

This Statutory Instrument has been made in consequence of defects in S.I. 2016/310 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2021 No. 226

PENSIONS

The Armed Forces (Enhanced Learning Credit Scheme and Further and Higher Education Commitment Scheme) (Amendment) Order 2021

<i>Made</i>	- - - -	<i>2nd March 2021</i>
<i>Laid before Parliament</i>		<i>8th March 2021</i>
<i>Coming into force</i>	- -	<i>30th March 2021</i>

The Secretary of State makes the following Order in exercise of the power in section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004(1):

Citation and commencement

1. This Order may be cited as the Armed Forces (Enhanced Learning Credit Scheme and Further and Higher Education Commitment Scheme) (Amendment) Order 2021 and comes into force on 30th March 2021.

Amendment of the Armed Forces (Enhanced Learning Credit Scheme and Further and Higher Education Commitment Scheme) Order 2012

2.—(1) The Armed Forces (Enhanced Learning Credit Scheme and Further and Higher Education Commitment Scheme) Order 2012(2) is amended as follows.

(2) In article 6(5A) (eligibility conditions for payments under the ELC Scheme)—

- (a) in sub-paragraph (a), for “2011” substitute “2016”; and
- (b) omit sub-paragraph (b).

(3) In article 7(8) (eligibility conditions in certain cases of attributable medical discharge)—

- (a) in sub-paragraph (a), for “2011” substitute “2016”; and
- (b) omit sub-paragraph (b).

(1) 2004 c.32; section 1 was amended by the Public Service Pensions Act 2013 (c.25), Schedule 8, paragraph 28.
(2) S.I. 2012/1796, amended by S.I. 2014/3255, 2015/497 and 2016/310.

(4) In article 10(10A) (eligibility conditions for payments to service leavers under the FHEC Scheme)—

- (a) in sub-paragraph (a), for “2011” substitute “2016”; and
- (b) omit sub-paragraph (b).

(5) In article 12 (payments under the FHEC Scheme), for the text which was substituted for paragraph (4) by article 13(4) of the Armed Forces (Enhanced Learning Credit Scheme and Further and Higher Education Commitment Scheme) (Amendment) Order 2016⁽³⁾ substitute—

“(4) Where an approved learning provider is located in Wales, “capped fees” means—

- (a) where the applicant is a qualifying person undertaking a qualifying course provided by an approved learning provider in relation to which there is an approved plan, the applicable fee limit; or
- (b) in all other cases, £6,000.

(4A) In paragraph (4), “applicable fee limit”, “approved plan”, “qualifying person” and “qualifying course” have the meanings given in section 57(1) of the Higher Education (Wales) Act 2015⁽⁴⁾ (interpretation).”.

2nd March 2021

Johnny Mercer
Parliamentary Under Secretary of State
Ministry of Defence

⁽³⁾ S.I. 2016/310.
⁽⁴⁾ 2015 anaw 1.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Armed Forces (Enhanced Learning Credit Scheme and Further and Higher Education Commitment Scheme) Order 2012 (“the 2012 Order”), which established the Enhanced Learning Credit Scheme (“ELC Scheme”) and the Further and Higher Education Commitment Scheme (“FHEC Scheme”). The ELC and FHEC Schemes provide payments towards the cost of different defined levels of post-service learning qualifications.

Paragraphs (2) to (4) of Article 2 amend Scheme eligibility conditions for individuals who ceased to be a member of the armed forces on or after 1st April 2011 and not later than 31st March 2016. The period within which these individuals must commence their course of higher learning is extended from 31st March 2021 until the tenth anniversary of their ceasing to be a member of the armed forces. Paragraph (5) of Article 2 corrects a drafting error with the numbering in article 12 of the 2012 Order.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.