

EXPLANATORY MEMORANDUM

The Education (Student Support) (No.2) Regulations 2002 (Amendment) (No.2) Regulations 2004

2004 No. 1602

- 1.** This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

- 2. Description**

This Statutory Instrument makes a number of amendments to the Education (Student Support) (No.2) Regulations 2002 (“the 2002 Regulations”). The amendments cover eligibility for higher education grants, eligibility requirements for part-time students, and means tested support in relation to students whose parents are self-employed.

- 3. Matters of special interest to the Joint Committee on Statutory Instruments**

None.

- 4. Legislative Background**

The 2002 Regulations were made under section 22 of the Teaching and Higher Education Act 1998. They provide for support for students attending designated higher education courses. The 2002 Regulations have been the subject of a number of amendments including those made by the Education (Student Fees and Support) (Switzerland) Regulations 2003 (S.I. 2003/3280), the Education (Student Support) (No.2) Regulations 2002 (Amendment) Regulations 2003 (S.I.2003/1065), and the Education (Student Support) (No.2) Regulations 2002 (Amendment) Regulations 2004 (S.I.2004/161) (“the 2004 Regulations”). This Statutory Instrument mainly amends the 2002 Regulations as amended by the 2004 Regulations.

- 5. Extent**

This instrument applies to England and Wales.

- 6. European Convention on Human Rights**

This instrument is not subject to affirmative resolution nor is it an instrument which amends primary legislation. The provisions of this instrument are compatible with the Convention rights.

7. Policy background

This Statutory Instrument clarifies the requirements of eligibility for the higher education grant. The grant will only be available to an eligible student attending a course which begins on or after 1st September 2004. It corrects errors made in consequential amendments made to the 2002 Regulations, which concern students' income during the academic year and the rates of loan, for students attending courses within the City of London or Metropolitan Police District. They provide that only part-time students who are resident in England and Wales on the first day of each academic year of their courses are eligible to receive financial support. They also make provision for the financial assessment of higher education students for student support where they have a parent who is self-employed.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is minimal.

9. Contact

Cliff Woods at the Department of Education and Skills Tel: 0207-925-5353 or e-mail: cliff.woods@dfes.gsi.gov.uk can answer any queries regarding the instrument.