

2005 No. 1718

EDUCATION, ENGLAND AND WALES

The Education (Student Loans) (Amendment) (England and Wales) Regulations 2005

<i>Made</i> - - - -	<i>28th June 2005</i>
<i>Laid before Parliament</i>	<i>7th July 2005</i>
<i>Coming into force</i> - -	<i>1st August 2005</i>

The Secretary of State for Education and Skills, in exercise of the powers conferred upon her by section 1(1), (2) and (7) of and paragraph 1 of Schedule 2 to the Education (Student Loans) Act 1990(a), hereby makes the following Regulations:

Citation, commencement, application and interpretation

1. These Regulations may be cited as the Education (Student Loans) (Amendment) (England and Wales) Regulations 2005 and shall come into force on 1st August 2005.

2. These Regulations do not apply in or as regards Scotland(b).

3. In these Regulations “the Principal Regulations” means the Education (Student Loans) Regulations 1998(c).

Revocation

4. The regulations mentioned in Schedule 1 are revoked to the extent provided for in that Schedule.

Amendment of the Principal Regulations

5.—(1) Regulation 6 of the Principal Regulations is amended in accordance with this regulation.

(2) In paragraphs (1) to (4), for each of the figures in the first column, wherever it appears, substitute the corresponding figure in the second column below:

(a) 1990 c. 6, amended by the Education (Student Loans) Act 1996 (c. 9), section 1(1) and the Schedule, by the Education Act 1996 (c. 56), Schedule 37 paragraph 98 and Schedule 38, and by the Education (Student Loans) Act 1998 (c. 1), sections 1 to 3. The entire Act was repealed on 13th August 1998 by the Teaching and Higher Education Act 1998 (c. 30), section 44(2) and Schedule 4, subject to transitional and saving provisions in the Teaching and Higher Education Act 1998 (Commencement No. 2 and Transitional Provisions) Order 1998 (S.I. 1998/2004). The saving provisions include provision for making subordinate legislation after the date of repeal.

(b) The Secretary of State’s functions under the Education (Student Loans) Act 1990 were transferred, in or as regards Scotland, to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46), read with article 3 of and paragraph 11 of Schedule 1 to the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999 (S.I. 1999/1748).

(c) S.I. 1998/211, as amended, in relation to England and Wales, by S.I. 1998/1676, S.I. 1998/2005, S.I. 1999/1784, S.I. 2000/1804, S.I. 2001/1627, S.I. 2002/1329, S.I. 2002/1433, S.I. 2003/1647 and S.I. 2004/1030.

<i>First Column (£)</i>	<i>Second Column (£)</i>
1,125	1,155
1,810	1,855
1,535	1,575
2,480	2,540
1,465	1,505
2,005	2,055

6. Regulation 3(4) of, and Schedule 1 to, the Principal Regulations are amended in accordance with Schedule 2.

Modifications applying whilst the Civil Partnership Act 2004 is not in force

7. During such time as section 1 of the Civil Partnership Act 2004^(a) is not in force in England and Wales, the amendments to the Principal Regulations made by regulation 6 and Schedule 2 to these Regulations shall not have effect.

28th June 2005

Bill Rammell
Minister of State
Department for Education and Skills

^(a) 2004 c. 33.

SCHEDULE 1

Regulation 4

Revocation

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Education (Student Loans) (Amendment) Regulations 1998	S.I. 1998/1676	Regulation 5
The Education (Student Loans) (Amendment) (England and Wales) Regulations 2000	S.I. 2000/1804	Regulation 5
The Education (Student Loans) (Amendment) (England and Wales) Regulations 2001	S.I. 2001/1627	Regulation 3
The Education (Student Loans) (Amendment) (England and Wales) Regulations 2002	S.I. 2002/1329	Regulation 4
The Education (Student Loans) (Amendment) (England and Wales) Regulations 2003	S.I. 2003/1647	The whole Regulations
The Education (Student Loans) (Amendment) (England and Wales) Regulations 2004	S.I. 2004/1030	The whole Regulations

SCHEDULE 2

Regulation 6

Civil Partnerships

- 8.** In regulation 3(4) after “his spouse”, insert “or civil partner”.
- 9.** In Schedule 1—
- (a) in paragraph 2 after “spouse,”, insert “civil partner,”;
 - (b) in paragraph 3 after “spouse” in both places it occurs, insert “, civil partner”; and
 - (c) in paragraph 5 after “spouse”, insert “or civil partner”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Loans) Regulations 1998 (the “1998 Regulations”). The 1998 Regulations, made under the Education (Student Loans) Act 1990, govern mortgage style repayment loans. These loans are, for the most part, only available to students who started their courses before 1st August 1998.

These Regulations do not apply in or as regards Scotland.

Regulation 5 increases the maximum amounts that may be lent to students in relation to an academic year in line with inflation.

Regulation 6 and Schedule 2 to the Regulations amend the 1998 Regulations so as to enable persons who form civil partnerships and who are attending courses covered by the 1998 Regulations to be considered eligible for mortgage style repayment loans. Regulation 7 provides that these modifications do not take effect whilst section 1 of the Civil Partnership Act 2004 (c.33) is not in force.

These Regulations also revoke the Education (Student Loans) (Amendment) (England and Wales) Regulations 2003 and the Education (Student Loans) (Amendment) (England and Wales) Regulations 2004. They also revoke in part the Education (Student Loans) (Amendment) Regulations 1998, the Education (Student Loans) (Amendment) (England and Wales) Regulations 2000, the Education (Student Loans) (Amendment) (England and Wales) Regulations 2001 and the Education (Student Loans) (Amendment) (England and Wales) Regulations 2002.

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the costs of business.

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