
STATUTORY INSTRUMENTS

2010 No. 2546

EDUCATION, ENGLAND

**The Education (Student Support) Regulations
2009 (Amendment) Regulations 2010**

Made - - - - 18th October 2010
Laid before Parliament 21st October 2010
Coming into force in accordance with regulation 1

The Secretary of State for Business, Innovation and Skills makes the following Regulations in exercise of the powers conferred by sections 22 and 42(6) of the Teaching and Higher Education Act 1998(1):

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Support) Regulations 2009 (Amendment) Regulations 2010.

(2) These Regulations come into force on the 22nd day after these Regulations are laid before Parliament.

(3) These Regulations apply in relation to England(2).

Amendment of the Education (Student Support) Regulations 2009

2. The Education (Student Support) Regulations 2009(3) are amended in accordance with regulations 3 to 34 and the Schedule.

3. In regulation 2(1), for the definition of ““bursary year”” substitute—

““bursary year” means an academic year of a course in relation to which the student is eligible to apply for a healthcare bursary or a Scottish healthcare allowance, the amount of which is calculated by reference to that student’s income whether or not the calculation results in a nil amount.”.

(1) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11; the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6; the Finance Act 2003 (c. 14), section 147; the Higher Education Act 2004 (c. 8), sections 42, 43 and Schedule 7 and the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 257(1) and (2). See section 43(1) of the 1998 Act for the definition of “prescribed” and “regulations”.

(2) In relation to Wales, the functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 were transferred to the Welsh Ministers under section 44 of the Higher Education Act 2004 except so far as they relate to the making of any provision authorised by subsection (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22.

(3) S.I. 2009/1555.

4. In regulation 2(1), within sub-paragraph (d) of the definition of ““end-on course””, for “lower level full-time or part-time higher education course, or undertake a compressed degree course or a designated distance learning course” substitute “full-time or part-time higher education course, or to undertake a designated distance learning course mentioned in paragraph 2, 3 or 4 of Schedule 2 or a foundation degree course having achieved a qualification”.

5. In regulation 2(1) within the definition of ““Erasmus year””, for “and all the periods of study during the academic year are at an institution outside the United Kingdom” substitute—

“and—

- (a) all the periods of study during the academic year are attended at an institution outside the United Kingdom; or
- (b) all the periods of work placement during the academic year are attended at a workplace outside the United Kingdom”.

6. In regulation 2(1) after the definition of ““healthcare bursary””, insert—

““higher education bursary” means an amount paid by a local authority in England under section 23C(5A) of the Children Act 1989(4);”.

7. In regulation 2(1), for the definition of ““preliminary course””, substitute—

““preliminary course” means a course mentioned in paragraph 2, 3 or 4 of Schedule 2, or overseas equivalent, that is taken before a full-time degree course (other than a first degree course for the initial training of teachers) or a foundation degree course, or overseas equivalent, taken before a full-time honours degree course, as the case may be;

8. In regulation 2(5)(b), after “sub-paragraph (a)” insert “is an honours degree from an institution in the United Kingdom or”.

9. In regulation 2(10)(a)(i), after “teachers” insert “or an academic year of a designated course that is an Erasmus year”.

10. In regulation 5(3)(c), for “there has been bestowed on, or paid to, A” substitute “A is eligible to apply for,”.

11. For regulation 6(1)(b)(iii), substitute—

“(iii) a course for the initial training of teachers which—

- (aa) begins before 1st September 2010; or
- (bb) begins on or after 1st September 2010 where the student transfers to the current course pursuant to regulation 8 from a course for the initial training of teachers which began before 1st September 2010;”.

12. For regulation 23(2)(b)(i), substitute—

“(i) has completed a course mentioned in paragraph 2, 3 or 4 of Schedule 2 or overseas equivalent, or a foundation degree course or overseas equivalent, on a full-time, part-time or full-time distance learning basis having achieved a qualification;”.

13. After regulation 39(2)(a), insert—

“(aA) a student on a period of study or period of work placement in an Erasmus year;”.

14. In regulation 42(2)(f), after “section 24 of that Act;” omit “and”.

15. In regulation 42(2)(g), after “the Tax Credits Act 2002” insert—

(4) 1989 c. 41; Section 23C(5A) of the Children Act 1989 was inserted by section 21(2) of the Children and Young Persons Act 2008 (c.23) and was commenced by the Children and Young Persons Act 2008 (Commencement No.2) (England) Order 2009 (S.I.2009/2273).

- “; and
- (h) a higher education bursary paid to the dependant”.
16. In regulation 48(a), after “period of study” insert “or period of overseas work placement in an Erasmus year”.
17. In regulation 48(b), after “Institute” insert “or overseas workplace in an Erasmus year”.
18. In regulation 49(b), after “Institute” insert “or overseas workplace in an Erasmus year”.
19. In regulation 52, after “Institute” insert “or overseas workplace in an Erasmus year”.
20. For regulation 67(2)(c), substitute—
- “**(c)** the current system student is eligible to apply for a healthcare bursary or a Scottish healthcare allowance, the amount of which is calculated by reference to that student’s income whether or not the calculation results in a nil amount in respect of any academic year of the course; or”.
21. After regulation 83(2)(a), insert—
- “(aA) a student on a period of study or period of work placement in an Erasmus year;”.
22. In regulation 87(c)(i), omit “or”.
23. In regulation 87(c)(ii), after “Institute;” insert—
- “or
- (iii) attends an overseas work placement in an Erasmus year;”.
24. In regulation 116(3)(a), for “subject to paragraph (4), there has been bestowed on, or paid to, A” substitute “A is eligible to apply for;”.
25. Regulation 116(4), 120(3) and 123(3) are omitted.
26. In regulation 122(4)(f), after “the Tax Credits Act 2002” insert “and any higher education bursary”.
27. In regulation 133(3)(a), for “there has been bestowed on, or paid to, A” substitute “A is eligible to apply for;”.
28. In regulation 139(4)(f), after “the Tax Credits Act 2002” insert “and any higher education bursary”.
29. In regulation 141(5)(c)(ii), for “the institution” substitute “the Institute”.
30. In regulation 150(4)(a), for “there has been bestowed on, or paid to, A” substitute “A is eligible to apply for;”.
31. In paragraph 1(1) of Schedule 1, within the definition of ““family member””, for (a)(ii) substitute—
- “(ii) direct descendants of the person or of the person’s spouse or civil partner who are—
- (aa) under the age of 21; or
- (bb) dependants of the person or the person’s spouse or civil partner; or”.
32. After paragraph 5(3) of Schedule 4, insert—
- “(3A) In the event that sub-paragraph (3) or this sub-paragraph was applied in the previous academic year of the current course and the Secretary of State is satisfied that the residual income of A in the financial year beginning immediately before the relevant year (“the current financial year”) is likely to be not more than 85 per cent. of the sterling value of A’s residual income in the previous financial year the Secretary of State may, for the

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purpose of enabling the eligible student to attend the course without hardship, ascertain A's residual income for the current financial year.”.

33. In paragraph 5(4) to Schedule 4, after “sub-paragraph (3)” insert “and, where applicable under sub-paragraph (3A)”.

New payment rates for fee loans, grants for fees and fee contribution loans for the academic year beginning on or after 1st September 2011

34. The Schedule—

- (a) applies in relation to an academic year which begins on or after 1st September 2011; and
- (b) has effect to substitute the figures in the third column of the table for the figures in the second column where they appear in the regulations of the Education (Student Support) Regulations 2009 set out in the first column.

18th October 2010

David Willetts
Minister of State for Universities and Science
Department for Business, Innovation and Skills

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SCHEDULE

Regulations 2 and 34

NEW PAYMENT RATES FOR FEE LOANS, GRANTS
FOR FEES AND FEE CONTRIBUTION LOANS

<i>Provision in the Education (Student Support) Regulations 2009</i>	<i>Existing figure</i>	<i>New figure</i>
Regulation 24		
24(1)(a)	£3,290	£3,375
24(2)(a)	£1,640	£1,680
24(8)(a)	£3,290	£3,375
24(8)(a)	£1,640	£1,680
24(9)(a)	£3,290	£3,375
24(9)(a)	£1,640	£1,680
Regulation 31		
31(1)(a)	£1,310	£1,345
31(2)(a)	£650	£665
31(5)(a)	£2,345	£2,405
31(6)(a)	£4,775	£4,900
Regulation 32		
32(1)	£1,310	£1,345
32(2)	£650	£665
Regulation 33		
33(1)(a)	£1,225	£1,255
33(2)	£3,110	£3,190
Regulation 35		
35(2)(a)	£1,310	£1,345
35(2)(a)	£650	£665
Regulation 99		
99(5)	£1,310	£1,345

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) Regulations 2009 (“the 2009 Regulations”). The 2009 Regulations provide for financial support for students taking designated higher education courses in respect of an academic year beginning on or after 1st September 2010.

These Regulations make minor policy and technical changes to the 2009 Regulations and these changes are set out in the paragraphs below. These Regulations also, by regulation 34 and the Schedule, set out the increased payment rates for fee loans, grants for fees and fee contribution loans for full-time and sandwich courses which apply from 1st September 2011.

Regulation 3 makes a technical change to the definition of “bursary year” which clarifies that a “bursary year” covers all students eligible to apply for a means-tested healthcare or Scottish healthcare bursary whether or not they receive a payment. Regulation 10 clarifies that students who are eligible to apply for a non means-tested healthcare bursary or any allowance under the Nursing and Midwifery Student Allowance (Scotland) Regulations 2007 do not qualify for full-time fee loans and grants and loans for living costs. Regulation 20 clarifies that students eligible to apply for a means-tested healthcare bursary or Scottish healthcare allowance qualify for a loan for living costs. Regulations 24, 27 and 30 clarify that students who are eligible to apply for a means-tested or non means-tested healthcare bursary or allowance under the Nursing and Midwifery Student Allowance (Scotland) Regulations 2007 or certain other allowances, bursaries or awards, do not qualify for part-time and full-time distance learning grants, course grants and disabled students allowances or postgraduate disabled students allowances. Regulation 25 removes regulations 116(4), 120(3) and 123(3) in regard to disabled students.

Regulation 4 amends the definition of “end-on course”. The definition applies where a student attended or undertook certain courses where a qualification was achieved immediately before that student begins a full-time first degree course. Regulation 7 amends the definition of “preliminary course” to include only certain specified courses. Regulation 12 only includes certain courses where a qualification was achieved before a student begins their current course.

Regulation 5 makes a technical change to the definition of “Erasmus year” to include students undertaking work placements. Regulation 9 excludes an academic year of a designated course that is an Erasmus year from the definition of “sandwich course”. Regulations 13, 16, 17, 18, 19, 21, 22 and 23 make consequential amendments whereby students undertaking a work placement as part of an Erasmus year are eligible to apply for certain support.

Regulation 6 inserts a definition of “higher education bursary”. Regulations 14, 15, 26 and 28 exclude the higher education bursary from the definition of net income in relation to the dependants’ grants income assessment and from the household income assessment for full-time distance learning courses and part-time courses.

Regulation 8 amends regulation 2(5) in regard to the Secretary of State’s determination that a higher education qualification is an equivalent or lower qualification.

Regulation 11 makes a technical change to regulation 6(1)(b) whereby full and part-time courses for the initial training of teachers which began before 1st September 2010, or began on or after 1st September 2010 where the student transfers from a course for the initial training of teachers beginning before 1st September 2010, are designated as full-time courses.

Regulation 29 amends a typographical error in regulation 141(5).

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Regulation 31 amends the definition of “family member” within Schedule 1. This amendment replaces the reference to “child” with one that refers to direct descendants of the person or of the person’s spouse or civil partner who are under the age of 21 or dependants of the person or person’s spouse or civil partner.

Regulations 32 and 33 amend Schedule 4 whereby a student’s request for a second or subsequent current year financial assessment in successive academic years is based on ascertaining the previous year’s parental residual income.

An impact assessment has not been produced for this instrument as it has no impact on the cost of business, charities or the voluntary sector. The impact on the public sector is minimal.