
STATUTORY INSTRUMENTS

2001 No. 2355

EDUCATION, ENGLAND AND WALES

**The Education (Student Support)
(Amendment) (No. 2) Regulations 2001**

<i>Made</i>	- - - -	<i>2nd July 2001</i>
<i>Laid before Parliament</i>		<i>3rd July 2001</i>
<i>Coming into force</i>	- -	<i>24th July 2001</i>

The Secretary of State for Education and Skills, in exercise of the powers conferred on the Secretary of State by sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998⁽¹⁾, hereby makes the following Regulations:

1. These Regulations may be cited as the Education (Student Support) (Amendment) (No. 2) Regulations 2001 and shall come into force on 24th July 2001.
2. The Education (Student Support) Regulations 2001⁽²⁾ shall be amended as follows.
3. In regulation 2(3) after the words “he is a child,” insert the word “is”.
4. After regulation 10(7)(a) add the following sub-paragraph—
 - “(aa) he is attending a course leading to a qualification in a healthcare profession, other than as a medical doctor or dentist and in relation to that year he is eligible to receive an allowance paid to him under sections 73(f) and 74(1) of the Education (Scotland) Act 1980⁽³⁾ the amount of which is calculated by reference to his income; or”.
5. After regulation 12(2)(a) add the following sub-paragraph—
 - “(aa) of a course leading to a qualification in a healthcare profession, other than as a medical doctor or dentist, during which he is eligible to receive an allowance paid to him under sections 73(f) and 74(1) of the Education (Scotland) Act 1980 the amount of which is calculated by reference to his income; or”.
6. In regulation 15(8) after the words “in respect of a dependent child” insert the words “and he has not elected to be ineligible for grant under regulation 16 in accordance with paragraph (6)”.
7. In regulation 16(2)—

(1) 1998 c. 30.

(2) S.I.2001/951, amended by S.I. 2001/1730.

(3) 1980 c. 44; section 74(1) was amended by paragraph 8(17) of Schedule 10 to the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39).

- (a) in sub-paragraph (a)(i) substitute for the amount “£85” the amount “£114.75”;
 - (b) in sub-paragraph (a)(ii) substitute for the amount “£127.50” the amount “£170”;
 - (c) in sub-paragraph (b)(i) substitute for the amount “£70” the amount “£94.50”; and
 - (d) in sub-paragraph (b)(ii) substitute for the amount “£105” the amount “£140”.
8. After regulation 16(3) add the following sub-paragraph—
- “(3A) Where no grant is payable under regulation 15 in respect of a dependent child because his net income exceeds the maximum amount applicable to him under paragraph (1) of that regulation, the amount of grant payable under paragraph (2) shall be reduced by the amount of his net income less £950.”.
9. In regulation 28(2)—
- (a) at the end of sub-paragraph (b)(ii) insert the word “or”; and
 - (b) insert after sub-paragraph (b)(ii) the following sub-paragraph:
 - “(iii) any allowance under sections 73(f) and 74(1) of the Education (Scotland) Act 1980 where that part-time course leads to a qualification in a healthcare profession, other than as a medical doctor or dentist, whether the amount of which is calculated by reference to his income or not;”.
10. In paragraph 1 of Schedule 3—
- (a) after sub-paragraph (1)(d) insert the following sub-paragraph:
 - “(dd) any allowance paid to him under sections 73(f) and 74(1) of the Education (Scotland) Act 1980 in respect of a course leading to a qualification in a healthcare profession, other than as a medical doctor or dentist;”;
 - (b) for sub-paragraph (1)(u), substitute the following:
 - (u) “(1) any payment made to the eligible student out of access bursary funds or hardship funds paid to the institution at which he attends his course under section 65 of the Further and Higher Education Act 1992⁽⁴⁾, sections 73 and 74 of the Education (Scotland) Act 1980⁽⁵⁾ or out of access funds under article 30 of the Education and Libraries (Northern Ireland) Order 1993⁽⁶⁾ or article 5 of the Further Education (Northern Ireland) Order 1997⁽⁷⁾.”.

2nd July 2001

Margaret Hodge
Minister of State,
Department for Education and Skills

⁽⁴⁾ 1992 c. 13.

⁽⁵⁾ 1980 c. 44; section 74(1) was amended by paragraph 8(17) of Schedule 10 to the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39).

⁽⁶⁾ S.I. 1993/2810 (N.I. 12).

⁽⁷⁾ S.I. 1997/1772 (N.I. 15).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under the Teaching and Higher Education Act 1998, come into force on 24th July 2001. They amend the Education (Student Support) Regulations 2001 (“the Student Support Regulations”).

Provision is made to ensure that persons undertaking courses leading to a qualification in a healthcare profession (other than as a medical doctor or dentist) who are entitled to means-tested benefits under sections 73(f) and 74(1) of the Education (Scotland) Act 1980 are not eligible for grant for fees (*regulation 4*) or grants for living costs (*regulation 5*). Similar provision is made in respect of part-time students (*regulation 9*).

Regulation 15(8) of the Student Support Regulations has been amended so that a student who has made an election under regulation 15(6) to be ineligible for grant under regulation 16, will not be eligible to receive the travel, books and equipment grant under this regulation (*regulation 6*).

Regulation 16(3) of the Student Support Regulations has been modified with the effect that where a dependent child’s net income exceeds the maximum applicable amount under regulation 15(1), this income less the sum of £950 will be offset against the grant for childcare costs (*regulation 8*).

An extra sub-paragraph has been added to paragraph 1(1) of Schedule 3 to the Student Support Regulations so that any allowance paid under sections 73(f) and 74(1) of the Education (Scotland) Act 1980 in connection with a course leading to a qualification in a healthcare profession, as described above, shall be disregarded (*regulation 10(a)*).

Paragraph 1(1)(u) of Schedule 3 to the Student Support Regulations has been amended so that any payments made to students out of hardship funds paid to institutions in Scotland or out of access funds paid to institutions in Northern Ireland will also be disregarded (*regulation 10(b)*).

These Regulations also correct a minor drafting error.