EXPLANATORY MEMORANDUM TO THE

EDUCATION (STUDENT LOANS) (AMENDMENT) (ENGLAND AND WALES) REGULATIONS 2005

2005 No. 1718

1. This explanatory memorandum has been prepared by the Department for Education 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 2005 (the "Regulations") increase the maximum amounts of loan available under the Education (Student Loans) Regulations 1998 (the "1998 Regulations") for the 2005/06 academic year. They also amend the 1998 Regulations to enable students who form civil partnerships to be treated in the same way as students who marry for the purposes of entitlement to loans under the scheme.

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

3.1 None

4. Legislative Background

4.1 The 1998 Regulations were made under the Education (Student Loans) Act 1990 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. That Act was repealed in 1998 but transitional and savings provisions were made to enable the Secretary of State to continue to make loans to students who, in very general terms,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 under the Teaching and Higher Education Act 1998.

4.2 The Regulations amend the 1998 Regulations to give effect to the annual uprating of loan values of mortgage style repayment loans in line with inflation.

4.2 The Regulations also make amendments to the 1998 Regulations which will enable students who form civil partnerships, under the Civil Partnership Act 2004, to be treated in the same way as married students for the purposes of entitlement to mortgage style repayment. .

5. Extent

5.1 This instrument applies to England and Wales

6. European Convention on Human Rights

No statement is required.

7. Policy background

7.1 As stated in paragraph 4, mortgage style repayment loans paid out under the 1998 Regulations are intended to provide maintenance support for students in higher education and accordingly the maximum amounts of such loans that are payable are uprated annually in line with inflation. The Regulations make the required amendments to the 1998 Regulations so as to enable the payment of the increased loans to eligible students.

7.2 The Civil Partnership Act 2004, which is due to come into force later this year, establishes civil partnership as a legal relationship between two people of the same sex. When section 1 of the 2004 Act comes into force, same-sex couples will be able to form civil partnerships in the UK. In order to ensure that students who form civil partnerships are treated in the same way as students who marry for the purposes of entitlement to mortgage style repayment loans, the Regulations also make the necessary additional amendments to the 1998 Regulations. These amendments will not take effect until section 1 of the 2004 Act comes into force.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

9. Contact

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