

2004 No. 2598

EDUCATION, ENGLAND AND WALES

**The Education (Student Support) (No. 2) Regulations 2002
(Amendment) (No. 4) Regulations 2004**

<i>Made</i> - - - -	<i>5th October 2004</i>
<i>Laid before Parliament</i>	<i>14th October 2004</i>
<i>Coming into force</i> - -	<i>9th November 2004</i>

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

Citation, commencement and interpretation

1. These Regulations may be cited as the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 4) Regulations 2004 and shall come into force on 9th November 2004.
2. In these Regulations—
“the 2002 Regulations” means the Education (Student Support) (No. 2) Regulations 2002(b).

Amendment of the 2002 Regulations

3. The 2002 Regulations shall be amended as follows.
4. There shall be substituted for paragraph 1(g) of Schedule 3 the following—
“(g) “new eligible student” means an eligible student starting a designated course on or after 1st September 2004 other than—
 - (i) a designated course which is an end-on course in relation to a designated course which the student started before 1st September 2004; or
 - (ii) a designated course to which the student’s eligibility has been transferred as a result of one or more transfers under regulation 7 from a designated course which he started before 1st September 2004;”
5. In paragraph 4(10) and 4(11) of Schedule 3 there shall be inserted after “Where” the words “the Secretary of State determines that”.
6. There shall be substituted for paragraphs 5(2) and 5(3) of Schedule 3 the following—

(a) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11, by the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6, by the Finance Act 2003 (c. 14), section 147 and by the Higher Education Act 2004 (c. 8), section 42. Section 42 and section 43 were amended by the Education Act 2002 (c. 32), Schedule 12.
(b) S.I. 2002/3200, amended by S.I. 2004/161; there are other amending instruments but none is relevant.

“(2) Where the Secretary of State determines that the eligible student and his partner do not ordinarily live together throughout the relevant year, the partner’s income shall not be taken into account in determining the household income.

(3) Where the Secretary of State determines that the eligible student and his partner do not ordinarily live together for part only of the relevant year, the partner’s income shall be determined by reference to his income under sub-paragraph (1) divided by fifty-two and multiplied by the number of complete weeks in the relevant year for which the Secretary of State determines that the eligible student and his partner ordinarily live together.”.

Kim Howells
Minister of State

Department for Education and Skills

5th October 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) (No. 2) Regulations 2002 (the “2002 Regulations”). The 2002 Regulations provide for support for students taking designated higher education courses.

Regulation 4 amends paragraph 1(g) of Schedule 3 to the 2002 Regulations so that a student who begins a course on or after 1st September 2004 is treated as having begun that course before 1st September 2004 if he has transferred to that course from a course which began before that date. As a consequence, the requirement in the 2002 Regulations to take into account the income of the partner of the student’s natural parent in assessing the amount of support payable to a student beginning a course on or after 1st September 2004 does not apply to such a student.

Regulations 5 and 6 amend paragraphs 4 and 5 of Schedule 3 to ensure that, for the purposes of assessing the amount of support payable to a student, the same method is used for calculating the income of the student’s natural parent, any partner of the student and any partner of the student’s natural parent.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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