STATUTORY INSTRUMENTS

2016 No. 584

EDUCATION, ENGLAND

The Education (Student Fees, Awards and Support) (Amendment) Regulations 2016

Made - - - -	*14th May 2016*
Laid before Parliament	*16th May 2016*
Coming into force - -	*6th June 2016*

The Secretary of State, in exercise of the powers conferred by sections 1 and 2 of the Education (Fees and Awards) Act 1983(**1**), sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998(**2**) and sections 24(6) and 47 of the Higher Education Act 2004(**3**) makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Education (Student Fees, Awards and Support) (Amendment) Regulations 2016.

(2) These Regulations come into force on 6th June 2016.

(**1**) 1983 c. 40. Section 1 was amended by the Education Reform Act 1988 (c. 40), sections 231, 235, 237 and Schedule 12, paragraph 91; the Further and Higher Education Act 1992 (c. 13), section 93 and Schedule 8, paragraph 19; the Further and Higher Education (Scotland) Act 1992 (c. 37), Schedule 9, paragraph 8; the Education Act 1994 (c. 30), section 24 and Schedule 2, paragraph 7; the Education Act 1996 (c. 56), section 582(1) and Schedule 37, paragraph 57; the Learning and Skills Act 2000 (c. 21), section 149 and Schedule 9, paragraph 11; the Education Act 2002 (c. 32), section 215 and Schedule 22, paragraph 1; the Education Act 2005 (c.18), section 98 and Schedule 14, paragraph 9; the National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), Schedule 1, paragraph 9; the Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), article 2 and Schedule 1, paragraph 1; the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), article 5 and Schedule 2; the Education Act 2011 (c. 21), Schedule 5, paragraph 5 and Schedule 16, paragraph 5 and the Deregulation Act 2015 (c. 20), Schedule 14, paragraph 33. Section 2 was amended by the Teaching and Higher Education Act 1998 (c. 30), section 44 and Schedule 4, paragraph 1.

(**2**) 1998 c. 30. Section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11, paragraph 1; the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6, paragraph 236; the Finance Act 2003 (c. 14), section 147; the Higher Education Act 2004 (c. 8), sections 42, 43 and Schedule 7, paragraph 1; the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 257; the Education Act 2011 (c. 21), section 76 and the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No. 2) Order 2013 (S.I. 2013/1881), Schedule 1, paragraph 6. Section 42 was amended by the Education Act 2002 (c. 32), Schedule 12, paragraph 9; the Higher Education Act 2004 (c. 8), Schedule 6, paragraph 9; and the Education Act 2011 (c. 21), Schedule 12, paragraph 15. Section 43 was amended by the Education Act 2002 (c. 32), Schedule 12, paragraph 10 and the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), article 5 and Schedule 2. See section 43(1) of the Teaching and Higher Education Act 1998 for the definition of "prescribed" and "regulations".

(**3**) 2004 c. 4. Section 24 was amended by the Education Act 2005 (c. 18), section 98 and schedule 14, paragraph 26 and the Education Act 2011 (c.21), schedule 5, paragraph 20.

Application

2.—(1) Regulations 3, 4, 5 and 7 apply to an academic year which begins on or after 1st August 2016.

(2) Regulation 6 applies to a designated further education course which begins on or after 1st August 2016.

(3) In these Regulations—

"academic year" means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of the course in question begins according to whether that academic year begins on or after 1st January and before 1st April, on or after 1st April and before 1st July, on or after 1st July and before 1st August or on or after 1st August and on or before 31st December, respectively;

"designated further education course" means a course designated by the Secretary of State under regulation 4 of the Further Education Loans Regulations 2012(**4**).

Amendment to the Education (Fees and Awards) (England) Regulations 2007

3.—(1) The Education (Fees and Awards) (England) Regulations 2007(**5**) are amended in accordance with this regulation.

(2) In Schedule 1, after paragraph 12, insert—

"**Long Residence**

13.—(1) A person who on the first day of the first academic year of the course—

(a) is either—

(i) under the age of 18 and has lived in the United Kingdom throughout the seven-year period preceding the first day of the first academic year of the course; or

(ii) aged 18 years old or above and, preceding the first day of the first academic year of the course, has lived in the United Kingdom throughout either—

(aa) half their life; or

(bb) a period of twenty-years;

(b) is ordinarily resident in England;

(c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and

(d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with regulation 2(4).".

Amendment to the Student Fees (Qualifying Courses and Persons) (England) Regulations 2007

4.—(1) The Student Fees (Qualifying Course and Persons) (England) Regulations 2007(**6**) are amended in accordance with this regulation.

(**4**) S.I. 2012/1818; amended by 2014/290, 2014/1766, 2015/181and 2016/238.
(**5**) S.I. 2007/779; amended by 2007/1336, 2007/2263, 2011/87 and 2012/1653.
(**6**) S.I. 2007/778; amended by 2007/1336, 2007/2263, 2008/1640, 2011/87 and 2012/1653.

(2) In the Schedule, after paragraph 11, insert—

"**Long Residence**

12.—(1) A person who on the first day of the first academic year of the course—

(a) is either—

(i) under the age of 18 and has lived in the United Kingdom throughout the seven-year period preceding the first day of the first academic year of the course; or

(ii) aged 18 years old or above and, preceding the first day of the first academic year of the course, has lived in the United Kingdom throughout either—

(aa) half their life; or

(bb) a period of twenty-years;

(b) is ordinarily resident in England;

(c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and

(d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(3).".

Amendment to the Education (Student Support) Regulations 2011

5.—(1) The Education (Student Support) Regulations 2011(**7**) are amended in accordance with this regulation.

(2) For regulation 77 (Current system students with full entitlement who are not 2008, 2009, 2012 or 2016 cohort students), substitute—

"**Current system students with full entitlement who are not 2008, 2009, 2012 or 2016 cohort students**

77.—(1) This regulation applies to a current system student with full entitlement (other than a 2008, 2009, 2012 or 2016 cohort student).

(2) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than the final year of a course that is not an intensive course is equal to—

$$X - Y$$

where—

X is—

(i) for a student in category A, £3,924;

(ii) for a student in category B, £7,100;

(iii) for a student in category C, £6,041;

(iv) for a student in category D, £5,071;

Y is the maintenance grant amount.

(**7**) S.I. 2011/1986; amended by 2012/1653, 2013/235, 2013/630, 2013/1728, 2013/3106, 2014/1766, 2014/2103, 2014/2765, 2015/1951 and 2016/270.