

2003 No. 1065

EDUCATION, ENGLAND AND WALES

**The Education (Student Support) (No. 2) Regulations 2002
(Amendment) Regulations 2003**

<i>Made</i> - - - -	<i>7th April 2003</i>
<i>Laid before Parliament</i>	<i>11th April 2003</i>
<i>Coming into force</i> - -	<i>2nd May 2003</i>

The Secretary of State for Education and Skills, in exercise of the powers conferred upon him by sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998(a), hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2003 and shall come into force on 2nd May 2003.
2. The Education (Student Support) (No. 2) Regulations 2002(b) shall be amended in accordance with these Regulations.

Revocation

3. The Education (Student Support) (Amendment) (No. 3) Regulations 2002(c) shall be revoked on 1st September 2003.

Amendments to the Regulations

- 4.—(1) Regulation 12 shall be amended as follows.
 - (2) In the first line of paragraph (3)(e)(i) for “Strategy” substitute “Strategic”.
- 5.—(1) Regulation 16 shall be amended as follows.
 - (2) In paragraph (1) for “who is not and whose spouse is not entitled to” substitute “and who has elected, or whose spouse has elected, not to receive”.
- 6.—(1) Regulation 19 shall be amended as follows.
 - (2) In paragraphs (1)(b)(i)(b) and (c), (2)(b)(i)(b) and (c) and (10)(b)(i)(b) and (c) omit “in aggregate” before “in the academic year” and after “half the time” insert “in aggregate of any quarter”.
 - (3) In paragraph (6)—

(a) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146.
(b) S.I. 2002/3200.
(c) S.I. 2002/3059.

- (a) for “Where” substitute “Subject to paragraph (6A), where”; and
 - (b) in sub-paragraph (b) omit “or at an institution within the area comprising the City of London and the Metropolitan Police District.”
- (4) After paragraph (6) insert—

“(6A) Where an eligible student attends—

- (a) a course at an institution other than the University of London which requires attendance for at least half the time in aggregate of any quarter of the course in the academic year at a site within the area comprising the City of London and the Metropolitan Police District, or
- (b) a sandwich course at an institution other than the University of London which requires him to undertake work experience or a combination of work experience and study provided that he undertakes such work experience or combination of work experience and study for at least half the time in aggregate of any quarter of the course in the academic year at a site or sites within the area comprising the City of London and the Metropolitan Police District,

the maximum amount of loan for living costs for the relevant quarter shall be one third of the maximum amount applicable for the academic year under paragraph (1)(b)(i) or, as the case may be, (2)(b)(i).”

(5) In paragraph (7)—

- (a) in the first line for “applicable rates for each” substitute “the applicable rate for any”; and
- (b) omit “, and the maximum amount for the academic year shall be the aggregate of the three amounts so determined”.

(6) In paragraph (8) after “(6)” in the fourth line insert “, (6A)”

7.—(1) Regulation 23 shall be amended as follows.

(2) In the first line of paragraph (1) for “loans” substitute “loan”.

(3) For paragraph (2) substitute—

“(2) Subject to paragraph (3), where the contribution exceeds the maximum amount of grant referred to in paragraph (1)(a) that maximum amount shall be reduced to nil, and the excess of the contribution shall be available—

- (a) first, to reduce or extinguish the maximum amount of grants referred to in paragraph (1)(b), if any;
- (b) second, to reduce or extinguish the maximum amount of loan referred to in paragraph (1)(c), if any; and
- (c) third, to reduce or extinguish the maximum amount of grant referred to in paragraph (1)(d), if any.”.

(4) In the first line after paragraph (3)(b) for “amount of grant referred to in paragraph (1)(b)” substitute “amounts of grant or loan referred to in paragraph (1)”.

(5) In paragraphs (5)(b)(i)(b) and (c) and (6)(b)(i)(b) and (c) omit “in aggregate” before “in the academic year” and after “half the time” insert “in aggregate of any quarter”.

(6) In paragraph (7) for “the Secretary of State determines that” substitute “or (6A)”.

(7) In paragraph (8) omit “which the Secretary of State has determined shall be”.

8.—(1) Regulation 26 shall be amended as follows.

(2) In paragraph (2) omit “other than a grant for dependants under regulations 15 and 16” in the first and second lines and in both instances where it occurs in sub-paragraph (a).

(3) In paragraph (2)(b) omit “(other than a grant for dependents under regulations 15 and 16)”.

(4) Omit paragraph (3).

9.—(1) Regulation 29 shall be amended as follows.

(2) In paragraph (11) in the definition of “income” for “2000” substitute “2002”.

10.—(1) Paragraph 4 of Schedule 3 shall be amended as follows.

(2) In sub-paragraph (1)—

- (a) for “The parental contribution shall subject to sub-paragraphs (2) and (3) be in” substitute “In”;
- (b) after “£20,970 or more” insert “the parental contribution shall subject to sub-paragraphs (2) to (6) be”;
- (c) after “£9.50 by which” for “it” substitute “the residual income”; and
- (d) after “other than the” insert “eligible”.

(3) For sub-paragraph (2) substitute—

“(2) For the purposes of this paragraph—

- (a) the amount or (where a contribution is ascertained in respect of more than one child of the eligible student’s parent) the aggregate amount of the parental contribution shall in no case exceed £6,910; and
- (b) where a contribution is ascertained in respect of more than one child of the eligible student’s parent the aggregate of the contributions shall not exceed the contribution that would be ascertained if only one child held an award or, if that amount is different in respect of each child, the lower or (as the case may be) lowest such amount.”.

(4) In sub-paragraph (3)—

- (a) in the first line after “statutory award” insert “other than one referred to in sub-paragraph (4)”;
- (b) in paragraph (a) after “of the” insert “eligible student’s”;
- (c) in the first line after paragraph (c) for “for the” substitute “in respect of”;
- (d) omit “; provided that where a contribution is ascertained in respect of more than one child of the parent the aggregate amount of the contributions in respect of each shall not exceed the amount of the contribution that would be ascertained if only one child held 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) After sub-paragraph (3) insert—

“(4) For any year in which a statutory award under these Regulations, the Education (Mandatory Awards) Regulations 2002 or section 63 of the Health Services and Public Health Act 1968^(a) but no other statutory award is held by—

- (a) more than one child of the eligible student’s parent;
- (b) his parent; or
- (c) his step-parent,

the parental contribution in respect of the eligible student shall subject to sub-paragraphs (5) and (6) be such proportion of any contribution ascertained in accordance with this Part as is equal to the proportion in respect of the other or (as the case may be) each other statutory award holder.

(5) Subject to sub-paragraph (6), if by apportioning the parental contribution in accordance with sub-paragraph (4) it would not all apply to statutory awards and one or more statutory award holders would hold any statutory award to which it could have applied but for the apportionment, the parental contribution shall instead apply—

^(a) 1968 c. 46.

- (a) first to the statutory award of the or (as the case may be) each statutory award holder eligible for the smallest aggregate amount of statutory award to which the contribution may apply, and
 - (b) then to the statutory award of the remaining statutory award holder or, if there is more than one remaining statutory award holder, equally to the statutory award of each.
- (6) If by apportioning the parental contribution equally in accordance with sub-paragraph (5)(b)—
- (a) it would not all apply, and
 - (b) one or more remaining statutory award holders would hold any statutory award to which it could have applied but for the apportionment

it shall instead apply first to the statutory award of the (or as the case may be) each remaining statutory award holder eligible for the next smallest aggregate amount of statutory award to which it may apply until the balance can be apportioned equally without any remaining statutory award holder holding any statutory award to which it could have applied but for the apportionment.”.

11.—(1) Paragraph 6 of Schedule 3 shall be amended as follows.

(2) In sub-paragraph (2)(h) after “legislation of another” insert “Member State”.

7th April 2003

Margaret Hodge
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) (No. 2) Regulations 2002 (“the Student Support Regulations”).

The Regulations revoke the Education (Student Support) (Amendment) (No. 3) Regulations 2002 on 1st September 2003 (*regulation 3*).

Changes of substance made by these Regulations are described below.

The amendments to regulations 12 and 29 and paragraph 6 of Schedule 3 correct drafting errors (*regulations 4, 9 and 11 respectively*).

Regulation 16(1) is amended to provide that unless an eligible student or his spouse has elected not to receive the childcare element of the working tax credit he cannot be eligible for a grant in respect of childcare costs (*regulation 5*).

Regulations 19(1), (2) and (10) and 23(5) and (6) are amended to provide for the London rate of loan to apply in respect of any quarter of a course which requires attendance or the undertaking of work experience, or a combination of the two, for at least half the time in aggregate of that quarter within the London area (*regulations 6(2) and 7(5)*).

Regulation 19 is further amended as follows. Paragraph (6) is amended to omit eligible students attending courses within the London area (other than courses at the University of London) from being subject to the Secretary of State’s determination as to which rates of loan shall apply for each quarter (*regulation 6(3)*). A new paragraph (6A) is inserted to prescribe the rate of loan for each relevant quarter for an eligible student who attends a course (other than a course at the University of London) which requires attendance or the undertaking of work experience, or a combination of the two, for at least half the time in aggregate of that quarter within the London area (*regulation 6(4)*). The amendments to paragraphs (7) and (8) are consequential to the amendments to paragraph (6) and the new paragraph (6A) (*regulation 6(5) and (6)*).

Regulation 23 is further amended as follows. A new paragraph (2) allows the notional up-rating of the fee grant where the balance of the assessed contribution can be used to reduce or extinguish the amount of support other than fee or dependants grant for which the student is eligible (*regulation 7(3)*). Consequential amendments are made to paragraphs (3), (7) and (8) (*regulation 7(4), (6) and (7)*).

Regulation 26 is amended so that all overpayments including overpayments of grants for dependants under regulations 15 and 16 are recoverable in the same ways (*regulation 8(2) to (4)*).

Paragraph 4 of Schedule 3 is amended so that: a parental contribution in respect of more than one child cannot exceed the parental contribution that would apply if only that child held an award (*regulation 10(3)*); the Secretary of State’s discretion to determine how to apportion the parental contribution shall only apply where a statutory award other than one under the Student Support Regulations, the Education (Mandatory Awards) Regulations 2002 or section 63 of the Health Services and Public Health Act 1968 is held by any of the specified persons (*regulation 10(4)*); and the parental contribution is apportioned equally where sub-paragraph (3) does not apply and subject to exceptions (*regulation 10(5)*). Consequential amendments are made to sub-paragraphs (1) and (3) (*regulation 10(2)(b) and (4)(d)*).

STATUTORY INSTRUMENTS

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