
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the provisions of the Teaching and Higher Education Act 1998 specified in article 2 on the day after the Order is made. These provisions all relate to the repeal of the Education (Student Loans) Acts of 1990, 1996 and 1998.

Transitional and saving provisions are made in respect of loans made under the repealed Acts, the making of loans under those Acts to students attending certain courses, and the loans which are so made (article 3).

Students who hold old awards under the Education (Mandatory Awards) Regulations 1998 (as prospectively amended), and those who would be eligible for such awards if an application were made, will continue to be eligible for loans (“old style loans”) under the Education (Student Loans) Act 1990 (article 4(a)).

The same will apply to those students holding discretionary awards under section 1(6) of the Education Act 1962 equivalent to old awards (article 4(b)). It will also apply to students on courses referred to in Schedule 1 to the Education (Student Loans) Act 1990 which began before 1 August 1998 (article 4(c)); and to students on “end on courses” (namely first degree or Scottish HND courses) or PGCE courses (postgraduate courses for the initial training of teachers), which the student attends immediately after other courses which began before 1 August 1998 (article 4(g)(i) and (h)(i)).

Students who attend courses beginning between 1 August 1998 and 1 August 1999 who have taken a gap year, or were unable to take up the offer of a place on an earlier course due to illness, or have successfully appealed about their examination results, will also continue to be eligible for old style loans (article 4(d), (c) and (e)). This will also apply where such students attend an end on or PGCE course immediately afterwards (article 4(g)(ii) and (h)(ii)).

The meaning of “similar course” in article 4(d) is defined in article 6.

Article 5 provides that where students transfer between courses, the date of commencement of the first year of the first course is to be regarded as the date of commencement of the first year of the second (or further) course.

Article 7 excludes from paragraphs (c) to (h) of article 4 any course for which the student holds an old award or a transitional award under section 1(1) of the 1962 Act (or for which the student would be eligible if an application were made), since a student who holds or is eligible for an old award would be covered by paragraph (a) of article 4, and a student who holds or is eligible for a transitional award is not intended to be eligible for an old style loan. Similarly, article 7 also excludes any course for which a local education authority has bestowed an award on the student under section 1(6) of the 1962 Act, which is an old award or a transitional award for the purposes of the 1998 Regulations as applied to such awards by virtue of section 1(7) of that Act, since a student on whom an old award has been bestowed would be covered by paragraph (b) of article 4, and a student on whom a transitional award has been bestowed is not intended to be eligible for an old style loan.