

2007 No. 1629

EDUCATION, ENGLAND AND WALES

**The Education (Mandatory Awards) (Amendment) Regulations
2007**

Made - - - - - *7th June 2007*

Laid before Parliament *15th June 2007*

Coming into force in accordance with regulation 2

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

Citation, commencement and interpretation

1. These Regulations may be cited as the Education (Mandatory Awards) (Amendment) Regulations 2007.

2.—(1) Except as provided by paragraph (2) these Regulations come into force on 16th July 2007.

(2) Regulations 4, 10 and 13 come into force on 1st September 2007.

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

Revocation

4. The following provisions of the Education (Mandatory Awards) (Amendment) Regulations 2006(d) are revoked—

- (a) regulation 15; and
- (b) the Schedule.

Amendment of the Principal Regulations

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

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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(c.11), section 4; section 4 was amended by the Education Act 1994 (c.30), Schedule 2, paragraph 2; the entire Act was repealed by the Teaching and Higher Education Act 1998 (c.30), section 44(2) and Schedule 4, subject to the transitional and saving provisions set out in the Teaching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 3.
 - (b) 1973 c.16; section 3 was repealed by the Teaching and Higher Education Act 1998 (c.30), section 44(2) and Schedule 4, subject to the transitional and saving provisions set out in the Teaching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 No. 4 and Transitional Provisions) Order 1998 (S.I. 1998/3237).
 - (c) S.I. 2003/1994, as amended by S.I. 2004/1038, S.I. 2004/1792, S.I. 2005/2083 and S.I. 2006/930.
 - (d) S.I. 2006/930.

- 6.**—(1) Regulation 2 is amended as follows.
- (2) After the definition of “Certificate in Education”, insert—
- ““child of a Turkish worker” means a person who falls within paragraph 12 of Schedule 5A;”.
- (3) In the definition of “new academic term” for “2006”, substitute “2007”.
- (4) 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, the Education (Mandatory Awards) (Amendment) (No. 2) Regulations 2004, the Education (Mandatory Awards) (Amendment) Regulations 2005, the Education (Mandatory Awards) (Amendment) Regulations 2006 and the Education (Mandatory Awards) (Amendment) Regulations 2007;”.
- (5) 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, the Education (Mandatory Awards) (Amendment) (No. 2) Regulations 2004, the Education (Mandatory Awards) (Amendment) Regulations 2005 and the Education (Mandatory Awards) (Amendment) Regulations 2006, if they had not been amended by the Education (Mandatory Awards) (Amendment) Regulations 2007;”.
- (6) After the definition of “Switzerland Agreement”, insert—
- ““Turkish worker” means a Turkish national who—
- (a) is ordinarily resident in the British Islands; and
- (b) is, or has been, lawfully employed in the United Kingdom;”.
- 7.**—(1) Regulation 7 is amended as follows.
- (2) In paragraph (1)(a) and (b) for “2005”, wherever it occurs, substitute “2006”.
- 8.**—(1) Regulation 11 is amended as follows.
- (2) For paragraph (2)(dg), substitute—
- “(dg) in the case of a person who—
- (i) acquires the right of permanent residence as defined in Part 1 of Schedule 5A;
- (ii) becomes a person described in paragraph 6(1)(a) of Part 2 of Schedule 5A;
- (iii) becomes a family member of an EC national;
- (iv) becomes the child of a Swiss national; or
- (v) becomes the child of a Turkish worker,
- where the application reaches the authority not later than four months after the date on which he acquired that right or status;”.
- (3) After paragraph (2)(dg), insert—
- “(dh) in the case of a child of a Turkish worker who—
- (i) started a designated course on or after 1st September 2006 but before 1st September 2007; and
- (ii) is applying for an award in respect of that course,
- where the application reaches the authority by 16th November 2007;”.
- 9.**—(1) Regulation 25 is amended as follows.
- (2) In paragraph (6)(a)(iv) omit “or”.
- (3) After paragraph (6)(a)(iv) insert—
- “(v) the child of a Turkish worker; or”.

(4) For paragraph (8)(a) substitute—

“(a) from the sum payable in respect of fees under regulation 17 any amount payable before the date on which—

- (i) the student became a European student;
- (ii) the relevant person was recognised as a refugee;
- (iii) the student acquired the right of permanent residence;
- (iv) the student became a person described in paragraph 6(1)(a) of Part 2 of Schedule 5A;
- (v) the student became the child of a Swiss national; or
- (vi) the student became the child of a Turkish worker; and”

10.—(1) Schedule 1 is amended as follows.

(2) For paragraph (iii), substitute—

“(iii) in the case of a course at the University of Buckingham, £2,905 payable in four instalments of £726, £726, £726 and £727;”.

11.—(1) Schedule 3 is amended as follows.

(2) In paragraph 1(3) of Part 1 for “or a Directive student”, substitute “, a Directive student or a child of a Turkish worker”.

(3) In paragraph 4(4) of Part 2 for “the Education (Student Support) Regulations 2006”, substitute “the Education (Student Support) Regulations 2007(a)”.

12.—(1) Schedule 5A is amended as follows.

(2) For paragraph 1(3), substitute—

“(3) For the purposes of this Schedule, a person is to be treated as ordinarily resident in the British Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey if he would have been so resident but for the fact that—

- (a) he;
- (b) his spouse or civil partner;
- (c) his parent; or
- (d) in the case of a dependent direct relative in the ascending line, his child or child’s spouse or civil partner,

is or was temporarily employed outside the relevant area.”.

(3) For paragraph 1(4), substitute—

“(4) For the purposes of sub-paragraph (3), temporary employment outside the British Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the British Islands as members of such forces;
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the European Economic Area and Switzerland as members of such forces; and
- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.”.

(4) After paragraph 11, insert—

(a) S.I. 2007/176

“Children of Turkish workers

12. A person who—

- (a) is the child of a Turkish worker; and
- (b) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.”.

13. The figures in the third column of the table in the Schedule 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.

Bill Rammell

Minister of State

Department for Education and Skills

7th June 2007

SCHEDULE

Regulation 13

NEW PAYMENT RATES

<i>Provision in the Principal Regulations</i>	<i>Existing figure (£)</i>	<i>New figure (£)</i>
Regulation 21		
21(3)	850	870
21(4)	1,160	1,185
21(4)(a)	1,445	1,480
21(4)(b)	1,250	1,280
Schedule 1		
Paragraph (i)	1,200	1,225
	600	610
Paragraph (ii)	1,125	1,150
Paragraphs (iv), (v), (vi) and (viii)	600	610
Schedule 2, Part 1		
Paragraph 2(2)	2,195	2,245
Paragraph 2(2)(a)	2,700	2,765
Paragraph 2(2)(b)	3,140	3,215
Paragraph 3	1,790	1,830
Schedule 2, Part 2		
Paragraph 5(2)(a)	51	52
Paragraph 5(2)(b)	77	79
Paragraph 5(2)(b)(i)	98	100
Paragraph 5(2)(b)(ii)	107	109
Paragraph 7(2)	285	290
Paragraph 9(2)(a)	12,135	12,420
Paragraph 9(2)(b)	4,795	4,905
Paragraph 9(2)(c)	1,605	1,640
Schedule 2, Part 3		
Paragraph 12(3)	3,530	3,610
Paragraph 13(1)	2,455	2,510
Paragraph 13(1)(b)	3,530	3,610

Paragraph 13(2)(b)(i)	1,075	1,100
Paragraph 13(2)(b)(ii)	3,225	3,300
Paragraph 13(2)(b)(iii) and (iv)	4,300	4,400
Paragraph 13(2)(b)(v)	5,380	5,505
Paragraph 13(4)(a)	1,400	1,435
Paragraph 13(4)(b)	1,400	1,435
	1,350	1,385
Paragraph 14(5)(b)(i)	1,075	1,100
Paragraph 14(5)(b)(ii)	3,225	3,300
Paragraph 14(5)(b)(iii) and (iv)	4,300	4,400
Paragraph 14(5)(b)(v)	5,380	5,505
Paragraph 14(7)(b)(i)	1,075	1,100
Paragraph 14(7)(b)(ii)	3,225	3,300
Paragraph 14(7)(b)(iii) and (iv)	4,300	4,400
Paragraph 14(7)(b)(v)	5,380	5,505
Schedule 3, Part 1		
Paragraph 1(1)(a)	970	995
Paragraph 1(1)(b)	4,570	4,675
Paragraph 1(1)(q)	3,680	3,765
Schedule 3, Part 2		
Paragraph 4(1)	22,560	23,085
	89	91
Paragraph 4(2A)	7,430	7,605
Paragraph 6(2)(a)	2,600	2,660
Paragraph 6(2)(d) and (e)	2,040	2,090
Paragraph 6(2)(g)	1,050	1,075
Schedule 3, Part 3		
Paragraph 8(2)	19,410	19,860
	89	91
	7,430	7,605
Schedule 3, Part 3A		
Paragraph 10(2)	19,410	19,860
	89	91
	7,430	7,605
Schedule 4		
Paragraph 2(2)	2,105	2,155
	970	995
Schedule 5		
Paragraph 4(a)	970	995

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Mandatory Awards) Regulations 2003 (S.I. 2003/1994), as amended (the “Principal Regulations”). The Principal Regulations ensure that students who began their courses before 1st September 1998, and certain other students, continue to receive mandatory awards and payments under those awards until the end of their courses.

Regulation 10 specifies increases in the rates of fee awards in relation to courses at the University of Buckingham. Increases in relation to other fee awards and grants are provided for in regulation 13 and set out in the Schedule to these Regulations.

Regulation 6 amends the Principal Regulations so that the new payment rates prescribed in the Schedule to these Regulations shall only apply in relation to an academic term which commences on or after 1st September 2007. Where an academic year starts before 1st September 2007, but ends after 1st September 2007, the old payment and new payment rates shall be applied proportionally.

These Regulations also amend the Principal Regulations to comply with article 9 of Decision No 1/80 of the Association Council of 19th September 1980 on the development of the Association between the European Community and Turkey (“the Decision”).

Article 9 of the Decision provides: “Turkish children residing legally in a Member State of the Community with their parents who are or have been legally employed in that Member State, shall be admitted to courses of general education, apprenticeship and vocational training under the same educational entry qualifications as the children of nationals of that Member State. They may in that Member State be eligible to benefit from the advantages provided for under the national legislation in this area”.

These Regulations also revoke in part the Education (Mandatory Awards) (Amendment) Regulations 2006.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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