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STATUTORY INSTRUMENTS

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**2002 No. 1330**

**The Education (Mandatory Awards) Regulations 2002**

**PART II**  
**AWARDS**

**Duty to bestow an award**

7.—(1) Subject to paragraph (2), in pursuance of section 1(1) of the Education Act 1962 it shall be the duty of an authority, subject to the conditions and exceptions hereinafter provided, to bestow—

- (a) a full award in respect of a person's attendance at a designated course within the meaning of these Regulations during an academic year beginning after 31st August **2002** if—
  - (i) the person concerned is ordinarily resident in the authority's area within the meaning of section 1 of the said Act of 1962 and Schedule 1 thereto, read with these Regulations, and
  - (ii) the duty is not owed to the person only because he is a European student;
- (b) where paragraph (a) does not apply, a fees only award in respect of a person's attendance at a designated course at an institution in England or Wales during an academic year beginning after the 31st August **2002** if the person is a European student and the institution at which he attends his course is within the area of the authority.

(2) The duty of an authority to bestow an award in pursuance of section 1(1) of the Education Act 1962, which was repealed with transitional and saving provisions on 1st January 1999 by section 44(2) of and Schedule 4 to the Teaching and Higher Education Act 1998<sup>(1)</sup>, shall apply only to the extent provided for in articles 3 and 4 of the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998, that is, in respect of a person's attendance at a course which is—

- (a) a first degree course where—
  - (i) the person begins to attend the course immediately after ceasing to attend a DipHE course or an HND course (disregarding any intervening vacation), and
  - (ii) an award bestowed on him in respect of his attendance at the DipHE or HND course was an old award, or where no award was bestowed an award would have been an old award if it had been bestowed;
- (b) subject to paragraphs (3) and (4), a postgraduate course for the initial training of teachers where—
  - (i) the person begins to attend the course immediately after ceasing to attend a first degree course (disregarding any intervening vacation), and

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<sup>(1)</sup> 1998 c. 30; section 44(2) came into force for the purpose of bringing into force the repeal of the Education Act 1962 by virtue of the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998 (S.I.1998/3237 (c. 81)).

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(ii) an award bestowed on him in respect of his attendance at the first degree course was an old award, or where no award was bestowed an award would have been an old award if it had been bestowed;

(c) a course the first year of which began before 1st September 1999.

(3) The authority shall not be under a duty to bestow a fees only award where the student is attending a flexible postgraduate course for the initial training of teachers, and for the purposes of this regulation “flexible postgraduate course for the initial training of teachers” means a course of initial teacher training, which has been approved by the Teacher Training Agency<sup>(2)</sup>, the length and pattern of which is determined by the student’s experience and training requirements.

(4) The authority shall not be under a duty to bestow a maintenance grant where the student is attending a flexible postgraduate course for the initial training of teachers which is of less than one year’s duration.

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(2) The Teacher Training Agency was established under section 1 of the Education Act 1994 (c. 30).