
STATUTORY INSTRUMENTS

2021 No. 268

EDUCATION, ENGLAND

**The Education (Student Support)
(Coronavirus) (Amendment) Regulations 2021**

<i>Made</i>	- - - -	<i>8th March 2021</i>
<i>Laid before Parliament</i>		<i>10th March 2021</i>
<i>Coming into force</i>	- -	<i>31st March 2021</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 22(1) and (2)(c) and 42(6) of the Teaching and Higher Education Act 1998(1).

Citation and commencement

1. These Regulations may be cited as the Education (Student Support) (Coronavirus) (Amendment) Regulations 2021 and come into force on 31st March 2021.

Extent and application

- 2.—(1) These Regulations extend to England and Wales.
(2) These Regulations apply in relation to England only(2).

Amendment of the Education (Student Support) Regulations 2011

- 3.—(1) The Education (Student Support) Regulations 2011(3) are amended as follows.
(2) In Part 6 (loans for living costs)—

(1) 1998 c.30. Section 22 was amended by section 146(2) of, and paragraph 1 of Schedule 11 to, the Learning and Skills Act 2000 (c. 21); paragraph 236 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1); section 147(3) of the Finance Act 2003 (c. 14); sections 42(1) and 43(2) and (3) of, and Schedule 7 to, the Higher Education Act 2004 (c. 8); section 257(2) of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22); section 76(1) and (2)(a) of the Education Act 2011 (c. 21); section 88(2) to (5) of the Higher Education and Research Act 2017 (c. 29); and S.I. 2013/1881. Section 22 is also amended by section 86(2) to (7) of the Higher Education and Research Act 2017 but those amendments are not yet in force. Section 42 was amended by paragraph 9 of Schedule 12 to the Education Act 2002 (c. 32); paragraph 9 of Schedule 6 to the Higher Education Act 2004; and paragraph 15 of Schedule 2 to the Education Act 2011. See section 43(1) for the definitions 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 in 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. 2011/1986, amended by S.I. 2012/1653, 2013/235, 630, 1728, 3106, 2014/1766, 21032765, 2015/1951, 2016/211, 270, 584, 2017/52, 114, 204, 2018/136, 137, 434, 443, 472, 599, 2019/142, 983, 1094, 2020/48, 1181, 1203 and 2021/127.

- (a) in regulation 90 (categories of student), at the beginning, insert “Subject to regulation 90A,”;
- (b) after regulation 90, insert—

“Application of category A in quarters ending on 30th June 2021 and 31st August 2021

90A.—(1) This regulation applies in relation to the application of category A in respect of—

- (a) the quarter beginning on 1st April 2021 and ending on 30th June 2021; and
- (b) the quarter beginning on 1st July 2021 and ending on 31st August 2021.

(2) For the purposes of this Part, a student is not to be treated as falling into category A if, in respect of the quarter ending on 31st March 2021, they were paid the rate of loan for living costs and, where applicable, long courses loan payable to a student in category B or D.

(3) Paragraph (2) does not apply in relation to one or both of the quarters mentioned in paragraph (1), in the case of a student who applies to the Secretary of State to have their loan for living costs and, where applicable, long courses loan paid at the rate payable to a student in category A for that quarter or those quarters, as the case may be.”.

- (3) In Part 11B(4) (loans for living costs in connection with designated part-time courses)—
 - (a) in regulation 157F (maximum amount of loans for living costs: general), in paragraph (4), at the beginning, insert “Subject to regulation 157FA,”;
 - (b) after regulation 157F, insert—

“Application of category A in quarters ending on 30th June 2021 and 31st August 2021

157FA.—(1) This regulation applies in relation to the application of category A in respect of—

- (a) the quarter beginning on 1st April 2021 and ending on 30th June 2021; and
- (b) the quarter beginning on 1st July 2021 and ending on 31st August 2021.

(2) For the purposes of this Part, an eligible part-time student is not to be treated as falling into category A if, in respect of the quarter ending on 31st March 2021, they were paid the rate of loan for living costs payable to an eligible part-time student in category B or D.

(3) Paragraph (2) does not apply in relation to one or both of the quarters mentioned in paragraph (1), in the case of an eligible part-time student who applies to the Secretary of State to have their loan for living costs paid at the rate payable to a student in category A for that quarter or those quarters, as the case may be.”.

8th March 2021

Michelle Donelan
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) Regulations 2011 ([S.I. 2011/1986](#)).

Regulation 3(2) amends provisions relating to categories of students entitled to loans for living costs and long courses loans for the quarters ending on 30th June 2021 and 31st August 2021. The amendments provide that full-time students attending designated courses who were paid the London or outside London rates of loan in the quarter ending on 31st March 2021 will not be treated as falling into category A, and paid the parental home rate, unless they request to be paid at that rate. Regulation 3(3) makes equivalent amendments in relation to loans for living costs for students attending designated part-time courses.

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.