

EXPLANATORY MEMORANDUM TO

THE FURTHER EDUCATION LOANS (AMENDMENT) REGULATIONS 2018

2018 No. 182

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 The purpose of the instrument is to make amendments to the Further Education Loans Regulations 2012 (S.I. 2012/1818) (“the 2012 Regulations”). This instrument sets out the maximum amount of fee loan available to a student for a designated further education course starting on or after 1st August 2018.
- 2.2 The instrument also adds a category for persons granted stateless leave in regulation 2 (interpretation), regulation 3 (eligible students), in regulation 7(b) (events) and in Part 2 of Schedule 1 to the 2012 Regulations.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 The instrument adds a new category for persons granted stateless leave in regulation 2 (interpretation), regulation 3 (eligible students), in regulation 7(b) (events) and in Part 2 of Schedule 1 to the 2012 Regulations. The new category will allow persons granted stateless leave and their eligible family members to qualify for the first time for loans.
- 3.2 These amendments reflect the introduction of a category for persons granted stateless leave by Higher Education (HE) colleagues to HE regulations, including the Education (Student Support) Regulations 2011 (S.I. 2011/1986).

Other matters of interest to the House of Commons

- 3.3 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 This instrument amends the 2012 Regulations and makes general provision in respect of income-contingent fee loans. The amendments introduced by this instrument will come into force for the 2018/19 academic year, commencing 1st August 2018.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is England and Wales.
- 5.2 The territorial application of this instrument is England.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

- 7.1 Section 22 of the Teaching and Higher Education Act 1998 enables the Secretary of State to make regulations to provide financial support for students undertaking higher or further education courses. Such financial support is to be provided in accordance with regulations made by the Secretary of State. Paragraphs 7.2 and 7.3 set out the changes to the 2012 Regulations.

Consolidation

Changes to the 2012 Regulations

- 7.2 This instrument amends the category of eligibility in regulation 2 (interpretation), regulation 3 (eligible students), in regulation 7(b) (events) and in Part 2 of Schedule 1 to the 2012 Regulations in order to make provision for persons granted stateless leave by the Home Office. This new category will allow persons granted stateless leave and their eligible family members to qualify for the first time for loans.
- 7.3 This instrument amends regulation 16 of the 2012 Regulations by inserting a regulation 16(5). Regulation 16(5) sets the maximum fee loan amount for a further education course beginning on or after 1st August 2018, which is determined in accordance with the tables in Schedule 3 to the 2012 Regulations. The maximum fee loan amount for the period beginning on or after 1st August 2018 remains unchanged from last year, therefore no amendments are needed to Schedule 3 itself. The tables are also published by the Education and Skills Funding Agency (an executive agency of the Department) in the document entitled *Maximum Loan Amounts for Advanced Learner Loans Designated Qualifications 2018 to 2019*. The document is available from the GOV.UK website ESFA: funding rates and formula at <https://www.gov.uk/government/collections/sfa-funding-rates> or from the Education and Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry CV1 2WT.

8. Consultation outcome

- 8.1 Government has not conducted any formal consultation about these specific changes.

9. Guidance

- 9.1 The Department is working with the Education and Skills Funding Agency to support the relevant institutions to continue to deliver Advanced Learner Loans, and will review the information, advice and guidance with regard to these changes as appropriate.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 There is no impact on the public sector.
- 10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 The Regulations will be kept under review. The next scheduled change would relate to any policy changes for the academic year 2019/20.

13. Contact

13.1 Amanda Fenn at the Department for Education (Telephone: 07469 413614 or email: Amanda.fenn@education.gov.uk) can answer any queries regarding this instrument.