S T A T U T O R Y I N S T R U M E N T S

2002 No. 1318

EDUCATION, ENGLAND AND WALES

The Education (Student Support) (Amendment) Regulations 2002

Made - - - -	*9th May 2002*
Laid before Parliament	*13th May 2002*
Coming into force	*3rd June 2002*

The Secretary of State for Education and Skills, in exercise of the powers conferred on the Secretary of State by sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998**(a)**, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Education (Student Support) (Amendment) Regulations 2002 and shall come into force on 3rd June 2002.

2. The Education (Student Support) Regulations 2002**(b)** shall be amended in accordance with these Regulations.

Amendments to the Regulations

3.—(1) Regulation 2 shall be amended as follows.

(2) In paragraph (1) for the definitions of "high cost country" and "higher cost country" substitute—

" "high cost country" means Japan and Switzerland;".

(3) In paragraph (3)—

(a) omit "for the purposes of these Regulations" after "the Immigration Act 1971"; and

(b) for "or was temporarily employed outside the United Kingdom," substitute "is or was temporarily employed outside England and Wales,".

4. In regulations 12(3)(d) and 13(2)(c)(ii) omit "necessary".

5. In regulation 15 for paragraph (8) substitute the following—

"(8) Where the eligible student is eligible for a grant in respect of a dependent child under paragraph (1) or under regulation 16 and he has not elected to be ineligible for grant under regulation 16 in accordance with paragraph (6) he shall be eligible for a grant of £510 in respect of expenditure on travel, books and equipment for the purpose of attending his course.".

(a) 1998 c.30; section 22 was amended by the Learning and Skills Act 2000 (c.21), section 146.
(b) S.I. 2002/195.

6.—(1) Regulation 18 shall be amended as follows.

(2) In paragraph (1)(b) omit "and" and "necessary".

(3) In the first line of paragraph (4) omit "and" and "necessary".

7.—(1) Regulation 20 shall be amended as follows.

(2) For paragraph (1)(b) substitute the following—

"(b) for a student who does not—

(i) if he attends a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, £4,815;

(ii) if he attends for a period of at least eight weeks as part of his course an overseas institution (other than in a high cost country), £4,770;

(iii) if he attends for a period of at least eight weeks as part of his course an overseas institution in a high cost country, £5,670;

(iv) if he attends the British Institute in Paris, £4,770; or

(v) otherwise, £3,905.".

(3) For paragraph (2)(b) substitute the following—

"(b) for a student who does not—

(i) if he attends a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, £4,175;

(ii) if he attends for a period of at least eight weeks as part of his course an overseas institution (other than in a high cost country), £4,150;

(iii) if he attends for a period of at least eight weeks as part of his course an overseas institution in a high cost country, £4,935;

(iv) if he attends the British Institute in Paris, £4,150; or

(v) otherwise, £3,390.".

(4) For paragraph (10)(b) substitute the following—

"(b) for a student who does not—

(i) if he attends a course provided by the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, by £90;

(ii) if he attends for at least eight weeks as part of his course an overseas institution (other than in a high cost country) and the further period of attendance is required at the overseas institution, by £97;

(iii) if he attends for at least eight weeks as part of his course an overseas institution in a high cost country and the further period of attendance is required at the overseas institution, by £127;

(iv) if he attends the British Institute in Paris, £97; or

(v) otherwise, by £69.".

8.—(1) Regulation 24 shall be amended as follows.

(2) For paragraph 5(b) substitute the following—

"(b) for a student who does not—

(i) if he attends a course provided at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, £3,610;

(ii) if he attends for a period of at least eight weeks as part of his course an overseas institution (other than in a high cost country), £3,580;

(iii) if he attends for a period of at least eight weeks as part of his course an overseas institution in a high cost country, £4,250;

(iv) if he attends the British Institute in Paris, £3,580; or

(v) otherwise, £2,930".

(3) For paragraph 6(b) substitute the following—

"(b) for a student who does not—

(i) if he attends a course provided at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, £3,130;

(ii) if he attends for a period of at least eight weeks as part of his course an overseas institution (other than in a high cost country), £3,115;

(iii) if he attends for a period of at least eight weeks as part of his course an overseas institution in a high cost country, £3,700;

(iv) if he attends the British Institute in Paris, £3,115; or

(v) otherwise, £2,545".

9.—(1) Regulation 30 shall be amended as follows.

(2) In paragraph (11) after the words ""financial year" means" insert ", subject to paragraph (12),".

(3) After paragraph (11) insert the following—

"(12) In the case of an eligible part-time student or his spouse whose income is subject to the income tax legislation of the Republic of Ireland, for the purposes of this regulation his income in the period from 1st January 2001 to 5th April 2001 shall be treated not only as income in the financial year ending on 5th April 2001 but also as income in the period from 6th April 2001 to 31st December 2001 and the latter period shall be treated as a financial year notwithstanding that it is less than 12 months in duration.".

10.—(1) Schedule 3 shall be amended as follows.

(2) In paragraph 2(1) after the words ""financial year" means" insert ", subject to sub-paragraph (1A),".

(3) After paragraph 2(1) insert the following—

"(1A) In the case of an eligible student whose parent's income is subject to the income tax legislation of the Republic of Ireland, for the purposes of this Part of this Schedule the income of the student's parent in the period from 1st January 2001 to 5th April 2001 shall be treated not only as income in the financial year ending on 5th April 2001 but also as income in the period from 6th April 2001 to 31st December 2001 and the latter period shall be treated as a financial year notwithstanding that it is less than 12 months in duration.".

Margaret Hodge
Minister of State,
Department for Education and Skills

9th May 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) Regulations 2002 ("the Regulations") which came into force on 25th February 2002.

The amendment to regulation 2(1) of the Regulations replaces the definitions of "higher cost country" and "high cost country" with one definition of "high cost country" *(regulation 3(2))*.

The amendments to regulation 2(3) of the Regulations correct drafting errors *(regulation 3(3))*.

The amendment to regulation 15(8) provides that where eligibility for grant for travel, books and equipment expenditure arises from eligibility for grant under regulation 15(1), it arises only if the grant under regulation 15(1) is in respect of a dependent child *(regulation 5)*.

The amendments to regulations 20 and 24 of the Regulations provide that a student can obtain the maximum amount of loan if he attends a part of his course at an overseas institution for a period of least eight weeks. The student's attendance need not be a necessary part of his course *(regulations 7 and 8)*.

There are also consequential amendments to regulation 12(3)(d) of the Regulations in relation to eligibility for grants for living costs, regulation 13(2)(c)(iii) of the Regulations in relation to eligibility for disabled students' costs and regulation 18(1)(b) and (4) of the Regulations in relation to eligibility for grants for travel *(regulations 4 and 6)*.

The new regulation 30(12) provides that in relation to the assessment of a part-time student's financial resources where the student's income is subject to the income tax legislation of the Republic of Ireland, his income for 1st January 2001 to 31st December 2001 shall be treated as his income for the period 6th April to 31st December of the same year. The latter period shall be treated as the financial year notwithstanding that it is less than 12 months in duration *(regulation 9)*.

The new sub-paragraph (1A) to paragraph 2 of Schedule 3 to the Regulations provides that in relation to the assessment of parental contribution where the student's parent's income is subject to the income tax legislation of the Republic of Ireland, the parent's income for 1st January 2001 to 31st December 2001 shall be treated as income for the period 6th April to 31st December of the same year. The latter period shall be treated as the financial year notwithstanding that it is less than 12 months in duration *(regulation 10)*.

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