STATUTORY INSTRUMENTS

2004 No. 2041

EDUCATION, ENGLAND AND WALES

The Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 3) Regulations 2004

Made - - - -	*29th July 2004*
Laid before Parliament	*6th August 2004*
Coming into force - -	*1st September 2004*

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

Citation, commencement and interpretation

1. These Regulations may be cited as the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 3) Regulations 2004 and shall come into force on 1st September 2004.

2. In these Regulations–

"the 2002 Regulations" means the Education (Student Support) (No. 2) Regulations 2002(**b**); and

"the 2004 Regulations" means the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 2) Regulations 2004(**c**).

Amendment of the 2002 Regulations

3. The 2002 Regulations shall be amended as follows.

4. In regulation 27 of the 2002 Regulations, there shall be substituted for paragraph (3) (as substituted by regulation 6 of the 2004 Regulations) the following–

> **"**(3) A person shall not be eligible for assistance under regulation 29(1)(a) in connection with his undertaking a designated part-time course unless the course is undertaken in England and Wales.**"**.

5. In regulation 39 of the 2002 Regulations, there shall be substituted for paragraph (1) the following–

> **"**(1) In England and Wales—

(**a**) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and the Higher Education Act 2004 (c. 8), section 42.
(**b**) S.I. 2002/3200; relevant amending instruments are S.I. 2004/161 and S.I. 2004/1602.
(**c**) S.I. 2004/1602.

(a) there shall not be treated as part of a bankrupt's estate or claimed for his estate under section 307 or 310 of the Insolvency Act 1986(**a**) any sum payable to an eligible student by way of a loan and which he receives or is entitled to receive after the commencement of the bankruptcy, whether his entitlement arises before or after the commencement of his bankruptcy; and

(b) there shall not be included in a person's bankruptcy debts any debt or liability to which he is or may become subject in respect of any sum payable to an eligible student by way of a loan and which he receives or is entitled to receive—

(i) in the case of a bankruptcy commencing before 1st September 2004, after the commencement of the bankruptcy; or

(ii) in the case of a bankruptcy commencing on or after 1st September 2004, before or after the commencement of the bankruptcy.**"**.

Alan Johnson
Minister of State
29th July 2004 Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) (No. 2) Regulations 2002 (the "2002 Regulations"). The 2002 Regulations provide for support for students taking designated higher education courses.

Regulation 4 amends regulation 27 of the 2002 Regulations (as amended by the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 2) Regulations 2004) so that it is a condition of eligibility for a grant for fees in respect of a part-time course that a student undertakes the course in England and Wales.

Regulation 5 amends regulation 39 of the 2002 Regulations to provide that in the event of bankruptcies arising on or after 1st September 2004, any debt arising from student loan is protected from the effects of proceedings under the Insolvency Act 1986, irrespective of when that debt arose. Previously, only debt in respect of sums received by way of student loan after the commencement of bankruptcy proceedings was protected from the effects of such proceedings.

(**a**) 1986 c. 45; section 307 was amended by the Enterprise Act 2002 (c. 40), section 261. Section 310 was amended by the Pensions Act 1995 (c. 26), section 122 and Schedule 3, paragraph 15, the Welfare Reform and Pensions Act 1999 (c. 30), section 18 and Schedule 2, paragraph 2 and the Enterprise Act 2002, sections 259 and 278 and Schedule 26.

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