
STATUTORY INSTRUMENTS

2018 No. 472

**The Education (Student Support)
(Amendment) (No. 3) Regulations 2018**

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Support) (Amendment) (No. 3) Regulations 2018.

(2) These Regulations—

- (a) come into force on 7th May 2018; and
- (b) apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st August 2018, whether anything done under these Regulations is done before, on or after that date.

(3) In paragraph (2)(b), “academic year” has the meaning given in regulation 2(1) of the Education (Student Support) Regulations 2011(1).

Amendment of the Education (Student Support) Regulations 2011

2. The Education (Student Support) Regulations 2011 are amended in accordance with regulations 3 to 26.

3. In regulation 2(1) (interpretation)—

- (a) in the definition of “eligible prisoner”, in paragraph (e), for “151” substitute “139A”;
- (b) in the definition of “Erasmus year”(2), after “5(1)(d)”, insert “or 139(1)(d)”;
- (c) in the definition of “household income”, at the end, insert “, and, for the purposes of Part 11B, has the meaning given in Schedule 6”.

4. In regulation 6(4)(a) (period of eligibility), for “132 or 152” substitute “132, 139B or 139C”.

5. In regulation 71 (general), after paragraph (1), insert—

“(2) This Chapter is subject to regulations 139B(4) to (6) and 139C(3) to (5).”.

6. In regulation 85(2)(c) (students becoming eligible in the course of an academic year), for “three” substitute “five”.

7. In regulation 110 (general)—

- (a) in paragraph (1)—
 - (i) in sub-paragraphs (a) and (b), after “loans”, insert “in connection with designated courses”;
 - (ii) in sub-paragraph (d), after “costs”, insert “in connection with designated courses”;
- (b) in paragraph (2)—

(1) S.I. 2011/1986, amended by S.I. 2012/1653, 2013/235, 2013/630, 2013/1728, 2013/3106, 2014/1766, 2014/2103, 2014/2765, 2015/1951, 2016/211, 2016/270, 2016/584, 2017/52, 2017/114, 2017/204, 2018/136, 2018/137, 2018/434 and 2018/443.

(2) The definition of “Erasmus year” was substituted by S.I. 2013/1728 and subsequently amended by S.I. 2017/114.

- (i) omit “all”;
 - (ii) at the end, insert “other than loans for living costs in connection with designated part-time courses”.
8. For the Part heading to Part 11 (support for part-time students) substitute—
- “Eligibility in connection with designated part-time courses and transfers of status etc.”.*
9. In regulation 136 (interpretation of Part 11)—
- (a) in paragraph (1)—
 - (i) in the words before sub-paragraph (a), omit “(except for purposes of regulation 139(1)(e))”;
 - (ii) in sub-paragraph (a), for “151” substitute “139A”;
 - (b) after paragraph (1), insert—
 - “(1A) Paragraph (1) does not apply—
 - (a) for the purposes of regulation 139(1)(e); or
 - (b) in relation to the application of this Part to loans for living costs in connection with designated part-time courses.”;
 - (c) omit paragraph (3).
10. In regulation 137(3) (eligible part-time students)—
- (a) in paragraph (1), at the end, insert “and Parts 11A and 11B”;
 - (b) in paragraph (3), omit sub-paragraph (e);
 - (c) omit paragraph (4).
11. In regulation 138(4) (students becoming eligible during the course of the academic year)—
- (a) in the heading, after “eligible”, insert “for support under Part 11A”;
 - (b) in paragraphs (1), (2)(a) and (3), for “this Part” substitute “Part 11A”;
 - (c) in paragraph (4)(e), for “three” substitute “five”.
12. After regulation 138, insert—

“Students becoming eligible for support under Part 11B in the course of an academic year

138A.—(1) Where one of the events listed in paragraph (2) occurs in the course of an academic year, a student may qualify for a loan for living costs in respect of such quarters in respect of which a loan for living costs is payable as begin after the relevant event occurs.

- (2) The events are—
- (a) the student’s course becomes a designated part-time course;
 - (b) the student, or the student’s spouse, civil partner or parent is recognised as a refugee or becomes a person granted stateless leave or a person granted humanitarian protection;
 - (c) the state of which the student is a national accedes to the EU where the student has been ordinarily resident in the United Kingdom and Islands throughout the

(3) Regulation 137 was amended by S.I. 2015/1951, 2017/114, 2018/136, 2018/137, 2018/434 and 2018/443.

(4) Regulation 138 was amended by S.I. 2018/137.

five-year period immediately preceding the first day of the first academic year of the course;

- (d) the student acquires the right of permanent residence;
- (e) the student becomes the child of a Turkish worker;
- (f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- (g) the student becomes the child of a Swiss national.

(3) An eligible part-time student to whom paragraph (1) applies does not qualify for a loan for living costs in respect of any academic year beginning before the academic year in which the relevant event occurred.

(4) The maximum amount of loan for living costs payable is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the student qualifies for the loan for living costs.

(5) The maximum amount of loan for living costs for each quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year.

(6) In this regulation, a “loan for living costs” means a loan for living costs under Part 11B.”

13. In regulation 139(5) (designated part-time courses)—

- (a) in paragraph (1), after “paragraphs”, insert “(2A),”;
- (b) after paragraph (2), insert—

“(2A) A course mentioned in Schedule 2 is not a designated part-time course for the purposes of support under Part 11B unless it is—

- (a) a course which leads to an honours degree or an ordinary degree;
- (b) a course which leads to a graduate diploma at an equivalent level to an honours degree or an ordinary degree;
- (c) a course which leads to a graduate certificate at an equivalent level to an honours degree or an ordinary degree;
- (d) a course which leads to a diploma in respect of a course in—
 - (i) a dental profession subject; or
 - (ii) operating department practice;
- (e) a course which leads to a foundation degree in respect of a course in a dental profession subject;
- (f) a course which leads to a Postgraduate Certificate in Education;
- (g) a course which leads to a Professional Graduate Certificate in Education; or
- (h) any other course not within sub-paragraph (f) or (g) which is a course of initial teacher training at an accredited institution.

(2B) In paragraph (2A)(h), “accredited institution” means an institution accredited by the Secretary of State under regulation 11 of the Education (School Teachers’ Qualifications) (England) Regulations 2003(6).”

14. After regulation 139, insert—

(5) Regulation 139 was amended by S.I. 2013/1728, 2013/3106, 2014/2765, 2018/136, 2018/137, 2018/434 and 2018/443.

(6) S.I. 2003/1662. Regulation 11 was substituted by S.I. 2012/431.

“Transfer of status

139A.—(1) Where an eligible part-time student transfers to another part-time course, the Secretary of State must transfer the student’s status as an eligible part-time student to that course where—

- (a) the Secretary of State receives a request from the eligible part-time student to do so;
- (b) the Secretary of State is satisfied that one or more of the grounds for transfer in paragraph (2) applies; and
- (c) the period of eligibility has not terminated.

(2) The grounds for transfer are—

- (a) the eligible part-time student starts to undertake another designated part-time course at the institution;
- (b) the eligible part-time student starts to undertake a designated part-time course at another institution; or
- (c) after beginning a designated part-time course for a first degree (other than an honours degree) the eligible part-time student is, before the completion of that course, admitted to a designated part-time course for an honours degree in the same subject or subjects at the institution.

(3) Subject to paragraph (4), an eligible part-time student who transfers under paragraph (1) from a part-time course beginning before 1st September 2012 is entitled to receive in connection with the academic year of the course to which the student transfers the remainder of the support for which the Secretary of State has determined the student qualifies under Part 11A in respect of the academic year of the course from which the student transfers.

(4) The Secretary of State may re-assess the amount of support payable under Part 11A after the transfer.

(5) An eligible student who transfers under paragraph (1) after the Secretary of State has determined the student’s support in connection with the academic year of the course from which the student is transferring but before the student completes that year may not apply for another grant—

- (a) under regulation 141(1)(b), where the student is transferring from a course beginning before 1st September 2012, or
- (b) under regulation 147,

in connection with the academic year of the course to which the student transfers.

(6) Where a student transfers under paragraph (1) from a part-time course beginning before 1st September 2012, the maximum amount of assistance under regulation 141(1)(a) in respect of the academic years to and from which the student transfers is the amount of assistance with fees available in connection with the course which has the highest intensity of study.

Conversion of status from eligible student to eligible part-time student

139B.—(1) Where an eligible student ceases to undertake a designated course and transfers to a designated part-time course at the same or at another institution, the Secretary of State must convert the student’s status as an eligible student to that of an eligible part-time student in connection with the course to which the student is transferring where—

- (a) the Secretary of State receives a request from the eligible student to do so; and

- (b) the period of eligibility has not terminated.
- (2) Where, before completing the designated course, the student transfers to a part-time course in the same subject or subjects leading to the same qualification at the same institution, the part-time course is to be treated as satisfying regulation 139(1)(b) and (c) if the period of part-time study to be undertaken by the student is of at least one academic year's duration and does not exceed—
- (a) twice the period ordinarily required to complete the remainder of the designated course from which the student transfers, where the student transfers before 1st September 2012; or
 - (b) four times the period ordinarily required to complete the remainder of the designated course from which the student transfers, where the student transfers on or after 1st September 2012.
- (3) The following applies to a student (“A”) who transfers under paragraph (1)—
- (a) where the Secretary of State has determined to pay an amount of disabled students' allowance to A under Chapter 3 of Part 5 in instalments, no payment in respect of that amount of grant must be made in respect of any instalment period beginning after the date on which A becomes an eligible part-time student;
 - (b) the maximum amount of disabled part-time students' allowance to which A would, apart from this regulation, be entitled in connection with A undertaking a designated part-time course in respect of that academic year is reduced by one third where A became an eligible part-time student during the second quarter of the academic year and by two thirds where A became such a student in a later quarter of that year;
 - (c) where an amount of disabled students' allowance has been paid to A under Chapter 3 of Part 5 (“the first amount”) in a single payment, the maximum amount of disabled part-time students' allowance payable for that purpose is reduced (or, where sub-paragraph (b) applies, further reduced) by the first amount, and where the resulting amount is nil or a negative amount that amount is nil; and
 - (d) where immediately before A became an eligible part-time student A was eligible to apply, but had not applied, for a loan for living costs under Part 6 in respect of that academic year, or had not applied for the maximum amount or increased maximum to which A was entitled under that Part, A may apply for such a loan, or such additional amount of loan, as if A had continued to be an eligible student.
- (4) Except where paragraph (5) applies, where a transfer under paragraph (1) is made—
- (a) the maximum amount of any loan under Part 6 to which the student would, apart from this regulation, be entitled in connection with a designated course in respect of that academic year is reduced—
 - (i) by two thirds, where the student transfers to a designated part-time course at the beginning of the second quarter of that academic year;
 - (ii) by one third, where the student transfers to a designated part-time course at the beginning of the third quarter of that academic year; and
 - (b) the maximum amount of any loan under Part 11B to which the student would be entitled in connection with the designated part-time course in respect of that academic year if the student had been an eligible part-time student throughout that year is reduced—
 - (i) by one third, where the student transfers to a designated part-time course at the beginning of the second quarter of that academic year;

- (ii) by two thirds, where the student transfers to a designated part-time course at the beginning of the third quarter of that academic year.
- (5) This paragraph applies where an eligible student—
 - (a) transfers under paragraph (1); and
 - (b) ceases to undertake the designated course and starts to undertake the designated part-time course in the same quarter of an academic year (“the conversion year”).
- (6) Where paragraph (5) applies—
 - (a) the amount of loan under Part 6 to which the student is entitled for the conversion year in respect of the designated course is—

$$(A/B) \times C$$

where—

A is the number of days of the designated course which the student undertakes in the conversion year;

B is the length of the designated course, in days, in the conversion year;

C is the maximum amount of loan to which the student would be entitled in the conversion year under Part 6 were it not for the transfer; and

- (b) the amount of loan under Part 11B to which the student is entitled for the conversion year in respect of the designated part-time course is—

$$(D/E) \times F$$

where—

D is the number of days of the designated part-time course which the student undertakes in the conversion year;

E is the length of the designated part-time course, in days, in the conversion year;

F is the maximum amount of loan to which the student would be entitled in the conversion year under Part 11B if the student had been an eligible part-time student throughout that year.

Conversion of status from eligible part-time student to eligible student

139C.—(1) Where an eligible part-time student ceases to undertake a designated part-time course and transfers to a designated course at the same or at another institution, the Secretary of State must convert that student’s status as an eligible part-time student to that of an eligible student in connection with the course to which the student is transferring where—

- (a) the Secretary of State receives a request from the eligible part-time student to do so; and
 - (b) the period of eligibility has not terminated.
- (2) The following applies to a student who transfers under paragraph (1)—
- (a) where the Secretary of State has determined to pay an amount of disabled part-time students’ allowance to the student in instalments no payment in respect of that amount of grant must be made in respect of any instalment period beginning after the date on which the student became an eligible student;
 - (b) any support to which the student is entitled under Part 11A in respect of the academic year in which the student transfers is ignored in determining the amount

- of support to which the student may be entitled in respect of that year under Parts 4 to 6;
- (c) where an amount of disabled part-time students' allowance has been paid to the student in a single payment, the maximum amount of disabled students' allowance ("the first amount") payable to the student under Chapter 3 of Part 5 for that purpose is reduced (or, where paragraph (3) applies, further reduced) by the first amount, and where the resulting amount is nil or a negative amount that amount is nil;
 - (d) where immediately before A became an eligible student A was eligible to apply, but had not applied, for a loan for living costs under Part 11B in respect of that academic year, or had not applied for the maximum amount or increased maximum to which A was entitled under that Part, A may apply for such a loan, or such additional amount of loan, as if A had continued to be an eligible part-time student.
- (3) Except where paragraph (4) applies, where a transfer under paragraph (1) is made—
- (a) the maximum amount of any loan under Part 11B to which the student would, apart from this regulation, be entitled in connection with a part-time designated course in respect of that academic year is reduced—
 - (i) by two thirds, where the student transfers to the designated course at the beginning of the second quarter of that academic year;
 - (ii) by one third, where the student transfers to the designated course at the beginning of the third quarter of that academic year; and
 - (b) the maximum amount of any loan under Part 6 to which the student would be entitled in connection with a designated course in respect of that academic year if the student had been an eligible student throughout that year is reduced—
 - (i) by one third, where the student transfers to the designated course at the beginning of the second quarter of that academic year;
 - (ii) by two thirds where the student transfers to the designated course at the beginning of the third quarter of that academic year.
- (4) This paragraph applies where an eligible part-time student—
- (a) transfers under paragraph (1); and
 - (b) ceases to undertake the designated part-time course and starts to undertake the designated course in the same quarter of an academic year ("the conversion year").
- (5) Where paragraph (4) applies—
- (a) the maximum amount of loan under Part 11B to which the student is entitled for the conversion year in respect of the designated part-time course is—

$$(A/B) \times C$$

where—

A is the number of days of the designated part-time course which the student undertakes in the conversion year;

B is the length of the designated part-time course, in days, in the conversion year;

C is the maximum amount of loan to which the student would be entitled in the conversion year under Part 11B were it not for the transfer; and

- (b) the maximum amount of loan under Part 6 to which the student is entitled for the conversion year in respect of the designated course is—

$$(D/E) \times F$$

where—

D is the number of days of the designated course which the student undertakes in the conversion year;

E is the length of the designated course, in days, in the conversion year;

F is the maximum amount of loan to which the student would be entitled in the conversion year under Part 6 if the student had been an eligible student throughout the conversion year.

Transfers from courses which are designated to courses which are not designated

139D.—(1) This paragraph applies where an eligible student—

- (a) transfers from a designated course to a course (including a part-time course) which is not designated; and
- (b) immediately before the transfer, that student was eligible to apply, but had not applied, for a loan under Part 6 in respect of the academic year (“the transfer year”) in which the transfer occurs.

(2) Where paragraph (1) applies—

- (a) the student may apply for a loan under Part 6 in respect of the transfer year;
- (b) for the purposes of such an application, the student is to be treated as if the student were still an eligible student undertaking the designated course; and
- (c) the amount of loan under Part 6 to which the student is entitled in respect of the transfer year is—

$$(A/B) \times C$$

where—

A is the number of days of the designated course which the student undertakes as an eligible student in the transfer year;

B is the length of the designated course, in days, in that year; and

C is the maximum amount of loan to which the student would be entitled under Part 6 for the transfer year, were it not for the transfer.

(3) This paragraph applies where an eligible part-time student—

- (a) transfers from a designated part-time course to a course (including a full-time course) which is not designated; and
- (b) immediately before the transfer the eligible part-time student was eligible to apply, but had not applied, for a loan under Part 11B in respect of the academic year (“the transfer year”) in which the transfer occurs.

(4) Where paragraph (3) applies—

- (a) the student may apply for a loan under Part 11B in respect of the transfer year;
- (b) for the purposes of such an application, the student is to be treated as if the student were still an eligible part-time student undertaking the designated part-time course; and
- (c) the amount of loan under Part 11B to which that student is entitled in respect of the transfer year is—

$$(D/E) \times F$$

where—

D is the number of days of the designated part-time course which the student undertakes as an eligible part-time student in the transfer year;

E is the length of the designated part-time course, in days, in that year; and

F is the maximum amount of loan to which the student would be entitled under Part 11B for the transfer year, were it not for the transfer.”.

15. In regulation 140 (period of eligibility)—

(a) in paragraph (4), for “151 or 152” substitute “139A to 139C”;

(b) in paragraph (8)—

(i) in the words before sub-paragraph (a), after “this Part”, insert “and Parts 11A and 11B”;

(ii) in sub-paragraph (c), at the end, insert “or 157R”.

16. Before regulation 141, insert—

“PART 11A

Fee support, grants and allowances for designated part-time courses

Interpretation of Part 11A

140A.—(1) In this Part, the current part-time course is treated as beginning before 1st September 2012 in relation to a student (“A”) where—

(a) A transfers to the current part-time course pursuant to regulation 139A on or after 1st September 2012 from a designated part-time course beginning before 1st September 2012; or

(b) the current part-time course is an end-on course of the kind described in paragraph (g) of the definition of “end-on course” in regulation 2.

(2) In this Part, the intensity of study is calculated as follows and expressed as a percentage—

$$(PT/FT) \times 100$$

where—

PT is the number of modules, credits, credit points, points or other unit to be awarded to the eligible part-time student by the academic authority if the student successfully completes the academic year in connection with which that student is applying for support;

FT is—

(a) where the course is provided by or on behalf of the Open University, 120;

(b) where the course is provided by or on behalf of any other institution, the number of modules, credits, credit points, points or other unit that a standard full-time student would be required to obtain in each academic year in order to complete the full-time equivalent within the period ordinarily required to complete that course.

(3) In paragraph (2)—

- (a) the reference to the period ordinarily required to complete the full-time equivalent means—
 - (i) where the course is provided by or on behalf of the Open University, the period that a standard full-time student would require to complete the full-time equivalent if that student were awarded 120 credit points in each academic year;
 - (ii) where the course is provided by or on behalf of any other institution, the period in which a standard full-time student would complete the full-time equivalent;
- (b) “standard full-time student” is a student who is to be taken—
 - (i) to have begun the full-time equivalent course on the same date as the eligible part-time student began the part-time course in question;
 - (ii) not to have been excused any part of the full-time equivalent course;
 - (iii) not to have repeated any part of the full-time equivalent course; and
 - (iv) not to be absent from the full-time equivalent course other than during vacations.

Availability of support to prisoners

140B. An eligible part-time student who is a prisoner qualifies for support under this Part only—

- (a) if the student is an eligible prisoner; or
- (b) in respect of an academic year during which the student enters prison or is released from prison.”.

17. In regulation 141(6)(b)(ii) (assistance for part-time courses in respect of courses beginning before 1st September 2012), for “151” substitute “139A”.

18. In regulation 142(3)(7) (amount of assistance in respect of courses beginning before 1st September 2012), for “151” substitute “139A”.

19. In regulation 145(8) (amount of the fee loan – courses beginning on or after 1st September 2012), in paragraphs (3) and (10), for “151” substitute “139A”.

20. In regulation 148 (applications for support), in paragraph (1), after “support”, insert “under this Part”.

21. In regulation 149(9) (declarations provided by academic authorities), in paragraphs (4) and (5), after “support”, insert “under this Part”.

22. Omit regulations 151 and 152(10).

23. In regulation 155(3) (payment of loans for fees)—

- (a) for “first” substitute “any”;
- (b) after sub-paragraph (a), omit “and”;
- (c) at the end of sub-paragraph (b), insert “; and”;
- (d) after sub-paragraph (b), insert—

(7) Regulation 142(3) was amended by S.I. 2013/630, 2013/1728, 2017/114 and 2018/137.

(8) Regulation 145 was amended by S.I. 2017/114.

(9) Regulation 149 was amended by S.I. 2012/1653.

(10) Regulation 152 was amended by S.I. 2017/137.

“(c) confirmation (in such form as may be required by the Secretary of State) of the eligible part-time student’s attendance on the course for the period to which the instalment relates”.

24. After regulation 157, insert Part 11B (loans for living costs in connection with designated part-time courses), as set out in Schedule 1 to these Regulations.

25. In the shoulder note to Schedule 3 (information), for “150” substitute “150, 157E”.

26. After Schedule 5, insert Schedule 6 (assessment of eligible part-time student’s household income) as set out in Schedule 2 to these Regulations.

Amendment of the Education (Student Support) (European University Institute) Regulations 2010

27.—(1) The Education (Student Support) (European University Institute) Regulations 2010(11) are amended as follows.

(2) In Schedule 1, in paragraph 4A(3)(d), for the words from “first day” to the end substitute “relevant date”.

5th April 2018

Sam Gyimah
Minister of State
Department for Education