EXPLANATORY MEMORANDUM TO

THE EDUCATION (STUDENT SUPPORT) (EUROPEAN UNIVERSITY INSTITUTE) REGULATIONS 2010 (AMENDMENT) REGULATIONS 2012

2012 No. 3059

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Education (Student Support) (European University Institute) Regulations 2010 (Amendment) Regulations 2012 (S.I. 2012/3059) ("the Regulations") amend the Education (Student Support) (European University Institute) Regulations 2010 ("the EUI Regulations").

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

3.1 None

4. Legislative Context

4.1 The EUI Regulations were made under sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998, which give the Secretary of State the power to make provision for grants to eligible students in connection with the undertaking of designated higher education courses and further education courses. The EUI Regulations were amended by S.I 2011/83.

4.2 The Regulations make amendments to: (1) the definition of the "relevant date"; (2) the application deadline; and (3) the deadline for providing financial information. They also clarify that support is not payable for the final academic year of the four year doctoral programme and that the one year Masters in Law is not a designated course. In addition, the Regulations make technical amendments to the definition of "parent" and include a new definition of "ordinarily resident" for the purposes of Schedule 1. They apply in respect of an academic year beginning on or after 1st September 2013.

5. Territorial Extent and Application

5.1 The 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

7.1 The EUI Regulations provide support for a small number of students taking designated postgraduate courses at the European University Institute in Florence, Italy.

7.2 The definition of "relevant date", the deadline for applying and the deadline for providing financial information are being amended to make these dates generic and thus remove the need for amendment to reflect the change of academic year.

7.3 Financial support for the 4th year of study is provided by the EUI. An amendment is therefore being made to the period of eligibility to make it clear that the Department will only provide support until the end of penultimate academic year of the course.

7.4 The definition of designated course has been amended to reflect the fact that support will not be provided for students undertaking the one year Masters in Law course.

7.4 Schedule 1 to the EUI Regulations identifies different categories of students who are eligible for student support. This includes the children of certain categories of students. An amendment is being made to the interpretation of 'parent' in the Regulations to make it clear that only natural parents and those who are legally responsible for a "child" will be treated as "parents" for the purposes of Schedule 1.

7.5 'Ordinarily resident' is not currently defined in the EUI Regulations but it is interpreted as only including lawful residence. However, representations have been made to BIS claiming that lawful residence is not required and actual residence is sufficient. The Regulations therefore amend the EUI Regulations to make clear that 'ordinarily resident' means lawfully resident.

8. Consultation outcome

8.1 Given the minor nature of the changes, the Department has not consulted on these Regulations.

9. Guidance

9.1 The amendments to these regulations are technical amendments only to ensure the regulations accurately reflect the policy already in place. Therefore, it has not been necessary to issue guidance to stakeholders.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is minimal.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Regulations will be reviewed annually and the views of stakeholders will be monitored.

13. Contact

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