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STATUTORY INSTRUMENTS

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**2005 No. 1341**

**EDUCATION, ENGLAND AND WALES**

**The Education (Student Support)  
(Amendment) Regulations 2005**

<i>Made</i>	- - - -	<i>12th May 2005</i>
<i>Laid before Parliament</i>		<i>23rd May 2005</i>
<i>Coming into force</i>	- -	<i>15th June 2005</i>

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

**Citation, commencement and extent**

1.—(1) These regulations may be cited as the Education (Student Support) (Amendment) Regulations 2005 and shall come into force on 15th June 2005.

(2) These regulations extend to England and Wales only.

**Interpretation**

2. In these regulations—

“the 2002 Regulations” means the Education (Student Support) (No.2) Regulations 2002(2)

“the 2005 Regulations” means the Education (Student Support) Regulations 2005(3).

**Amendment of the 2002 and 2005 Regulations**

3.—(1) The 2002 Regulations shall be amended as follows.

(2) After regulation 6(2)(d) there is inserted the following sub-paragraph—

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(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 and 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.

(2) S.I.2002/3200, relevant amendments to which are the Education (Student Fees and Support) (Switzerland) Regulations 2003 (S.I. 2003/3280) and the Education (Student Support) (No. 2) Regulation 2002 (Amendment) Regulations 2004 (S.I. 2004/161).

(3) S.I. 2005/52

“(e) he is a person mentioned in paragraph 9 of Schedule 1 the application must reach the Secretary of State not later than 15th March 2006 or 9 months after the first day of the academic year, whichever is the later.”

(3) After paragraph 8 of Schedule 1 there is inserted the following paragraph—

“9. A person who on the first day of the first academic year of the course is a national of a Member State of the European Community or the child of such a national—

- (a) who is claiming a grant or loan for living costs in respect of an academic year beginning on or after 1 September 2004;
- (b) who is ordinarily resident in England and Wales on the first day of the first academic year of the course; and
- (c) who has been ordinarily resident throughout the three-year period preceding the first day of the first academic year of the course in the United Kingdom and Islands.”

4.—(1) The 2005 Regulations shall be amended as follows.

(2) After “from 1 to 7” in regulations 13(2), 24(3), 34(7), 46(5) and paragraph 4(2) of Schedule 5 there is inserted “and 9”.

(3) After paragraph 7(b) of Schedule 2, there is inserted “and, (c) who does not fall within paragraph 9”.

(4) After paragraph 8 of Schedule 2 there is inserted the following paragraph—

“9. A person who on the first day of the first academic year of the course is a national of a Member State of the European Community or the child of such a national—

- (a) who is ordinarily resident in England and Wales on the first day of the first academic year of the course; and
- (b) who has been ordinarily resident throughout the three-year period preceding the first day of the first academic year of the course in the United Kingdom and Islands.”

12th May 2005

*Bill Rammell*  
Minister of State  
Department for Education and Skills

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These regulations create a new category of student eligible for grants and loans for living costs. They apply to students taking designated higher education courses in respect of an academic year beginning on or after 1 September 2004. Regulation 3(2) inserts a time limit for applying for grants or loans for living costs in the academic year beginning on or after 1 September 2004 for this new category of eligible student.

These regulations amend the Education (Student Support) (No. 2) Regulations 2002 as amended and the Education (Student Support) Regulations 2005. The 2002 Regulations apply to the provision of support to students in relation to academic years beginning on or after 1st September 2003 but before 1st September 2005 and the 2005 Regulations apply in respect of academic years beginning on or after 1st September 2005.

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