EXPLANATORY MEMORANDUM TO

THE EDUCATION (STUDENT SUPPORT) (EUROPEAN INSTITUTIONS) (NO 2) REGULATIONS 2006

2006 No. 3156

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 provide for support for a small number of students taking designated postgraduate courses at one of three European Institutions: the Bologna Center in Bologna, Italy; the College of Europe in either Bruges, Belgium or Natolin, Poland; or the European University Institute in Florence, Italy.

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

3.1 None.

4. Legislative Background

4.1 These Regulations set out the support arrangements for students attending courses at one of the three European Institutions for the 2007/08 academic year. They uprate the grants available to students who are eligible for support under the regulations and amend the disabled students allowance rate and make changes to the residence criteria. These details are set out in more detail in paragraph 7.

5. Extent

5.1 These regulations apply to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

The intention is:

7.1 To set out the package of financial support available to students for the 2007/08 academic year

The amounts of support available have been updated, either using revised figures from the institutions as applicable or uprating in line with inflation, for the 2007/08 academic year.

7.2 To amend the amount of disabled students allowance

The amount of support has been amended to allow students the postgraduate rate of support rather than undergraduate rate. This brings the students in line with the support available for postgraduate disabled students undertaking a course in the UK.

7.3 To amend the eligibility criteria for refugees or persons with "leave to enter or remain" [1] in the UK and their family members

In respect of an academic year beginning on or after 1 September 2007, for new students, there are changes to the eligibility criteria for family members of refugees and of persons with leave to enter or remain. Only a person who was the spouse, civil partner, child or step-child of a refugee or person with leave to enter or remain at the time of the application for asylum to the Home Office will potentially be eligible for support. Additionally, if the student is claiming student support as the child of such a person, the student must have been under 18 at the time of the parent's asylum application. Family members of those with refugee status must have remained resident in the UK and Islands since their leave to remain was granted.

From 1 September 2007, for new students referred to above, whose immigration status expires within the lifetime of their course, support may cease at the end of the academic year in which the relevant status expires.

7.4 Consultation

There is no statutory requirement to consult on these Regulations. However, before instructions to draft the Regulations were prepared and during the drafting process, informal consultation took place with the Institutions and the Student Loans Company (SLC) team who carry out the day to day administration on behalf of the Secretary of State. The discussions with the Institutions related to a proposed change to the deadline for applying for support to tie in better with the Institutions'

[1] In the Regulations, person with "leave to enter or remain" means a person who (a) has been informed by a person acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify for recognition as a refugee, it is thought right to allow him to enter or remain in the United Kingdom; (b) has been granted leave to enter or remain accordingly; and (c) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain, an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(a); and (d) has been ordinarily resident in the United Kingdom and Islands throughout the period since he was granted leave to enter or remain.

timetables for applications for places on the courses. The SLC team had sight of the draft regulations and had no substantive comments.

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. Contact

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or email: karen.duncan@dfes.gsi.gov.uk who can answer any queries regarding the regulations.