

2009 No. 862

EDUCATION, ENGLAND

**The Education (Student Support) Regulations 2008
(Amendment) Regulations 2009**

Made - - - - *2nd April 2009*

Laid before Parliament *8th April 2009*

Coming into force in accordance with regulation 1

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

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Support) Regulations 2008 (Amendment) Regulations 2009.

(2) These Regulations come into force on the day after they are laid before Parliament.

(3) These Regulations apply in relation to England (b).

Amendment of the Education (Student Support) Regulations 2008

2. The Education (Student Support) Regulations 2008(c) are amended in accordance with regulations 3, 4, and 5.

3. In regulation 65(1), for “The maximum amount of a loan” substitute “Subject to paragraphs (2), (3) and (4), the maximum amount of a loan”.

4. After regulation 65(1) insert—

“(2) Notwithstanding paragraph (1) and regulation 71(2), if in the opinion of the Secretary of State the circumstances set out in paragraph (3) apply, the maximum amount of a loan for living costs or a long courses loan is increased in respect of an academic year which begins on or after 1st September 2008 and before 1st September 2009, in accordance with paragraph (4).

(3) The circumstances are that –

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- (a) 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), sections 42 and 43 and Schedule 7. See section 43(1) of the 1998 Act for the definition of “prescribed” and “regulations”.
- (b) In relation to Wales, the functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 were transferred to the Welsh Ministers under section 44 of the Higher Education Act 2004 except so far as they relate to the making of any provision authorised by subsection (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22.
- (c) S.I. 2008/529, amended by S.I. 2008/1582, S.I. 2008/2094 and S.I. 2008/2939.

- (a) the Secretary of State has notified the eligible student of the amount of a loan payable in respect of the academic year which begins on or after 1st September 2008 and before 1st September 2009 pursuant to regulation 8(3), and the amount notified has been incorrectly calculated under paragraphs 10, 11 and 12 of Schedule 4; and
 - (b) the Secretary of State is paying or has paid the loan by way of three instalments pursuant to regulation 110(1).
- (4) The amount of the increase of the maximum amount is a sum equal to the difference between–
- (a) the amount which the eligible student would have received by way of a third instalment had the amount notified under paragraph (3)(a) been correctly calculated; and
 - (b) the amount of the loan remaining to be paid after any action taken pursuant to regulation 110(13), including where the amount is nil.”.

5. In regulation 71(2), for “The maximum amount of the long courses loan” substitute “Subject to regulation 65(2), (3) and (4), the maximum amount of the long courses loan”.

David Lammy
Minister of State

2nd April 2009

Department for Innovation, Universities and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) Regulations 2008 as amended (“the 2008 Regulations”) which provide for financial support for students taking designated higher education courses in respect of academic years beginning respectively on or after 1st September 2008 and before 1st September 2009.

Regulation 4 amends the 2008 Regulations to provide a power for the Secretary of State to increase the maximum amount of a loan for living costs or a long courses loan for the academic year beginning on or after 1st September 2008 and before 1st September 2009, if in the opinion of the Secretary of State certain specified circumstances apply. It also sets out how the increase is calculated.

Regulations 3 and 5 make consequential changes to regulations 65(1) and 71(2) of the 2008 Regulations.

An impact assessment has not been produced for this instrument as it has no impact on the cost of business, charities or the voluntary sector. The impact on the public sector is minimal.

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