

2004 No. 1602

EDUCATION, ENGLAND AND WALES

**The Education (Student Support) (No. 2) Regulations 2002
(Amendment) (No. 2) Regulations 2004**

Made - - - - - *23rd June 2004*
Laid before Parliament *1st July 2004*
Coming into force - - - *1st September 2004*

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, commencement and interpretation

1. These Regulations may be cited as the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 2) Regulations 2004 and shall come into force on 1st September 2004.
2. In these Regulations, “the 2002 Regulations” means the Education (Student Support) (No. 2) Regulations 2002(b).
3. In these Regulations, “the 2004 Regulations” means the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2004(c).

Amendment of the 2004 Regulations

4. The 2002 Regulations are amended as follows.
5. In regulation 17A (as inserted by regulation 10 of the 2004 Regulations), in place of paragraph (2) as so inserted, substitute the following:

“(2) An eligible student shall not be eligible for a grant under paragraph (1) unless he is on a course which begins on or after 1st September 2004, and for the purpose of this paragraph “course” shall not include:

 - (a) an end-on course which relates to a course which begins before 1st September 2004; or
 - (b) a course attended by an eligible student –
 - (i) which begins on or after 1st September 2004; and
 - (ii) to which that student transferred his eligibility under regulation 7 of these Regulations from a course which began before 1st September 2004.”

(a) 1998 c.30. Section 22 was amended by section 146 of the Learning and Skills Act 2000 (c.21).
(b) S.I. 2002/3200, amended by S.I.2003/1065, S.I.2003/3280 and S.I. 2004/161
(c) S.I. 2004/161.

6. In regulation 27 (as substituted by Schedule 1 to the 2004 Regulations), in place of paragraph (3) as so substituted, substitute the following:

“(3) Subject to and in accordance with the following paragraphs, an eligible part-time student shall be eligible for assistance if, in respect of each year of his part-time course, he is resident in England and Wales on the first day of the academic year.”

In Schedule 3 (as inserted by Schedule 2 to the 2004 Regulations), in place of paragraph 4(6) as so inserted, substitute the following:

“(6) Where the eligible student’s parent satisfies the Secretary of State that his income is wholly or mainly derived from the profits of a business or profession carried on by him, then any reference in this Schedule to a preceding financial year shall mean the earliest period of twelve months which ends after the start of the preceding financial year and in respect of which accounts are kept relating to that business or profession.”

23rd June 2004

Alan Johnson
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 (as amended by the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2004).

Regulation 17A(2) of the 2002 Regulations as inserted by regulation 10 of the 2004 Regulations is amended to change the requirements of eligibility for the higher education grant. The grant will only be available to an eligible student attending a course which begins on or after 1st September 2004. The grant will not be available to a student attending an end-on course related to a course which begins before 1st September 2004 or a student whose eligibility for receipt of student support has been transferred by the Secretary of State from a course which began before 1st September 2004 to a course which begins on or after 1st September 2004.

Regulation 27(3) of the 2002 Regulations as inserted by Schedule 1 to the 2004 Regulations is amended to change the requirements of eligibility for assistance for part-time students. To obtain assistance for each year of a course an eligible part-time student must be resident in England and Wales on the first day of each academic year of the course.

Paragraph 4(6) of Schedule 3 to the 2002 Regulations, as inserted by Schedule 2 to the 2004 Regulations, is amended to change the accounting year in respect of which means tested support is calculated where a student’s parent is self employed. This will now be the parent’s accounting year which ends in the financial year preceding the relevant academic year in respect of which an application for grant has been made.

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