
STATUTORY INSTRUMENTS

2005 No. 2083

**The Education (Mandatory Awards)
(Amendment) Regulations 2005**

Citation, commencement and interpretation

1. These Regulations may be cited as the Education (Mandatory Awards) (Amendment) Regulations 2005 and shall come into force on 1st September 2005.

2. In these Regulations, “the Principal Regulations” means the Education (Mandatory Awards) Regulations 2003(1).

Revocation

3. The following provisions of the Education (Mandatory Awards) (Amendment) Regulations 2004(2) are revoked—

- (a) regulation 6;
- (b) regulation 7; and
- (c) the Schedule to those Regulations.

4. The Education (Mandatory Awards) (Amendment) (No. 2) Regulations 2004(3) are revoked.

Amendment of the Principal Regulations

5. The Principal Regulations are amended in accordance with these Regulations.

6.—(1) Regulation 2 is amended in accordance with this regulation.

(2) Before the definition of “academic authority”, insert—

““the 2005 Act” means the Education Act 2005(4);”.

(3) After the definition of “award”, insert—

““category 2 European Student” means a person who is a national of a member state of the European Community—

- (a) who has been ordinarily resident in the British Islands throughout the three year period immediately preceding the start of the relevant designated course;
- (b) who, where he is a national of the United Kingdom, has a right to be treated no less favourably than a national of another member state by virtue of having exercised a Community right of free movement; and
- (c) who, in a case where his ordinary residence referred to in sub-paragraph (a) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the

(1) S.I.2003/1994, as amended by S.I. 2004/1038 and S.I. 2004/1792.
(2) S.I. 2004/1038.
(3) S.I. 2004/1792.
(4) 2005 c. 18.

European Economic Area immediately prior to the period of ordinary residence referred to in sub-paragraph (a).”.

(4) For the definition of “European student”, substitute—

““European student” means a person who is a national of a member state of the European Community or the child of such a national—

(a) who has not been ordinarily resident in the British Islands as described in regulation 13(1)(a), whose residence in the British Islands has been wholly or mainly for the purposes of receiving full-time education as described in regulation 13(1)(b) or who is not settled in the United Kingdom as described in regulation 13(1)(c); and

(b) who is not a category 2 European student;”.

(5) In the definition of “institution” for “Part I of the Education Act 1994”, substitute “Part 3 of the 2005 Act”.

(6) In the definition of “new academic term” for “2004”, substitute “2005”.

(7) For the definition of “new payment”, substitute—

““new payment” means a payment made under these Regulations as amended by the Education (Mandatory Awards) (Amendment) Regulations 2004 and the Education (Mandatory Awards) (Amendment) Regulations 2005;”.

(8) For the definition of “old payment”, substitute—

““old payment” means a payment which would have been made under these Regulations, as amended by the Education (Mandatory Awards) (Amendment) Regulations 2004 and the Education (Mandatory Awards) (Amendment) (No.2) Regulations 2004, if they had not been amended by the Education (Mandatory Awards) (Amendment) Regulations 2005;”.

7.—(1) Regulation 7 is amended in accordance with this regulation.

(2) In paragraph 1(1)(a) and (b) for “2003” where it occurs, substitute “2004”.

8.—(1) Regulation 10 is amended in accordance with this regulation.

(2) For paragraph (1)(d)(i), substitute—

“(i) a full-time course for the initial teacher training of teachers (other than a course for the degree of Bachelor of Education) provided—

(aa) by a publicly funded institution; or

(bb) where a private institution is a training provider within the meaning of section 78 of the 2005 Act or an eligible institution within the meaning of section 86 of the 2005 Act, by a public institution in conjunction with such a private institution; or

(cc) by a private institution of the type referred to in (bb);”.

9.—(1) Regulation 11 is amended in accordance with this regulation.

(2) After paragraph (2)(d), insert—

“(dd) in the case of a category 2 European student who—

(i) started a designated course on or after 1st September 2004 but before 1st September 2005; and

(ii) is applying for an award in respect of that course,

where the application reaches the authority by 1st January 2006.”.

10.—(1) Regulation 13 is amended in accordance with this regulation.

- (2) After paragraph (1), insert—
- “(1A) Paragraph 1(a) to (c) shall not apply in the case of a category 2 European student.”.
- 11.**—(1) Schedule 1 is amended in accordance with this regulation.
- (2) For paragraph (iii), substitute—
- “(iii) in the case of a course at the University of Buckingham, £2,770 payable in four instalments of £692, £692, £693 and £693; in the case of a course at the Guildhall School of Music, £4,250 payable in three instalments of £1,416, £1,417 and £1,417; and in the case of a course at Heythrop College, £2,095 payable in three instalments of £698, £698 and £699;”.
- 12.**—(1) Schedule 2 is amended in accordance with this regulation.
- (2) In paragraph 13(4)—
- (a) in sub-paragraph (a), omit “and has not made an election under paragraph (3) of Schedule 4”;
- (b) in sub-paragraph (b)—
- (i) after “is” in the first place it appears, insert “not”;
- (ii) omit “and has not made an election under paragraph (3) of Schedule 4”.
- (3) In paragraph 14—
- (a) in sub-paragraph (1), omit “has not made an election under paragraph (3) of Schedule 4 and he”;
- (b) in sub-paragraph (3) for “paragraph 13(2)” in the second and third places it appears, substitute “sub-paragraph (2)”;
- (c) in sub-paragraph (9) for the definition of “approved childcare provider”, substitute—
- ““approved childcare provider” means a childcare provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999⁽⁵⁾ or the Tax Credits (Approval of Child Care Providers) Scheme 2005⁽⁶⁾; and”.
- 13.**—(1) Schedule 3 is amended in accordance with this regulation.
- (2) In paragraph 1—
- (a) for sub-paragraph (1)(c), substitute—
- “(c) any grant to facilitate teacher training paid to the student under Part 2 of the Education Act 2002 or section 78 of the 2005 Act, any payment made in respect of the student’s training as a teacher by an institution to which grants, loans or other payments for that purpose are provided under section 78 or 86 of the 2005 Act or under section 65(3) of the Further and Higher Education Act 1992;”;
- (b) in sub-paragraph (3) after “European student”, insert “or a category 2 European student”.
- (3) For paragraph 4(2), substitute—
- “(2) Where a contribution is ascertained in respect of more than one child of the student’s parent the aggregate of the contributions shall not exceed the contribution that would be ascertained if only one child held such an award or, if that amount is different in respect of each child, the lower, or as the case may be, lowest such amount.

(5) S.I. 1999/3110.

(6) S.I. 2005/93.

(2A) The amount or, where a contribution is ascertained in respect of more than one child of the student's parent, the aggregate amount of the parental contribution ascertained under this Part shall in no case exceed £7,250.”.

(4) For paragraph 4(4) to (6), substitute—

“(4) Subject to sub-paragraphs (5) and (6), for any year in which a statutory award under these Regulations, the Education (Student Support) Regulations 2005 or section 63 of the Health Services and Public Health Act 1968 (and no other statutory award) is held by more than one child of the student's parent, the parental contribution payable in respect of the student shall be an amount equal to the aggregate of the contributions ascertained in accordance with this Part divided by the number of children of his parent who hold a relevant statutory award.

(5) Subject to sub-paragraph (6), if, as a result of the apportionment under sub-paragraph (4), any part of the parental contribution ascertained in accordance with this Part would not be applied in respect of the student's statutory award, the remainder of the contribution shall be applied—

- (a) first in relation to the smallest statutory award (or equally to each such award) to which the contribution may be applied; and
- (b) then to the remaining statutory award to which the contribution may be applied or, if there is more than one remaining statutory award to which the contribution may be applied, equally to each such award.

(6) If, after apportioning the remaining parental contribution equally under sub-paragraph 5(b)—

- (a) any amount of the parental contribution ascertained under this Part still has not been applied; and
- (b) there remains one or more statutory awards to which the contribution may be applied,

the balance of the contribution shall be applied to the remaining statutory award or awards, in increasing order of size, to which the contribution may be applied, until there remains no such statutory award to which the contribution has not been applied.”.

14.—(1) Schedule 4 is amended in accordance with this regulation.

(2) For paragraph 2(2), substitute—

“(2) In the case of such a student the sum to be disregarded under paragraph 1(1)(a) of Schedule 3 shall be £2,055 instead of £945.”.

(3) Omit paragraph 3.

15.—(1) Schedule 5 is amended in accordance with this regulation.

(2) In paragraph 1(4) for “references to Schedules 2 and 3 are to be construed as references to those Schedules”, substitute “references to Schedule 3 are to be construed as references to that Schedule”.

(3) In paragraph 3(c) omit “except that where such a requirement falls to be increased under paragraph 16 it shall be increased by the prescribed proportion or the sum there specified”.

16. The figures in the third column of the table in Schedule 1 to these Regulations are substituted for the figures in the second column where they appear in the provisions of the Principal Regulations set out in the first column of the table.

17. The Principal Regulations are also amended in accordance with Schedule 2.

Modifications applying while the Civil Partnership Act 2004 is not in force

18. During such time as section 1 of the Civil Partnership Act 2004(7) is not in force in England and Wales, regulation 17 and Schedule 2 to these Regulations shall not have effect.

26th July 2005

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