
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) Regulations 2005 (the “2005 Regulations”) and the Education (Student Support) Regulations 2006 (the “2006 Regulations”). The 2005 Regulations provide for support for students taking designated higher education courses in respect of an academic year beginning on or after 1st September 2005 and before 1st September 2006. The 2006 Regulations provide for support for students taking designated higher education courses in respect of an academic year beginning on or after 1st September 2006.

Amendments to the 2005 Regulations

Regulation 25 substitutes the text set out in Schedule 1 to these Regulations for Schedule 2 to the 2005 Regulations in order to implement the provisions of Directive [2004/38/EC](#) of the European Parliament and of the Council of 29th April 2004 (OJ L158, 30.04.2004, p77-123) on the rights of citizens of the Union and their family members to move and reside freely in the territory of the member states so far as the Directive relates to student support. Certain categories of person who were not formerly eligible for student support under the 2005 Regulations will be eligible as a result of the Directive. To qualify for support under the 2005 Regulations, a student must fall within one of the categories set out in Schedule 2 to those Regulations. Schedule 2 to the 2005 Regulations is amended by these Regulations to include the categories of person who are eligible for student support as a result of the Directive. Consequential changes are made by regulations 4-6, 8-12, 16-23 and 27 of these Regulations to the 2005 Regulations. A copy of the Transposition Note in relation to the implementation of the Directive so far as it relates to student support is available from the Department for Education and Skills, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT or on the website of the Office of Public Sector Information at www.opsi.gov.uk. A copy has also been placed in the library of each House of Parliament.

Schedule 2 to the 2005 Regulations is also amended to take into account the circumstances of students who are settled in the United Kingdom and who have exercised a right of residence within the territory comprising the European Economic Area and Switzerland.

Regulations 7 and 24 remove transitional provisions in the 2005 Regulations relating to the introduction of civil partnerships that are now redundant.

Regulation 13 amends regulation 17 of the 2005 Regulations so that a student cannot qualify for the adult dependants' grant in respect of an adult dependant or in respect of his partner if that adult dependant or partner is an eligible student in his own right or holds a statutory award.

Regulation 15 amends regulation 19 of the 2005 Regulations so that a student cannot qualify for the parents' learning allowance in respect of his dependent child if that child is an eligible student in his own right or holds a statutory award.

Regulation 26 updates a statutory reference in Schedule 5 to the 2005 Regulations as a result of pensions tax simplification.

Amendments to the 2006 Regulations

Regulation 36 of and Schedule 2 to these Regulations introduce a new form of support namely a loan in respect of the college fees payable by a qualifying student to a college or permanent private hall of the University of Oxford or to a college of the University of Cambridge in connection with

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

his attendance on a qualifying course. Regulations 29 and 30 make consequential amendments to the 2006 Regulations.

Regulation 33 amends regulation 41 of the 2006 Regulations so that a student cannot qualify for the adult dependants' grant in respect of an adult dependant or in respect of his partner if that adult dependant or partner is an eligible student in his own right or holds a statutory award.

Regulation 34 amends regulation 43 of the 2006 Regulations so that a student cannot qualify for the parents' learning allowance in respect of his dependent child if that child is an eligible student in his own right or holds a statutory award.

Regulation 38 substitutes the text set out in Schedule 1 to the Regulations for Schedule 1 to the 2006 Regulations. The main amendment to Schedule 1 to the 2006 Regulations is to broaden one of the categories of eligible student to take into account the circumstances of students who are settled in the United Kingdom and who have exercised a right of residence within the territory comprising the European Economic Area and Switzerland. There are also some drafting amendments to Schedule 1 to the 2006 Regulations.

Regulation 40 amends one of the grounds on which a student is treated as an independent student for the purposes of the financial assessment.

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