

**EXPLANATORY MEMORANDUM TO  
THE EDUCATION (TEACHER STUDENT LOANS) (REPAYMENT ETC)  
(AMENDMENT) REGULATIONS 2012**

**2012 No. 555**

**1.** This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 These regulations remove the reference to the General Teaching Council for England (“GTCE”) from regulation 10 of the Education (Teacher Student Loans) (Repayment etc) Regulations 2003 (“the 2003 Regulations”). These regulations also revoke the Education (Teacher Student Loans) (Repayment etc) Regulations 2002.

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

3.1 None.

**4. Legislative Context**

4.1 The Education Act 2011 abolishes the GTCE, with effect from 1 April 2012. These regulations remove the references to the GTCE from regulation 10 of the 2003 Regulations. A reference to GTCE will remain in regulation 5 of the 2003 Regulations because the scheme set out in the 2003 Regulations is now closed to new applicants and so there is no need to remove the reference.

4.2 In addition these regulations revoke the Education (Teacher Student Loans) (Repayment etc) Regulations 2002, which should have been but were not revoked when the 2003 Regulations were made.

**5. Territorial Extent and Application**

5.1 This instrument applies to England and Wales.

**6. European Convention on Human Rights**

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

**7. Policy background**

7.1 The 2003 Regulations provide for the Repayment of Teacher Loans scheme, which repays or reduces the student loans of newly qualified teachers of shortage subjects in schools, further education institutions, higher education institutions and specialist colleges in England and Wales. Its purpose is to recruit and retain more newly qualified teachers of shortage subjects by repaying or reducing their student loans over a set period. The scheme closed to new applicants in 2005 but providing they remain eligible, it continues for approximately 16,000 eligible teachers who were accepted prior to its closure.

7.2 The Education Act 2011 abolishes the GTCE, with effect from 1 April 2012. Therefore the references to the GTCE in regulation 10 need to be removed. From 1 April 2012 the information formerly provided by the GTCE under regulation 10 will be held by the Teaching Agency acting on behalf of the Secretary of State.

7.3 These regulations revoke the Education (Teacher Student Loans) (Repayment etc) Regulations 2002 which are redundant by virtue of the 2003 Regulations and should have been revoked when the 2003 Regulations were made.

7.4 There are no plans for consolidation.

## **8. Consultation outcome**

8.1 The intention to abolish the GTCE and bring its key functions into the Department for Education was set out in the Schools White Paper “The Importance of Teaching” in November 2010. The Department for Education provided a range of interested groups, including the teacher and head teacher unions, with an opportunity to discuss the issues and invited them to comment. A range of representations on the decision to abolish the GTCE were received, of which the majority were broadly positive. We have not consulted on revoking the Education (Teacher Student Loans) (Repayment etc) Regulations 2002 as we are correcting an anomaly.

## **9. Guidance**

9.1 The Department has informed the Student Loans Company (which operates this scheme on behalf of the Secretary of State) that, from 1 April 2012, the information mentioned in regulation 10 will be available from the Teaching Agency acting on behalf of the Secretary of State. The Department is providing further information on its website which will inform teachers, employers and the public of the role of the new Teaching Agency which will take over many of the GTCE’s functions.

## **10. Impact**

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is not significant. From 1 April 2012, the Student Loans Company will obtain information about a teacher's status as a qualified teacher from the Secretary of State in place of the GTCE.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 As this is a consequential change, monitoring and review is not required.

## **13. Contact**

13.1 John Joseph at the Department for Education (email: [john.joseph@education.gsi.gov.uk](mailto:john.joseph@education.gsi.gov.uk)) can answer any queries regarding the instrument.