STATUTORY INSTRUMENTS

2015 No. 1951

EDUCATION, ENGLAND

The Education (Student Support) (Amendment) Regulations 2015

Made - - - -	*29th November 2015*
Laid before Parliament	*2nd December 2015*
Coming into force - -	*23rd December 2015*

The Secretary of State 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 2015.

(2) This regulation and regulations 5, 7, 9, 11, 17, 18, 46, 47, 48, 49, 50, 52, 53, 54, 55 and 56(a) come into force on 23rd December 2015.

(3) All other provisions of these Regulations—

(a) come into force on 23rd December 2015; and

(b) apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st August 2016 whether anything done under these Regulations is done before, on or after 1st August 2016.

Amendment of the Education (Student Support) Regulations 2011

2. The Education (Student Support) Regulations 2011(**b**) are amended in accordance with regulations 3 to 57.

3. Omit regulations 73, 75, 78, 91 to 98, 106, 115 and 118.

4. In regulation 2 (Interpretation)—

(a) in paragraph (1)—

(i) in the definition of "2008 cohort student"—

(aa) in sub-paragraph (i), insert "or" after "2008;";

(**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 Teaching and Higher Education Act 1998 for the definition 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, 2014/2103 and 2014/2765.

(bb) omit sub-paragraph (ii);

(ii) in the definition of "2009 cohort student"—

(aa) in sub-paragraph (i), insert "or" after "previous course;";

(bb) omit sub-paragraph (ii);

(iii) for the definition of "2012 cohort student", substitute—

""2012 cohort student" means a current system student who—

(a) begins the current course on or after 1st September 2012 and before 1st August 2016 and is not a 2008, 2009 or 2016 cohort student;

(b) transfers to the current course pursuant to regulation 7 on or after 1st August 2016 from a course that—

(i) is not a distance learning course; and

(ii) begins on or after 1st September 2012 and before 1st August 2016; or

(c) begins an end-on course on or after 1st August 2016 immediately after ceasing to attend a course that begins on or after 1st September 2012 and before 1st August 2016;";

(iv) after the definition of "2012 cohort student", insert—

""2016 cohort student" means a current system student who—

(a) begins the current course on or after 1st August 2016;

(b) is not a 2008, 2009 or 2012 cohort student;

(c) has not transferred to the current course pursuant to regulation 7 from a course that—

(i) is not a distance learning course; and

(ii) began before 1st August 2016; and

(d) is not beginning an end-on course on or after 1st August 2016;";

(v) omit the definition of "college fee loan";

(vi) in the definition of "end-on course"—

(aa) in sub-paragraph (e), after "beginning on or after 1st September 2012" insert ", but before 1st August 2016";

(bb) after sub-paragraph (g), insert—

"(h) a full-time honours degree course beginning on or after 1st August 2016 which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a full-time course mentioned in paragraph 2, 3 or 4 of Schedule 2 that is not a distance learning course or a full-time foundation or ordinary degree course that is not a distance learning course, which started before 1st August 2016, having achieved a qualification;";

(vii) in the definition of "fees", omit "except in references to college fees";

(viii) omit the definition of "flexible postgraduate course for the initial training of teachers";

(ix) omit the definition of "old flexible postgraduate course for the initial training of teachers";

(x) in the definition of "Scottish healthcare allowance", after "means any allowance" insert "(including a young students' bursary or an independent students' bursary)";

(xi) omit the definitions of "type 1 teacher training student", "type 2 teacher training student" and "type 3 teacher training student";

(b) in paragraph (3) omit "Subject to paragraph (4),";

(c) omit paragraph (4).

5. In regulation 4 (Eligible students), omit paragraphs (8), (9), (10) and (11).

6. In regulation 5 (Designated courses), for sub-paragraph (c) substitute—

"(c) of at least one academic year's duration;".

7. In regulation 7(4) (Transfer of status), after "transfer" insert "provided that A qualifies for such support in connection with the academic year of the course to which A transfers".

8. For regulation (9)(2)(b) (Time limits), substitute—

"(b) the applicant is making a separate application for a fee loan, a fee contribution loan or a loan for living costs or is applying for an additional amount of fee loan under regulation 24(1) or (7), an additional amount of fee contribution loan under regulation 35(5) or an additional amount of loan for living costs under regulation 89(3) in which case the application must reach the Secretary of State not later than one month before the end of the academic year to which the application relates;".

9. For regulation 11 (Requirement to enter into a contract for a loan), substitute—

"**Requirement to enter into a contract for a loan**

11.—(1) To receive a loan a student must enter into a contract with the Secretary of State.

(2) Where the Secretary of State requires a contract to be signed by a student, an electronic signature in such form as the Secretary of State may specify satisfies such a requirement.".

10. In regulation 19 (Availability of fee loans to current system students – general), omit paragraph (1).

11. In regulation 22 (Standard entitlement of current system students on end-on courses and certain degree courses)—

(a) in paragraph (4), in the definition of "PrC", after "preliminary courses" insert "(including any academic years that the student began or ceased to attend part of the way through the year),";

(b) in paragraph (5), in the definition of "PrC", after "preliminary courses" insert "(including any academic years that the student began or ceased to attend part of the way through the year),".

12. In regulation 25 (Old system students who are continuing students), omit paragraph (3).

13. In regulation 26 (Old system students who are transferring students), omit paragraph (5).

14. In regulation 28 (Old system students who are gap year students who have not studied on a previous course), for paragraph (2), substitute—

"(2) A gap year student does not qualify for fee support in respect of a designated course if the student has an honours degree from an institution in the United Kingdom and the exemptions in regulation 13(2) or (4) do not apply.".

15. In regulation 29 (Old system students who are gap year students who have studied on a previous course), for paragraph (2), substitute—

"(2) An old system student to whom this regulation applies does not qualify for fee support in respect of a designated course if the student has an honours degree from an institution in the United Kingdom and the exemptions in regulation 13(2) or (4) do not apply.".

16. In regulation 38 (General qualifying conditions for grants for living and other costs)—

(a) in paragraph (4)—

(i) at the end of sub-paragraph (a), for the semi-colon, substitute a full-stop;

(ii) omit sub-paragraphs (b) and (c);

(b) omit paragraph (5).

17. In regulation 41(8) (Amount of the disabled students' allowance), for "regulation 40(5)" substitute "regulation 40(4)".

18. In regulation 45 (Childcare grant)—

(a) in paragraph (2), after "paragraphs (3)" insert ", (3B)";

(b) after paragraph (3) insert—

"(3A) In this regulation, the terms "entitlement period" and "valid declaration of eligibility" have the same meanings as they have for the purposes of the Childcare Payments Act 2014(**a**) and regulations made thereunder.

(3B) A does not qualify for a childcare grant during any entitlement period for which A or A's partner has made a valid declaration of eligibility under the Childcare Payments Act 2014 in relation to any child.".

19. In regulation 56 (Qualifying conditions for the maintenance grant)—

(a) in paragraph (1), after "current system student" insert "who is not a 2016 cohort student";

(b) in paragraph (3)—

(i) at the end of sub-paragraph (a), for "; or", substitute a full-stop;

(ii) omit sub-paragraph (b).

20. In regulation 57 (Amount of the maintenance grant – 2008 cohort students)—

(a) for paragraph (1), substitute—

"(1) The maximum amount of maintenance grant available to a 2008 cohort student in respect of an academic year is £3,110.";

(b) omit paragraphs (2), (3) and (4);

(c) in paragraph (5), after "2008 cohort student" omit "other than a type 1, type 2 or type 3 teacher training student".

21. In regulation 58 (Amount of the maintenance grant – 2009 cohort students)—

(a) for paragraph (1), substitute—

"(1) The maximum amount of maintenance grant available to a 2009 cohort student in respect of an academic year is £3,110.";

(b) omit paragraphs (2), (3) and (4);

(c) in paragraph (5), after "2009 cohort student" omit "other than a type 1, type 2 or type 3 teacher training student".

22. In regulation 60 (Amount of the maintenance grant – current system students who are not 2008, 2009 or 2012 cohort students)—

(a) for the heading, substitute—

"Amount of the maintenance grant – current system students who are not 2008, 2009, 2012 or 2016 cohort students";

(b) for paragraph (1), substitute—

"(1) The maximum amount of maintenance grant available to a current system student who is not a 2008, 2009, 2012 or 2016 cohort student in respect of an academic year is £3,110.";

(c) omit paragraphs (2), (3) and (4);

(d) in paragraph (5), for "other than a 2008, 2009 or 2012 cohort student or a type 1, type 2 or type 3 teacher training student" substitute "other than a 2008, 2009, 2012 or 2016 cohort student".

(**a**) 2014 c.28.

23. In regulation 61 (Qualifying conditions for the special support grant)—

(a) before paragraph (1), insert—

"(A1) A current system student who is a 2016 cohort student does not qualify for a special support grant.";

(b) in paragraph (3)—

(i) at the end of sub-paragraph (a), for "; or", substitute a full-stop;

(ii) omit sub-paragraph (b).

24. In regulation 62 (Amount of the special support grant – 2008 cohort students)—

(a) for paragraph (1), substitute—

"(1) The maximum amount of special support grant available to a 2008 cohort student in respect of an academic year is £3,110.";

(b) omit paragraphs (2), (3) and (4);

(c) in paragraph (5), after "2008 cohort student" omit "other than a type 1, type 2 or type 3 teacher training student".

25. In regulation 63 (Amount of the special support grant – 2009 cohort students)—

(a) for paragraph (1), substitute—

"(1) The maximum amount of special support grant available to a 2009 cohort student in respect of an academic year is £3,110.";

(b) omit paragraphs (2), (3) and (4);

(c) in paragraph (5), after "2009 cohort student" omit "other than a type 1, type 2 or type 3 teacher training student".

26. In regulation 65 (Amount of the special support grant – current system students who are not 2008, 2009 or 2012 cohort students)—

(a) for the heading, substitute—

"Amount of the special support grant – current system students who are not 2008, 2009, 2012 or 2016 cohort students";

(b) for paragraph (1), substitute—

"(1) The maximum amount of special support grant available to a current system student who is not a 2008, 2009, 2012 or 2016 cohort student in respect of an academic year is £3,110.";

(c) omit paragraphs (2), (3) and (4);

(d) in paragraph (5), for "other than a 2008, 2009 or 2012 cohort student or a type 1, type 2 or type 3 teacher training student" substitute "other than a 2008, 2009, 2012 or 2016 cohort student".

27. In regulation 66(3) (Qualifying conditions for the higher education grant)—

(a) at the end of sub-paragraph (a), for "; or", substitute a full-stop;

(b) omit sub-paragraph (b).

28. In regulation 68 (Interpretation of Part 6)—

(a) in paragraph (e)(i), omit "or (b) ";

(b) at the end of paragraph (f), for the full-stop, substitute a semi-colon;

(c) after paragraph (f), insert—

"(g) a "loan for living costs" is a loan for maintenance only, except where paragraph (h) or (i) applies;

(h) a "loan for living costs" where regulation 71(1)(h) applies, is a loan for maintenance and, where applicable, a special support loan;

(i) a "loan for living costs" where regulation 71(1)(i) applies, is a special support loan only;

(j) a "long courses loan" is a loan for maintenance;

(k) a "special support loan" is a loan to defray the costs of books, equipment, travel or childcare incurred for the purpose of attending a designated course.".

29. In regulation 69 (Qualifying conditions for the loan for living costs — current system students), for paragraph (4), substitute—

"(4) The requirement in paragraph (1) that the student is under the age of 60 on the relevant date does not apply to a current system student who is a 2016 cohort student.".

30. In regulation 70 (Qualifying conditions for the loan for living costs - old system students), omit paragraph (5).

31. In regulation 71(1) (Maximum amounts of loans – general)—

(a) in sub-paragraph (d), for "(other than a 2008, 2009 or 2012 cohort student)", substitute "(other than a 2008, 2009, 2012 or 2016 cohort student)";

(b) at the end of sub-paragraph (f), for the full-stop, substitute a semi-colon;

(c) after sub-paragraph (f), insert—

"(g) in accordance with regulation 80A where the eligible student—

(i) is a 2016 cohort student with full entitlement;

(ii) is under the age of 60 on the relevant date; and

(iii) does not meet the condition in sub-paragraph (h)(iii);

(h) in accordance with regulation 80B where the eligible student—

(i) is a 2016 cohort student with full entitlement;

(ii) is under the age of 60 on the relevant date; and

(iii) would qualify for a special support grant but for regulation 61(A1);

(i) in accordance with regulation 80C where the eligible student—

(i) is a 2016 cohort student with full entitlement; and

(ii) is not under the age of 60 on the relevant date.".

32. In regulation 72 (2008 cohort students with full entitlement except type 1 and type 2 teacher training students)—

(a) in the heading, omit "except type 1 and type 2 teacher training students";

(b) in paragraph (1), omit "except a type 1 or a type 2 teacher training student".

33. In regulation 74 (2009 cohort students with full entitlement except type 1 and type 2 teacher training students)—

(a) in the heading, omit "except type 1 and type 2 teacher training students";

(b) in paragraph (1), omit "except a type 1 or a type 2 teacher training student";

(c) in paragraph (10)—

(i) in sub-paragraph (a)—

(aa) omit "is not a type 3 teacher training student and";

(bb) after the semi-colon, insert "and";

(ii) omit sub-paragraph (b).

34. In regulation 77 (Current system students with full entitlement who are not 2008, 2009 or 2012 cohort students)—

(a) in the heading, for "or 2012" substitute ", 2012 or 2016";

(b) in paragraph (1)—

(i) for "or 2009" substitute ", 2009, 2012 or 2016";

(ii) omit "or ,where the student's contribution exceeds nil, a type 1 or type 2 teacher training student".

35. In regulation 80 (Students with reduced entitlement)—

(a) in paragraph (1)—

(i) in sub-paragraph (b), for "regulation 38(4)(b) or (6)", substitute "regulation 38(6)";

(ii) in sub-paragraph (c)—

(aa) for " or 2012" substitute ", 2012 or 2016";

(bb) for the words from "an amount" to "X is", substitute ", the amount is"; and

(cc) omit "; Y is the amount specified in paragraph (3)";

(iii) in sub-paragraph (d)—

(aa) for the words from "an amount" to "X is"; substitute ", the amount is"; and

(bb) omit "; Y is the amount specified in paragraph (4)";

(iv) after sub-paragraph (e), insert—

"(f) where a 2016 cohort student applies for a loan for living costs and opts not to provide the information needed to calculate the household income, the amount is—

(i) for a student in category A, £3,039;

(ii) for a student in category B, £5,330;

(iii) for a student in category C, £4,540;

(iv) for a student in category D, £3,821;";

(b) in paragraph (2)—

(i) in sub-paragraph (b), for "regulation 38(4)(b) or (6)", substitute "regulation 38(6)";

(ii) in sub-paragraph (c)—

(aa) for " or 2012" substitute ", 2012 or 2016";

(bb) for the words from "an amount" to "X is"; substitute ", the amount is"; and

(cc) omit "; Y is the amount specified in paragraph (3)";

(iii) in sub-paragraph (d)—

(aa) for the words from "an amount" to "X is", substitute ", the amount is"; and

(bb) omit "; Y is the amount specified in paragraph (4)";

(iv) in sub-paragraph (e), after "2012", insert "or 2016";

(c) omit paragraphs (3) and (4).

36. After regulation 80 (Students with reduced entitlement), insert—

"**2016 cohort students with full entitlement who satisfy the conditions in regulation 71(1)(g)**

80A.—(1) This regulation applies to a 2016 cohort student who satisfies all the conditions in regulation 71(1)(g).

(2) Subject to Chapter 4 of this Part and paragraph (4), the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than the final year of a course that is not an intensive course is equal to

$$X - Y$$

where—

X is—

(i) for a student in category A, £6,904;

(ii) for a student in category B, £10,702;

(iii) for a student in category C, £9,391;

(iv) for a student in category D, £8,200;

Y is—

(i) for a student in category A, £1 for every complete £8.59 by which the student's household income exceeds £25,000;

(ii) for a student in category B, £1 for every complete £8.34 by which the student's household income exceeds £25,000;

(iii) for a student in category C, £1 for every complete £8.41 by which the student's household income exceeds £25,000;

(iv) for a student in category D, £1 for every complete £8.49 by which the student's household income exceeds £25,000.

(3) Subject to Chapter 4 of this Part and paragraph (4), the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an intensive course is equal to

$$X - Y$$

where—

X is—

(i) for a student in category A, £6,496;

(ii) for a student in category B, £9,914;

(iii) for a student in category C, £8,406;

(iv) for a student in category D, £7,756;

Y is—

(i) for a student in category A, £1 for every complete £8.59 by which the student's household income exceeds £25,000;

(ii) for a student in category B, £1 for every complete £8.34 by which the student's household income exceeds £25,000;

(iii) for a student in category C, £1 for every complete £8.41 by which the student's household income exceeds £25,000;

(iv) for a student in category D, £1 for every complete £8.49 by which the student's household income exceeds £25,000.

(4) Where the maximum amount of loan for living costs is calculated in accordance with paragraph (2) or (3) and is less than the minimum level for the academic year specified in regulation 105, the minimum level for the academic year is payable.

2016 cohort students with full entitlement who satisfy the conditions in regulation 71(1)(h)

80B.—(1) This regulation applies to a 2016 cohort student who satisfies all the conditions in regulation 71(1)(h).

(2) Subject to Chapter 4 of this Part and paragraph (6), the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than the final year of a course that is not an intensive course is equal to—

$$X - (Y + Z)$$

where—

X is—

(i) for a student in category A, £8,144;

(ii) for a student in category B, £11,671;

(iii) for a student in category C, £10,453;

(iv) for a student in category D, £9,347;

Y is—

(i) for a student in category A, £1 for every complete £5.384 by which the student's household income exceeds £25,000 but does not exceed £42,875;

(ii) for a student in category B, £1 for every complete £5.743 by which the student's household income exceeds £25,000 but does not exceed £42,875;

(iii) for a student in category C, £1 for every complete £5.608 by which the student's household income exceeds £25,000 but does not exceed £42,875;

(iv) for a student in category D, £1 for every complete £5.496 by which the student's household income exceeds £25,000 but does not exceed £42,875;

Z is—

(i) for a student in category A, £1 for every complete £8.59 by which the student's household income exceeds £42,875;

(ii) for a student in category B, £1 for every complete £8.34 by which the student's household income exceeds £42,875;

(iii) for a student in category C, £1 for every complete £8.41 by which the student's household income exceeds £42,875;

(iv) for a student in category D, £1 for every complete £8.49 by which the student's household income exceeds £42,875.

(3) The loan for living costs for an academic year other than the final year of a course that is not an intensive course, where regulation 71(1)(h) applies, is made up of a loan for maintenance and a special support loan, whereby the maximum loan for maintenance is—

(a) for a student in category A, £4,675;

(b) for a student in category B, £8,202;

(c) for a student in category C, £6,984;

(d) for a student in category D, £5,878;

and any remainder is a special support loan.

(4) Subject to Chapter 4 of this Part and paragraph (6), the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an intensive course is equal to—

$$X - (Y + Z)$$

where—

X is—

(i) for a student in category A, £7,765;

(ii) for a student in category B, £10,938;

(iii) for a student in category C, £9,538;

(iv) for a student in category D, £8,935;

Y is—

(i) for a student in category A, £1 for every complete £5.335 by which the student's household income exceeds £25,000 but does not exceed £42,875;

(ii) for a student in category B, £1 for every complete £5.642 by which the student's household income exceeds £25,000 but does not exceed £42,875;

(iii) for a student in category C, £1 for every complete £5.486 by which the student's household income exceeds £25,000 but does not exceed £42,875;

(iv) for a student in category D, £1 for every complete £5.441 by which the student's household income exceeds £25,000 but does not exceed £42,875;

Z is—

(i) for a student in category A, £1 for every complete £8.59 by which the student's household income exceeds £42,875;

(ii) for a student in category B, £1 for every complete £8.34 by which the student's household income exceeds £42,875;

(iii) for a student in category C, £1 for every complete £8.41 by which the student's household income exceeds £42,875;

(iv) for a student in category D, £1 for every complete £8.49 by which the student's household income exceeds £42,875.

(5) The loan for living costs for an academic year that is the final year of a course that is not an intensive course, where regulation 71(1)(h) applies, is made up of a loan for maintenance and a special support loan, whereby the maximum loan for maintenance is—

(a) for a student in category A, £4,296;

(b) for a student in category B, £7,469;

(c) for a student in category C, £6,069;

(d) for a student in category D, £5,466;

and any remainder is a special support loan.

(6) Where the maximum amount of loan for living costs is calculated in accordance with paragraph (2) or (4) and is less than the minimum level for the academic year specified in regulation 105, the minimum level for the academic year is payable.

2016 cohort students with full entitlement who satisfy the conditions in regulation 71(1)(i)

80C.—(1) This regulation applies to a 2016 cohort student who satisfies both the conditions in regulation 71(1)(i).

(2) Subject to Chapter 4 of this Part, the loan for living costs is a special support loan and the maximum amount for which a student to whom this regulation applies qualifies is equal to—

$$X - Y$$

where—

X is £3,469;

Y is £1 for every complete £5.46 by which the student's household income exceeds £25,000.

(3) Where the amount of loan for living costs calculated under paragraph (2) is less than £50, the amount of loan for living costs payable is nil.".

37. In regulation 81 (Long courses loan)—

(a) in paragraph (1), for "or 2012" substitute ", 2012 or 2016";

(b) in paragraph (3), for "or 2012" substitute ", 2012 or 2016";

(c) in paragraph (4), for "or 2012" substitute ", 2012 or 2016".

38. In regulation 87(1) (Increases in maximum amount), for "or 2012" substitute ", 2012 or 2016".

39. In regulation 88 (Deductions from loans for living costs)—

(a) in paragraph (1), for "or 2012" substitute ", 2012 or 2016";

(b) in paragraph (2), for "or 2012" substitute ", 2012 or 2016".

40. For regulation 100 (Application of contribution – 2008, 2009 or 2012 cohort students), substitute—

"Application of contribution – 2008, 2009, 2012 or 2016 cohort students

100. In the case of a 2008, 2009, 2012 or 2016 cohort student, the Secretary of State must apply the contribution in accordance with regulation 103.".

41. For regulation 101 (Application of contribution – current system students who are not 2008, 2009 or 2012 cohort students), substitute—

"Application of contribution – current system students who are not 2008, 2009, 2012 or 2016 cohort students

101. In the case of a current system student who is not a 2008, 2009, 2012 or 2016 cohort student, the Secretary of State must apply the contribution in accordance with regulation 104.".

42. In regulation 103 (Order of application – 2008, 2009 or 2012 cohort students), in the heading, for "or 2012" substitute ", 2012 or 2016".

43. In regulation 105 (Minimum level of loan for living costs)—

(a) in paragraph (1)—

(i) for "or 2012", substitute ", 2012 or 2016";

(ii) omit ", 73(5)";

(b) in paragraph (2)—

(i) for "or 2012", substitute ", 2012 or 2016";

(ii) omit ", 73(5)";

(c) in paragraph (3), for "in regulations 74(5) and 75(5)", substitute "in regulation 74(5)";

(d) in paragraph (4), for "in regulations 74(5) and 75(5)", substitute "in regulation 74(5)";

(e) after paragraph (6), insert—

"(6A) Subject to paragraphs (6B) and (7), for a 2016 cohort student who satisfies all the conditions in regulation 71(1)(g), the "minimum level for the academic year" in regulation 80A is—

(a) £3,039, in the case of a student in category A;

(b) £5,330, in the case of a student in category B;

(c) £4,540, in the case of a student in category C;

(d) £3,821, in the case of a student in category D.

(6B) Subject to paragraph (7), for a 2016 cohort student who satisfies all the conditions in regulation 71(1)(g), where the academic year in question is the final year of a course other than an intensive course, the "minimum level for the academic year" in regulation 80A is—

(a) £2,792, in the case of a student in category A;

(b) £4,855, in the case of a student in category B;

(c) £3,945, in the case of a student in category C;

(d) £3,553, in the case of a student in category D.

(6C) Subject to paragraphs (6D) and (7), for a 2016 cohort student who satisfies all the conditions in regulation 71(1)(h), the "minimum level for the academic year" in regulation 80B is—

(a) £3,039, in the case of a student in category A;

(b) £5,330, in the case of a student in category B;

(c) £4,540, in the case of a student in category C;

(d) £3,821, in the case of a student in category D.

(6D) Subject to paragraph (7), for a 2016 cohort student who satisfies all the conditions in regulation 71(1)(h), where the academic year in question is the final year of a course other than an intensive course, the "minimum level for the academic year" in regulation 80B is—

(a) £2,792, in the case of a student in category A;

(b) £4,855, in the case of a student in category B;

(c) £3,945, in the case of a student in category C;

(d) £3,553, in the case of a student in category D.";

(f) in paragraph (7), for "(1) to (6)" substitute "(1) to (6D)";

(g) in paragraph (8), for "or (6)" substitute ", (6), (6A), (6B), (6C) or (6D)".

44. In regulation 110 (Payment of loans – general), omit paragraph (1)(c).

45. In regulation 113 (Payment of fee loans), after paragraph (3) insert—

"(3A) For a student beginning the current course on or after 1st August 2016, an academic authority must not send confirmation of the student's attendance to the Secretary of State—

(a) in the case of an institution with degree awarding powers pursuant to section 76 of the Further and Higher Education Act 1992(**a**), until the student is registered on the course at the institution;

(b) in the case of a course validated by an institution with degree awarding powers pursuant to section 76 of the Further and Higher Education Act 1992, until the validating institution has been notified by the institution teaching the student that the student is studying on the course covered by the validation agreement; or

(c) where neither sub-paragraph (a) or (b) applies, until the student has been registered with the relevant awarding body.".

46. In regulation 117 (Overpayments of fee support)—

(a) after paragraph (1) insert—

"(1A) A student must, if so required by the Secretary of State, repay any amount of fee support paid in respect of the student which for whatever reason exceeds the amount of fee support to which the student is entitled.";

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

"(aa) by subtracting the overpayment from any kind of grant or loan payable to the student from time to time pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act;".

47. In regulation 119 (Overpayments of support payable under Part 5 or Part 6)—

(a) in paragraph (1), for "An eligible student", substitute "A student";

(b) in paragraph (3)(a), after "grant" insert "or loan";

(c) in paragraphs (7)(a) and (8)(a), omit the word "eligible";

(**a**) 1992 c. 13. Section 76 was amended by the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) Schedule 16 and the Further Education and Training Act 2007 (c.25) section 19.

(d) for paragraph (10), substitute—

"(10) Any overpayment of a loan for living costs or a long courses loan in respect of any academic year is recoverable by the Secretary of State from the student to whom the payment was made.";

(e) for paragraph (11), substitute—

"(11) The methods of recovery are—

(a) subtracting the overpayment from any kind of grant or loan payable to the student from time to time pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act;

(b) requiring the student to repay the loan in accordance with regulations made under section 22 of the 1998 Act;

(c) taking such other action for the recovery of an overpayment as is available to the Secretary of State.";

(f) omit paragraph (12).

48. In regulation 120 (Eligible distance learning students), omit paragraphs (8), (9) and (10).

49. In regulation 135 (Overpayments)—

(a) in paragraph (2), for "An eligible", substitute "A";

(b) in paragraph (2), after "paid to the student" insert ", or in respect of the student,";

(c) in paragraph (4)(a), after "grant" insert "or loan";

(d) in paragraphs (8)(a) and (9)(a), omit the word "eligible".

50. In regulation 137 (Eligible part-time students), omit paragraphs (7), (8) and (9).

51. In regulation 155 (Payment of loans for fees), after paragraph (3), insert—

"(3A) For a student beginning the current course on or after 1st August 2016, the academic authority must not complete a declaration under regulation 149—

(a) in the case of an institution with degree awarding powers pursuant to section 76 of the Further and Higher Education Act 1992(**a**), until the student is registered on the course at the institution;

(b) in the case of a course validated by an institution with degree awarding powers pursuant to section 76 of the Further and Higher Education Act 1992, until the validating institution has been notified by the institution teaching the student that the student is studying on the course covered by the validation agreement; or

(c) where neither sub-paragraph (a) or (b) applies, until the student has been registered with the relevant awarding body.".

52. In regulation 156 (Overpayments of grants and allowances)—

(a) in paragraph (2), for "An eligible", substitute "A";

(b) in paragraph (4)(a), after "grant" insert "or loan";

(c) in paragraphs (8)(a) and (9)(a), omit the word "eligible".

53. In regulation 157 (Overpayments of fee support)—

(a) after paragraph (1) insert—

"(1A) A student must, if so required by the Secretary of State, repay any amount of fee loan support paid in respect of the student which for whatever reason exceeds the amount of fee loan support to which the student is entitled.";

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

(**a**) Section 76 was amended by the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) Schedule 16, and the Further Education and Training Act 2007 (c.25) section 19.

"(aa) by subtracting the overpayment from any kind of grant or loan payable to the student from time to time pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act.".

54. In regulation 159 (Eligible postgraduate students), omit paragraphs (12), (13) and (14).

55. In regulation 168 (Overpayments)—

(a) in paragraph (1), for "An eligible", substitute "A";

(b) in paragraph (3)(a), after "grant" insert "or loan";

(c) in paragraphs (7)(a) and (8)(a), omit "eligible".

56. In Schedule 4 (Financial Assessment)—

(a) in paragraph 5(2), for the words before paragraph (a), substitute "For the purposes of determining the residual income of an eligible student's parent ("A" in this paragraph) there is deducted from the taxable income of A the aggregate of any amounts falling within any of the following sub-paragraphs (unless already deducted in determining a person's taxable income)";

(b) after paragraph 9(1), insert—

"(1A) In relation to a 2008, 2009 or 2012 cohort student, the contribution calculated at paragraph 9(1) of this Schedule is added to the reduction in entitlement calculated for the loan for living costs in accordance with Chapter 2 of Part 6, for the purposes of paragraph 9(2) and (3) of this Schedule.

(1B) In relation to a 2016 cohort student, the contribution calculated at paragraph 9(1) of this Schedule is added to the contribution calculated for the loan for living costs at paragraph 9A for the purposes of paragraph 9(2) and (3) of this Schedule.";

(c) after paragraph 9, insert—

"Calculation of contribution for loans for living costs – 2016 cohort students

9A.—(1) In relation to a 2016 cohort student who satisfies all the conditions in regulation 71(1)(g) or 71(1)(h), there is a contribution payable for the loan for living costs.

(2) In relation to a 2016 cohort student who satisfies all the conditions in regulation 71(1)(g), the contribution payable, subject to paragraph 10, in any case where—

(a) the household income exceeds £42,875 is equal to X – Y and—

(i) for a student in category A, X is £1 for every complete £8.59 by which the student's household income exceeds £25,000 and Y is £2,080;

(ii) for a student in category B, X is £1 for every complete £8.34 by which the student's household income exceeds £25,000 and Y is £2,143;

(iii) for a student in category C, X is £1 for every complete £8.41 by which the student's household income exceeds £25,000 and Y is £2,125;

(iv) for a student in category D, X is £1 for every complete £8.49 by which the student's household income exceeds £25,000 and Y is £2,105;

(b) the household income does not exceed £42,875 is nil.

(3) In relation to a 2016 cohort student who satisfies all the conditions in regulation 71(1)(h), the contribution, subject to paragraph 10, in any case where—

(a) the household income exceeds £42,875 is equal to—

(i) for a student in category A, £1 for every complete £8.59 by which the student's household income exceeds £42,875;

(ii) for a student in category B, £1 for every complete £8.34 by which the student's household income exceeds £42,875;

(iii) for a student in category C, £1 for every complete £8.41 by which the student's household income exceeds £42,875;

(iv) for a student in category D, £1 for every complete £8.49 by which the student's household income exceeds £42,875;

(b) the household income does not exceed £42,875 is nil.

(4) In relation to a 2016 cohort student who satisfies both the conditions in regulation 71(1)(i), no contribution is payable.

(5) Categories A to D have the meaning given in regulation 90.".

57. 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 Education (Student Support) Regulations 2011 set out in the first column.

Jo Johnson
Minister of State for Universities and Science
Department for Business, Innovation and Skills

29th November 2015

SCHEDULE

Regulation 57

NEW PAYMENT RATES FOR STUDENT SUPPORT

Provision in the Education (Student Support) Regulations 2011	Existing figure	New figure
Regulation 23		
23(5A)	£3,805	£3,925
23(5A)	£1,895	£1,955
Regulation 72		
72(2)(i)	£3,832	£3,924
72(2)(ii)	£6,933	£7,100
72(2)(iii)	£5,899	£6,041
72(2)(iv)	£4,952	£5,071
72(2)	£8.88	£8.67
72(3)(i)	£3,463	£3,546
72(3)(ii)	£6,312	£6,464
72(3)(iii)	£5,129	£5,252
72(3)(iv)	£4,582	£4,692
72(3)	£8.88	£8.67
72(6)(a)	£3,832	£3,924
72(6)(b)	£6,933	£7,100
72(6)(c)	£5,899	£6,041
72(6)(d)	£4,952	£5,071
72(7)(a)	£3,463	£3,546
72(7)(b)	£6,312	£6,464
72(7)(c)	£5,129	£5,252
72(7)(d)	£4,582	£4,692
72(8)(i)	£3,832	£3,924
72(8)(ii)	£6,933	£7,100
72(8)(iii)	£5,899	£6,041

72(8)(iv)	£4,952	£5,071
72(9)(i)	£3,463	£3,546
72(9)(ii)	£6,312	£6,464
72(9)(iii)	£5,129	£5,252
72(9)(iv)	£4,582	£4,692
Regulation 74		
74(2)(i)	£4,005	£4,102
74(2)(ii)	£7,230	£7,404
74(2)(iii)	£6,151	£6,299
74(2)(iv)	£5,167	£5,292
74(2)	£4.79	£4.68
74(3)(i)	£3,634	£3,722
74(3)(ii)	£6,582	£6,741
74(3)(iii)	£5,348	£5,477
74(3)(iv)	£4,782	£4,897
74(3)	£4.79	£4.68
74(6)(a)	£4,005	£4,102
74(6)(b)	£7,230	£7,404
74(6)(c)	£6,151	£6,299
74(6)(d)	£5,167	£5,292
74(7)(a)	£3,634	£3,722
74(7)(b)	£6,582	£6,741
74(7)(c)	£5,348	£5,477
74(7)(d)	£4,782	£4,897
74(8)(i)	£4,005	£4,102
74(8)(ii)	£7,230	£7,404
74(8)(iii)	£6,151	£6,299
74(8)(iv)	£5,167	£5,292
74(9)(i)	£3,634	£3,722
74(9)(ii)	£6,582	£6,741
74(9)(iii)	£5,348	£5,477
74(9)(iv)	£4,782	£4,897
Regulation 76		
76(2)(i)	£4,565	£4,675
76(2)(ii)	£8,009	£8,202
76(2)(iii)	£6,820	£6,984
76(2)(iv)	£5,740	£5,878
76(2)	£9.59	£9.36
76(3)(i)	£4,195	£4,296
76(3)(ii)	£7,294	£7,470
76(3)(iii)	£5,927	£6,070
76(3)(iv)	£5,338	£5,467
76(3)	£9.59	£9.36
76(6)(a)	£4,565	£4,675
76(6)(b)	£8,009	£8,202
76(6)(c)	£6,820	£6,984
76(6)(d)	£5,740	£5,878
76(7)(a)	£4,195	£4,296
76(7)(b)	£7,294	£7,470
76(7)(c)	£5,927	£6,070
76(7)(d)	£5,338	£5,467

76(8)(i)	£4,565	£4,675
76(8)(ii)	£8,009	£8,202
76(8)(iii)	£6,820	£6,984
76(8)(iv)	£5,740	£5,878
76(9)(i)	£4,195	£4,296
76(9)(ii)	£7,294	£7,470
76(9)(iii)	£5,927	£6,070
76(9)(iv)	£5,338	£5,467
Regulation 77		
£4,675	£3,832	£3,924
£8,202	£6,933	£7,100
£6,984	£5,899	£6,041
£5,878	£4,952	£5,071
£9.36	£3,463	£3,546
£4,296	£6,312	£6,464
£7,470	£5,129	£5,252
£6,070	£4,582	£4,692
£5,467	£3,832	£3,924
Regulation 80		
80(1)(b)(i)	£1,819	£1,863
80(1)(b)(ii)	£3,405	£3,487
80(1)(b)(iii)	£2,900	£2,970
80(1)(b)(iv)	£2,425	£2,483
80(1)(c)(i)	£2,874	£2,943
80(1)(c)(ii)	£5,199	£5,325
80(1)(c)(iii)	£4,424	£4,530
80(1)(c)(iv)	£3,714	£3,803
80(1)(d)(i)	£2,883	£2,953
80(1)(d)(ii)	£5,205	£5,330
80(1)(d)(iii)	£4,428	£4,535
80(1)(d)(iv)	£3,720	£3,810
80(1)(e)(i)	£2,967	£3,038
80(1)(e)(ii)	£5,205	£5,331
80(1)(e)(iii)	£4,433	£4,539
80(1)(e)(iv)	£3,731	£3,820
80(2)(b)(i)	£1,381	£1,414
80(2)(b)(ii)	£2,606	£2,669
80(2)(b)(iii)	£2,119	£2,170
80(2)(b)(iv)	£1,890	£1,936
80(2)(c)(i)	£2,597	£2,659
80(2)(c)(ii)	£4,734	£4,848
80(2)(c)(iii)	£3,846	£3,939
80(2)(c)(iv)	£3,436	£3,519
80(2)(d)(i)	£2,616	£2,679
80(2)(d)(ii)	£4,739	£4,853
80(2)(d)(iii)	£3,850	£3,943
80(2)(d)(iv)	£3,443	£3,525
80(2)(e)(i)	£2,726	£2,792
80(2)(e)(ii)	£4,741	£4,855
80(2)(e)(iii)	£3,852	£3,945
80(2)(e)(iv)	£3,469	£3,553

Regulation 81		
81(5)(a)	£56	£57
81(5)(b)	£110	£113
81(5)(c)	£119	£122
81(5)(d)	£86	£88
Regulation 87		
87(4)(a)	£56	£57
87(4)(b)	£110	£113
87(4)(c)	£119	£122
87(4)(d)	£86	£88
Regulation 105		
105(1)(a)	£2,874	£2,943
105(1)(b)	£5,199	£5,325
105(1)(c)	£4,424	£4,530
105(1)(d)	£3,714	£3,803
105(2)(a)	£2,597	£2,659
105(2)(b)	£4,734	£4,848
105(2)(c)	£3,846	£3,939
105(2)(d)	£3,436	£3,519
105(3)(a)	£2,883	£2,953
105(3)(b)	£5,205	£5,330
105(3)(c)	£4,428	£4,535
105(3)(d)	£3,720	£3,810
105(4)(a)	£2,616	£2,679
105(4)(b)	£4,739	£4,853
105(4)(c)	£3,850	£3,943
105(4)(d)	£3,443	£3,525
105(5)(a)	£2,967	£3,038
105(5)(b)	£5,205	£5,331
105(5)(c)	£4,433	£4,539
105(5)(d)	£3,731	£3,820
105(6)(a)	£2,726	£2,792
105(6)(b)	£4,741	£4,855
105(6)(c)	£3,852	£3,945
105(6)(d)	£3,469	£3,553

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").

Regulations 3, 6, 8, 10, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 33, 34, 44 omit obsolete provisions relating to type 1, type 2 and type 3 teacher training students, college fee loans and flexible postgraduate courses for the initial training of teachers.

Regulation 4 amends regulation 2 of the 2011 Regulations to introduce a new definition of a "2016 cohort student" and makes consequential amendments to other relevant definitions. Regulation 4 also makes minor changes to other definitions.

Regulations 5, 48, 50 and 54 omit obsolete provisions relating to ordinary residence in Wales.

Regulation 7 amends regulation 7 of the 2011 Regulations to clarify the circumstances in which payments are made under regulation 7(4).

Regulation 9 amends regulation 11 of the 2011 Regulations to allow electronic signatures to be used for contracts for loans.

Regulation 11 amends regulation 22 of the 2011 Regulations to clarify how academic years are calculated.

Regulation 17 corrects an error made in earlier regulations.

Regulation 18 amends regulation 45 of the 2011 Regulations to reflect the introduction of the Childcare Payments Act 2014 (c.28).

Regulations 19, 23, 29, 31, 34, 36, 37, 38, 39, 40, 41, 42, 43 and 56 amend the 2011 Regulations to introduce the new "2016 cohort student" and make consequential amendments to other provisions.

Regulation 45 and 51 introduce a requirement that the student is registered on the course, or with the relevant awarding or validating body, before any claim for tuition fee payments is made.

Regulations 46, 47, 49, 52, 53 and 55 amend the overpayment provisions of the 2011 Regulations.

Regulation 56 corrects an error made in earlier regulations.

Regulation 57 introduces a schedule with updated loan amounts.

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 Explanatory Memorandum is published alongside the Regulations on www.legislation.gov.uk.

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