

**2006 No. 141**

**EDUCATION, ENGLAND**

**The Education (Supply of Student Support Information to  
Governing Bodies) Regulations 2006**

<i>Made</i>	- - - -	<i>25th January 2006</i>
<i>Laid before Parliament</i>		<i>2nd February 2006</i>
<i>Coming into force</i>	- -	<i>1st March 2006</i>

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by sections 45 and 47(5) of the Higher Education Act 2004(a):

**Citation, commencement and interpretation**

1. These Regulations may be cited as the Education (Supply of Student Support Information to Governing Bodies) Regulations 2006 and shall come into force on 1st March 2006.

2. In these Regulations—

“2004 Act” means the Higher Education Act 2004;

“applicant” means a person who makes a student support application;

“applicant’s sponsor” means an applicant’s parent or partner or an applicant’s parent’s partner who is required under the student support scheme(b) to provide information in connection with the applicant’s student support application;

“governing body” means a person falling within section 45(2)(a) of the 2004 Act;

“student support application” means an application for support payable under the student support scheme for an academic year commencing on or after 1st September 2006;

“student support authority” means—

(a) the Secretary of State;

(b) any authority falling within section 45(7)(b) of the 2004 Act; and

(c) any person falling within section 45(7)(c) of the 2004 Act.

**Supply of student support information**

3.—(1) Subject to regulation 4, a student support authority may supply student support information of a description prescribed in regulation 5 to a governing body for the purposes prescribed in paragraph (2).

(2) The prescribed purposes are the purposes of assisting the governing body—

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(a) 2004 c.8.

(b) Student support scheme is defined in section 45(8) of the Higher Education Act 2004. The most recent regulations made under section 22 of the Teaching and Higher Education Act 1998 are the Education (Student Support) Regulations 2006 (S.I. 2006/119).

- (a) to determine whether the applicant is eligible for a bursary (or other form of financial assistance) offered by that body and if so, the amount of bursary (or other form of financial assistance) payable to the applicant; and
- (b) to pay to the applicant the amount of bursary (or other form of financial assistance) the governing body has determined to be payable to him.

**Prescribed student support information only to be supplied with consent**

4.—(1) A student support authority may supply student support information of the description prescribed in regulation 5(a) or (c) only with the consent of the applicant.

(2) A student support authority may supply student support information of the description prescribed in regulation 5(b) only with the consent of the applicant's sponsor.

**Prescribed student support information**

5. Student support information is of the prescribed description if it is—

- (a) information supplied to a student support authority by the applicant in connection with his student support application;
- (b) information supplied to a student support authority by the applicant's sponsor in connection with the applicant's student support application;
- (c) information which relates to—
  - (i) the applicant's status as an eligible student, eligible part-time student or eligible postgraduate student<sup>(a)</sup> for the purposes of the student support scheme;
  - (ii) the applicant's qualification for financial support payable under the student support scheme;
  - (iii) the calculation of the amount of financial support payable to the applicant under the student support scheme; or
  - (iv) the amount of financial support payable to the applicant under the student support scheme.

25th January 2006

*Bill Rammell*  
Minister of State  
Department for Education and Skills

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(a) "Eligible student", "eligible part-time student" and "eligible postgraduate" student are currently defined in the Education (Student Support) Regulations 2006 (S.I. 2006/119).

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are the first made under section 45 of the Higher Education Act 2004.

Section 45 gives the Secretary of State the power to make regulations providing for a student support authority to supply student support information of a prescribed description to a prescribed person for a prescribed purpose.

A “student support authority” includes: the Secretary of State, a local authority or governing body to whom student support functions have been transferred under section 23(1) of the Teaching and Higher Education Act 1998 and a person to whom student support functions have been delegated under section 23(4) of the Teaching and Higher Education Act 1998.

These regulations enable the Secretary of State, local authorities to whom student support functions have been transferred and the Student Loans Company (being a person to whom functions have been delegated under section 23(4) of the 1998 Act) to supply information provided in connection with an application for student support either by the student himself or his sponsors to governing bodies of institutions providing courses which are designated for the purposes of the student support scheme. The Regulations also enable these student support authorities to supply to governing bodies information which is derived from the application, such as whether the student is an eligible student within the meaning of the student support scheme or the amount of student support payable to the student under that scheme.

This information may only be supplied for the purpose of assisting governing bodies to determine whether a student who has applied for student support is eligible for a bursary (or other form of financial assistance) offered by the relevant institution and the amount of the bursary or other financial assistance payable to that student and also, if relevant, to make the necessary payment to the student.

No information may be supplied under these Regulations without, in the case of information provided by the applicant or derived from the application, the applicant’s consent and, in the case of information provided by the sponsor, the sponsor’s consent.

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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