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STATUTORY INSTRUMENTS

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**2003 No. 1994**

**The Education (Mandatory Awards) Regulations 2003**

PART 1

GENERAL

**Revocations and transitional provisions**

6.—(1) The Regulations listed in Schedule 6 are hereby revoked.

(2) Without prejudice to section 17(2)(b) of the Interpretation Act 1978(1) and the definition of “award” in regulation 2, an **award bestowed in pursuance of previous Awards Regulations** before the coming into force of these Regulations, in so far as it could have been bestowed in pursuance of these Regulations, shall, for the purposes thereof, be treated as having been so bestowed.

(3) Subject to paragraph (4), where the current academic year of a student’s course began in the winter or spring of **2003** then, notwithstanding anything in these Regulations, payments in pursuance of an **award bestowed under previous Awards Regulations** in respect of the year beginning on 1st January or, as the case may be, 1st April **2003** shall be the aggregate of—

- (a) two-thirds or, as the case may be, one-third of the payments which would have fallen to be made in respect of that year under the Education (Mandatory Awards) Regulations **2002** had they not been revoked, and
- (b) one-third or, as the case may be, two-thirds of the payments which would have fallen to be made in respect of the year beginning on 1st September **2003** under these Regulations had the academic year of his course begun in the autumn of **2003**.

(4) In the case of a course at the University of Buckingham beginning in the winter, spring or summer of **2003** then, notwithstanding anything in these Regulations, payments in pursuance of an **award bestowed under previous Awards Regulations** in respect of the year beginning on 1st January, 1st April or 1st July (as the case may be) shall be the aggregate of—

- (a) three-quarters, one-half or one-quarter (as the case may be) of the payments which would have fallen to be made in respect of that year under the Education (Mandatory Awards) Regulations **2002** had they not been revoked, and
- (b) one-quarter, one-half or three-quarters (as the case may be) of the payments which would have fallen to be made in respect of the year beginning on 1st September **2003** under these Regulations had the academic year of the course begun in the autumn of **2003**.

(5) Where an award was bestowed on a student under section 2 of the Education Act 1962 (“the discretionary award”) in respect of a course to which section 1 of that Act did not then apply but the course becomes or has become a designated course and an award within the meaning of these Regulations is or has been bestowed on the student in respect of that course (“the mandatory award”) then, if the discretionary award continues to be payable it shall be disregarded in calculating the student’s income for the purposes of regulation 18(1)(b); but payments on account of the mandatory

award in respect of fees and in respect of maintenance for any period shall be respectively reduced or extinguished by those on account of the corresponding element of the discretionary award.

(6) Where—

- (a) an award was bestowed on a person pursuant to previous Awards Regulations in respect of his attendance at a course during an academic year beginning before 1st September 1997, and
- (b) the person immediately after ceasing to attend that course (disregarding any intervening vacation) begins to attend another course

an authority shall not be excepted from the duty to bestow an award in respect of the person's attendance at the second course by the application of the exception relating to settlement in the United Kingdom found in regulation 13(1)(c).

**(7) Where an award is bestowed on a person in respect of his attendance at a course the first year of which began on or after 1st September 1998 and before 1st September 1999 the award shall be treated as an award bestowed under previous Awards Regulations if —**

- (a) **the person had on or before 1st August 1997 received an offer of a place on that course, or on a similar designated course, in either case for a year which began on or after 1st September 1998 and before 1st September 1999, and whether conditional on obtaining specified qualifications or not; or**
- (b) **the person received an offer of a place on a designated course for a year which began before 1st September 1998, and —**
  - (i) **the authority were satisfied that the person was unable to take up that offer because of illness, and**
  - (ii) **the person was offered a place on a designated course, whether or not at the same institution, and the first year of the course began on or after 1st September 1998 and before 1st September 1999;**
- (c) **the person had received an offer of a place on a designated course for a year which began before 1st September 1998, and —**
  - (i) **he was not able to take up the offer because a specified qualification or grade was not awarded to him,**
  - (ii) **he appealed against the decision not to award the qualification or grade to him,**
  - (iii) **the appeal was allowed after the last date when he could have taken up the offer, and**
  - (iv) **as a result he was offered a place on a designated course, whether or not at the same institution, for a year which began on or after 1st September 1998 and before 1st September 1999;**
- (d) **the course is a first degree course designated under regulation 10(1)(a), and —**
  - (i) **he began to attend the course immediately after ceasing to attend a DipHE course or an HND course (disregarding any intervening vacation), and**
  - (ii) **an award was bestowed on him in respect of his attendance at the DipHE or HND course which is an award bestowed under previous Awards Regulations other than by virtue of this sub-paragraph or sub-paragraph (e); or**
- (e) **the course is a postgraduate course for the initial training of teachers, and —**
  - (i) **he began to attend the course immediately after ceasing to attend a first degree course (disregarding any intervening vacation), and**

- (ii) **an award was bestowed on him in respect of his attendance at the first degree course which is an award bestowed under previous Awards Regulations other than by virtue of sub-paragraph (d) or this sub-paragraph.**
- (8) For the purposes of paragraph (7) (a) a course is similar to another course, if —**
  - (a) the authority were satisfied that the subject matter of the course was in part the same as the subject matter of the other course; and**
  - (b) where the offer of a place was on a course which is still offered, the other course was at the same institution.**