

2012 No. 1653

EDUCATION, ENGLAND

**The Education (Student Fees, Awards and Support)
(Amendment) Regulations 2012**

Made - - - - - *26th June 2012*

Laid before Parliament *26th June 2012*

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1 and 2 of the Education (Fees and Awards) Act 1983(a), sections 22 and 42(6) of the Teaching and Higher Education Act 1998(b) and sections 24 and 47 of the Higher Education Act 2004(c).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Fees, Awards and Support) (Amendment) Regulations 2012.

(2) These Regulations (other than those specified in paragraph (3))—

(a) come into force on 1st September 2012; and

(b) apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st September 2013 whether anything done under these Regulations is done before, on or after 1st September 2013.

(3) Regulations 1 to 11, 14(a) and (b), 22, 24 to 27, 28(a) and (b), 29, 30, 31(a), 32, 33, 34, 36, 37 and 38 come into force on 1st August 2012.

Amendment of Regulations

2. The Student Fees (Qualifying Courses and Persons) (England) Regulations 2007(d) (“the QCP Regulations”) are amended in accordance with regulations 5 to 7.

(a) 1983 c.40. Section 1 was amended by the Education Reform Act 1988 (c.40), Schedule 12, paragraph 91; the Further and Higher Education Act 1992 (c.13), Schedule 8, paragraph 19; the Education Act 1994 (c.30), Schedule 2, paragraph 7; the Education Act 1996 (c.56), Schedule 37, paragraph 57; the Teaching and Higher Education Act 1998 (c.30), Schedule 3, paragraph 5; the Learning and Skills Act 2000 (c.21), Schedule 9, paragraphs 1 and 11; the Education Act 2002 (c.32), Schedule 21, paragraph 5 and the Education Act 2005 (c.18), Schedule 14, paragraph 9. Section 2 was amended by the Teaching and Higher Education Act 1998, section 44 and Schedule 4.

(b) 1998 c.30. Section 22 was amended by the Learning and Skills Act 2000 (c. 21) section 146 and Schedule 11, the Income Tax (Earnings and Pensions) Act 2003 (c. 1) Schedule 6, the Finance Act 2003 (c. 14) section 147, the Higher Education Act 2004 (c.8) sections 42 and 43 and Schedule 7, the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) section 257 and the Education Act 2011 (c.21) section 76. See section 43(1) of the 1998 Act for the definition of “prescribed” and “regulations”.

(c) 2004 c.8. Section 24 was amended by the Education Act 2005 (c.18), section 98, Schedule 14.

(d) S.I. 2007/778, as amended by S.I. 2007/1336, S.I. 2007/2263, S.I. 2008/1640 and S.I. 2011/87.

3. The Education (Fees and Awards) (England) Regulations 2007^(a) (“the Fees and Awards Regulations”) are amended in accordance with regulation 8.

4. The Education (Student Support) Regulations 2011^(b) (“the Student Support Regulations”) are amended in accordance with regulations 9 to 40.

Amendment of the Student Fees (Qualifying Courses and Persons) (England) Regulations 2007

5. In regulation 2 of the QCP Regulations, for the definition of “qualified teacher” substitute—
- ““qualified teacher” has the meaning given in section 132(1) of the Education Act 2002^(c) but for courses beginning on or after 1st September 2012 does not include a person who—
- (a) is a qualified teacher by virtue of paragraph 13B of Schedule 2 to the Education (School Teachers’ Qualifications) (England) (Regulations) 2003^(d); and
 - (b) has not been assessed by an accredited institution (within the meaning of regulation 11 of those regulations) as meeting the specified standards (within the meaning of paragraph 1 of Schedule 2 to those regulations).”.
6. In paragraph 1 of the Schedule to the QCP Regulations—
- (a) in sub-paragraph (1), in the definition of “overseas” territories, insert “St-Barthélemy” in the appropriate place;
 - (b) In sub-paragraph (2), for the words “includes a guardian and” substitute “means a parent, guardian or”;
 - (c) after sub-paragraph (2), insert—
“(2A) For the purposes of this Schedule, a person is not to be treated as ordinarily resident in a place unless that person lawfully resides in that place.”.
7. In paragraph 9 of the Schedule to the QCP Regulations, after sub-paragraph (1), insert—
- “(1A) Paragraph (c) of sub-paragraph (1) does not apply to a family member of an EU national where that EU national—
- (a) is—
 - (i) a United Kingdom national who has exercised a right to reside in the territory of another Member State under Article 7(1) of Directive 2004/38; or
 - (ii) not a United Kingdom national; and
 - (b) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.”.

Amendment of the Education (Fees and Awards) (England) Regulations 2007

8. In regulation 2 of the Fees and Awards Regulations—
- (a) in paragraph (1), in the definition of “overseas” territories, insert “St-Barthélemy” in the appropriate place;
 - (b) in paragraph (3), for the words “includes a guardian and” substitute “means a parent, guardian or”;
 - (c) after paragraph (3), insert—

(a) S.I. 2007/779 as amended by S.I. 2007/1336, S.I. 2007/2263 and S.I. 2011/87. There are other amending instruments which are not relevant.

(b) 2011/1986.

(c) 2002 c. 32.

(d) S.I. 2003/1662, as amended by S.I. 2012/431. There are other amending instruments which are not relevant.

“(3A) For the purposes of these Regulations, a person is not to be treated as ordinarily resident in a place unless that person lawfully resides in that place.”.

Amendment of the Education (Student Support) Regulations 2011

9. In regulation 2(1) of the Student Support Regulations—

- (a) in paragraph (e) of the definition of “end-on course”, for “mention” substitute “mentioned”;
- (b) for the definition of “flexible postgraduate course for the initial training of teachers”, substitute—

““flexible postgraduate course for the initial training of teachers” means a graduate-entry or postgraduate-level course for the initial training of teachers, the length and pattern of which is determined by reference to the eligible student’s experience and training requirements and which has been approved by—

- (a) the Training and Development Agency for Schools (a) where the course began—
 - (i) before 1st September 2010; or
 - (ii) on or after 1st September 2010 but before 1st September 2012 where the student transfers to the current course pursuant to regulation 7 from a course for the initial training of teachers which began before 1st September 2010; or
 - (b) the Secretary of State where the course began on or after 1st September 2012 and the student transfers to the current course pursuant to regulation 7 from a course for the initial training of teachers which began before 1st September 2010;”;
- (c) for the definition of “qualified teacher” substitute—
- ““qualified teacher” has the meaning given in section 132(1) of the Education Act 2002 but for courses beginning on or after 1st September 2012 does not include a person who—
- (a) is a qualified teacher by virtue of paragraph 13B of Schedule 2 to the Education (School Teachers’ Qualifications) (England) (Regulations) 2003; and
 - (b) has not been assessed by an accredited institution (within the meaning of regulation 11 of those regulations) as meeting the specified standards (within the meaning of paragraph 1 of Schedule 2 to those regulations);”.

10. In regulation 13 of the Student Support Regulations—

- (a) in paragraph (6), after the words “the student is undertaking the course in England” insert “on the first day of the first academic year”;
- (b) after paragraph (6), insert—

“(7) A student qualifying for support in respect of a distance learning course will no longer qualify for support in respect of that course if the Secretary of State considers that the student is undertaking the course outside the United Kingdom.”.

11. In regulation 22 of the Student Support Regulations—

- (a) for paragraph (2), substitute—

“(2) Where the current course begins on or after 1st September 2009, this regulation applies to a current system student who—

- (a) has completed a course mentioned in paragraph 2, 3 or 4 of Schedule 2 or overseas equivalent, or a foundation degree course or overseas equivalent, on a full-time, part-time or full-time distance learning basis, or a compressed degree course and achieved a qualification;

(a) This body was originally established under section 1 of the Education Act 1994 (c. 30) as the Teacher Training Agency. By virtue of section 74 of the Education Act 2005 (c. 18) it became known instead as the Training and Development Agency for Schools. The body was abolished by the Education Act 2011 (c. 21) with effect from 1st April 2012.

- (b) is on a full-time honours degree course (other than a first degree course for the initial training of teachers); and
 - (c) has not taken a full-time first degree course after the course referred to in paragraph (a) and before the current course.”;
- (b) omit paragraph (6).
- 12.** In regulation 23 of the Student Support Regulations—
- (a) in paragraph (3)(a), after the words “paragraph (5)” insert “, (5A)”;
 - (b) after paragraph (5), insert—
 - “(5A) Where the current course—
 - (a) began before 1st August 2012, and
 - (b) is provided by an institution in Northern Ireland,
 the maximum amount is £3,575, or, where one of the cases in paragraph (7) applies, £1,780.”;
 - (c) in paragraph (6)(a), after the words “paragraph 5” insert “or (5A)”.
- 13.** In regulation 38(8) of the Student Support Regulations, omit the words “all or”.
- 14.** In regulation 41 of the Student Support Regulations—
- (a) in paragraph (5), after the words “the student is undertaking the course in England” insert “on the first day of the first academic year”;
 - (b) after paragraph (5), insert—
 - “(6) A student qualifying for a grant under this regulation in respect of a distance learning course will no longer qualify for support in respect of that course if the Secretary of State considers that the student is undertaking the course outside the United Kingdom.”;
 - (c) after paragraph (6) (inserted by paragraph (b)), insert—
 - “(7) Subject to paragraph (8), the disabled students’ allowance is payable in respect of the four quarters of the academic year, except where the allowance is used for expenditure on major items of specialist equipment.
 - (8) Subject to paragraph (9), where one of the events listed in regulation 17(a), (b), (c), (e) (f), (g) or (h) occurs in the course of an academic year, a student may qualify for the disabled students’ allowance for the purposes specified in paragraphs (2)(a), (c) and (d) in respect of such quarters as begin after the relevant event occurs.
 - (9) Where the state of which the student is a national accedes to the EU the student may qualify for the disabled students’ allowance only if the student has been ordinarily resident in the United Kingdom and Islands throughout the three year period immediately preceding the first day of the first academic year of the course.”.
- 15.** In regulation 42 of the Student Support Regulations—
- (a) in paragraph (1), after sub-paragraph (g) insert—
 - “(ga) “preceding financial year” means the financial year immediately preceding the relevant year;
 - (gb) “prior financial year” means the financial year immediately preceding the preceding financial year;
 - (gc) “relevant year” means the academic year of the course in respect of which the eligible student’s dependants’ income falls to be assessed;
 - (gd) “residual income” means taxable income after the application of paragraph (5) (in the case of an eligible student’s partner) or paragraph (6) (in the case of an eligible student’s adult dependants);
 - (ge) “taxable income” means, in respect of the prior financial year, a person’s taxable income from all sources computed for the purposes of—

- (i) the Income Tax Acts;
- (ii) the income tax legislation of another Member State which applies to the person's income; or
- (iii) where the legislation of more than one Member State applies to the period, the legislation under which the Secretary of State considers the person will pay the largest amount of tax in that period,

except that no account is taken of income referred to in paragraph (1A) paid to another party.”;

- (b) after paragraph (1), insert—

“(1A) The income referred to in this paragraph is any benefits under a pension arrangement pursuant to an order made under section 23 of the Matrimonial Causes Act 1973(a) which includes provision made by virtue of sections 25B(4) and 25E(3) of that Act or pension benefits under Part 1 of Schedule 5 to the Civil Partnership Act 2004(b) which includes provision made by virtue of Parts 6 and 7 of that Schedule.”;

- (c) in paragraph (2)—

- (i) omit the words “subject to paragraph (3)”;
- (ii) for “for the academic year in question” substitute “(for the relevant year for the purposes of regulation 44(2)(b) and for the prior financial year for the purposes of regulation 47(7))”;

- (d) in paragraph (3)—

- (i) before the words “Where an eligible student” insert “Subject to paragraph (3A),”;
- (ii) for the words “net income is the net income calculated in accordance with paragraph (2)”, substitute “residual income is”;

- (e) after paragraph (3), insert—

“(3A) Paragraph (3) applies where—

- (a) the current course begins before 1st August 2013;
- (b) the student transfers to the current course pursuant to regulation 7 on or after 1st August 2013 from a designated course beginning before 1st August 2013;
- (c) the current course is a full-time honours degree course beginning on or after 1st August 2013 which, disregarding any intervening vacation, the student begins immediately after ceasing to attend a full-time course mentioned in paragraph 2, 3 or 4 of Schedule 2 or a full-time foundation or ordinary degree course, which started on or after 1st September 2012, having achieved a qualification; or
- (d) the current course is an end-on course of the kind described in paragraph (e) of the definition of an end-on course in regulation 2.”;

- (f) after paragraph (4), insert—

“(5) An eligible student's partner's residual income is determined in accordance with paragraph 6 of Schedule 4.

(6) An eligible student's adult dependants' residual income is determined in accordance with paragraph 5 of Schedule 4 (other than sub-paragraphs (8), (9) and (10) of paragraph 5), references to the parent being construed as references to the eligible student's adult dependants.”.

16. In regulation 44(2)(b) of the Student Support Regulations, after the words “net income” insert “for the relevant year”.

17. In regulation 45(5) of the Student Support Regulations, for “paragraph (6)” substitute “paragraphs (6) and (8)”.

(a) 1973 c.18.
 (b) 2004 c.33.

18. After regulation 45(7) insert—

“(8) Where A’s application for a childcare grant does not identify a childcare provider, the Secretary of State may limit—

- (a) the amount of grant paid to A to the amount specified in paragraph (9), and
- (b) payment of the grant to one quarter of the academic year,

until A has submitted details of the childcare provider to the Secretary of State.

(9) In paragraph (8), the amount of childcare grant is 85 per cent of the prescribed childcare charges, subject to a maximum amount of £115 per week.

(10) Subject to paragraph (8) and (11), a childcare grant is payable in respect of the four quarters of the academic year.

(11) Subject to paragraph (12), where one of the events listed in regulation 17(a), (b), (c), (e), (f), (g) or (h) occurs in the course of an academic year, a student may qualify for a childcare grant in respect of such quarters as begin after the relevant event occurs.

(12) Where the state of which the student is a national accedes to the EU the student may qualify for the childcare grant only if the student has been ordinarily resident in the United Kingdom and Islands throughout the three year period immediately preceding the first day of the first academic year of the course.”.

19. For regulation 47(7) of the Student Support Regulations, substitute—

“(7) In this regulation—

A is the aggregate of—

- (a) the residual income of the eligible student’s partner for the prior financial year;
- (b) the residual income of the eligible student’s adult dependants for the prior financial year; and
- (c) subject to paragraph (7B), (7C) or (7D), the net income of the eligible student’s dependent children for the prior financial year”.

Where the student begins the course before 1st August 2013, *B* is—

- (a) £1,159 where the eligible student has no dependent child;
- (b) £3,473 where the eligible student is not a lone parent and has one dependent child;
- (c) £4,627 where the eligible student—
 - (i) is not a lone parent and has more than one dependent child; or
 - (ii) is a lone parent and has one dependent child;
- (d) £5,792 where the eligible student is a lone parent and has more than one dependent child.

Where the student begins the course on or after 1st August 2013, *B* is—

- (a) £6,159 where the eligible student has no dependent child;
- (b) £8,473 where the eligible student is not a lone parent and has one dependent child;
- (c) £9,627 where the eligible student—
 - (i) is not a lone parent and has more than one dependent child; or
 - (ii) is a lone parent and has one dependent child;
- (d) £10,792 where the eligible student is a lone parent and has more than one dependent child.

(7A) For the purposes of paragraph (7), the current course is treated as beginning before 1st August 2013 in relation to a student “A” where —

- (a) A transfers to the current course pursuant to regulation 7 on or after 1st August 2013 from a designated course beginning before 1st August 2013;

- (b) the current course is a full-time honours degree course beginning on or after 1st August 2013 which, disregarding any intervening vacation, A begins immediately after ceasing to attend a full-time course mentioned in paragraph 2, 3 or 4 of Schedule 2 or a full-time foundation or ordinary degree course, which started on or after 1st September 2012, having achieved a qualification; or
- (c) the current course is an end-on course of the kind described in paragraph (e) of the definition of an end-on course in regulation 2.

(7B) Where the Secretary of State is satisfied that the net income of the eligible student's dependent children in the financial year beginning immediately before the relevant year ("the current financial year") is likely to be not more than 85 per cent of the sterling value of their net income in the prior financial year the Secretary of State may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the dependent children's net income for the current financial year.

(7C) In the event that paragraph (7B) or this paragraph is applied in the previous academic year of the current course and the Secretary of State is satisfied that the net income of the eligible student's dependent children in the financial year beginning immediately before the relevant year ("the current financial year") is likely to be not more than 85 per cent of the sterling value of their net income in the previous financial year the Secretary of State may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the dependent children's net income for the current financial year.

(7D) In an academic year immediately following one in which the Secretary of State has ascertained the eligible student's dependent children's net income for the current financial year under paragraph (7B) and, where applicable, under sub-paragraph (7C) the Secretary of State must ascertain the dependent children's net income in the preceding financial year. ”.

20. After regulation 49 of the Student Support Regulations, insert—

“**49A.**—(1) Subject to paragraph (2), a grant for travel is payable in respect of the four quarters of the academic year.

(2) Subject to paragraph (3), where one of the events listed in regulation 17(a), (b), (c), (e), (f), (g) or (h) occurs in the course of an academic year, a student may qualify for a grant for travel in respect of such quarters as begin after the relevant event occurs.

(3) Where the state of which the student is a national accedes to the EU the student may qualify for the grant for travel only if the student has been ordinarily resident in the United Kingdom and Islands throughout the three year period immediately preceding the first day of the first academic year of the course.”.

21. After regulation 56(4) of the Student Support Regulations, insert—

“(5) Subject to paragraph (6), a maintenance grant is payable to a qualifying student in respect of the four quarters of the academic year.

(6) Subject to paragraph (7), where one of the events listed in regulation 17 (a), (b), (c), (e), (f), (g) or (h) occurs in the course of an academic year, a student may qualify for a maintenance grant in respect of such quarters as begin after the relevant event occurs.

(7) Where the state of which the student is a national accedes to the EU the student may qualify for the maintenance grant only if the student has been ordinarily resident in the United Kingdom and Islands throughout the three year period immediately preceding the first day of the first academic year of the course.”.

22. In regulation 60(5) of the Student Support Regulations, for “009” substitute “2009”.

23. After regulation 61(4) of the Student Support Regulations, insert—

“(5) Subject to regulation (6), a special support grant is payable in respect of the four quarters of the academic year.

(6) Subject to paragraph (7), where one of the events listed in regulation 17 (a), (b), (c), (e), (f), (g) or (h) occurs in the course of an academic year, a student may qualify for a special support grant in respect of such quarters as begin after the relevant event occurs.

(7) Where the state of which the student is a national accedes to the EU the student may qualify for the special support grant only if the student has been ordinarily resident in the United Kingdom and Islands throughout the three year period immediately preceding the first day of the first academic year of the course.”

24. In regulation 62(5)(b) of the Student Support Regulations, for “£34,669” substitute “£34,699”.

25. In regulation 64(1) and (2) of the Student Support Regulations, for the words “maintenance grant” substitute “special support grant”.

26. In regulation 75(5)(i) of the Student Support Regulations, for “£553” substitute “£567”.

27. In regulation 124 of the Student Support Regulations—

(a) in paragraph (3), after the words “the student is undertaking the course in England” insert “on the first day of the first academic year”;

(b) after paragraph (3), insert—

“(3A) A student undertaking a designated distance learning course will no longer qualify for support in respect of that course if, after the first day of the first academic year, the Secretary of State considers that the student is undertaking the course outside the United Kingdom.”.

28. In regulation 127 of the Student Support Regulations—

(a) in paragraph (3), after the words “the student is undertaking the course in England” insert “on the first day of the first academic year”.

(b) after paragraph (3), insert—

“(3A) A student qualifying for a grant under this regulation will no longer qualify for the grant if the Secretary of State considers that the student is undertaking the course outside the United Kingdom.”;

(c) after paragraph (5) insert—

“(6) Subject to paragraph (7), the grant under this regulation is payable in respect of the four quarters of the academic year, except where it is used for expenditure on major items of specialist equipment.

(7) Where regulation 121(3) applies, a student may qualify for the grant under this regulation for the purposes specified in paragraphs (5)(a), (c) or (d) in respect of such quarters as begin after the relevant event occurs.”.

29. In regulation 141 of the Student Support Regulations—

(a) in paragraph (3), after the words “in respect of a course” insert “(other than a distance learning course)”;

(b) after paragraph (3) insert—

“(3A) Where an eligible part-time student is undertaking a part-time distance learning course, the student does not qualify for support under this regulation in respect of that course unless the Secretary of State considers that the student is undertaking the course in England on the first day of the first academic year.

(3B) A student qualifying for support under this regulation in respect of a part-time distance learning course will no longer qualify support in respect of that course if the Secretary of State considers that the student is undertaking the course outside the United Kingdom.”.

30. In regulation 144 of the Student Support Regulations—

(a) in paragraph (2), after “25%” insert “of an equivalent full-time course”;

- (b) for paragraph (3), substitute—
 - “(3) An eligible part-time student qualifies for a fee loan under paragraph (1) if the Secretary of State considers that—
 - (a) the student is attending the course in the United Kingdom, or
 - (b) where the course is a part-time distance learning course, the student is undertaking the course in England on the first day of the first academic year.”.
- (c) after paragraph (3), insert—
 - “(3A) A student qualifying for a fee loan in respect of a part-time distance learning course under paragraph (3) will no longer qualify for a fee loan in respect of that course if the Secretary of State considers that the student is undertaking the course outside the United Kingdom.”;
- (d) in paragraph (4), before the words “an eligible part-time student” insert “subject to paragraph (6)”;
- (e) in paragraph (6), for the words “an eligible part-time student is not prevented from qualifying for fee support under this regulation” substitute “paragraph (4) does not apply”.

31. In regulation 147 of the Student Support Regulations—

- (a) in paragraph (4), after “25%” insert “of an equivalent full-time course”;
- (b) after paragraph (6) insert—
 - “(7) Subject to paragraph (8), the grant under this regulation is payable in respect of the four quarters of the academic year, except where the allowance is used for expenditure on major items of specialist equipment.
 - (8) Where one of the events listed in regulation 138(4)(a), (b), (e), (f), (g), (h) or (i) occurs in the course of an academic year, a student may qualify for the grant under this regulation for the purposes specified in paragraph (6)(a), (c) or (d) in respect of such quarters as begin after the relevant event occurs.”.

32. In regulation 149 of the Student Support Regulations—

- (a) in paragraph (4)(b), delete the words “and has undertaken at least two weeks of the course”;
- (b) for paragraph (5) substitute—
 - “(5) In this Part, “declaration” in respect of a course starting on or after 1st September 2012 means a statement that—
 - (a) provides the course information; and
 - (b) confirms that the applicant has undertaken at least two weeks of the designated part-time course in respect of which the applicant is applying for support.”;
- (c) in paragraph (7), after “25%” insert “of an equivalent full-time course”.

33. In regulation 157 of the Student Support Regulations, for the words “fee support”, substitute “fee loan support” in both places where they appear.

34. In regulation 159(9) of the Student Support Regulations, after “25%” insert “of an equivalent full-time course”.

35. After regulation 166(3) of the Student Support Regulations insert—

- “(4) Subject to paragraph (5), the grant under this Part is payable in respect of the four quarters of the academic year, except where the grant is used for expenditure on major items of specialist equipment as provided for in paragraph (3)(b).
- (5) Where one of the events listed in regulation 160(2) occurs in the course of an academic year, a student may qualify for a grant under this Part in respect of such quarters as begin after the relevant event occurs, except where the grant is used for the type of expenditure specified in paragraph 3(b).”.

36. In paragraph 1 of Schedule 1 to the Student Support Regulations—

(a) in sub-paragraph (2), for the words “includes a guardian and” substitute “means a parent, guardian or”;

(b) after sub-paragraph (2) insert—

“(2A) For the purposes of this Schedule, a person is not to be treated as ordinarily resident in a place unless that person lawfully resides in that place.”.

37. In paragraph 10 of Schedule 1 to the Student Support Regulations, in sub-paragraph (2), for the words “EY national” substitute “EU national”.

38. In Schedule 4 to the Student Support Regulations, in sub-paragraph (2)(a) of paragraph 3, for the words “paragraph 5(9)”, substitute “paragraph 5(10)” wherever they appear.

39. The Schedule to these Regulations has effect to substitute the figure in the third column of the table for the figure in the second column where they appear in the regulations of the Student Support Regulations set out in the first column.

David Willetts

Minister of State for Universities and Science
Department for Business, Innovation and Skills

26th June 2012

SCHEDULE

Regulation 39

NEW PAYMENT RATES FOR MAINTENANCE GRANTS, SPECIAL SUPPORT GRANTS AND GRANTS FOR DISTANCE LEARNING AND PART-TIME COURSES

<i>Provision in the Education (Student Support) Regulations 2011</i>	<i>Existing figure</i>	<i>New figure</i>
Regulation 57		
57(1)(a)	£1,492	£1,540
57(1)(b)	£2,984	£3,080
57(1)(c)	£2,984	£3,080
57(2)(a)	£1,492	£1,540
57(2)(b)	£34,699	£34,713
57(2)(b)	£1,492	£1,540
57(2)(b)	£11.72	£11.36
57(2)(c)	£34,699	£34,713
57(2)(c)	£665	£685
57(3)(a)	£2,984	£3,080
57(3)(b)	£34,699	£34,713
57(3)(b)	£2,984	£3,080
57(3)(b)	£5.86	£5.68
57(3)(c)	£34,699	£34,713
57(3)(c)	£1,329	£1,370
57(4)(a)	£1,492	£1,540
57(4)(b)	£61,034	£61,047
57(4)(b)	£1,492	£1,540
57(4)(b)	£11.72	£11.36

<i>Provision in the Education (Student Support) Regulations 2011</i>	<i>Existing figure</i>	<i>New figure</i>
57(4)(b)	£34,699	£34,713
57(4)(b)	£41.14	£39.90
57(4)(b)	£34,699	£34,713
57(4)(b)	£61,034	£61,047
57(4)(c)	£61,034	£61,047
57(5)(a)	£2,984	£3,080
57(5)(b)	£61,034	£61,047
57(5)(b)	£2,984	£3,080
57(5)(b)	£5.86	£5.68
57(5)(b)	£34,699	£34,713
57(5)(b)	£20.59	£19.95
57(5)(b)	£34,699	£34,713
57(5)(b)	£61,034	£61,047
57(5)(c)	£61,034	£61,047
Regulation 58		
58(1)(a)	£1,492	£1,540
58(1)(b)	£2,984	£3,080
58(1)(c)	£2,984	£3,080
58(2)(a)	£1,492	£1,540
58(2)(b)	£34,250	£34,264
58(2)(b)	£1,492	£1,540
58(2)(b)	£10.00	£9.70
58(2)(c)	£34,250	£34,264
58(2)(c)	£567	£585
58(3)(a)	£2,984	£3,080
58(3)(b)	£34,250	£34,264
58(3)(b)	£2,984	£3,080
58(3)(b)	£5.00	£4.85
58(3)(c)	£34,250	£34,264
58(3)(c)	£1,134	£1,170
58(4)(a)	£1,492	£1,540
58(4)(b)	£50,695	£50,706
58(4)(b)	£1,492	£1,540
58(4)(b)	£10.00	£9.70
58(4)(b)	£34,250	£34,264
58(4)(b)	£30.34	£29.36
58(4)(b)	£34,250	£34,264
58(4)(b)	£50,695	£50,706
58(4)(c)	£50,695	£50,706
58(5)(a)	£2,984	£3,080
58(5)(b)	£50,695	£50,706
58(5)(b)	£2,984	£3,080
58(5)(b)	£5.00	£4.85
58(5)(b)	£34,250	£34,264
58(5)(b)	£15.17	£14.68
58(5)(b)	£34,250	£34,264
58(5)(b)	£50,695	£50,706
58(5)(c)	£50,695	£50,706

<i>Provision in the Education (Student Support) Regulations 2011</i>	<i>Existing figure</i>	<i>New figure</i>
Regulation 59		
59(1)	£3,250	£3,354
59(2)(a)	£3,250	£3,354
59(2)(b)	£42,600	£42,611
59(2)(b)	£3,250	£3,354
59(2)(b)	£5.50	£5.33
59(2)(c)	£42,600	£42,611
Regulation 60		
60(1)(a)	£1,492	£1,540
60(1)(b)	£2,984	£3,080
60(1)(c)	£2,984	£3,080
60(2)(a)	£1,492	£1,540
60(2)(b)	£28,059	£28,073
60(2)(b)	£1,492	£1,540
60(2)(b)	£11.72	£11.36
60(2)(c)	£28,059	£28,073
60(2)(c)	£665	£685
60(3)(a)	£2,984	£3,080
60(3)(b)	£28,059	£28,073
60(3)(b)	£2,984	£3,080
60(3)(b)	£5.86	£5.68
60(3)(c)	£28,059	£28,073
60(3)(c)	£1,329	£1,370
60(4)(a)	£1,492	£1,540
60(4)(b)	£39,570	£39,571
60(4)(b)	£1,492	£1,540
60(4)(b)	£11.72	£11.36
60(4)(b)	£28,059	£28,073
60(4)(b)	£17.98	£17.42
60(4)(b)	£28,059	£28,073
60(4)(b)	£39,570	£39,571
60(4)(c)	£39,570	£39,571
60(5)(a)	£2,984	£3,080
60(5)(b)	£39,570	£39,571
60(5)(b)	£2,984	£3,080
60(5)(b)	£5.86	£5.68
60(5)(b)	£28,059	£28,073
60(5)(b)	£9.00	£8.71
60(5)(b)	£28,059	£28,073
60(5)(b)	£39,570	£39,571
60(5)(c)	£39,570	£39,571
Regulation 62		
62(1)(a)	£1,492	£1,540
62(1)(b)	£2,984	£3,080
62(1)(c)	£2,984	£3,080
62(2)(a)	£1,492	£1,540
62(2)(b)	£34,699	£34,713
62(2)(b)	£1,492	£1,540

<i>Provision in the Education (Student Support) Regulations 2011</i>	<i>Existing figure</i>	<i>New figure</i>
62(2)(b)	£11.72	£11.36
62(2)(c)	£34,699	£34,713
62(2)(c)	£665	£685
62(3)(a)	£2,984	£3,080
62(3)(b)	£34,699	£34,713
62(3)(b)	£2,984	£3,080
62(3)(b)	£5.86	£5.68
62(3)(c)	£34,699	£34,713
62(3)(c)	£1,329	£1,370
62(4)(a)	£1,492	£1,540
62(4)(b)	£61,034	£61,047
62(4)(b)	£1,492	£1,540
62(4)(b)	£11.72	£11.36
62(4)(b)	£34,699	£34,713
62(4)(b)	£41.14	£39.90
62(4)(b)	£34,699	£34,713
62(4)(b)	£61,034	£61,047
62(4)(c)	£61,034	£61,047
62(5)(a)	£2,984	£3,080
62(5)(b)	£61,034	£61,047
62(5)(b)	£2,984	£3,080
62(5)(b)	£5.86	£5.68
62(5)(b)	£34,699	£34,713
62(5)(b)	£20.59	£19.95
62(5)(b)	£34,699	£34,713
62(5)(b)	£61,034	£61,047
62(5)(c)	£61,034	£61,047
Regulation 63		
63(1)(a)	£1,492	£1,540
63(1)(b)	£2,984	£3,080
63(1)(c)	£2,984	£3,080
63(2)(a)	£1,492	£1,540
63(2)(b)	£34,250	£34,264
63(2)(b)	£1,492	£1,540
63(2)(b)	£10.00	£9.70
63(2)(c)	£34,250	£34,264
63(2)(c)	£567	£585
63(3)(a)	£2,984	£3,080
63(3)(b)	£34,250	£34,264
63(3)(b)	£2,984	£3,080
63(3)(b)	£5.00	£4.85
63(3)(c)	£34,250	£34,264
63(3)(c)	£1,134	£1,170
63(4)(a)	£1,492	£1,540
63(4)(b)	£50,695	£50,706
63(4)(b)	£1,492	£1,540
63(4)(b)	£10.00	£9.70
63(4)(b)	£34,250	£34,264

<i>Provision in the Education (Student Support) Regulations 2011</i>	<i>Existing figure</i>	<i>New figure</i>
63(4)(b)	£30.34	£29.36
63(4)(b)	£34,250	£34,264
63(4)(b)	£50,695	£50,706
63(4)(c)	£50,695	£50,706
63(5)(a)	£2,984	£3,080
63(5)(b)	£50,695	£50,706
63(5)(b)	£2,984	£3,080
63(5)(b)	£5.00	£4.85
63(5)(b)	£34,250	£34,264
63(5)(b)	£15.17	£14.68
63(5)(b)	£34,250	£34,264
63(5)(b)	£50,695	£50,706
63(5)(c)	£50,695	£50,706
Regulation 64		
64(1)	£3,250	£3,354
64(2)(a)	£3,250	£3,354
64(2)(b)	£42,600	£42,611
64(2)(b)	£3,250	£3,354
64(2)(b)	£5.50	£5.33
64(2)(c)	£42,600	£42,611
Regulation 65		
65(1)(a)	£1,492	£1,540
65(1)(b)	£2,984	£3,080
65(1)(c)	£2,984	£3,080
65(2)(a)	£1,492	£1,540
65(2)(b)	£28,059	£28,073
65(2)(b)	£1,492	£1,540
65(2)(b)	£11.72	£11.36
65(2)(c)	£28,059	£28,073
65(2)(c)	£665	£685
65(3)(a)	£2,984	£3,080
65(3)(b)	£28,059	£28,073
65(3)(b)	£2,984	£3,080
65(3)(b)	£5.86	£5.68
65(3)(c)	£28,059	£28,073
65(3)(c)	£1,329	£1,370
65(4)(a)	£1,492	£1,540
65(4)(b)	£39,570	£39,571
65(4)(b)	£1,492	£1,540
65(4)(b)	£11.72	£11.36
65(4)(b)	£28,059	£28,073
65(4)(b)	£17.98	£17.42
65(4)(b)	£28,059	£28,073
65(4)(b)	£39,570	£39,571
65(4)(c)	£39,570	£39,571
65(5)(a)	£2,984	£3,080
65(5)(b)	£39,570	£39,571
65(5)(b)	£2,984	£3,080

<i>Provision in the Education (Student Support) Regulations 2011</i>	<i>Existing figure</i>	<i>New figure</i>
65(5)(b)	£5.86	£5.68
65(5)(b)	£28,059	£28,073
65(5)(b)	£9.00	£8.71
65(5)(b)	£28,059	£28,073
65(5)(b)	£39,570	£39,571
65(5)(c)	£39,570	£39,571
Regulation 68		
68(b)(i)	£1,329	£1,370
68(b)(ii)	£1,329	£1,370
68(b)(ii)	£1,329	£1,370
Regulation 72		
72(6)	£61,034	£61,047
72(7)	£61,034	£61,047
72(8)	£61,034	£61,047
72(9)	£61,034	£61,047
Regulation 73		
73(5)(i)	£665	£685
73(5)(ii)	£1,329	£1,370
73(6)(a)	£665	£685
73(6)(a)	£1,329	£1,370
73(6)(b)	£1,329	£1,370
73(6)(b)	£1,329	£1,370
73(6)(c)	£1,329	£1,370
73(6)(c)	£1,329	£1,370
Regulation 74		
74(6)	£50,695	£50,706
74(7)	£50,695	£50,706
74(8)	£50,695	£50,706
74(9)	£50,695	£50,706
Regulation 75		
75(2)	£29.14	£28.22
75(2)	£34,250	£34,264
75(3)	£29.14	£28.22
75(3)	£34,250	£34,264
75(5)(i)	£567	£585
75(5)(ii)	£1,134	£1,170
75(6)(a)	£567	£585
75(6)(b)	£1,134	£1,170
Regulation 76		
76(6)	£42,600	£42,611
76(7)	£42,600	£42,611
76(8)	£42,600	£42,611
76(9)	£42,600	£42,611
Regulation 80		
80(3)(a)	£665	£685
80(3)(a)	£665	£685
80(3)(b)	£1,329	£1,370
80(3)(b)	£1,329	£1,370

<i>Provision in the Education (Student Support) Regulations 2011</i>	<i>Existing figure</i>	<i>New figure</i>
80(4)(a)	£567	£585
80(4)(a)	£567	£585
80(4)(b)	£1,134	£1,170
80(4)(b)	£1,134	£1,170
Regulation 124		
124(1)(a)(i)	£1,230	£1,270
124(1)(b)	£265	£275
Regulation 125		
125(1)(g)	£9.47	£9.05
125(2)(a)	£7.59	£7.33
125(2)(b)	£1,230	£1,270
125(2)(b)	£1,230	£1,270
Regulation 141		
141(1)(b)	£265	£275
Regulation 142		
142(2)(a)	£820	£845
142(2)(b)	£985	£1,015
142(2)(c)	£1,230	£1,270
142(3)(g)	£9.47	£9.05
142(4)(a)	£11.91	£11.51
142(4)(a)	£9.69	£9.37
142(4)(a)	£7.59	£7.33

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Fees and Awards) (England) Regulations 2007 (S.I. 2007/779) (the “Fees and Awards Regulations”), the Student Fees (Qualifying Courses and Persons) (England) Regulations 2007 (S.I. 2007/778) (the “QCP Regulations”), and the Education (Student Support) Regulations 2011 (S.I. 2011/1986) (the “Student Support Regulations”).

The amendments to the Student Support Regulations increase elements of the student support package, amend the provisions on eligibility for support during the course of an academic year and make amendments as to how income is assessed when calculating dependants’ grants and the amount of childcare grant paid out in certain circumstances. These amendments apply in respect of an academic year beginning on or after 1st September 2013.

These Regulations also make minor technical amendments and corrections to the Student Support Regulations, the QCP Regulations and the Fees and Awards Regulations.

Regulations 5 and 9(c) amend the definition of qualified teacher for the purposes of the QCP Regulations and the Student Support Regulations. The amended definition enables a person to be eligible for student support if they are a qualified teacher under paragraph 13B of Schedule 2 to the Education (School Teachers’ Qualifications) (England) Regulations 2003 but have not yet been assessed as meeting the specified standards.

Regulation 6(a) and 8(a) amend the definition of “overseas territories” in the QCP Regulations and Fees and Awards Regulations.

Regulation 6(b) amends the definition of “parent” in the QCP Regulations. Regulations 8(b) and 36(a) make corresponding amendments to the Fees Awards Regulations and the Student Support Regulations.

Regulation 6(c) amends the QCP Regulations to make clear for the avoidance of doubt that “ordinary resident” means lawfully resident. Regulations 8(c) and 36(b) make corresponding amendments to the Fees and Awards Regulations and the Student Support Regulations.

Regulation 7 amends the QCP Regulations to remove the residence requirement for non-EU family members of EU nationals in relation to regulated fees.

Regulation 9(b) amends the definition of “flexible postgraduate course for the initial training of teachers” in light of the abolition of the Training and Development Agency for Schools.

Regulations 10, 14(a) and (b), 27, 28(a) and (b), 29 and 30(b) and (c) amend the Student Support Regulations such that full and part-time students living in England, who establish eligibility for student support for a distance learning course on the first day of the first academic year of their course, will continue to be eligible for student support unless they subsequently undertake their distance learning course outside the United Kingdom.

Regulation 11 makes a minor technical amendment to the Student Support Regulations in respect of the standard entitlement of students undertaking end-on courses and certain degree courses.

Regulation 12 increases the amount of tuition fee support for certain continuing full-time students undertaking their courses in Northern Ireland in respect of an academic year beginning on or after 1st September 2013.

Regulation 13, 14(c), 18 (in part), 20, 21, 23, 28(c), 31(b) and 35 amend the Student Support Regulations so that students becoming eligible for student support during the course of the academic year qualify for support in respect of the quarters following the event triggering their eligibility.

Regulations 15, 16 and 19 amend the provisions of the Student Support Regulations under which grants for dependants are calculated. The effect of the changes is that grants for dependants will be calculated on the basis of: (i) the residual income of any partner or adult dependant for the prior financial year; and (ii) the net income of any child dependant for the prior financial year. However, where a dependant’s income for the current financial year is likely to be 15 per cent less than that in the prior financial year, the Secretary of State may instead assess the dependant’s income on the basis of the current financial year.

Regulation 18 amends the Student Support Regulations to enable the Secretary of State to limit the amount of childcare grant payable where the student does not submit details of the childcare provider.

Regulation 39 and the Schedule increase the amount of maintenance grant and special support grant for full-time students and the fee grant and course grant for certain continuing part-time students in respect of an academic year beginning on or after 1 September 2013.

Regulation 9(a), 22, 24, 25, 26, 30(a), (d) and (e), 31(a), 32, 33, 34, 37 and 38 make minor corrections to the Student Support Regulations.

An impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or the public sector. The impact on the public sector is minimal. The Explanatory Memorandum is published alongside the Regulations on www.legislation.gov.uk.

STATUTORY INSTRUMENTS

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