
EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument amends the following Regulations (“the Student Finance Regulations”)—

- the Education (Fees and Awards) (England) Regulations 2007 (S.I. 2007/779) (“the Fees and Awards Regulations”);
- the Education (Student Support) (European University Institute) Regulations 2010 (S.I. 2010/447) (“the European University Institute Regulations”);
- the Education (Student Support) Regulations 2011 (S.I. 2011/1986) (“the Student Support Regulations”);
- the Further Education Loans Regulations 2012 (S.I. 2012/1818);
- the Education (Postgraduate Master’s Degree Loans) Regulations 2016 (S.I. 2016/606) (“the Master’s Regulations”);
- the Higher Education (Fee Limit Condition) (England) Regulations 2017 (S.I. 2017/1189) (“the Fee Limit Condition Regulations”);
- the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (S.I. 2018/599) (“the Doctoral Regulations”).

Regulation 2 amends the Student Finance Regulations to provide that a student who has been granted indefinite leave to remain in the United Kingdom as a victim of domestic violence or domestic abuse is eligible to receive funding in respect of a further education course, an undergraduate higher education course, a master’s degree course or doctoral degree course, or a course at the European University Institute. There is no requirement that these students must have been resident in the UK, EEA or Switzerland for the 3 years immediately prior to the start of their course to qualify for funding. Further, if a student is granted indefinite leave to remain as a victim of domestic violence or domestic abuse after their course has begun, the student may become eligible for funding. Regulation 2 also amends the Fee Limit Condition Regulations to provide that a student granted indefinite leave to remain as a victim of domestic violence or domestic abuse is a “qualifying person”, meaning the student may not be charged more than a prescribed maximum amount in tuition fees. It also amends the Fees and Awards Regulations to provide that a student granted indefinite leave to remain as a victim of domestic violence or domestic abuse cannot be charged higher tuition fees than a prescribed maximum amount. Regulation 2(2)(a)(i) inserts an omitted definition of “Islands”.

Regulation 3 amends the Student Finance Regulations to provide that a student who has been granted Calais leave to remain in the United Kingdom is eligible to receive funding in respect of a further education course, and undergraduate higher education course, a master’s degree course or a doctoral degree course, or a course at the European University Institute, as are any of their dependent children granted “leave in line”. Further, regulation 3 amends the Fee Limit Condition Regulations to provide that a student with Calais leave to remain (or their child) is a “qualifying person”, meaning the student may not be charged more than a prescribed maximum amount in tuition fees. It also amends the Fees and Awards Regulations to provide that a student with Calais leave to remain (or their dependent child) cannot be charged higher tuition fees than a prescribed maximum amount.

Regulation 4 amends the Student Support Regulations, in respect of full-time and part-time higher education courses and postgraduate courses, the Master’s Regulations, in respect of master’s degree courses, and the Doctoral Regulations, in respect of doctoral degree courses in Wales, to provide

that a course in that devolved authority which has been specifically designated by the government of the relevant devolved authority (or in the case of a course in Scotland, which has been specifically designated by the governments of all three devolved authorities) is a designated course for the purpose of the applicable Regulations. The effect is that funding may be provided to eligible students undertaking the course.

Regulation 5 amends regulation 7 of the Student Support Regulations to provide that a student who transfers from a full-time course which started before 1st August 2019 to an accelerated course which started on or after 1st August 2019 will be entitled to apply for a fee loan for their accelerated course up to the higher limits that apply for an accelerated course starting on or after 1st August 2019 and grants and loans for living and other costs. The Secretary of State will be able to reassess the amount of support payable to the student after the transfer and the student may be able to apply to the Secretary of State to borrow an additional amount of loan in respect of the course to which the student transfers.

Regulation 6 updates the various formulae in regulation 47 of the Student Support Regulations which relate to full-time childcare grants. Additionally, regulation 6(2)(e)(ii) corrects the drafting in regulation 47(2BA) so that the formula correctly multiplies the basic amount of childcare grant by 52, while regulation 6(2)(g) corrects regulation 47(6) to remove incorrect references to regulation 47(3AA) and 47(3B).

Regulation 6(2)(f) inserts paragraphs (5A) and (5B) into regulation 47 to provide that an eligible student may request less than the amount of childcare grant to which the student is entitled under regulation 47. Where a student makes such a request, the amount of childcare grant payable is the amount requested provided the Secretary of State considers the amount requested to be reasonable in the circumstances.

Regulation 7 corrects regulations 68 and 69 of the Student Support Regulations to provide that students aged 60 or over on the first day of the first academic year of their course do not qualify for reduced rate non-means tested loans for living costs. They qualify only for the fully means tested loan for living costs.

Regulation 8, in relation to an academic year which begins on or after 1st August 2020, amends the subject categories in the Student Support Regulations and the Fee Limit Condition Regulations to replace “geographical and environmental studies” with “geography, earth and environmental studies”.

Regulation 9 amends regulation 139 of the Student Support Regulations to provide that part-time courses of initial teacher training below degree level do not qualify for loans for living costs.

Regulation 10 amends Schedules 4 and 6 of the Student Support Regulations and makes provision in circumstances where a student’s household income is based on the incomes of both parents, or a student’s parent and the parent’s partner. In these circumstances, where the parents’, or parent and partner’s, income falls by 15% or more compared to either the “prior financial year” (as defined in the Student Support Regulations), or the previous financial year, the Secretary of State may assess the parent’s, or parent’s partner’s, income for the current financial year.

The amendments in regulation 10(3)(b)(i) (in the substitute sub-paragraph (5)) and 10(4)(c)(i) (in the substitute sub-paragraph (4)) corrects an instance of “(3) and, where applicable, under sub-paragraph (4)” to “(3) or, where applicable, under sub-paragraph (4)” and an instance of “(2) and, where applicable, under sub-paragraph (3)” to “(2) or, where applicable, under sub-paragraph (3)” when restating those sub-paragraphs of paragraph 5 of Schedule 4 and paragraph 5 of Schedule 6 to the Student Support Regulations respectively. Regulations 10(3)(b)(ii) and 10(4)(c)(ii) also correct the definition of “prior financial year” in paragraph 5 of Schedules 4 and 6.

Regulations 10(2), 10(3)(c) and 10(4)(d) make corrections to regulation 42(6), paragraph 6 of Schedule 4 and paragraph 6 of Schedule 6 respectively. Regulations 10(3)(c) and 10(4)(d) omit sub-paragraph (4) from paragraph 6 of Schedule 4 and paragraph 6 of Schedule 6 respectively.

Further, at regulation 10(4)(b), this instrument corrects paragraph 3 of Schedule 6 to the Student Support Regulations by adding an unintentionally omitted provision.

Regulation 11 and the Schedule to these Regulations amend the Student Support Regulations to update the payment rates for student support in relation to an academic year which begins on or after 1st August 2020.

Regulation 12 amends regulation 3 of the Master's Regulations and regulation 3 of the Doctoral Regulations to provide that a student is not an "eligible student" under those Regulations where the student is excused from undertaking any part of the course as a result of previous experience or having completed part of a previous course, except where the student is transferring courses and the Secretary of State considers it reasonable in the circumstances that the student should be so excused. Regulation 12 also amends regulation 4 of the Master's Regulations and regulation 4 of the Doctoral Regulations to provide that support under those instruments is available only for students studying on "full" (as defined) master's and doctoral degree courses.

Regulation 13 amends regulation 159 of the Student Support Regulations, regulation 3 of the Master's Regulations and regulation 3 of the Doctoral Regulations to provide that a student is not an "eligible student" under those Regulations if the student is in receipt of an allowance, bursary or award made under section 67(4) of the Care Standards Act 2000 or section 46 of the Children and Social Work Act 2017.

Regulation 14 amends regulation 3 of the Master's Regulations in relation to a course which begins on or after 1st August 2020, to provide that a student who has previously received a grant under regulation 33(1) of the Education (Student Support) Postgraduate Master's Degrees (Wales) Regulations 2019 is not eligible for a master's degree loan.

Regulation 15 amends the Masters Regulations to provide that when a student repeats a module or similar unit of work forming part of a master's degree, that repeat study is not funded.

Regulation 16 amends regulation 3 of the Doctoral Regulations, in relation to a course which begins on or after 1st August 2020, to provide that a student who is in receipt of funding under the Educational Psychology Funded Training scheme is not eligible for a doctoral degree loan.

Regulation 17 amends the Master's Regulations and the Doctoral Regulations to increase the maximum amounts of master's degree and doctoral degree loans for students beginning those courses on or after 1st August 2020.

Regulation 18 makes two corrections: paragraph (1) corrects a drafting error in the European University Institute Regulations. Paragraph (2) corrects a drafting error in regulation 12 of the Student Support Regulations.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.