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 S T A T U T O R Y I N S T R U M E N T S
 

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**2000 No. 2912**
**EDUCATION, ENGLAND AND WALES**
**The Education (Student Support) Regulations 2000  
(Amendment) (No. 3) Regulations 2000**

*Made* - - - - - *30th October 2000*

*Laid before Parliament* *31st October 2000*

*Coming into force* - - *21st November 2000*

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

1. These Regulations may be cited as the Education (Student Support) Regulations 2000 (Amendment) (No. 3) Regulations 2000 and shall come into force on 21st November 2000.
2. The Education (Student Support) Regulations 2000(b) shall be amended as follows.
- 3.—(1) In regulation 2(1)—
  - (a) in the definition of “eligible part-time student” substitute for the words “attendance at” the word “undertaking”; and
  - (b) in the definition of “statutory award” substitute for the words “attendance at” the word “undertaking”.
- (2) In regulation 2(2) substitute for the word “attending” (in each place where it appears) the word “undertaking”.
- (3) In regulation 2(6)—
  - (a) omit the word “attending” (where it first appears); and
  - (b) substitute for the word “attending” (where it appears for the second time) the word “it”.
4. In regulation 3(2) substitute for the words “attendance at” the word “undertaking”.
5. In regulation 9(2)(c)—
  - (a) substitute for the word “attend” the word “undertake”; and
  - (b) substitute for the word “return” the words “continue it”.
6. In regulation 16(1) and (3) insert after the words “city college for the technology of the arts” the words “or a city academy(c)”.
7. In regulation 18(1)(b) substitute for the word “attending” the word “undertaking”.
- 8.—(1) In regulation 27(1) substitute for the words “attendance at” the word “undertaking”.

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(a) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146.

(b) S.I. 2000/1121, amended by S.I. 2000/1490 and S.I. 2000/2142.

(c) City academies are established pursuant to section 482 of the Education Act 1996 (c. 56) as amended by the Learning and Skills Act 2000 (c. 21), section 130.

- (2) In regulation 27(2)—
- (a) in sub-paragraph (b) substitute for the words “attendance on” the word “undertaking”; and
  - (b) omit sub-paragraph (c).
- 9.**—(1) In regulation 29(1)—
- (a) in sub-paragraph (b) substitute for the word “attending” the word “undertaking” and substitute for the full stop a semicolon and after the semicolon insert the word “and”; and
  - (b) insert after sub-paragraph (b) the following sub-paragraph:
    - “(c) in respect of the second and any subsequent year of his part-time course, he is ordinarily resident in England and Wales on the first day of the academic year.”.
- (2) For regulation 29(2) substitute the following paragraph:
- “(2) An eligible part-time student shall not be eligible for a loan if—
- (a) he holds a first degree from an educational institution in the United Kingdom; or
  - (b) there have been paid to him 6 loans in connection with his undertaking one or more designated part-time courses.”.

(3) After regulation 29(3) insert the following paragraphs:

“(3A) Subject to paragraph (3B), an eligible part-time student shall not be eligible for a loan if he is a prisoner serving a custodial sentence.

“(3B) Paragraph (3A) shall not apply in respect of an academic year during which the student enters prison to serve a custodial sentence or is released from prison having served such a sentence.”.

(4) In regulation 29(8) substitute (in the appropriate places) for the definitions of “child”, “dependent” and “spouse” the following definitions:

““child” in relation to an eligible part-time student includes a step-child and any child for whom the student has parental responsibility and, in the case of an eligible part-time student aged 25 or over on the first day of the academic year in respect of which his eligibility for a loan is being assessed, any child of his partner;

“dependent” means wholly or mainly financially dependent;

“partner” means a woman ordinarily living with a man part-time student as his wife or a man ordinarily living with a woman part-time student as her husband;

“spouse” includes, in the case of an eligible part-time student aged 25 or over on the first day of the academic year in respect of which his eligibility for a loan is being assessed, a partner. It does not include a spouse of an eligible part-time student where they have ceased ordinarily to live together, in the case of a married part-time student whether or not an order for their separation has been made by any court, or where the spouse is ordinarily living outside the United Kingdom and is not maintained by him.”.

**10.**—(1) In regulation 31(1) substitute for the words “attendance on” the word “undertaking”.

(2) In regulation 31(6)(a) substitute for the words “attendance at” the word “undertaking”.

**11.** In regulation 32—

    - (a) the existing provisions of the regulation become paragraph (1);
    - (b) insert at the beginning the words “Subject to paragraphs (2) and (3),” and substitute for the words “attendance at” (where they first appear) the word “undertaking”; and
    - (c) insert after paragraph (1) the following paragraphs:
      - “(2) An eligible part-time student shall be eligible for grant under this regulation if, in respect of the second and any subsequent year of his part-time course, he is ordinarily resident in England and Wales on the first day of the academic year.

(3) Subject to paragraph (4), an eligible part-time student shall not be eligible for grant under this regulation if he is a prisoner serving a custodial sentence.

(4) Paragraph (3) shall not apply in respect of an academic year during which the student enters prison to serve a custodial sentence or is released from prison having served such a sentence.”.

**12.**—(1) In regulation 33(1)(a) and (b) substitute for the word “attend” the word “undertake”.

(2) In regulation 33(2) substitute for the words “attendance at” the word “undertaking”.

**13.**—(1) In regulation 34(1)(a) and (b) substitute for the word “attend” (where it appears for the second time) the word “undertake”.

(2) In regulation 34(2) substitute for the words “attendance at” the word “undertaking”.

(3) In regulation 34(6)—

(a) in sub-paragraph (b) substitute for the words “attendance at” the word “undertaking”; and

(b) in sub-paragraph (d)—

(i) insert after the words “regulation 20” (where they first appear) the words “, or had not applied for the maximum amount or increased maximum for which he was entitled under regulation 20”;

(ii) insert after the word “loan” (where it appears for the second time) the words “or such additional amount of loan”; and

(iii) insert after the word “maximum” the words “or increased maximum”.

(4) In regulation 34(7)—

(a) substitute for the words “the maximum amount of loan” (where they first appear) the words “the maximum amount or increased maximum amount of loan (as the case may be)”; and

(b) substitute for the words “the maximum amount of loan” (where they appear for the second time) the words “that amount”.

(5) In regulation 34(8)(a) and (b) substitute for the word “attend” (where it first appears) the word “undertake”.

**14.** In regulation 35(2) substitute for the word “attend” the word “undertake”.

**15.** In paragraph 1(1)(d) of Schedule 3 insert at the end the words “or under section 65(3) of the Further and Higher Education Act 1992(a)”.

*Tessa Blackstone*  
Minister of State,

Department for Education and Employment

30th October 2000

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(a) 1992 c. 13.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which come into force on 21st November 2000, further amend the Education (Student Support) Regulations 2000 (“the Student Support Regulations”).

Following amendment of section 22 of the Teaching and Higher Education Act 1998 by the Learning and Skills Act 2000, the Regulations provide for support for students undertaking part-time designated courses whether they attend the course or whether they pursue the course through open learning. Part VIII of the Student Support Regulations and the definition of “eligible part-time student” are amended accordingly (*regulation 3(1)(a) and regulations 8 to 14*).

Consequential amendments are made at regulations 3 to 5 as the provisions amended apply in respect of support for both designated courses and designated part-time courses.

Students must still attend designated courses (which are full-time courses, sandwich courses or part-time courses for the initial training of teachers designated under regulation 5 of the Student Support Regulations) in order to be eligible for full-time support. No change is made to the Student Support Regulations in this respect.

The Regulations also amend the Student Support Regulations in other respects. Regulation 16 of the Student Support Regulations is amended so that a grant may be paid in respect of a dependent child who attends a city academy (*regulation 6*).

Regulations 27(2)(c) and 29(2) of the Student Support Regulations are amended so that the exclusion from eligibility of a part-time student who has been paid 6 loans in connection with his undertaking one or more designated part-time courses applies only in respect of his eligibility for a loan, not for grants for living costs in respect of a disability to which he is subject (*regulations 8(2)(b) and 9(2)*).

Regulations 29(1) and 32 of the Student Support Regulations are amended to include an additional eligibility criterion in respect of support (loans and grants for disabled part-time students’ living costs) for students undertaking designated part-time courses (*regulations 9(1)(b) and 11(c)*). Eligible part-time students must be ordinarily resident in England and Wales on the first day of each academic year (not just at the start of the course).

Regulations 29 and 32 of the Student Support Regulations are also amended to exclude prisoners serving custodial sentences from eligibility for loans and grants for disabled part-time students’ living costs, except in respect of an academic year in which they enter prison to serve such a sentence or are released from prison having served such a sentence (*regulations 9(3) and 11(c)*).

Regulation 9(4) amends the definitions of “child”, “dependent” and “spouse” at regulation 29(8) of the Student Support Regulations.

Regulation 34(6)(d) and (7) of the Student Support Regulations is amended so that where the student has already made an application for a loan after his eligibility has been converted from that of an eligible student under Part II of the Student Support Regulations, he may apply further for the maximum amount of loan or increased maximum to which he was entitled under regulation 20 of the Student Support Regulations (*regulation 13(3)(b) and (4)*).

Paragraph 1(1)(d) of Schedule 3 to the Student Support Regulations is amended to extend the disregard of grants to students to facilitate teacher training, in calculating their income, to payments in respect of such training by institutions which receive funding under section 65(3) of the Further and Higher Education Act 1992 (*regulation 15*).

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