EXPLANATORY MEMORANDUM TO

THE EDUCATION (STUDENT SUPPORT) (AMENDMENT)(NO. 2) REGULATIONS 2006

2006 No. 1745

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. These Regulations amend the Education (Student Support) Regulations 2006 (S.I.2006/119) as amended ("the 2006 Regulations"). The 2006 Regulations provide support for students attending designated higher education courses in respect of an academic year beginning on or after 1st September 2006.

2.2. The changes made by the Regulations are described in the "Policy Background" Section below.

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

None.

4. Legislative Background

4.1. The 2006 Regulations were made under sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998 as amended which gives the Secretary of State the power to make provision for loans and grants to eligible students in connection with their undertaking of designated higher education courses.

4.2. The Student Support Regulations are laid annually. The 2006 Regulations set out the student support arrangements for the 2006/07 academic year.

4.3. These Regulations make amendments to the provisions for grants for fees for a course at a publicly funded institution and for grants for fees for a course at a privately funded institution in order to take into account the designation of the Guildhall School of Music and Drama as a publicly funded institution, with effect from 1st August 2006, under section 129 of the Education Reform Act 1988.

5. Extent

Amendments made by this instrument to the 2006 Regulations apply in relation to England.

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 Under the 2006 Regulations, the rate of grant for fees for students classified as "old system" students (that is, broadly speaking, students who entered higher education before 1st September 2006) depends upon whether they are taking a course at a publicly funded institution or at a private one; and if the latter, which private institution they are attending.

7.2. The Guildhall School of Music and Drama (GSMD) has hitherto been a private institution, attracting a different rate of fee grant from other private institutions. From 1st August 2006, GSMD will be designated under section 129 of the Education Reform Act 1988 as a publicly funded institution – that is, an institution which will be eligible to receive funding from the Higher Education Funding Council for England (HEFCE).

7.3. New entrants to designated courses at GSMD in the 2006/07 academic year will be eligible for a fee loan of up to £3,000. This includes students who were made offers of a place on a course on or before 1st August 2005 but who are taking a gap year and will be starting their course in the 2006/07 academic year instead of the 2005/06 academic year.

7.4. However, for old system students who are already attending designated courses at GSMD and who will continue to attend those courses in 2006/07, different arrangements apply. They will continue to be eligible for a grant for fees at a rate of £4,355 in 2006/07.

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.

8.2 The impact on the public sector is minimal.

9. Contacts

Cliff Woods at the Department for Education and Skills in London (e-mail: cliff.woods@dfes.gsi.gov.uk) can answer any queries regarding this instrument.