

2014 No. 2765

EDUCATION, ENGLAND

**The Education (Student Support) (Amendment) Regulations
2014**

Made - - - - - *14th October 2014*

Laid before Parliament *16th October 2014*

Coming into force in accordance with regulation 1

The Secretary of State for Business, Innovation 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) (Amendment) Regulations 2014.

(2) Subject to paragraph (3), this regulation and regulations 2, 3, 4(a), (b)(i) and (c), 5, 8, 15(a), (b)(i) and (c), 18(b) and 20 come into force on 7th November 2014.

(3) Regulation (3)(a) does not apply in relation to a student who—

- (a) began their current course before 7th November 2014; and
- (b) has been awarded a grant under regulation 40, 127, 147 or 159 of the Education (Student Support) Regulations 2011(b) (“the 2011 Regulations”) in relation to an academic year of a relevant course where that academic year began before 7th November 2014.

(4) Subject to paragraph (5), all other provisions of these Regulations—

- (a) come into force on 7th November 2014; and
- (b) apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st September 2015 whether anything done under these Regulations is done before, on or after 1st September 2015.

(5) Regulations 9, 10, 14, 18(a), (c) and (d), 19, 21 and 22 do not apply in relation to a student who—

- (a) began their current course before 1st August 2015; and

(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, the Higher Education Act 2004 (c.8) sections 42 and 43 and Schedule 7, the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) section 257, the Education Act 2011 (c.21) section 76 and S.I. 2013/1881. See section 43(1) of the 1998 Act for the definitions of “prescribed” and “regulations”.

(b) S.I. 2011/1986, amended by S.I. 2012/1653, 2013/235, 2013/630, 2013/1728, 2013/3106, 2014/1766 and 2014/2103.

- (b) has been awarded a grant under regulation 40, 127, 147 or 159 of the 2011 Regulations in relation to an academic year of a relevant course where that academic year began before 1st August 2015.
- (6) For the purposes of this regulation—
- (a) “current course” means the course in respect of which the student is applying for support under the 2011 Regulations;
 - (b) in relation to paragraph (3)(a), a current course which begins on or after 7th November 2014 is treated as beginning before that date where—
 - (i) the student transfers to the current course from a course which began before 7th November 2014 and their status has been transferred or converted under regulation 7, 131, 132, 151, 152 or 163 of the 2011 Regulations; or
 - (ii) disregarding any intervening vacation, the student begins the current course immediately after ceasing to undertake a higher education course within the meaning of regulation 2(1) of the 2011 Regulations which began before 7th November 2014;
 - (c) in relation to paragraph (5)(a), a current course which begins on or after 1st August 2015 is treated as beginning before that date where—
 - (i) the student transfers to the current course from a course which began before 1st August 2015 and their status has been transferred or converted under regulation 7, 131, 132, 151, 152 or 163 of the 2011 Regulations; or
 - (ii) disregarding any intervening vacation, the student begins the current course immediately after ceasing to undertake a higher education course within the meaning of regulation 2(1) of the 2011 Regulations which began before 1st August 2015;
 - (d) “relevant course” means—
 - (i) the current course;
 - (ii) where sub-paragraph (b)(i) or (c)(i) applies, the course from which student has transferred; or
 - (iii) where sub-paragraph (b)(ii) or (c)(ii) applies, the course which the student ceased to undertake immediately before undertaking the current course.

Amendment of the 2011 Regulations

2. The 2011 Regulations are amended in accordance with regulations 3 to 23.

3. In regulation 2(1) (interpretation)—

- (a) after the definition of “Directive 2004/38”, insert ““disability” has the meaning given in section 6 of the Equality Act 2010(a);”;
- (b) in the definition of “ordinary duration”, omit—
 - (i) “, in relation to a designated course,”;
 - (ii) “designated” in the second place it occurs; and
- (c) in the definition of “standard student”, omit “designated”.

4. In regulation 5 (designated courses)—

- (a) for paragraph (1)(d) substitute—
 - “(d) either—
 - (i) wholly provided by an authority-funded institution;
 - (ii) provided by a publicly funded institution situated in the United Kingdom on behalf of an authority-funded institution; or

(a) 2010 c.15.

- (iii) provided by an authority-funded institution in conjunction with an institution which is situated outside the United Kingdom;
- (da) substantially provided in the United Kingdom; and”;
- (b) in paragraph (1)(e)—
 - (i) omit “6,”;
 - (ii) for the words starting with “, a course leading” to the end of paragraph (1)(e), substitute—
 - “—
 - (i) a course which leads to an award granted or to be granted by a body falling within section 214(2)(a) or (b) of the Education Reform Act 1988(a); and
 - (ii) the teaching and supervision which comprise the course has been approved by that body.”; and
- (c) in paragraph (7), after sub-paragraph (a) insert—
 - “(aa) a course is substantially provided in the United Kingdom where at least half of the teaching and supervision which comprise the course is provided in the United Kingdom;”.

5. In regulation 12 (previous course)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (b)(i), omit “designated” where it appears before “distance learning”;
 - (ii) in sub-paragraph (b)(ii), for “designated” where it appears before “distance learning” substitute “full-time”;
 - (iii) in sub-paragraph (b)(iii), for paragraph (bb) substitute—
 - “(bb) the student’s status as an eligible student has been transferred or converted under these Regulations to the current course from a course which began before 1st September 2009.”;
- (b) in paragraph (2)(b)—
 - (i) for “award of any description” substitute “statutory award”;
 - (ii) omit the word “designated”; and
- (c) in paragraph (3)(b)—
 - (i) for “award of any description” substitute “statutory award”;
 - (ii) for “designated” substitute “full-time”.

6. In regulation 13 (miscellaneous), after paragraph (3) insert—

- “(3A) Paragraph (1) does not apply to a current system student where the Secretary of State determines that the following conditions are satisfied—
 - (a) the student has provided all information required by the Secretary of State in relation to qualifications held by the student;
 - (b) that information is accurate; and
 - (c) the Secretary of State has provided written notification that the student qualifies for a fee loan under Chapter 3 of this Part in respect of an academic year of the current course.”.

7. In regulation 19 (availability of fee loans to current system students – general)—

- (a) after paragraph (3) insert—

(a) 1988 c.40; section 214(2)(a) was amended by the Further and Higher Education Act 1992 (c.13), section 93(1) and Schedule 8, paragraph 48.

“(3A) A current system student qualifies for a fee loan in respect of an academic year of the current course in accordance with paragraphs (3B) to (3D) where the Secretary of State determines that the conditions in regulation 13(3A) are satisfied.

(3B) If the Secretary of State makes the determination before the first day of the first academic year of the current course then the current system student qualifies for a fee loan in respect of the first academic year of the current course.

(3C) If the Secretary of State makes the determination on or after the first day of the first academic year of the current course then the current system student qualifies for a fee loan in respect of—

- (a) the academic year of the current course during which the Secretary of State makes the determination; and
- (b) an academic year of the current course which the student has completed prior to the Secretary of State making the determination.

(3D) Paragraphs (3B) and (3C) do not apply if the Secretary of State determines that owing to exceptional circumstances the student should qualify for a fee loan in respect of the number of academic years that make up the ordinary duration of the course.”; and

(b) after paragraph (9) insert—

“(9A) In addition to the standard entitlement, a current system student qualifies for a fee loan in respect of an academic year of a current course in accordance with paragraphs (9B) to (9D) where—

- (a) the student falls within regulation 21 or 22; and
- (b) the Secretary of State determines that—
 - (i) the student has provided all information required by the Secretary of State in relation to all courses which have been undertaken and qualifications which are held by the student;
 - (ii) that information is accurate; and
 - (iii) the Secretary of State has provided written notification that the student qualifies for a fee loan under this regulation in respect of an academic year of the current course.

(9B) If the Secretary of State makes the determination in paragraph (9A)(b) before the first day of the first academic year of the current course then the current system student qualifies for a fee loan in respect of the first academic year of the current course.

(9C) If the Secretary of State makes the determination in paragraph (9A)(b) on or after the first day of the first academic year of the current course then the current system student qualifies for a fee loan in respect of—

- (a) the academic year of the current course during which the Secretary of State makes the determination; and
- (b) an academic year of the current course which the student has completed prior to the Secretary of State making the determination.

(9D) Paragraphs (9B) and (9C) do not apply if the Secretary of State determines that owing to exceptional circumstances the student should qualify for a fee loan in respect of the number of academic years that make up the ordinary duration of the course.”.

8. In regulation 38(7) (general qualifying conditions for grants for living and other costs)—

- (a) omit the word “or” where it appears after the semi-colon at the end of sub-paragraph (d);
- (b) for the full-stop at the end of sub-paragraph (e)(iv) substitute “; or”; and
- (c) after sub-paragraph (e) insert—

“(f) unpaid service with either House of Parliament.”

9. For regulation 40 (qualifying conditions for the disabled students’ allowance) substitute—

“Qualifying conditions for the disabled students’ allowance

40.—(1) Subject to paragraphs (2) to (4), a student qualifies for a grant under regulation 40A if the student—

- (a) is an eligible student; and
- (b) has a disability.

(2) A student does not qualify for a grant under regulation 40A in respect of a distance learning course starting on or after 1st September 2012 unless the Secretary of State considers that the student is undertaking the designated course in England on the first day of the first academic year.

(3) A student who would otherwise qualify for a grant under regulation 40A in respect of a distance learning course does not qualify for that grant in respect of that course if the Secretary of State considers that the student is undertaking the course outside of the United Kingdom.

(4) Where the state of which the student is a national accedes to the EU the student only qualifies for disabled students’ allowance if the student has been ordinarily resident in the United Kingdom and Islands throughout the three year period immediately preceding the first day of the first academic year of the course.

Payment of the disabled students’ allowance

40A. The Secretary of State is authorised to pay the disabled students’ allowance to a student (“A”) who qualifies for that grant under regulation 40 for the purpose of assisting with the additional expenditure which A is obliged to incur in connection with A’s attendance on or undertaking of a designated course by reason of A’s disability.”

10. In regulation 41 (amount of the disabled students’ allowance)—

(a) after paragraph (1) insert—

“(1A) Subject to paragraph (2), the amount of the disabled students’ allowance in respect of additional expenditure on a computer must not exceed an amount equal to the additional expenditure incurred less £200.”;

(b) omit paragraphs (5), (6) and (9); and

(c) in paragraph (8), for “paragraph (9)” substitute “regulation 40(5)”.

11. In regulation 45(3) (childcare grant)—

(a) in the opening words of paragraph (3) omit “A or A’s partner”;

(b) in sub-paragraph (a), at the beginning insert “A or A’s partner” and at the end omit “or”;

(c) in sub-paragraph (b), at the beginning insert “A or A’s partner” and for the full stop substitute “; or”; and

(d) after sub-paragraph (b), insert—

“(c) A’s partner has elected to receive financial support for childcare under a healthcare bursary.”.

12. In regulation 69 (qualifying conditions for the loan for living costs – current system students), after paragraph (2) insert—

“(2A) The condition in paragraph (1)(a) or (b) does not apply where the Secretary of State determines that the following conditions are satisfied—

- (a) the current system student has provided all information required by the Secretary of State in relation to qualifications held by the student;
- (b) that information is accurate; and
- (c) the Secretary of State has provided written notification that the student qualifies for a loan for living costs under Chapter 1 of Part 6 in respect of an academic year of the current course.

(2B) Where paragraph (2A) applies, a current system student qualifies for a loan for living costs in accordance with paragraphs (2C) to (2E).

(2C) If the Secretary of State makes the determination before the first day of the first academic year of the current course then the current system student qualifies for a loan for living costs in respect of the first academic year of the current course.

(2D) If the Secretary of State makes the determination on or after the first day of the first academic year of the current course then the current system student qualifies for a loan for living costs in respect of—

- (a) the academic year of the current course during which the Secretary of State makes the determination; and
- (b) an academic year of the current course which the student has completed prior to the Secretary of State making the determination.

(2E) Paragraphs (2C) and (2D) will not apply if the Secretary of State determines that owing to exceptional circumstances the current system student should qualify for a loan for living costs for the duration of the current course.”.

13. In regulation 124 (support for distance learning courses), after paragraph (6) insert—

“(7) Paragraph (6) does not apply where the Secretary of State determines that the following conditions are satisfied—

- (a) the student has provided all information required by the Secretary of State in relation to qualifications held by the student;
- (b) that information is accurate; and
- (c) the Secretary of State has provided written notification that the student qualifies for support under this regulation in respect an academic year of the current distance learning course.

(8) Where paragraph (7) applies, the student qualifies for support under this regulation in accordance with paragraphs (9) to (11).

(9) If the Secretary of State makes the determination before the first day of the first academic year of the current distance learning course then the student qualifies for support under this regulation in respect of the first academic year of the current distance learning course.

(10) If the Secretary of State makes the determination on or after the first day of the first academic year of the current distance learning course then the student qualifies for support under this regulation in respect of—

- (a) the academic year of the current distance learning course during which the Secretary of State makes the determination; and
- (b) an academic year of the current distance learning course which the student has completed prior to the Secretary of State making the determination.

(11) Paragraphs (9) and (10) do not apply if the Secretary of State determines that owing to exceptional circumstances the student should qualify for support under this regulation for the duration of the current distance learning course.”.

14. In regulation 127 (disabled distance learning students’ allowance)—

- (a) for paragraph (1) substitute—

“(1) A student qualifies for a grant under this regulation if the student—

- (a) is an eligible distance learning student; and
- (b) has a disability.”;

- (b) after paragraph (3A) insert—

“(3B) The Secretary of State is authorised to pay a grant under this regulation to a student (“A”) who qualifies for that grant for the purpose of assisting with the additional

expenditure which A is obliged to incur by reason of A's disability in respect of undertaking a designated distance learning course.”; and

(c) after paragraph (4) insert—

“(4A) Subject to paragraph (5), the amount of the grant under this regulation in respect of additional expenditure on a computer must not exceed an amount equal to the additional expenditure incurred less £200.”.

15. In regulation 139 (designated part-time courses)—

(a) for paragraph (1)(d) substitute—

“(d) it is either—

- (i) wholly provided by an authority-funded institution;
- (ii) provided by a publicly funded institution situated in the United Kingdom on behalf of an authority-funded institution; or
- (iii) provided by an authority-funded institution in conjunction with an institution which is situated outside the United Kingdom;

(da) it is substantially provided in the United Kingdom;”;

(b) in sub-paragraph (e)—

(i) omit “6, ”; and

(ii) for the words starting with “, it leads” to the end of that sub-paragraph substitute—

“—

- (i) it is a course which leads to an award granted or to be granted by a body falling within section 214(2)(a) or (b) of the Education Reform Act 1988(a); and
- (ii) the teaching and supervision which comprise the course has been approved by that body.”; and

(c) in paragraph (6), after sub-paragraph (a) insert—

“(aa) a course is substantially provided in the United Kingdom where at least half of the teaching and supervision which comprise the course is provided in the United Kingdom;”.

16. In regulation 141 (assistance for part-time courses in respect of courses beginning before 1st September 2012), after paragraph (7) insert—

“(8) Paragraph (6) does not apply where the Secretary of State determines that the following conditions are satisfied—

- (a) the student has provided all information required by the Secretary of State in relation to qualifications held by the student;
- (b) that information is accurate; and
- (c) the Secretary of State has provided written notification that the student qualifies for support under this regulation in respect of an academic year of the current part-time course.

(9) Where paragraph (8) applies, the student qualifies for support under this regulation in accordance with paragraphs (10) to (12) provided that the student would otherwise qualify for support under this regulation in respect of that academic year.

(10) If the Secretary of State makes the determination before the first day of the first academic year of the current part-time course then the student qualifies for support under this regulation in respect of the first academic year of the current part-time course.

(a) 1988 c.40; section 214(2)(a) was amended by the Further and Higher Education Act 1992 (c.13), Schedule 8, paragraph 48.

(11) If the Secretary of State makes the determination on or after the first day of the first academic year of the current part-time course then the student qualifies for support under this regulation in respect of—

- (a) the academic year of the current part-time course during which the Secretary of State makes the determination; and
- (b) an academic year of the current part-time course which the student has completed prior to the Secretary of State making the determination.

(12) Paragraphs (10) and (11) do not apply if the Secretary of State determines that owing to exceptional circumstances the student should qualify for support under this regulation for the duration of the current part-time course.”.

17. In regulation 144 (fee support for designated part-time courses beginning on or after 1st September 2012)—

- (a) in paragraph (4) for the words “paragraph (6)” substitute “paragraphs (6) to (12)”; and
- (b) after paragraph (6) insert—

“(7) Paragraph (4) does not apply if—

- (a) the current part-time course—
 - (i) is a course in engineering, technology or computer science (or a combination of those subjects);
 - (ii) leads to an honours degree; and
- (b) the student begins the current part-time course on or after 1st August 2015.

(8) Paragraph (4) does not apply where the Secretary of State determines that the following conditions are satisfied—

- (a) the student has provided all information required by the Secretary of State in relation to qualifications held by the student;
- (b) that information is accurate; and
- (c) the Secretary of State has provided written notification that the student qualifies for support under this regulation in respect of the current part-time course.

(9) Where paragraph (8) applies, the student qualifies for support under this regulation in accordance with paragraphs (10) to (12).

(10) If the Secretary of State makes the determination before the first day of the first academic year of the current part-time course then the student qualifies for support under this regulation in respect of the first academic year of the current part-time course.

(11) If the Secretary of State makes the determination on or after the first day of the first academic year of the current part-time course then the student qualifies for support under this regulation in respect of—

- (a) the academic year of the current part-time course during which the Secretary of State makes the determination; and
- (b) an academic year of the current part-time course which the student has completed prior to the Secretary of State making the determination.

(12) Paragraphs (10) and (11) do not apply if the Secretary of State determines that owing to exceptional circumstances the student should qualify for support under this regulation for the duration of the current part-time course.”.

18. In regulation 147 (disabled part-time students’ allowance)—

- (a) for paragraph (1) substitute—

“(1) A student qualifies for a grant under this regulation if the student—

- (a) is an eligible part-time student; and
- (b) has a disability.”;

- (b) in paragraph (2)(c), for “paragraph (4)” substitute “paragraph (3)”; and

(c) after paragraph (4) insert—

“(4A) The Secretary of State is authorised to pay a grant under this regulation to an eligible part-time student (“A”) who qualifies for that grant for the purpose of assisting with the additional expenditure which A is obliged to incur by reason of A’s disability in respect of undertaking a designated part-time course.”; and

(d) after paragraph (5) insert—

“(5A) Subject to paragraph (6), the amount of the grant under this regulation in respect of additional expenditure on a computer must not exceed an amount equal to the additional expenditure incurred less £200.”.

19. In regulation 159 (eligible postgraduate students)—

(a) omit paragraph (1); and

(b) for paragraph (3)(b) substitute—

“(b) the person has a disability.”.

20. In regulation 161 (designated postgraduate courses)—

(a) in paragraph (1), for sub-paragraph (c) substitute—

“(c) it is either—

(i) wholly provided by an authority-funded institution;

(ii) provided by a publicly funded institution situated in the United Kingdom on behalf of an authority-funded institution; or

(iii) provided by an authority-funded institution in conjunction with an institution which is situated outside the United Kingdom;

(ca) it is substantially provided in the United Kingdom; and”;

(b) in paragraph (2), after sub-paragraph (a) insert—

“(aa) a course is substantially provided in the United Kingdom where at least half of the teaching and supervision which comprise the course is provided in the United Kingdom;”.

21. After regulation 165 (information) insert—

“Authority to pay grant

165A. The Secretary of State is authorised to pay a grant to an eligible postgraduate student (“A”) for the purpose of assisting with the additional expenditure which A is obliged to incur in connection with A’s attendance on or undertaking of a designated postgraduate course by reason of A’s disability.”.

22. In regulation 166 (amount of grant), after paragraph (1) insert—

“(1A) Subject to paragraph (2), the amount of the grant under this Part for additional expenditure on a computer is an amount equal to the expenditure the student is obliged to incur less £200.”.

23. The Schedule to these Regulations has effect to substitute the figure in the third column of the table for the figure in the second column where it appears in the regulation of the 2011 Regulations set out in the first column.

14th October 2014

Greg Clark
Minister of State for Universities, Science and Cities
Department for Business, Innovation and Skills

SCHEDULE

Regulation 23

NEW PAYMENT RATES FOR STUDENT SUPPORT

<i>Provision in the Education (Student Support) Regulations 2011</i>	<i>Existing figure</i>	<i>New figure</i>
Regulation 23		
23(5A)	£3,685	£3,805
23(5A)	£1,835	£1,895
Regulation 44		
44(3)(a)	£2,668	£2,757
44(3)(b)	£2,668	£2,757
Regulation 45		
45(5)(a)	£150.23	£155.24
45(5)(b)	£257.55	£266.15
45(9)	£116.15	£120.02
Regulation 46		
46(2)	£1,523	£1,573
Regulation 72		
72(2)(i)	£3,709	£3,832
72(2)(ii)	£6,709	£6,933
72(2)(iii)	£5,709	£5,899
72(2)(iv)	£4,792	£4,952
72(2)	£9.17	£8.88
72(3)(i)	£3,352	£3,463
72(3)(ii)	£6,108	£6,312
72(3)(iii)	£4,964	£5,129
72(3)(iv)	£4,434	£4,582
72(3)	£9.17	£8.88
72(6)(a)	£3,709	£3,832
72(6)(b)	£6,709	£6,933
72(6)(c)	£5,709	£5,899
72(6)(d)	£4,792	£4,952
72(7)(a)	£3,352	£3,463
72(7)(b)	£6,108	£6,312
72(7)(c)	£4,964	£5,129
72(7)(d)	£4,434	£4,582
72(8)(i)	£3,709	£3,832
72(8)(ii)	£6,709	£6,933
72(8)(iii)	£5,709	£5,899
72(8)(iv)	£4,792	£4,952
72(9)(i)	£3,352	£3,463
72(9)(ii)	£6,108	£6,312
72(9)(iii)	£4,964	£5,129
72(9)(iv)	£4,434	£4,582
Regulation 73		
73(2)(i)	£3,709	£3,832
73(2)(ii)	£6,709	£6,933
73(2)(iii)	£5,709	£5,899
73(2)(iv)	£4,792	£4,952
73(2)	£9.17	£8.88

73(3)(i)	£3,352	£3,463
73(3)(ii)	£6,108	£6,312
73(3)(iii)	£4,964	£5,129
73(3)(iv)	£4,434	£4,582
73(3)	£9.17	£8.88
Regulation 74		
74(2)(i)	£3,876	£4,005
74(2)(ii)	£6,997	£7,230
74(2)(iii)	£5,953	£6,151
74(2)(iv)	£5,000	£5,167
74(2)	£4.95	£4.79
74(3)(i)	£3,517	£3,634
74(3)(ii)	£6,370	£6,582
74(3)(iii)	£5,176	£5,348
74(3)(iv)	£4,628	£4,782
74(3)	£4.95	£4.79
74(6)(a)	£3,876	£4,005
74(6)(b)	£6,997	£7,230
74(6)(c)	£5,953	£6,151
74(6)(d)	£5,000	£5,167
74(7)(a)	£3,517	£3,634
74(7)(b)	£6,370	£6,582
74(7)(c)	£5,176	£5,348
74(7)(d)	£4,628	£4,782
74(8)(i)	£3,876	£4,005
74(8)(ii)	£6,997	£7,230
74(8)(iii)	£5,953	£6,151
74(8)(iv)	£5,000	£5,167
74(9)(i)	£3,517	£3,634
74(9)(ii)	£6,370	£6,582
74(9)(iii)	£5,176	£5,348
74(9)(iv)	£4,628	£4,782
Regulation 75		
75(2)(i)	£3,876	£4,005
75(2)(ii)	£6,997	£7,230
75(2)(iii)	£5,953	£6,151
75(2)(iv)	£5,000	£5,167
75(2)(vii)	£4.95	£4.79
75(3)(i)	£3,517	£3,634
75(3)(ii)	£6,370	£6,582
75(3)(iii)	£5,176	£5,348
75(3)(iv)	£4,628	£4,782
75(3)(vii)	£4.95	£4.79
Regulation 76		
76(2)(i)	£4,418	£4,565
76(2)(ii)	£7,751	£8,009
76(2)(iii)	£6,600	£6,820
76(2)(iv)	£5,555	£5,740
76(2)	£9.90	£9.59
76(3)(i)	£4,060	£4,195
76(3)(ii)	£7,059	£7,294

76(3)(iii)	£5,736	£5,927
76(3)(iv)	£5,166	£5,338
76(3)	£9.90	£9.59
76(6)(a)	£4,418	£4,565
76(6)(b)	£7,751	£8,009
76(6)(c)	£6,600	£6,820
76(6)(d)	£5,555	£5,740
76(7)(a)	£4,060	£4,195
76(7)(b)	£7,059	£7,294
76(7)(c)	£5,736	£5,927
76(7)(d)	£5,166	£5,338
76(8)(i)	£4,418	£4,565
76(8)(ii)	£7,751	£8,009
76(8)(iii)	£6,600	£6,820
76(8)(iv)	£5,555	£5,740
76(9)(i)	£4,060	£4,195
76(9)(ii)	£7,059	£7,294
76(9)(iii)	£5,736	£5,927
76(9)(iv)	£5,166	£5,338
Regulation 77		
77(2)(i)	£3,709	£3,832
77(2)(ii)	£6,709	£6,933
77(2)(iii)	£5,709	£5,899
77(2)(iv)	£4,792	£4,952
77(3)(i)	£3,352	£3,463
77(3)(ii)	£6,108	£6,312
77(3)(iii)	£4,964	£5,129
77(3)(iv)	£4,434	£4,582
Regulation 78		
78(2)(a)	£3,709	£3,832
78(2)(b)	£6,709	£6,933
78(2)(c)	£5,709	£5,899
78(2)(d)	£4,792	£4,952
78(3)(a)	£3,352	£3,463
78(3)(b)	£6,108	£6,312
78(3)(c)	£4,964	£5,129
78(3)(d)	£4,434	£4,582
Regulation 79		
79(1)(a)	£3,709	£3,832
79(1)(b)	£6,709	£6,933
79(1)(c)	£5,709	£5,899
79(1)(d)	£4,792	£4,952
79(2)(a)	£3,352	£3,463
79(2)(b)	£6,108	£6,312
79(2)(c)	£4,964	£5,129
79(2)(d)	£4,434	£4,582
Regulation 80		
80(1)(b)(i)	£1,761	£1,819
80(1)(b)(ii)	£3,295	£3,405
80(1)(b)(iii)	£2,807	£2,900
80(1)(b)(iv)	£2,347	£2,425

80(1)(c)(i)	£2,781	£2,874
80(1)(c)(ii)	£5,031	£5,199
80(1)(c)(iii)	£4,281	£4,424
80(1)(c)(iv)	£3,594	£3,714
80(1)(d)(i)	£2,790	£2,883
80(1)(d)(ii)	£5,037	£5,205
80(1)(d)(iii)	£4,286	£4,428
80(1)(d)(iv)	£3,600	£3,720
80(1)(e)(i)	£2,871	£2,967
80(1)(e)(ii)	£5,038	£5,205
80(1)(e)(iii)	£4,290	£4,433
80(1)(e)(iv)	£3,610	£3,731
80(2)(b)(i)	£1,337	£1,381
80(2)(b)(ii)	£2,522	£2,606
80(2)(b)(iii)	£2,051	£2,119
80(2)(b)(iv)	£1,829	£1,890
80(2)(c)(i)	£2,514	£2,597
80(2)(c)(ii)	£4,581	£4,734
80(2)(c)(iii)	£3,723	£3,846
80(2)(c)(iv)	£3,325	£3,436
80(2)(d)(i)	£2,532	£2,616
80(2)(d)(ii)	£4,586	£4,739
80(2)(d)(iii)	£3,726	£3,850
80(2)(d)(iv)	£3,332	£3,443
80(2)(e)(i)	£2,639	£2,726
80(2)(e)(ii)	£4,588	£4,741
80(2)(e)(iii)	£3,728	£3,852
80(2)(e)(iv)	£3,357	£3,469
Regulation 81		
81(5)(a)	£55	£56
81(5)(b)	£107	£110
81(5)(c)	£116	£119
81(5)(d)	£84	£86
Regulation 87		
87(4)(a)	£55	£56
87(4)(b)	£107	£110
87(4)(c)	£116	£119
87(4)(d)	£84	£86
Regulation 105		
105(1)(a)	£2,781	£2,874
105(1)(b)	£5,031	£5,199
105(1)(c)	£4,281	£4,424
105(1)(d)	£3,594	£3,714
105(2)(a)	£2,514	£2,597
105(2)(b)	£4,581	£4,734
105(2)(c)	£3,723	£3,846
105(2)(d)	£3,325	£3,436
105(3)(a)	£2,790	£2,883
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105(3)(d)	£3,600	£3,720

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105(4)(c)	£3,726	£3,850
105(4)(d)	£3,332	£3,443
105(5)(a)	£2,871	£2,967
105(5)(b)	£5,038	£5,205
105(5)(c)	£4,290	£4,433
105(5)(d)	£3,610	£3,731
105(6)(a)	£2,639	£2,726
105(6)(b)	£4,588	£4,741
105(6)(c)	£3,728	£3,852
105(6)(d)	£3,357	£3,469
Schedule 4		
Paragraph 9(1)(a)	£9.27	£8.97

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) Regulations 2011 (S.I. 2011/1986) (“the 2011 Regulations”).

The provisions mentioned in regulation 1(2) of these Regulations come into force on 7th November 2014. However, regulation 1(3) provides that regulation 3(a) does not apply in relation to students who begin their course before 7th November 2014 and who has been awarded disabled students’ allowance for a designated full-time, distance learning, part-time or postgraduate course in relation to an academic year beginning before that date.

Regulation 1(4) provides that all other provisions of these Regulations come into force on 7th November 2014 and apply in relation to an academic year which begins on or after 1st September 2015. However, regulation 1(5) provides that regulations 9, 10, 14, 18(a), (c) and (d), 19, 21 and 22 do not apply in relation to students who begin their course before 1st August 2015 and who are awarded disabled students’ allowance (for a designated full-time, distance learning, part-time or postgraduate course) in relation to an academic year beginning before that date.

Regulation 3(a) inserts a new definition of “disability” which cross-refers to the definition in section 6 of the Equality Act 2010. Regulation 3(b) amends the definition of “ordinary duration” to make clear that the definition includes any course irrespective of the mode of study. Regulation 3(c) makes a consequential amendment to the definition of “standard student”.

Regulation 4(a) and (c) amends regulation 5(1)(d) and 5(7) of the 2011 Regulations to make clear that for a full-time course to be designated it must for the most part be provided in the United Kingdom. Regulations 15(a) and (c) and 20 make similar provision in relation to the designation of part-time and postgraduate courses.

Regulations 4(b)(i) and 15(b)(i) each remove a reference to paragraph 6 of Schedule 2 to the 2011 Regulations which is obsolete. Regulation 4(b)(ii) amends regulation 5(1)(e) to require that the teaching and supervision on certain full-time courses is approved by the awarding body as a condition of designation. Regulation 15(b)(ii) makes similar provision in relation to the designation of part-time courses.

Regulations 5(a), (b)(ii) and (c)(ii) amend regulation 12 of the 2011 Regulations to make clear that the definition of “previous course” includes all distance learning courses. Regulation 5(b)(i) and (c)(i) amend the same provision of the 2011 Regulations to make clear that the conditions in paragraph (2)(b) and (3)(b) refer to a “statutory award” within the meaning of the 2011 Regulations.

Regulation 6 amends regulation 13 of the 2011 Regulations to insert a new paragraph (3A) which provides that students who meet certain conditions qualify for fee support when they would otherwise be prevented from doing so because the course leads to a qualification of an equivalent or lower level to the one they already hold. To qualify the student must have been notified in writing that they qualify for fee support having provided complete and accurate information as to the qualifications which they hold.

Regulation 7(a) amends regulation 19 of the 2011 Regulations to make provision as to the entitlement to fee support of a student who qualifies for that support by virtue of new paragraph (3A) of regulation 13. New paragraph (3A) of regulation 19 provides that a student qualifies for a fee loan in accordance with new paragraphs (3B) to (3D) where the Secretary of State determines that the conditions in regulation 13(3A) are met. Regulations 12, 13, 16 and 17 make similar amendments in relation to loans for living costs and support for designated distance learning courses and part-time courses as are made by regulations 6 and 7(a).

Regulation 7(b) inserts new paragraphs (9A) to (9D) in regulation 19 of the 2011 Regulations. New paragraph (9A) provides that in addition to their standard entitlement, a student will qualify for fee support for an academic year in accordance with new paragraphs (9B) to (9D) where

certain conditions apply. The student must fall within regulation 21 or 22 and have been notified in writing that he or she qualifies for support in respect of an academic year of a course having provided complete and accurate information in relation to all courses undertaken and qualifications held.

Regulation 8 amends regulation 38 of the 2011 Regulations to make clear that unpaid service includes unpaid service with either House of Parliament.

Regulation 9 substitutes a new regulation 40 and 40A for regulation 40 of the 2011 Regulations. New regulation 40 makes provision as to when a student qualifies for disabled students' allowance. New regulation 40A confers a power on the Secretary of State to pay disabled students' allowance to students who qualify for that grant for the purpose of assisting with the additional expenditure which a disabled student is obliged to incur to undertake a designated course by reason of their disability. Regulations 14(a) and (b), 18(a) and (c), 19 and 21 make similar amendments in relation to students undertaking designated distance learning, part-time and postgraduate courses.

Regulation 10 amends regulation 41 of the 2011 Regulations to provide that DSA is only available in respect of expenditure on a computer insofar as it exceeds £200. Regulation 14(c), 18(d) and 22 of these Regulations make similar amendments in relation to students undertaking designated distance learning, part-time and postgraduate courses.

Regulation 11 amends regulation 45 of the 2011 Regulations to ensure that a student is not able to claim childcare grant where the student's partner has elected to receive financial support for childcare under the NHS bursary scheme.

Regulation 17 amends regulation 144 of the 2011 Regulations to insert a new paragraph (7) which provides that students who meet certain conditions qualify for support in respect of a part-time course when they would otherwise be prevented from doing so because the course leads to an equivalent or lower qualification. The conditions are that the student begins the course on or after 1st August 2015, that the course is in engineering, technology or computer science and that it leads to an honours degree qualification. Regulation 17 also makes similar amendments to regulation 144 of the 2011 Regulations as are made by regulations 6 and 7(a) of these Regulations.

Regulation 18(b) corrects an erroneous cross-reference in regulation 147(2)(c) of the 2011 Regulations.

Regulation 23 and the Schedule to these Regulations increase the amount of fee loan, adult dependants' grant, childcare grant, parents' learning allowance, loan for living costs and long courses loan for eligible students on designated courses.

An impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or the voluntary sector. The impact on the public sector is minimal. The Explanatory Memorandum is published alongside the Regulations on www.legislation.gov.uk.

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