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STATUTORY INSTRUMENTS

2019 No. 983

EDUCATION, ENGLAND

The Further Education Loans and the Education (Student Support) (Amendment) Regulations 2019

Made - - - -	*4th June 2019*
Laid before Parliament	*5th June 2019*
Coming into force - -	*1st July 2019*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 22(1) and (2) and 42(6) of the Teaching and Higher Education Act 1998(**a**).

Citation and commencement

1. These Regulations may be cited as the Further Education Loans and the Education (Student Support) (Amendment) Regulations 2019 and come into force on 1st July 2019.

Amendment of the Further Educations Loans Regulations 2012

2.—(1) The Further Education Loans Regulations 2012(**b**) are amended as follows.

(2) After regulation 24 (overpayments of fee loan), insert—

"**Cancellation of fee loan**

25.—(1) Where this regulation applies the Secretary of State must cancel all or part of a fee loan.

(2) The circumstances mentioned in paragraph (1) are that—

(a) an eligible student has taken out the fee loan in relation to a designated further education course at an institution;

(b) the course to which the fee loan relates is no longer available at the institution;

(c) the student has applied in writing to the Secretary of State for cancellation of all or part of the fee loan; and

(**a**) 1998 c. 30. Section 22(1) and (2) were amended by section 146(1) and (2) of, and Schedule 11 to, the Learning and Skills Act 2000 (c. 21); section 43(1) and (2) of the Higher Education Act 2004 (c. 8); and section 88(1) to (3) of the Higher Education and Research Act 2017 (c. 29). Section 22(1) and (2) are also amended by section 86(1) to (3) of the Higher Education and Research Act 2017 but those amendments are not yet in force. Section 43(1) of the Teaching and Higher Education Act 1998 defines "prescribed" and "regulations".

(**b**) S.I. 2012/1818, as amended by S.I. 2014/290, 2014/1766, 2015/181, 2016/238, 2017/336, 2018/182 and 2019/142.

(d) the Secretary of State considers it appropriate to do so.

(3) In considering whether it is appropriate to cancel all or part of the fee loan (and where it is considered appropriate to cancel part of the loan what part of the loan should be cancelled) the Secretary of State must have regard to—

(a) the proportion of the course completed;

(b) whether a similar course is available at the institution;

(c) whether the same or a similar course is available at another institution;

(d) in relation to paragraphs (b) or (c), whether the student has enrolled on the course; and

(e) any other relevant circumstances, including the personal circumstances of the student.".

Amendment of the Education (Student Support) Regulations 2011

3.—(1) The Education (Student Support) Regulations 2011(**a**) are amended as follows.

(2) In regulation 47 (calculations)—

(a) in paragraph (1), after "(1A),", insert "(1AA),"

(b) in paragraph (1A), after "the amount of adult dependants' grant payable", insert—

", where the residual income of any adult dependants and the eligible student's partner and the net income of any dependent child or children, taken together for the prior financial year, exceeds £8,746,";

(c) after paragraph (1A), insert—

"(1AA) Where the residual income of any adult dependants and the eligible student's partner and the net income of any dependent child or children, taken together for the prior financial year, does not exceed £8,746, the amount of adult dependant's grant payable is the basic amount mentioned in paragraph (3) of regulation 44.";

(d) in paragraph (1B), after "child or children", insert ", taken together for the prior financial year,";

(e) in paragraph (2)—

(i) after "(2A),", insert "(2AA),";

(ii) after "(2B),", insert "(2BA),";

(f) in paragraph (2A), after "The amount of childcare grant payable", insert—

", where the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child, taken together for the prior financial year, exceeds £9,727,";

(g) after paragraph (2A), insert—

"(2AA) Where the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child, taken together for the prior financial year, does not exceed £9,727, the amount of childcare grant payable is an amount equal to—

$$A \times \left[\frac{B}{52}\right]$$

(**a**) S.I. 2011/1986, as amended by S.I. 2012/1653, 2013/235, 2013/630, 2013/1728, 2013/3106, 2014/1766, 2014/2103, 2014/2765, 2015/1951, 2016/270, 2016/584, 2017/52, 2017/114, 2017/204, 2018/136, 2018/137, 2018/434, 2018/443, 2018/472, 2018/599 and 2019/142.

Where—

(i) A is the basic amount mentioned in paragraph (5)(a) of regulation 45 multiplied by 52; and

(ii) B is the number of weeks in respect of which the eligible student applies and qualifies for childcare grant up to a maximum of 52 weeks.";

(h) in paragraph (2B), after "The amount of childcare grant payable", insert—

", where the residual income of any adult dependants and the eligible student's partner and the net income of the dependent children, taken together for the prior financial year, exceeds £11,118,";

(i) after paragraph (2B), insert—

"(2BA) Where the residual income of any adult dependants and the eligible student's partner and the net income of the dependent children, taken together for the prior financial year, does not exceed £11,118, the amount of childcare grant payable is an amount equal to—

$$A \times \left[\frac{B}{52}\right]$$

Where—

(i) A is the basic amount mentioned in paragraph (5)(b) of regulation 45; and

(ii) B is the number of weeks in respect of which the eligible student applies and qualifies for childcare grant up to a maximum of 52 weeks.";

(j) in paragraph (3), after "(3A),", insert "(3AA),";

(k) in paragraph (3A), after "the amount of parents' learning allowance payable", insert—

", where the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child or children, taken together for the prior financial year, exceeds £14,910,";

(l) after paragraph (3A), insert—

"(3AA) Where the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child or children, taken together for the prior financial year, does not exceed £14,910, the amount of parents' learning allowance payable is the basic amount mentioned in paragraph (2) of regulation 46.";

(m) in paragraph (3B), after "child or children", insert ", taken together for the prior financial year,";

(n) in paragraph (4), after "(1A),", insert "(1AA),";

(o) in paragraph (5), for "(2A) and (2C), or (2B) and (2C)", substitute "(2A), (2AA) and (2C), or (2B), (2BA) and (2C)";

(p) in paragraph (6), after "(3A)", insert ", (3AA)".

Anne Milton
Minister of State for Apprenticeships and Skills
Department for Education

4th June 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 amends the Further Education Loans Regulations 2012 by inserting a new regulation 25, which allows the Secretary of State to cancel all or part of a fee loan in certain circumstances.

Regulation 3 makes technical amendments to regulation 47 of the Education (Student Support) Regulations 2011 in order to correct certain minor errors in the income assessment calculations applicable to dependants' grants, which were inserted by the Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142).

An impact assessment has not been produced for this instrument as it has no impact on businesses and civil society organisations. The instrument has no impact on the public sector.

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