

EXPLANATORY MEMORANDUM TO
THE EDUCATION (STUDENT FEES, AWARDS AND SUPPORT) (AMENDMENT)
REGULATIONS 2023

2023 No. 74

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of His Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 This instrument makes miscellaneous amendments, including a number of corrections, to the following legislation relating to finance for students in further and higher education:
 - the Education (Fees and Awards) (England) Regulations 2007 (S.I. 2007/779) (“the Fees and Awards Regulations”);
 - the Education (Student Support) (European University Institute) Regulations 2010 (S.I. 2010/447) (“the European University Institute Regulations”);
 - the Education (Student Support) Regulations 2011 (S.I. 2011/1986) (“the Student Support Regulations”);
 - the Further Education Loans Regulations 2012 (S.I. 2012/1818) (“the Further Education Loans Regulations”);
 - the Education (Postgraduate Master’s Degree Loans) Regulations 2016 (S.I. 2016/606) (“the Master’s Regulations”);
 - the Higher Education (Fee Limit Condition) (England) Regulations 2017 (S.I. 2017/1189) (“the Fee Limit Condition Regulations”);
 - the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (S.I. 2018/599) (“the Doctoral Regulations”);
 - the Higher Education Short Course Loans Regulations 2022 (S.I. 2022/349) (“the Short Course Regulations”).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 Although this instrument is necessary to introduce further and higher education student finance changes for the 2023/24 academic year, it also makes a number of corrections to come into force when this instrument comes into force.
 - Regulations 48-52 delete obsolete references to ‘qualifying course’ and ‘qualifying student’ in Regulations 2(1), 4, 56, 111 and 112 of the Student Support Regulations. These references refer to students undertaking second undergraduate degrees at Oxford and Cambridge who were applying for college fee loans to meet additional college fees. Most of these provisions were removed from the Student Support

Regulations by the Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951) but a number of references to 'qualifying course' and 'qualifying student' remained.

- Regulations 9, 58, 68, 74, 88, 102, 114 and 125 substitute a correct title 'St Helena, Ascension and Tristan da Cunha' for 'St Helena and Dependencies (Ascension Island and Tristan da Cunha)' in the instruments listed at paragraph 2.1 above. This is to ensure drafting is in line with that in the British Nationality Act 1981.
- In its six report of session 2022-23, the Committee reported the Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/534) for defective drafting. This was on the basis that those Regulations, in regulation 24(1), inserted unnecessary wording into regulation 2(2) of the Short Course Loans Regulations. Regulation 137(b) of these Regulations corrects this error by removing the reference to an 'evacuated or assisted British national from Afghanistan' from regulation 2(2) of the Short Course Regulations.
- These Regulations also correct minor errors in the Short Course Regulations.

3.2 In light of these corrections, the Department is adopting the free issue procedure in relation to this instrument for anyone who purchased the Education (Student Support) (Amendment) Regulations (S.I. 2015/1951), the Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), the Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), the Higher Education Short Course Loans Regulations 2022 (S.I. 2022/349) and the Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/534). The Department confirms that it has complied with the requirement stated in paragraph 4.7.6 of Statutory Instrument Practice to consult the SI Registrar on the use of the free issue procedure in relation to this instrument.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.
- 4.2 The territorial application of this instrument (that is, where the instrument produced practical effect) is England only.

5. European Convention on Human Rights

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

6. Legislative Context

- 6.1 This instrument makes amendments to the legislation governing funding for further education students and funding for higher education undergraduate and postgraduate students in England.
- 6.2 The Student Support Regulations provide for support for undergraduate students taking designated full-time and part-time undergraduate courses and also for certain postgraduate higher education courses. The support provided for under these Regulations includes fee support, loans and grants for living costs, grants for other costs such as travel, grants for dependants and disabled students' allowance.

- 6.3 The Master's Regulations provide for the making of loans to eligible students in connection with designated postgraduate master's degree courses beginning on or after 1st August 2016.
- 6.4 The Doctoral Regulations provide for the making of loans to eligible students in connection with designated postgraduate doctoral degree courses beginning on or after 1st August 2018.
- 6.5 The European University Institute Regulations set out the financial support available for students taking designated postgraduate courses at the European University Institute in Florence, Italy, in respect of an academic year beginning on or after 1st September 2010. These Regulations make provision for grants for living and other costs, a disabled student's allowance and a grant for dependants, for up to twenty eligible students.
- 6.6 The Short Course Regulations provide for fee loans for students taking designated higher education short courses during the period beginning on or after 1st September 2022 and ending on or before 1st September 2025.
- 6.7 The Further Education Loans Regulations provide for fee loans for students taking designated further education courses which begin on or after 1st August 2013.
- 6.8 The Fees and Awards Regulations provide that, in the circumstances described in the Regulations, it is lawful to discriminate between certain persons, meaning persons who do not have a specified connection with the UK can be charged higher fees than those who do. Those with the specified connection to the UK are referred to as having "home fee status".
- 6.9 The Fee Limit Condition Regulations prescribe the category of higher education provider and set out the qualifying persons and courses to which/whom maximum fee limits for undergraduate courses apply.

7. Policy background

Changes to living costs support for 2016 cohort full-time undergraduate students in 2023/24.

- 7.1 The maximum loan for living costs for new full-time undergraduate students and continuing full-time undergraduate students who started their courses on or after 1 August 2016, ('2016 cohort students'), will be increased by 2.8% in 2023/24. The loan for living costs is partially income assessed.
- 7.2 This instrument amends the Student Support Regulations so that the maximum loan for living costs for most 2016 cohort students living away from home and studying outside London will be £9,978 in 2023/24; for students living away from home and studying in London, £13,022; for students living in the parental home, £8,400 and for students studying overseas as part of a UK course, £11,427.
- 7.3 Different rates of loan for living costs apply to full-time undergraduate students eligible for benefits. This instrument amends the Student Support Regulations so that the maximum loan for living costs for 2016 cohort students who are eligible for benefits and are living away from home and studying outside London will be £12,720 in 2023/24; for students living away from home and studying in London, £14,202; for students living in the parental home, £9,910 and for students studying overseas as part of a UK course, £12,720.

- 7.4 2016 cohort students aged 60 or over on the first day of the first academic year of their course qualify for a separate rate of loan for living costs. This instrument amends the Student Support Regulations so that the maximum loan for living costs for 2016 cohort students aged 60 or over on the first day of the first academic year of their course will be £4,221 in 2023/24.

Changes to living costs support for 2009 and 2012 cohort full-time undergraduate students in 2023/24.

- 7.5 The maximum loan for living costs for full-time undergraduate students who entered higher education on or after 1 September 2012 but before 1 August 2016, ('2012 cohort students'), will be increased by 2.8% in 2023/24. The loan for living costs is partially income assessed.
- 7.6 This instrument amends the Student Support Regulations so that the maximum loan for living costs for 2012 cohort students living away from home and studying outside London will be £7,153 in 2023/24; for students living away from home and studying in London, £9,980; for students living in the parental home, £5,689 and for students studying overseas as part of a UK course, £8,498.
- 7.7 2012 cohort students on lower incomes qualify for an income assessed maintenance grant, or for 2012 cohort students who are eligible for benefits, an income assessed special support grant. This instrument amends the Student Support Regulations so that the maximum maintenance grant and special support grant for 2012 cohort students will be increased by 2.8% to £4,121 in 2023/24.
- 7.8 The maximum loan for living costs for eligible full-time undergraduate students who entered higher education on or after 1 September 2009 but before 1 September 2012, ('2009 cohort students'), will be increased by 2.8% in 2023/24.
- 7.9 This instrument amends the Student Support Regulations so that the maximum loan for living costs for 2009 cohort students living away from home and studying outside London will be £6,438 in 2023/24; for students living away from home and studying in London, £9,009; for students living in the parental home £4,992 and for students studying overseas as part of a UK course, £7,664
- 7.10 2009 cohort students on lower incomes qualify for an income assessed maintenance grant, or for 2009 cohort students who are eligible for benefits, an income assessed special support grant. This instrument amends the Student Support Regulations so that the maximum maintenance grant and special support grant for 2009 cohort students will be increased by 2.8% to £3,783 in 2023/24.

Changes to elements of the living costs support package for new and continuing full-time undergraduate students in 2023/24.

- 7.11 Full-time undergraduate students attending courses that are longer than 30 weeks and three days in length during the academic year qualify for an income assessed long courses loan for each week or part week above 30 weeks and 3 days. Students attending their courses for 45 weeks or more in the academic year qualify for the same amount of long courses loan as students attending for 52 weeks.
- 7.12 This instrument amends the Student Support Regulations to increase the maximum long courses loan by 2.8% for new and continuing full-time undergraduate students in 2023/24. For students living away from home and studying outside London, the maximum long courses loan will be £107 a week; for students living away from home

and studying in London, £138 a week; for students living in the parental home £71 a week and for students studying overseas as part of a UK course, £148 a week.

- 7.13 Full-time undergraduate students undertaking a work placement year of a sandwich course do not qualify for the full living costs support package unless they are undertaking an unpaid placement in the public sector, as defined in the Student Support Regulations (see regulation 38(7) of those Regulations). Instead, most students undertaking work placement years qualify for a reduced rate, non-income assessed loan for living costs.
- 7.14 This instrument amends the Student Support Regulations to increase the maximum reduced rate loan for living costs for full-time undergraduate students undertaking a work placement year by 2.8% in 2023/24. For students living away from home and studying outside London, the maximum reduced rate of loan for living costs will be £3,022, for students living away from home and studying in London, £4,244 and for students living in the parental home, £2,267. Students studying overseas as part of a UK course, qualify for the reduced rate of loan that applies to students living away from home and studying outside London.
- 7.15 Full-time undergraduate students undertaking a year of a course in medicine or dentistry that is defined as a bursary year in the Student Support Regulations are eligible to apply for bursary support from the NHS Business Services Authority. These students do not qualify for the full living costs package under the Student Support Regulations. Instead, they qualify for a reduced rate, non-income assessed loan for living costs.
- 7.16 This instrument amends the Student Support Regulations to increase the maximum reduced rate loan for living costs for full-time students undertaking a bursary year by 2.8% in 2023/24. For students living away from home and studying outside London, the maximum reduced rate of loan for living costs will be £2,605, for students living away from home and studying in London, £3,658 and for students living in the parental home, £1,955. Students studying overseas as part of a UK course, qualify for the reduced rate of loan for living costs that applies to students living away from home and studying outside London.

Changes to grants for full-time undergraduate students with dependants in 2023/24.

- 7.17 This instrument also amends the Student Support Regulations to increase maximum dependants' grants for full-time undergraduate students by 2.8% in 2023/24. The maximum adult dependants' grant will be £3,354 and the maximum parents' learning allowance, £1,915 in 2023/24. The amount of childcare grant payable in 2023/24 will be based on 85% of actual childcare costs, subject to maximum grants of £188.90 a week for one child only or £323.85 a week for two or more children.

Changes to allowances for full-time and part-time undergraduate students and postgraduate students with disabilities in 2023/24.

- 7.18 This instrument amends the Student Support Regulations to increase the maximum disabled students' allowance for full-time and part-time undergraduate and postgraduate students by 2.8% in 2023/24. The maximum disabled students' allowance will be £26,291 in 2023/24.

Changes to living costs support for part-time undergraduate students in 2023/24.

- 7.19 The maximum loan for living costs for new part-time undergraduate students and continuing part-time undergraduate students who started their level 6 courses (honours degree and equivalent courses) on or after 1 August 2018 will be increased by 2.8% in 2023/24. The loan for living costs is also available for part-time level 5 pre-registration healthcare courses and part-time level 4 and 5 approved Higher Technical Qualifications starting in 2023/24. It is partially income assessed.
- 7.20 This instrument amends the Student Support Regulations so that the maximum loan for living costs for part-time students living away from home and studying outside London will be £9,978 in 2023/24; for students living away from home and studying in London, £13,022; for students living in the parental home, £8,400 and for students studying overseas as part of a UK course, £11,427.

Changes to loans for students starting postgraduate master's degrees in 2023/24.

- 7.21 The maximum loan for students starting postgraduate master's degrees on or after 1 August 2023 will be increased by 2.8% in 2023/24. This instrument amends the Master's Regulations to increase the maximum postgraduate master's degree loan to £12,167.

Changes to loans for students starting postgraduate doctoral degrees in 2023/24.

- 7.22 The maximum loan for students starting postgraduate doctoral degrees on or after 1 August 2023 will be increased by 2.8% in 2023/24. This instrument amends the Doctoral Regulations to increase the maximum postgraduate doctoral degree loan to £28,673. It also increases the maximum postgraduate doctoral degree loan that can be paid for any one academic year to £12,167.

Changes to the ordinary residence requirements for individuals with protection-based status and those with indefinite leave to remain as the victim of domestic violence or as a bereaved partner when picking up support as an event.

- 7.23 The Home Office has introduced a number of forms of leave to remain in the UK, where the recipient is deemed to be in need of some form of protection which grants them almost exactly the same social rights as enjoyed by refugees: Humanitarian Protection, Stateless Persons leave, Calais leave, Section 67 ('Dubs') leave, Afghan Relocations and Assistance Policy, Afghan Citizens Resettlement Scheme and Ukraine scheme leave. The Home Office has also made provision for the grant of indefinite leave to remain to persons who are victims of domestic violence or who are bereaved partners.
- 7.24 It is the policy intent that these students should qualify for student support and home fee status where they are awarded one of these immigration statuses part way through their course. However, as the legislation is currently drafted, to qualify for support and home fee status these students will need to have been ordinarily resident (including being lawfully resident) in England on the first day of the first academic year of the course. It may be difficult for some students to demonstrate lawful residence before being awarded protection-based leave or leave as a victim of domestic violence or as a bereaved partner and could prevent students with these statuses from qualifying for support part way through their course.

- 7.25 This instrument amends the Student Support Regulations so that students with protection-based status and their family members, indefinite leave as a victim of domestic violence or as a bereaved partner and who acquire the relevant status after the date on which the first term of the first academic year of the course actually starts (“the course start date”) are treated as if they had lawful residence on the course start date.
- 7.26 This instrument also makes corresponding amendments to the Master’s Regulations, and Doctoral Regulations for postgraduate master’s loans and postgraduate doctoral degree loans respectively. It also makes corresponding amendments to the Short Course Regulations for HE short courses loans and to the Further Education Loans Regulations for advanced learner loans.
- 7.27 This instrument amends the Fees and Awards Regulations so that students with protection-based status and their family members and those with indefinite leave to remain as the victim of domestic violence or as a bereaved partner will be treated as if they had lawful residence on the course start date. This ensures students who are granted the relevant status after the course start date can still qualify for home fee status. This instrument also makes corresponding changes to the Fee Limit Condition Regulations in order to be considered ‘qualifying persons’ for the purposes of tuition fee limits.
- 7.28 These changes will apply in respect of an academic year starting on or after 1 August 2023.

Changing the requirement for individuals with protection-based status to be ordinarily resident in England on the first day of the first academic year of the course, to the day on which the course starts.

- 7.29 The Student Support Regulations stipulate that students with protection-based status, their family members and persons with indefinite leave to remain as a victim of domestic violence or as a bereaved partner should only qualify for support where they can demonstrate ordinary residence in England on the first day of the first academic year of the course.
- 7.30 This can often prove difficult for individuals in these groups who may not move to England until just before the actual start of their course which is after the first day of the first academic year of the course. For example, an academic year may begin on 1 September, but course start date could be 15 September.
- 7.31 This instrument amends the Student Support Regulations so that students in the relevant groups must be ordinarily resident in England on the course start date, rather than on the first day of the first academic year of the course, in order to qualify for support.
- 7.32 This instrument makes corresponding amendments to the Master’s Regulations and Doctoral Regulations for postgraduate master’s loans and postgraduate doctoral degree loans respectively.
- 7.33 This instrument amends the Fees and Awards Regulations so that students with protection-based status, their family members and persons with indefinite leave to remain as a victim of domestic violence or as a bereaved partner will qualify for home fee status if they have been ordinarily resident on the day on which the course starts. It also makes corresponding amendments to the Fee Limit Condition Regulations so

that students who are ordinarily resident on the day on which the course starts are ‘qualifying persons’ for the purposes of tuition fee limits.

- 7.34 These changes will apply in respect of an academic year starting on or after 1 August 2023.

Clarification of the eligibility requirements for students who qualify for support part-way through their course.

- 7.35 The Student Support Regulations stipulate that students qualify for fee loans and living costs support where their course becomes designated or the student becomes an eligible student in the course of an academic year. This instrument amends the Student Support Regulations to clarify how the events provisions operate for students who qualify for support part way through their course. In particular it makes clear that students in the protection based categories who acquire the relevant immigration status on or before the course start date are eligible for support for the full academic year, rather than only in respect of part of their first year.
- 7.36 This instrument also makes it explicit in the Student Support Regulations that all students applying for support where an event occurs, must meet the relevant eligibility requirements within Regulation 2(1) and Schedule 1 to those regulations. This is to ensure that the requirement to be ordinarily resident on the first day of the first academic year (or the day on which the course starts, as appropriate) continues to apply to eligible students.
- 7.37 This instrument makes corresponding amendments to the Master’s Regulations and Doctoral Regulations for postgraduate master’s loans and postgraduate doctoral degree loans respectively. It also makes corresponding amendments to the Further Education Loans Regulations and the Short Course Regulations for advanced learner loans and HE short courses loans respectively.
- 7.38 These changes will apply in respect of an academic year starting on or after 1 August 2023.

Family members of persons with leave under the Afghan and Ukraine schemes.

- 7.39 The Student Support Regulations enable certain family members, to be awarded student support where their spouse, civil partner or parent has been granted Refugee status, Humanitarian Protection or Stateless leave. This enables specified family members to access student support on the basis of their family member’s status.
- 7.40 Following the introduction of the Ukraine schemes by the Home Office, family members of persons with Ukraine scheme leave are in a directly comparable position to family members of Refugees, Humanitarian Protection and Stateless leave, who can access support regardless of status and nationality.
- 7.41 This instrument amends the Student Support Regulations so that the following family members of a person granted leave under one of the Ukraine schemes may qualify for student support: the spouse or civil partner of the person granted leave, the child of a person granted leave, or the child of the spouse or civil partner of a person granted leave. The spouse or civil partner must be in that relationship on the leave application date and the child must be the child of that person and under the age of 18 years on the leave application date.

- 7.42 Changes in respect of the Ukraine schemes will apply in respect of an academic year starting on or after 1 August 2023.
- 7.43 This instrument also makes corresponding amendments to the Student Support Regulations so that certain family members of a person granted leave under either the Afghan Relocations and Assistance Policy (ARAP) or the Afghan Citizens Resettlement Scheme (ACRS) schemes, can qualify for student support.
- 7.44 Changes in respect of the family members of persons granted leave under one of the Afghan schemes will apply in respect of an academic year which begins on or after 1 August 2023 of a course which started on or after 1 August 2022.
- 7.45 Corresponding changes are made to the European University Institute Regulations, the Master's Regulations, the Doctoral Regulations, the Further Education Loans Regulations, the Short Course Regulations, the Fees and Awards Regulations and the Fee Limit Condition Regulations.
- 7.46 This instrument also includes savings provisions so that family members of persons granted leave under one of the Afghan Schemes who have already qualified for support under the Student Support Regulations, the European University Institute Regulations and the Short Course Regulations because they themselves were granted leave under one of those Schemes, can continue to qualify for support on that basis.

Designation of Higher Technical Qualifications for student support.

- 7.47 The Government is introducing a new type of qualification, the Higher Technical Qualification (HTQ), which aims to improve the quality of technical education on offer and encourage more people to take higher technical courses which improve their employment prospects and meet employers' skills needs. Eligible students undertaking Higher Technical Qualifications will qualify for student support and home fee status and are "qualifying persons" for the purposes of tuition fee limits.
- 7.48 This instrument amends the Student Support Regulations so that courses leading to HTQs that have been approved by the Institute for Apprenticeships and Technical Education are "designated courses" for the purposes of student support. Eligible undergraduate students undertaking full-time and part-time courses leading to these approved HTQs can qualify for fee loans and, where applicable, disabled students' allowance. Students attending full-time HTQs designated for support will, in addition, qualify for loans for living costs and, where applicable, long courses loans and grants for dependants.
- 7.49 Most part-time level 4 and 5 courses do not currently attract loans for living costs. This instrument amends the Student Support Regulations to make an exception for eligible students attending designated part-time HTQs at level 4 and 5 who will qualify for part-time loans for living costs.
- 7.50 This instrument also amends the Student Support Regulations so that eligible students who complete an approved HTQ course and achieve a qualification will qualify for fee loan and living cost support for a 'top up' honours degree course (whether or not the HTQ is already designated for Higher Education student support as a DipHE, CertHE, HNC, HND or foundation degree).

- 7.51 These changes will apply to new students starting full-time or part-time courses leading to Higher Technical Qualifications in the 2023/24 academic year.

Termination of eligibility provisions for students in protection based and EU exit related categories.

- 7.52 Students in the protection-based categories and those in the EU exit related categories who have started courses from the 2021/22 academic year onwards and who lose their immigration status while completing their course, lose their entitlement to support under the Student Support Regulations. This is in line with the Department's intention not to fund students who no longer hold a valid eligibility status.
- 7.53 Provisions were not, however, included in the Master's Regulations and the Doctoral Regulations for protection-based categories nor EU exit related categories with limited leave to enter or remain. Unlike undergraduate courses where students must apply for funding annually, postgraduate courses require a single application, even though funding is distributed to the student on a termly basis. Therefore, there is a potential risk that a student could apply for, and be granted, a doctoral degree loan or a master's degree loan and then lose an EU exit or a protection-based status while continuing to receive funding for the course duration.
- 7.54 This instrument amends the Master's Regulations and Doctoral Regulations so that students in EU exit related or protection-based categories who have lost their eligibility status, no longer qualify for support under those Regulations.
- 7.55 These changes will apply to new students starting master's degree or doctoral degree courses in the 2023/24 academic year.

Clarifying the definition of Initial Teacher Training Courses for Teachers in Further Education.

- 7.56 A course for the initial training of teachers ('ITT course') is listed in Schedule 2 to the Student Support Regulations as one of the courses that are designated for student support. However, the current definition in regulation 2(1) does not make sufficiently clear which courses of Initial Teacher Training for the Further Education sector attract student support.
- 7.57 This instrument amends the definition of an ITT course in Regulation 2(1) of the Student Support Regulations to make clear that, in England, only courses that lead to a specified qualification will be designated FE ITT courses. For courses beginning prior to 1 September 2024, that means a Diploma in Education and Training (DET) awarded by a recognised body, or a qualification awarded by a higher education provider with degree awarding powers that has content at least equivalent to a DET. Courses beginning on or after 1 September 2024 will be designated only if they are "recognised" by inclusion in a list published by the Secretary of State. In order to be included in this list, an FE ITT course must meet the requirements of the occupational standard for a Learning and Skills Teacher, as published by the Institute for Apprenticeships and Technical Education (IfATE)¹. This instrument also amends the definition of a designated ITT course in respect of initial training of teachers in further education courses in Scotland, Wales and Northern Ireland
- 7.58 Students undertaking a full-time ITT course of up to two years in length (or a part-time course of up to four years in length) are exempt from rules which prohibit tuition fee and, where applicable, living cost loan support for students undertaking a second course

¹ [Learning and skills teacher / Institute for Apprenticeships and Technical Education](#)

that is equivalent or lower in level to a qualification they already hold (ELQ). Full-time students studying on an ITT course of up to two years in length are also exempt from previous study rules which for other courses may prevent a student qualifying for fee loans for some or all of the years of their course depending on years of previous higher education study.

7.59 This instrument makes amendments to the Student Support Regulations so that current ELQ and previous study exemptions will continue to apply to students applying for student support for the FE ITT courses specified in this instrument where those students do not already hold Qualified Teacher Learning and Skills (QTLS) status. Students already holding QTLS will not qualify for tuition fee loans and where applicable, loans for living costs for an ITT course in the further education sector.

7.60 These changes will apply to new students starting full-time and part-time ITT courses in the 2023/24 academic year.

8. European Union Withdrawal and Future Relationship

8.1 This instrument is not being made under the European Union (Withdrawal) Act.

9. Consolidation

9.1 The Department is currently considering the feasibility of consolidating the relevant legislation for the academic year starting in August 2024.

10. Consultation outcome

10.1 There is no statutory requirement to consult on these amendment regulations. However, as part of a quality review process in Summer and Autumn 2022, a draft of this instrument was sent to the Student Loans Company for their review and comment.

11. Guidance

11.1 The Minister for Skills, Apprenticeships and Higher Education, Robert Halfon, announced student finance arrangements for the 2023/24 academic year in a Written Ministerial Statement to Parliament on 11 January 2023. The Statement and a detailed summary of changes to grants and loans can be accessed at: [Written Statement](#)

11.2 Information setting out the changes made by this instrument will be made available to universities, colleges and other higher education stakeholders on Student Finance England's (SFE) practitioners' website² by Spring 2023. Further information on changes to student for 2023/24 will be published for students on .GOV.UK and SFE websites before 1 August 2023.

11.3 Guidance materials are being produced by SFE for students intending to apply for financial support for the 2023/24 academic year.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 The impact on the public sector is minimal.

² <https://www.practitioners.slc.co.uk/policy/>

12.3 An Impact Assessment has not been prepared for this instrument because there is no significant impact on business and this SI relates to the maintenance of existing regulatory standards. An Equality Impact Assessment (EIA)³ covering changes to student support for 2023/24 is being published on the .GOV.UK website in January 2023 after these regulations have been laid.

13. Regulating small business

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

14. Monitoring & review

14.1 We will also be monitoring the number of students who receive fee loans and grants and loans for living costs. This information is published in the Student Loans Company's Statistical First Releases.

15. Contact

15.1 Mark Williams at the Department for Education telephone: 07391 018340 or email: mark.williams@education.gov.uk can be contacted with any queries regarding the instrument.

15.2 Paul Williams, Deputy Director Student Funding Policy, at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.

15.3 Baroness Barran, Minister for the School System and Student Finance at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.

³ A hard copy of this EIA is available from Linda Brennan at the Department for Education: Tel: 07391 018296 Email: Linda.Brennan@education.gov.uk