

## **EXPLANATORY MEMORANDUM TO**

### **THE EDUCATION (STUDENT LOANS) (AMENDMENT) (ENGLAND AND WALES) REGULATIONS 2008**

**2008 No. 1479**

1. This explanatory memorandum has been prepared by the Department for Innovation, Universities and Skills and is laid before Parliament by Command of Her Majesty.

#### **2. Description**

2.1 The Education (Student Loans) (Amendment) (England and Wales) Regulations 2008 (the “Regulations”) amend the Education (Student Loans) Regulations 1998 (the “1998 Regulations”). The 1998 Regulations provide support for students attending higher education courses who began their courses before 1st September 1998, as well as certain students who started their courses after that date.

2.2. These Regulations increase the maximum amounts of loan for maintenance available to students who will continue to receive support payments under the 1998 Regulations during the 2008/09 academic year.

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

None

#### **4. Legislative Background**

4.1 The 1998 Regulations were made under the Education (Student Loans) Act 1990 (“the 1990 Act”) and make provision for payment of mortgage style repayment loans to students in higher education.

4.2 The 1990 Act gave the Secretary of State the power to make arrangements to enable eligible students to receive loans towards their maintenance. The 1990 Act was repealed in 1998 but transitional and savings provisions were made to enable the Secretary of State to continue to make loans to students who, in very general terms, began to attend courses of higher education before 1st August 1998. Students who started courses after that date are generally eligible for income contingent loans under the Student Support Regulations made each year under the Teaching and Higher Education Act 1998.

4.3 These Regulations increase the maximum amounts of loan for maintenance for the academic year 2008/09 in line with forecast inflation.

#### **5. Territorial Extent and Application**

This instrument applies to England and Wales

#### **6. European Convention on Human Rights**

As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1. These Regulations increase the maximum amounts of loan for living costs available to students who will remain eligible for mortgage style student loans payments under the 1998 Regulations in respect of the academic year beginning on or after 1st September 2008. The increases to all maximum amounts are in line with forecast inflation.

### 7.2. Consultation

As the amendments being made are routine and are expected, no consultation was considered necessary.

## **8. Impact**

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. The impact on the public sector is minimal.

## **9. Contact**

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Tel: 020 3300 8425 or email: [diana.sibbald@dius.gsi.gov.uk](mailto:diana.sibbald@dius.gsi.gov.uk) can answer queries regarding this instrument.