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STATUTORY INSTRUMENTS

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**2008 No. 235**

**EDUCATION, ENGLAND**

**The Education (Student Support)  
(Amendment) Regulations 2008**

<i>Made</i>	- - - -	<i>6th February 2008</i>
<i>Laid before Parliament</i>		<i>7th February 2008</i>
<i>Coming into force</i>	- -	<i>28th February 2008</i>

The Secretary of State for Innovation, Universities and Skills makes the following Regulations in exercise of the powers conferred by sections 22 and 42(6) of the Teaching and Higher Education Act 1998(1):

**Citation, commencement, application and interpretation**

1. These Regulations may be cited as the Education (Student Support) (Amendment) Regulations 2008 and come into force on 28th February 2008.
2. These Regulations apply in relation to England.
3. In these Regulations, “the 2007 Regulations” means the Education (Student Support) Regulations 2007(2).

**Amendment of the 2007 Regulations**

4. The 2007 Regulations are amended in accordance with these Regulations.

**Amendment of regulation 38 of the 2007 Regulations**

5. After regulation 38(8) insert—

“(9) Subject to paragraph (10), an eligible student does not qualify for a grant under this Part in respect of an academic year during any part of which he is a prisoner.

(10) Paragraph (9) does not apply in respect of disabled students’ allowance.”.

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(1) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11; the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6; the Finance Act 2003 (c. 14), section 147 and the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7. See section 43(1) of the 1998 Act for the definition of “prescribed” and “regulations”.

(2) S.I. 2007/176, as amended by S.I. 2007/1336 and S.I. 2007/2263.

#### **Amendment of regulation 62 of the 2007 Regulations**

- 6.—(1) In regulation 62(1) for “paragraph (3)”, substitute “paragraphs (3) and (3A)”.
- (2) After regulation 62(3) insert—
- “(3A) A current system student does not qualify for a loan for living costs in respect of an academic year during any part of which he is a prisoner.”.

#### **Amendment of regulation 63 of the 2007 Regulations**

- 7.—(1) In regulation 63(1) for “paragraph (4), substitute “paragraphs (4) and (4A)”.
- (2) After regulation 63(4) insert—
- “(4A) An old system student does not qualify for a loan for living costs in respect of an academic year during any part of which he is a prisoner.”.

#### **Amendment of Part 10 of the 2007 Regulations**

8. After regulation 108, insert—

#### “CHAPTER 4A

#### **Cessation of support payable under Part 5 or Part 6 to prisoners**

- 108A.**—(1) This regulation applies to students who are or have been prisoners during any part of an academic year.
- (2) A student who has previously qualified for support payable under Part 5 or 6 in relation to an academic year does not, from the date on which these Regulations come into force, qualify for that support in respect of that academic year and no further payments of that support are due to the student.
- (3) Nothing in this regulation applies to disabled students’ allowance.”.

6th February 2008

*Bill Rammell*  
Minister of State  
Department for Innovation, Universities and  
Skills

## **EXPLANATORY NOTE**

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

These Regulations amend the Education (Student Support) Regulations 2007, which provide for financial support for students taking designated higher education courses in respect of an academic year beginning on or after 1st September 2007.

These Regulations provide that a student who is a prisoner during any part of the academic year is not eligible for any part of the full-time student support package, with the exception of tuition fee support and disabled students' allowance. No further payments of maintenance grants or loans are due to a student who had previously been eligible for such support before the coming into force of these Regulations.