

This Statutory Instrument, in part, corrects errors in S.I. 2022/1335 and S.I. 2023/74 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2023 No. 521

EDUCATION

**The Education (Student Finance) (Miscellaneous Amendments)
Regulations 2023**

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| <i>Made</i> | - - - - | <i>9th May 2023</i> |
| <i>Laid before Parliament</i> | | <i>11th May 2023</i> |
| <i>Laid before Senedd Cymru</i> | | <i>11th May 2023</i> |
| <i>Coming into force</i> | | <i>1st June 2023</i> |

The Secretary of State for Education makes these Regulations in exercise of the powers in sections 22 and 42(6) of the Teaching and Higher Education Act 1998(a) and sections 10(4)(b) and 119(5) of the Higher Education and Research Act 2017(b).

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 22(1) and (2)(g), (3)(a) and (b), (4)(a) and 42(6) of the Teaching and Higher Education Act 1998(c), now exercisable by them.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Education (Student Finance) (Miscellaneous Amendments) Regulations 2023 and come into force on 1st June 2023.

(2) This regulation and regulation 3 extend to England and Wales, Scotland and Northern Ireland.

(3) The amendments in regulation 2 have the same extent as the provisions which they amend.

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- (a) 1998 c. 30; section 22 is prospectively amended by section 86(3)(b) of the Higher Education and Research Act 2017 (c. 29) from a date to be appointed. See section 43(1) for the definitions of “prescribed” and “regulations”. Section 22 was amended by section 146(2)(a) of, and Schedule 11 to, the Learning and Skills Act 2000 (c. 21), paragraph 236 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1), section 147 of the Finance Act 2003 (c. 14), sections 42 and 43 of, and Schedule 7 to, the Higher Education Act 2004 (c. 8) (“the 2004 Act”), section 257 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 76 of the Education Act 2011 (c. 21) and section 88 of the Higher Education and Research Act 2017 (c. 29) and by S.I. 2013/1881. There are amendments to section 42 but none is relevant to these Regulations. The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 in relation to Wales were transferred to the National Assembly for Wales (except so far as they related to the making of any provision authorised by subsection (2)(a), (c), (j), (k), (3)(e) or (f) or (5) of that section) by section 44(1) of the 2004 Act.
- (b) 2017 c. 29. See the definition of “prescribed” in section 10(9).
- (c) Functions of the Secretary of State under section 22 were transferred to the National Assembly for Wales as described in footnote (a). The functions of the Secretary of State under section 42(6) as regards Wales were transferred to the National Assembly for Wales by S.I. 1999/672. The above functions of the National Assembly for Wales were subsequently transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). The National Assembly for Wales was renamed Senedd Cymru or the Welsh Parliament by section 2 of the Senedd and Elections (Wales) Act 2020 (anaw 1).

(4) Regulations 4, 5, 6 and 7 extend to England and Wales.

Amendments to the Education (Student Loans) (Repayment) Regulations 2009

2.—(1) The Education (Student Loans) (Repayment) Regulations 2009(a) are amended as follows.

(2) In the table in regulation 20B(3), after the row for the period “1st March 2023 to 31st May 2023”, insert—

“1st June 2023 to 31st August 2023 7.1%”.

(3) In regulation 33(3)(b) and (d)(ii), omit “or postgraduate degree loan”.

(4) In regulation 74A—

(a) in paragraph (1), after “formula” insert “in paragraph (2) or (2A) (as the case may be)”;

(b) in paragraph (2), after “formula” insert “applicable to a plan 2 or 5 loan”;

(c) after paragraph (2), insert—

“(2A) The formula applicable to a plan 3 loan is—

$$\frac{(2x - y) \times 0.06}{12};$$

(d) in paragraph (3), for “formula” substitute “formulae in paragraphs (2) and (2A)”;

(e) after paragraph (3), after “Example” insert “(using the formula applicable to plan 2 or 5 loans)”.

Amendment of the Education (Student Loans) (Repayment) (Amendment) (No. 4) Regulations 2022

3.—(1) The Education (Student Loans) (Repayment) (Amendment) (No. 4) Regulations 2022(b) are amended as follows.

(2) In regulation 3(a), omit “, 11, 22, 26, 28”.

(3) After regulation 3(a), insert—

“(aa) regulation 11, insofar as it relates to regulations 8B and 8C of the Education (Student Loans) (Repayment) Regulations 2009, also extends to Northern Ireland and Scotland;”.

Application of regulations 5 to 7 and interpretation

4.—(1) Regulations 5 and 7 apply in relation to England only.

(2) Regulation 6 applies in relation to English higher education providers(c).

(3) Subject to the savings in Part 5 of the Education (Student Fees, Awards and Support) (Amendment) Regulations 2023(d) (as amended by regulation 7)—

(a) regulation 5(3), (4), (5), (6) and (7) and regulation 6 apply only in relation to the provision of support, and to fees and awards applicable, in relation to a new academic year, whether anything done under the 2011 Regulations as amended by these Regulations is done before, on or after 1st August 2023;

(a) S.I. 2009/470; relevant amending instruments are S.I. 2012/1309, 2013/607, 1881, 2017/831, 2018/599, 2021/677, 1005, 1378, 2022/301, 889, 1151, 1335 and 2023/129.

(b) S.I. 2022/1335, amended by S.I. 2022/1392.

(c) See the definition of “English higher education provider” in section 83(1) of the Higher Education and Research Act 2017.

(d) S.I. 2023/74.

- (b) regulation 5(2)(a)(i) applies only in relation to the provision of support in relation to—
 - (i) a new course, or
 - (ii) a new academic year of an existing course,
 whether anything done under the 2011 Regulations as amended by these Regulations is done before, on or after 1st August 2023;
- (c) regulation 5(2)(b) applies only in relation to the provision of support in relation to a new course, whether anything done under the 2011 Regulations as amended by these Regulations is done before, on or after 1st August 2023.

(4) In this regulation—

“existing course” means a course which begins—

- (a) on or after 1st August 2022, and
- (b) on or before 31st July 2023;

“new academic year” means an academic year which begins on or after 1st August 2023;

“new course” means a course which begins on or after 1st August 2023.

(5) For the purposes of this regulation, an “academic year” is the period of twelve months beginning with 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of the course in question begins, according to whether the academic year of the course in question begins—

- (a) on or after 1st January and before 1st April,
- (b) on or after 1st April and before 1st July,
- (c) on or after 1st July and before 1st August, or
- (d) on or after 1st August and on or before 31st December.

(6) In this regulation and regulation 5, “the 2011 Regulations” means the Education (Student Support) Regulations 2011(a).

Amendment of the Education (Student Support) Regulations 2011

5.—(1) The 2011 Regulations are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

- (i) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”(b), for paragraph (a) substitute—

“(a) who has indefinite leave to enter or remain in the United Kingdom, outside the immigration rules, on the basis of the Afghan Citizens Resettlement Scheme; and”

- (ii) in the definition of “person granted leave under the Ukraine Extension Scheme”(c), in paragraph (a), for “Immigration Rules” substitute “immigration rules”;
- (iii) in the definition of “person granted leave under the Ukraine Family Scheme”(d), in paragraph (a), for “Immigration Rules”, in both places it occurs, substitute “immigration rules”;

(b) in paragraph (1ZA)(e)(ii)(e), for “1st September” substitute “1st August”.

(3) In regulation 2A(7)(f)—

- (a) in sub-paragraph (a), for “regulation 139(7)” substitute “regulation 161(4)”;

(a) S.I. 2011/1986.

(b) The definition was inserted by S.I. 2022/57 and amended by S.I. 2023/74.

(c) The definition was inserted by S.I. 2022/534 and amended by S.I. 2023/74.

(d) The definition was inserted by S.I. 2022/534 and amended by S.I. 2023/74.

(e) Paragraph (1ZA) was inserted by S.I. 2023/74.

(f) Regulation 2A was inserted by S.I. 2023/74.

(b) in sub-paragraph (c), for “part-time”, in each place it occurs, substitute “postgraduate”.

(4) In regulation 9(2)(a)(a), after “an in-year qualifying event” insert “or a course designation event”.

(5) In regulation 49A(b), insert the heading “Quarters in respect of which grant for travel is payable”.

(6) In regulation 85(1)(c), after “living costs in respect of” insert “such quarters in respect of”.

(7) In regulation 157C(6)(a)(d), for “one of the events listed in paragraph (2) of regulation 138A” substitute “an event falling within regulation 138A”.

Amendment of the Higher Education (Fee Limit Condition) (England) Regulations 2017

6. In the Higher Education (Fee Limit Condition) (England) Regulations 2017(e), in regulation 4(7), for “prescribed” substitute “protected”.

Amendment of the Education (Student Fees, Awards and Support) (Amendment) Regulations 2023

7.—(1) The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 are amended as follows.

(2) In regulation 139(3), in the definition of “existing SSR Afghan scheme student”, in paragraph (b), for “P’s status” substitute “the student’s status”.

(3) In regulation 140(3), in the definition of “existing EUI Afghan scheme student”, in paragraph (b), for “P’s status” substitute “the student’s status”.

9th May 2023

Barran
Parliamentary Under Secretary of State
Department for Education

9th May 2023

Jeremy Miles
Minister for Education and Welsh Language, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make miscellaneous amendments to legislation governing student finance.

Regulation 2 amends the Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470) (the “Principal Regulations”), which make provision for the repayment of income-contingent student loans in England and Wales.

Regulation 2(2) makes provision for a temporary reduction of the interest rate on plan 2 (undergraduate) loans specified in regulation 21A and plan 3 (postgraduate degree loans) specified in regulation 21B of the Principal Regulations. The temporary interest rate reduction will also apply to new plan 5 (undergraduate) loans (see regulation 21C of the Principal Regulations), which will be issued in relation to courses commencing on or after 1st August 2023. The interest

(a) Regulation 9(2)(a) was amended by S.I. 2023/74.

(b) Regulation 49A was inserted by S.I. 2012/1653 and substituted by S.I. 2023/74.

(c) Regulation 85 was amended by S.I. 2018/137, 2019/142, 2020/48, 1181, 1203, 2021/127, 1348, 2022/57, 534 and 2023/74.

(d) Regulation 157C was inserted by S.I. 2018/472. Regulation 29 of S.I. 2023/74 erroneously required substitution of words which do not appear in that provision.

(e) S.I. 2017/1189. Paragraph (7) of regulation 4 was inserted by S.I. 2023/74.

rate is set at 7.1% for the period beginning with 1st June 2023 and ending with 31st August 2023. After that date, the interest rate will revert to the original rates specified in the Principal Regulations.

Regulation 2(3) amends the Principal Regulations to remove two references to “postgraduate degree loans” in consequence of changes made by the Education (Student Loans) (Repayment) (Amendment) (No. 4) Regulations 2022 (S.I. 2022/1335).

Regulation 2(4) amends regulation 74A of the Principal Regulations to insert a new formula for the calculation of the fixed instalment rate applicable to plan 3 (postgraduate) loans. This rate is used to calculate the fixed instalment payable by a borrower resident overseas who has failed to provide required information about their income.

Regulation 3 corrects errors in the extent provision of the Education (Student Loans) (Repayment) (Amendment) (No. 4) Regulations 2022.

Regulations 5 and 6 make a minor amendment to, and correct errors in, the Education (Student Support) Regulations 2011 (S.I. 2011/1986) and in the Higher Education (Fee Limit Condition) (England) Regulations 2017 (S.I. 2017/1189) arising from the Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74).

Regulation 7 corrects errors in the savings provisions in the Education (Student Fees, Awards and Support) (Amendment) Regulations 2023.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.