

**EXPLANATORY MEMORANDUM TO**  
**THE EDUCATION (POSTGRADUATE MASTER'S DEGREE LOANS)**  
**(AMENDMENT) REGULATIONS 2016**

**2016 No. 668**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by Department for Business, Innovation and Skills by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

- 2.1 This instrument amends the Education (Postgraduate Master's Degree Loans) Regulations 2016 that provide for the payment and repayment of postgraduate master's degree loans.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 Regrettably, a minor error has been identified in the Education (Postgraduate Master's Degree Loans) Regulations 2016 after the original regulations were made but before they are due to come into force on 16 June 2016.
- 3.2 The error relates to the long residence requirement to be met by a person without settled status in the United Kingdom in order to qualify as an eligible student for the purpose of those regulations. The paragraph as drafted refers, in respect of a person aged 18 or over, to a period of 22 years' residence. In fact the reference should have been to a 20 year period in line with other changes made recently by S.I. 2016/584, which inserts the same residence requirement in other specified student support regulations.
- 3.3 In order to ensure that the original regulations are amended before the Student Loans Company receives loan applications and in time so that any loan application is assessed against the correct eligibility provision as described above, it has been necessary to lay this instrument in breach of the 21 day rule.

*Other matters of interest to the House of Commons*

- 3.4 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

**4. Legislative Context**

- 4.1 This instrument corrects an error in paragraph 13(1)(a)(ii)(bb) of Schedule 1 of the Education (Postgraduate Master's Degree Loans) Regulations 2016 that describes a category of student eligible for the postgraduate master's degree loan.

## **5. Extent and Territorial Application**

- 5.1 This instrument extends to England only.
- 5.2 The territorial application of this instrument is England only.

## **6. European Convention on Human Rights**

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

### *What is being done and why*

- 7.1 Paragraph 13(1)(a)(ii)(bb) of Schedule 1 of the Education (Postgraduate Master's Degree Loans) Regulations 2016 describes the 'Long Residence' category of student eligible for the postgraduate master's degree loan. This instrument corrects an error in that paragraph by replacing "a period of twenty-two years" with "a period of twenty years".
- 7.2 The amended paragraph correctly reflects the new category of eligibility for student support based on long residence in the UK. The new category implements the Supreme Court on 29 July 2015 that it was unlawful to refuse an individual student, Ms Bearish Tigere, a loan solely on the basis that she was not settled in the UK.

### *Consolidation*

- 7.3 None.

## **8. Consultation outcome**

- 8.1 None.

## **9. Guidance**

- 9.1 The key terms and conditions for accessing the postgraduate master's degree loan are on gov.uk. Further information about how to apply for the loan will be made available on gov.uk and Student Finance England's website in summer 2016.
- 9.2 Information and guidance is being produced by Student Finance England for course providers and students intending to apply for the loan. The information and guidance will be available in both hard copy and electronic formats.

## **10. Impact**

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 There is no impact on the public sector.
- 10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

## **12. Monitoring & review**

- 12.1 The Education (Postgraduate Master's Degree Loans) Regulations 2016 will be kept under review. The Government is committed to reviewing the master's loan policy within three years. Institutional practice and behaviour change by students, the overall demand and nature of take-up will be monitored.
- 12.2 The Department will continue to engage on a regular basis with stakeholders.
- 12.3 Statistical information in relation to postgraduate participation will continue to be published through Higher Education Statistical Agency data. Take-up of the loan specifically will be published in the Student Loans Company's Statistical First Releases.

## **13. Contact**

- 13.1 Rachel Hutchinson at the Department for Business, Innovation and Skills can answer any queries regarding the instrument. Telephone: 0207 215 5000 or email: [rachel.hutchinson@bis.gsi.gov.uk](mailto:rachel.hutchinson@bis.gsi.gov.uk).