

**2001 No. 2800**

**EDUCATION, ENGLAND AND WALES**

**The Education (Mandatory Awards)  
(Amendment) (No. 2) Regulations 2001**

*Made* - - - - - *1st August 2001*

*Laid before Parliament* *3rd August 2001*

*Coming into force* - - *1st September 2001*

The Secretary of State for Education and Skills, in exercise of the powers conferred by sections 1 and 4(2) of, and paragraphs 3 and 4 of Schedule 1 to, the Education Act 1962(a), and by sections 3(1) and (3) of the Education Act 1973(b) hereby makes the following Regulations:

1. These Regulations may be cited as the Education (Mandatory Awards) (Amendment) (No. 2) Regulations 2001 and shall come into force on 1st September 2001.
2. The Education (Mandatory Awards) Regulations 2001(c) shall be amended as follows.
3. In regulation 5(4) delete the words “in England and Wales,” and “outside England and Wales,” where they appear.
4. In paragraph 14(1) of Schedule 2 delete the words “(determined in accordance with paragraph 13(2)(a) or (b))”.
5. After paragraph 14(1) of Schedule 2 insert the following sub-paragraph—

“(1A) For the purpose of this paragraph and notwithstanding the provisions of paragraph 12(3), a child shall be treated as a dependent child of a student even if the child’s income exceeds by £950 or more the relevant sum specified in paragraph 13(4)(a) or (b).”.
6. After paragraph 14(3) of Schedule 2 insert the following sub-paragraph—

“(3A) Where the income of a dependent child of the student exceeds by £950 or more the sum specified in paragraph 13(4)(a) or (b), the amount payable under sub-paragraph (2) shall be reduced by the amount of his income less £950.”.

*Margaret Hodge*  
Minister of State,

1st August 2001

Department for Education and Skills

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(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11), section 4; section 4 was amended by the Education Act 1994 (c. 30), Schedule 2, paragraph 2; the entire Act was repealed by the Teaching and Higher Education Act 1998 (c. 30), section 44(2) and Schedule 4, subject to the saving and transitional provisions set out in the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998 (S.I. 1998/3237 (c. 81)), article 4.

(b) 1973 c. 16.

(c) S.I. 2001/1734, amended by S.I. 2001/2613.

## EXPLANATORY NOTE

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

These Regulations, which come into force on 1st September 2001, further amend the Education (Mandatory Awards) Regulations 2001 (“the Mandatory Awards Regulations”).

Regulation 3 corrects a drafting error.

Paragraph 14 of Schedule 2 to the Mandatory Awards Regulations has been modified with the effect that where a child’s income exceeds by £950 or more the relevant sum specified in paragraph 13(4)(a) or (b), that child can, notwithstanding the provisions of paragraph 12(3), be treated as a dependent child (*regulation 5*). Such a child’s income, less the sum of £950, will be offset against the amount payable to the student in relation to childcare costs (*regulation 6*).

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