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STATUTORY INSTRUMENTS

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**1999 No. 2266**

**EDUCATION, ENGLAND AND WALES**

**The Education (Student Support)  
(Amendment) Regulations 1999**

*Made - - - - 6th August 1999*  
*Laid before Parliament 11th August 1999*  
*Coming into force - - 1st September 1999*

The Secretary of State for Education and Employment, in exercise of the powers conferred on the Secretary of State by sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998<sup>(1)</sup>, hereby makes the following Regulations:—

1. These Regulations may be cited as the Education (Student Support) (Amendment) Regulations 1999 and shall come into force on 1st September 1999.
2. The Education (Student Support) Regulations 1999<sup>(2)</sup> shall be amended as follows.
3. In regulation 4(2)(c)(i) after the words “Health Services and Public Health Act 1968” insert the words “or article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(3)</sup>”.
- 4.—(1) In regulation 10(1)—
  - (a) in sub-paragraph (c) delete the word “and”;
  - (b) in sub-paragraph (d) substitute for the full stop a semicolon and after the semicolon insert the word “and”; and
  - (c) insert after sub-paragraph (d) the following sub-paragraph:
    - “(e) fees which are prescribed under paragraph (e) of the definition of “fees” in section 28(1) of the Act.”.
- (2) In regulation 10(7)(a) after the words “Health Services and Public Health Act 1968” insert the words “or article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972”.
5. In regulation 11—
  - (a) the existing provisions of the regulation become paragraph (1);
  - (b) insert after paragraph (1) the following paragraph:

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<sup>(1)</sup> 1998 c. 30.

<sup>(2)</sup> S.I.1999/496.

<sup>(3)</sup> S.I. 1972/1265 (N.I. 14).

“(2) For the purposes of paragraph (1) an institution which provides courses designated by regulation 4 of the Education (Student Support) (Dance and Drama) Regulations 1999(4) shall not be regarded as maintained or assisted by recurrent grants out of public funds by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(5).”.

6.—(1) Delete regulation 12(1).

(2) In regulation 12(3)(a) after the words “Health Services and Public Health Act 1968” insert the words “or article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972”.

7.—(1) In regulation 15(1) after the words “eligible student” insert the words “who satisfies the requirements set out in regulation 17(1)”.

(2) For regulation 15(2) substitute the following paragraph:

“(2) The aggregate amount of grant under paragraph (1) shall be reduced by the difference between—

- (a) the aggregate of the net income of each of the eligible student’s dependants whose net income does not exceed a maximum amount applicable under paragraph (1), if any, and
- (b) £905 multiplied by the number of such dependants.”.

(3) In regulation 15(7) and (9) for the words “instalments of grant are paid” substitute the words “support is payable”.

(4) In regulation 15(11)(f) after the words “Children Act 1989” insert the words “in respect of a person who is not the spouse’s child”.

8. In regulation 16(1) after the words “eligible student” insert the words “who satisfies the requirements set out in regulation 17(1)”.

9.—(1) In regulation 18(6) and (8) for the words “instalments of loan are paid” substitute the words “support is payable”.

(2) For regulation 18(12) substitute the following paragraphs:

“(12) Where in relation to an academic year an eligible student is not eligible for a grant for living costs by virtue of regulation 12(3)(a) he shall be eligible for a loan for living costs under this regulation but—

- (a) in paragraphs (1) and (2) there shall be substituted for the amounts in column one below the corresponding amounts in column two:

£2,875	£1,360
4,480	2,200
4,440	1,780
5,275	1,780
3,635	1,780
2,510	995

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(4) S.I. 1999/2263.

(5) 1992 c. 13; section 65(3A) was inserted by section 27 of the Teaching and Higher Education Act 1998 (c. 30).

3,885	1,605
3,865	1,295
4,590	1,295
3,150	1,295

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and

(b) paragraphs (10) and (11) shall not apply.

(13) Where in relation to an academic year an eligible student is not eligible for a grant for living costs by virtue of regulation 12(3)(b) or 12(4) he shall be eligible for a loan for living costs under this regulation but—

(a) in paragraphs (1) and (2) there shall be substituted for the amounts in column one below the corresponding amounts in column two:

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£2,875	£1,360
4,480	2,200
4,440	2,180
5,275	2,590
3,635	1,780
2,510	995
3,885	1,605
3,865	1,595
4,590	1,895
3,150	1,295

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and

(b) paragraphs (10) and (11) shall not apply.”

**10.** In regulation 19(7) substitute for the words “who has received at least one instalment of his loan has not applied for” the words “has applied for a loan less than”.

**11.**—(1) For regulation 20(2) substitute the following:

“(2) A hardship loan shall be £100 or a multiple thereof not exceeding £500.”.

(2) In regulation 20(4) delete the words “On being satisfied that due to exceptional financial hardship the student may not be able to continue to attend his course for the remaining part of the academic year”.

**12.**—(1) In regulation 24(2) delete the words “no instalment” and after the following word “shall” insert the word “not”.

(2) After the end of paragraphs (5) and (6) of regulation 24 add the following words:

“; and the amount of such support for the academic year shall be the aggregate of the support, if any, which is payable in respect of each quarter.”.

(3) In regulation 24(7) for the word “instalment” substitute the word “support”.

(4) After regulation 24(11) add the following paragraphs:

“(12) Notwithstanding the above paragraphs where—

- (a) support referred to in paragraph (2) is payable in respect of a period of attendance at an overseas institution, and
- (b) the Secretary of State considers that payment of the support in instalments in accordance with the above paragraphs may prejudice his admission to the overseas country or institution,

he may pay the support in such instalments, if any, as he considers appropriate.

(13) Notwithstanding the above paragraphs where the periods of attendance for a course are such that the payment of instalments during the quarters in respect of which the support is payable may cause the eligible student hardship the Secretary of State may pay the instalments at such other times as he considers appropriate.

(14) Notwithstanding the above paragraphs where by reason of the absence of the student—

- (a) support referred to in paragraph (2) is reduced in accordance with paragraph (6), and
- (b) the Secretary of State considers that the payment of such support in accordance with the above paragraphs would be inappropriate

he may pay such support in such number of instalments and in instalments of such amounts as he considers appropriate.”.

**13.** In paragraph 7 of Schedule 1 insert after the words “European Community” the words “or the child of such a national”.

**14.—(1)** In paragraph 1 of Schedule 3—

- (a) in sub-paragraph (1)(a)—
  - (i) insert after the “£” sign the figure “1,780”; and
  - (ii) insert at the end of the sub-paragraph the words “, in each case other than any sum treated as income under sub-paragraph (5).”
- (b) in sub-paragraph (1)(f)—
  - (i) after the word “disability” insert the words “or incapacity”; and
  - (ii) delete the words after the words “is subject”.
- (c) in sub-paragraph (1)(o) after the words “Children Act 1989” insert the words “in respect of a person who is not the student’s child”.
- (d) in sub-paragraph (1)(r) for the words “disability to which the eligible student is subject, his” substitute the words “the eligible student's”.

(2) In paragraph 3(1)(a) of Schedule 3 delete the second word “first”.

(3) In paragraph 6(2) of Schedule 3 the existing sub-paragraph (h) becomes sub-paragraph (i) and insert the following sub-paragraphs in the appropriate places:

- “(h) in the case of a parent who is an eligible student or who holds a statutory award, £890;
- (j) where the parent’s income is computed as for the purposes of the income tax legislation of another member State, sums equivalent to any amounts which would not be treated as taxable income if that legislation made provision equivalent to the Income Tax Acts.”.

6th August 1999

*Tessa Blackstone*  
Minister of State,  
Department for Education and Employment

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

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

These Regulations, made under the Teaching and Higher Education Act 1998 (“the Act”), come into force on 1st September 1999. They amend the Education (Student Support) Regulations 1999 (“the Student Support Regulations”).

Provision is made to ensure that persons entitled to non-means tested benefits under the Health and Personal Social Services (Northern Ireland) Order 1972 are not eligible for support under the Student Support Regulations (regulation 3).

Fees in respect of which support is payable may not include fees which are not subject to a cap under section 28 of the Act (regulation 10(1) of the Student Support Regulations). Provision is made to ensure that support cannot be paid in respect of fees which are prescribed as not being subject to the cap under section 28(1)(e) of the Act (regulation 4(1)).

Provision is made to ensure that persons entitled to means tested benefits under the Health and Personal Social Services (Northern Ireland) Order 1972 are not eligible for grant for fees (regulation 4(2)).

Provision has been made to ensure that institutions whose courses are designated by the Education (Student Support) (Dance and Drama) Regulations 1999 and who receive public funds indirectly from institutions within the higher education sector pursuant to arrangements under section 65(3A) of the Further and Higher Education Act 1992 will continue to attract fee support for their students at the private sector rate (regulation 5(f)).

Students over the age of 55 are not eligible for grants for living costs (regulation 12(1) of the Student Support Regulations). The paragraph has been deleted, and the requirement inserted in relation only to grants for dependents and grants for travel. This ensures that disabled students will be eligible for grants for certain expenditure regardless of their age (regulations 6(1), 7(1) and 8).

Provision is made to ensure that persons entitled to means tested benefits under the Health and Personal Social Services (Northern Ireland) Order 1972 are not eligible for grants for living costs (regulation 6(2)).

Regulation 15(2) of the Student Support Regulations has been replaced (regulation 7(2)). The aggregate grant for dependants is reduced by the figure representing the aggregate of the income of all the student’s dependants other than those whose income exceeds specified maxima minus the number of those dependants multiplied by £905.

Regulation 15(11)(f) of the Student Support Regulations has been amended so that payments to children of a dependant under an order under section Schedule 1 to the Children Act 1989 are not disregarded in calculating the dependant’s net income (regulation 7(4)).

Regulation 18(12) of the Student Support Regulations has been replaced (regulation 9). Students receiving means tested National Health Service bursaries are eligible for loans for living costs at approximately half the full rate, but are not eligible for enhanced rates when studying overseas at high or higher costs countries. They, and other students who are eligible for loans for living costs at approximately half the full rate, are not eligible for loans for extra weeks' attendance.

Regulation 19(7) of the Student Support Regulations has been amended to allow a student to apply for an increased amount of loan at any time after he has made a first application, not just after he has received the first instalment of his loan (regulation 10).

Regulation 20 of the Student Support Regulations has been amended so that students may receive hardship loans which are £100 or any multiple of £100 up to £500 (regulation 12(1)). The only criterion now applied in determining the loan the student should have is hardship (regulation 11(2)).

The provisions of the Student Support Regulations requiring the payment of dependants' grants and loans for living costs in instalments have been qualified. Where the student is attending an overseas institution it will now be possible to consider payments in different numbers of instalments, and where the pattern of the student's attendance is unusual it will be possible to consider payments at different times. Where support is reduced as a result of non-attendance it will be possible to pay fewer instalments or instalments of differing amounts depending on the length and nature of the absence (regulation 12(4)).

Paragraph 7 of Schedule 1 to the Student Support Regulations has been amended to ensure that not only a national of a European Community member state but a child of such a national is eligible for support for fees on the same basis as a United Kingdom national (regulation 13).

A figure omitted in paragraph 1(a) of Schedule 3 to the Student Support Regulations has been inserted, and provision made to ensure that income treated as part of the income of an eligible student who is a parent under paragraph 1(5) of Schedule 3 is not disregarded under paragraph 1(1)(a) when determining his income (regulation 14(1)(a)).

Paragraph 1(f) of Schedule 3 to the Student Support Regulations has been amended so that all disability and incapacity related benefits, taxable or not, are disregarded in determining the student's income (regulation 14(1)(b)). As a consequence reference to disability in paragraph 1(r) of the Student Support Regulations has been deleted (regulation 14(1)(d)).

Paragraph 1(o) of Schedule 3 to the Student Support Regulations has been amended so that payments to children of a dependant under an order under section Schedule 1 to the Children Act 1989 are not disregarded in calculating the dependant's net income (regulation 14(1)(c)).

In determining a parental contribution to a student's support additional income of the parent is to be disregarded. Where the student himself is eligible for support £890 shall be disregarded, and where the income is computed as for the purposes of the income tax legislation of another EU member state any income which is taxable in that state but would not be taxable in the United Kingdom may be disregarded (regulation 14(3)).