
STATUTORY INSTRUMENTS

2000 No. 1120

EDUCATION, ENGLAND AND WALES

**The Education (Student Support)
(Amendment) Regulations 2000**

<i>Made</i>	- - - -	<i>18th April 2000</i>
<i>Laid before Parliament</i>		<i>19th April 2000</i>
<i>Coming into force</i>	- -	<i>10th May 2000</i>

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⁽¹⁾, hereby makes the following Regulations:—

1. These Regulations may be cited as the Education (Student Support) (Amendment) Regulations 2000 and shall come into force on 10th May 2000.
2. The Education (Student Support) Regulations 1999⁽²⁾ shall be amended as follows.
3. In regulation 2(1)—
 - (a) in the definition of “disability related benefit” after the words “disability working allowance” insert the words “or disabled person’s tax credit”.
 - (b) in the definition of “high cost country” for the words “countries of the former Soviet Union” substitute the words “the Commonwealth of Independent States”.
4. In regulation 15—
 - (a) in paragraph (1)(a)(iii) substitute for “£2,075” the figure “£2,980”;
 - (b) in paragraph (11)(a)—
 - (i) after the word “disability” insert the words “or incapacity”; and
 - (ii) omit the words after the words “is subject”.
- 5.—(1) In regulation 25(2)—
 - (a) after “Part IV” insert the words “other than a grant for dependants”;
 - (b) in sub-paragraph (a) after the word “grant” wherever it appears insert the words “other than a grant for dependants” and omit the words “if necessary”;

(1) 1998 c. 30.
(2) S.I.1999/496.

- (c) for sub-paragraph (b) substitute the following sub-paragraph:
 - “(b) where the student upon completion of his course immediately commences another course disregarding any intervening vacation by subtracting the overpayment from any payment of grant for living costs (other than a grant for dependants) for which he is eligible in respect of any academic year in connection with the second course;”;
- (d) After regulation 25(2) insert the following paragraph:
 - “(2A) Any overpayment of grant for dependants under Part IV shall be recovered in such one or more of the following ways as the Secretary of State considers appropriate in all the circumstances:
 - (a) by subtracting the overpayment from any grant for dependants for which the student is eligible in respect of the academic year in question or for which he is eligible in respect of any other academic year;
 - (b) where a student upon completion of his course immediately commences another course disregarding any intervening vacation by subtracting the overpayment from any payment of such grant for which he is eligible in respect of any academic year in connection with the second course; and
 - (c) by taking such other action for the recovery of a payment without statutory authority as is available to him.”.
- (2) In regulation 25(5)—
 - (a) for sub-paragraph (b) substitute the following sub-paragraph—
 - “(b) where a student upon completion of his course immediately commences another course disregarding any intervening vacation by subtracting the overpayment from any payment of loan for which he is eligible in respect of any academic year in connection with the second course;”.
- 6. In Schedule 1 for paragraph 3(a) there shall be substituted:
 - “(a) (i) has been informed by a person acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify for recognition as a refugee, it is thought right to allow him to enter or remain in the United Kingdom, or
 - (ii) before 1st July 1993 applied to the Secretary of State for the Home Department for recognition as a refugee and who has been informed by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow him to enter or remain in the United Kingdom.”.
- 7. In Schedule 3 in paragraph 1(1)(p) after the words “family credit” insert the words “or working families' tax credit”.

18th April 2000

Tessa Blackstone
Minister of State,
Department for Education and Employment

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 10th May 2000. They further amend the Education (Student Support) Regulations 1999 (“the Student Support Regulations”).

On 5th October 1999, disability working allowance was replaced by disabled person’s tax credit and the definition of “disability related benefit” in regulation 2(1) has been amended accordingly (*regulation 3(a)*).

In the definition of “high cost country” in regulation 2(1) the new name “the Commonwealth of Independent States” for the “countries of the former Soviet Union” is substituted (*regulation 3(b)*).

Regulation 15(1)(a)(iii) is amended to provide an additional income disregard of £905 for an only or eldest child when assessing grants for dependants (*regulation 4(a)*).

Regulation 15(11)(a) is amended so that all disability and incapacity related benefits, whether taxable or not, are to be disregarded when determining a dependant’s net income (*regulation 4(b)*).

The provisions relating to the recovery of overpayments in regulation 25(2) and 25(5) are amended. Any overpayment of a grant for living costs (other than a grant for dependants) is recoverable by subtracting it from future payments of such grants for any academic year. Provision for recovery of overpayments of grants from loans under Part V is removed. Where a student has completed his course and immediately begins a second course, an overpayment of grant for living costs (other than a grant for dependants) in respect of the first course may be recovered from any such grant in respect of his second course. Separate provision is made for overpayments of grant for dependants (*regulation 5(1)*).

The provision for recovering loans from grants in regulation 25(5)(b) has been replaced by a provision to recover overpayments of loans from loans in respect of a course which the student begins immediately following completion of the course in respect of which the overpayment was made (*regulation 5(2)*).

Paragraph 3(a) of Schedule 1 has been amended so that a person (and the spouse, child or stepchild of such a person) who applied for refugee status before 1st July 1993, and who has been granted indefinite leave to enter or remain in the United Kingdom under the Backlog Clearance Measures will be eligible for financial support under the Regulations (*regulation 6*).

On 5th October 1999, family credit was replaced by working families’ tax credit and paragraph 1(1) (p) of Schedule 3 has been amended accordingly (*regulation 7*).