STATUTORY INSTRUMENTS

2015 No. 1951

EDUCATION, ENGLAND

The Education (Student Support) (Amendment) Regulations 2015

Made - - - -	*29th November 2015*
Laid before Parliament	*2nd December 2015*
Coming into force - -	*23rd December 2015*

The Secretary of State 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 and application

1.—(1) These Regulations may be cited as the Education (Student Support) (Amendment) Regulations 2015.

(2) This regulation and regulations 5, 7, 9, 11, 17, 18, 46, 47, 48, 49, 50, 52, 53, 54, 55 and 56(a) come into force on 23rd December 2015.

(3) All other provisions of these Regulations—

(a) come into force on 23rd December 2015; and

(b) apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st August 2016 whether anything done under these Regulations is done before, on or after 1st August 2016.

Amendment of the Education (Student Support) Regulations 2011

2. The Education (Student Support) Regulations 2011(**2**) are amended in accordance with regulations 3 to 57.

3. Omit regulations 73, 75, 78, 91 to 98, 106, 115 and 118.

(**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, the Higher Education Act 2004 (c.8) sections 42 and 43 and Schedule 7, the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) section 257, the Education Act 2011 (c.21) section 76 and S.I. 2013/1881. See section 43(1) of the Teaching and Higher Education Act 1998 for the definition of "prescribed" and "regulations".

(**2**) S.I. 2011/1986, amended by S.I. 2012/1653, 2013/235, 2013/630, 2013/1728, 2013/3106, 2014/1766, 2014/2103 and 2014/2765.

4. In regulation 2 (Interpretation)—

(a) in paragraph (1)—

(i) in the definition of "2008 cohort student"—

(aa) in sub-paragraph (i), insert "or" after "2008;";

(bb) omit sub-paragraph (ii);

(ii) in the definition of "2009 cohort student"—

(aa) in sub-paragraph (i), insert "or" after "previous course;";

(bb) omit sub-paragraph (ii);

(iii) for the definition of "2012 cohort student", substitute—

""2012 cohort student" means a current system student who—

(a) begins the current course on or after 1st September 2012 and before 1st August 2016 and is not a 2008, 2009 or 2016 cohort student;

(b) transfers to the current course pursuant to regulation 7 on or after 1st August 2016 from a course that—

(i) is not a distance learning course; and

(ii) begins on or after 1st September 2012 and before 1st August 2016; or

(c) begins an end-on course on or after 1st August 2016 immediately after ceasing to attend a course that begins on or after 1st September 2012 and before 1st August 2016;";

(iv) after the definition of "2012 cohort student", insert—

""2016 cohort student" means a current system student who—

(a) begins the current course on or after 1st August 2016;

(b) is not a 2008, 2009 or 2012 cohort student;

(c) has not transferred to the current course pursuant to regulation 7 from a course that—

(i) is not a distance learning course; and

(ii) began before 1st August 2016; and

(d) is not beginning an end-on course on or after 1st August 2016;";

(v) omit the definition of "college fee loan";

(vi) in the definition of "end-on course"—

(aa) in sub-paragraph (e), after "beginning on or after 1st September 2012" insert ", but before 1st August 2016";

(bb) after sub-paragraph (g), insert—

"(h) a full-time honours degree course beginning on or after 1st August 2016 which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a full-time course mentioned in paragraph 2, 3 or 4 of Schedule 2 that is not a distance learning course or a full-time foundation or ordinary degree course that is not a distance learning course, which started before 1st August 2016, having achieved a qualification;";

(vii) in the definition of "fees", omit "except in references to college fees";

(viii) omit the definition of "flexible postgraduate course for the initial training of teachers";

(ix) omit the definition of "old flexible postgraduate course for the initial training of teachers";

(x) in the definition of "Scottish healthcare allowance", after "means any allowance" insert "(including a young students' bursary or an independent students' bursary)";

(xi) omit the definitions of "type 1 teacher training student", "type 2 teacher training student" and "type 3 teacher training student";

(b) in paragraph (3) omit "Subject to paragraph (4),";

(c) omit paragraph (4).

5. In regulation 4 (Eligible students), omit paragraphs (8), (9), (10) and (11).

6. In regulation 5 (Designated courses), for sub-paragraph (c) substitute—

"(c) of at least one academic year's duration;".

7. In regulation 7(4) (Transfer of status), after "transfer" insert "provided that A qualifies for such support in connection with the academic year of the course to which A transfers".

8. For regulation (9)(2)(b) (Time limits), substitute—

"(b) the applicant is making a separate application for a fee loan, a fee contribution loan or a loan for living costs or is applying for an additional amount of fee loan under regulation 24(1) or (7), an additional amount of fee contribution loan under regulation 35(5) or an additional amount of loan for living costs under regulation 89(3) in which case the application must reach the Secretary of State not later than one month before the end of the academic year to which the application relates;".

9. For regulation 11 (Requirement to enter into a contract for a loan), substitute—

"**Requirement to enter into a contract for a loan**

11.—(1) To receive a loan a student must enter into a contract with the Secretary of State.

(2) Where the Secretary of State requires a contract to be signed by a student, an electronic signature in such form as the Secretary of State may specify satisfies such a requirement.".

10. In regulation 19 (Availability of fee loans to current system students – general), omit paragraph (1).

11. In regulation 22 (Standard entitlement of current system students on end-on courses and certain degree courses)—

(a) in paragraph (4), in the definition of "PrC", after "preliminary courses" insert "(including any academic years that the student began or ceased to attend part of the way through the year),";

(b) in paragraph (5), in the definition of "PrC", after "preliminary courses" insert "(including any academic years that the student began or ceased to attend part of the way through the year),".

12. In regulation 25 (Old system students who are continuing students), omit paragraph (3).

13. In regulation 26 (Old system students who are transferring students), omit paragraph (5).

14. In regulation 28 (Old system students who are gap year students who have not studied on a previous course), for paragraph (2), substitute—

"(2) A gap year student does not qualify for fee support in respect of a designated course if the student has an honours degree from an institution in the United Kingdom and the exemptions in regulation 13(2) or (4) do not apply.".

15. In regulation 29 (Old system students who are gap year students who have studied on a previous course), for paragraph (2), substitute—

"(2) An old system student to whom this regulation applies does not qualify for fee support in respect of a designated course if the student has an honours degree from an institution in the United Kingdom and the exemptions in regulation 13(2) or (4) do not apply.".

16. In regulation 38 (General qualifying conditions for grants for living and other costs)—

(a) in paragraph (4)—

(i) at the end of sub-paragraph (a), for the semi-colon, substitute a full-stop;

(ii) omit sub-paragraphs (b) and (c);

(b) omit paragraph (5).

17. In regulation 41(8) (Amount of the disabled students' allowance), for "regulation 40(5)" substitute "regulation 40(4)".

18. In regulation 45 (Childcare grant)—

(a) in paragraph (2), after "paragraphs (3)" insert ", (3B)";

(b) after paragraph (3) insert—

"(3A) In this regulation, the terms "entitlement period" and "valid declaration of eligibility" have the same meanings as they have for the purposes of the Childcare Payments Act 2014(**3**) and regulations made thereunder.

(3B) A does not qualify for a childcare grant during any entitlement period for which A or A's partner has made a valid declaration of eligibility under the Childcare Payments Act 2014 in relation to any child.".

19. In regulation 56 (Qualifying conditions for the maintenance grant)—

(a) in paragraph (1), after "current system student" insert "who is not a 2016 cohort student";

(b) in paragraph (3)—

(i) at the end of sub-paragraph (a), for "; or", substitute a full-stop;

(ii) omit sub-paragraph (b).

20. In regulation 57 (Amount of the maintenance grant – 2008 cohort students)—

(a) for paragraph (1), substitute—

"(1) The maximum amount of maintenance grant available to a 2008 cohort student in respect of an academic year is £3,110.";

(b) omit paragraphs (2), (3) and (4);

(c) in paragraph (5), after "2008 cohort student" omit "other than a type 1, type 2 or type 3 teacher training student".

21. In regulation 58 (Amount of the maintenance grant – 2009 cohort students)—

(a) for paragraph (1), substitute—

"(1) The maximum amount of maintenance grant available to a 2009 cohort student in respect of an academic year is £3,110.";

(**3**) 2014 c.28.

(b) omit paragraphs (2), (3) and (4);

(c) in paragraph (5), after "2009 cohort student" omit "other than a type 1, type 2 or type 3 teacher training student".

22. In regulation 60 (Amount of the maintenance grant – current system students who are not 2008, 2009 or 2012 cohort students)—

(a) for the heading, substitute—

"Amount of the maintenance grant – current system students who are not 2008, 2009, 2012 or 2016 cohort students";

(b) for paragraph (1), substitute—

"(1) The maximum amount of maintenance grant available to a current system student who is not a 2008, 2009, 2012 or 2016 cohort student in respect of an academic year is £3,110.";

(c) omit paragraphs (2), (3) and (4);

(d) in paragraph (5), for "other than a 2008, 2009 or 2012 cohort student or a type 1, type 2 or type 3 teacher training student" substitute "other than a 2008, 2009, 2012 or 2016 cohort student".

23. In regulation 61 (Qualifying conditions for the special support grant)—

(a) before paragraph (1), insert—

"(A1) A current system student who is a 2016 cohort student does not qualify for a special support grant.";

(b) in paragraph (3)—

(i) at the end of sub-paragraph (a), for "; or", substitute a full-stop;

(ii) omit sub-paragraph (b).

24. In regulation 62 (Amount of the special support grant – 2008 cohort students)—

(a) for paragraph (1), substitute—

"(1) The maximum amount of special support grant available to a 2008 cohort student in respect of an academic year is £3,110.";

(b) omit paragraphs (2), (3) and (4);

(c) in paragraph (5), after "2008 cohort student" omit "other than a type 1, type 2 or type 3 teacher training student".

25. In regulation 63 (Amount of the special support grant – 2009 cohort students)—

(a) for paragraph (1), substitute—

"(1) The maximum amount of special support grant available to a 2009 cohort student in respect of an academic year is £3,110.";

(b) omit paragraphs (2), (3) and (4);

(c) in paragraph (5), after "2009 cohort student" omit "other than a type 1, type 2 or type 3 teacher training student".

26. In regulation 65 (Amount of the special support grant – current system students who are not 2008, 2009 or 2012 cohort students)—

(a) for the heading, substitute—