

“(1A) A transitional award shall terminate at the end of the first year of the course.”
4. In paragraph 1(1)(d) of Schedule 3—
 - (a) after the word “disability” insert the words “or incapacity”;
 - (b) delete all the words following the words “or by any other person”.
5. In Schedule 5—
 - (a) in paragraph 1(2) for the words “for which he is in gainful employment” substitute the words “during which the student is employed”;
 - (b) in paragraph 2 after the words “the prescribed proportion of” insert the word “the”.

28th June 1999

George Mudie
Parliamentary Under-Secretary of State,
Department for Education and Employment

(a) 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11), section 4; section 4 was amended by the Education Act 1994 (c. 30), Schedule 2, paragraph 2; the entire Act was repealed by the Teaching and Higher Education Act 1998 (c. 30), section 44(2) and Schedule 4, subject to the transitional and saving provisions set out in the Teaching and Higher Education Act 1998 (Commencement and Transitional Provisions) Order 1998 (S.I. 1998/3237 (C. 81)), article 4.

(b) S.I. 1998/1166, amended by the Education (Mandatory Awards) Regulations 1998 (Amendment) Regulations 1998 (S.I. 1998/1972); the entire Regulations are revoked by the Education (Mandatory Awards) Regulations 1999 (S.I. 1999/1494) with effect from 1st September 1999.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Mandatory Awards) Regulations 1998 (“the principal Regulations”). The principal Regulations provide for the bestowal of awards for courses beginning on or after 1st September 1998, and for payments pursuant to mandatory awards whenever bestowed. Subject to saving and transitional provisions the principal Regulations will be replaced by the Education (Mandatory Awards) Regulations 1999 on 1st September 1999. These amendments are therefore relevant to academic years beginning on or after 1st September 1998 and before 1st September 1999.

Regulation 17(2) of the principal Regulations provided that payments pursuant to transitional awards, which were bestowed in respect of most courses the first year of which began on or after 1st September 1998, should be made in respect of the first year of the course. The intention was that financial support for subsequent years should be provided pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998. Now that such regulations have been made (The Education (Student Support) Regulations 1999) it is not necessary to allow for the possibility that payments might be made after the first year of the course, and accordingly an amendment provides for such awards to be terminated after the first year (regulation 3).

An amendment ensures that incapacity benefit is disregarded in determining the income of a student, whether or not the benefit is taxable (regulation 4).

An amendment provides that modern language students employed for a period in a country which speaks a language of their course should be treated as sandwich students, whether or not the employment is paid (regulation 5).

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