
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 333

The Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006

PART II

ELIGIBILITY AND APPLICATIONS

Eligible students

3.—(1) The Scottish Ministers may pay a loan, in accordance with the provisions of section 73(f) of the Act and these Regulations, to or in respect of an eligible student.

(2) Subject to and in accordance with these Regulations a person shall be eligible for a loan for tuition fees in connection with his or her undertaking a designated course if the person—

- (a) is a person mentioned in Schedule 1;
- (b) starts the designated course on or after 1st September 2006 and is not—
 - (i) a gap year student;
 - (ii) an end-on course student; or
 - (iii) a transferring student; and
- (c) is not in breach of any obligation to repay any loan.

(3) Notwithstanding that he or she satisfies the requirements specified in paragraph (2) a person shall not be eligible for a loan if—

- (a) he or she has, in the opinion of the Scottish Ministers, shown himself or herself by his or her conduct to be unfitted to receive a loan;
- (b) the designated course is a part-time course; or
- (c) except in the case of a person undertaking a course leading to a postgraduate Certificate of or Diploma in Education, the person holds a first degree from an educational institution in the United Kingdom or a comparable qualification from an educational institution outside the United Kingdom.

(4) For the purposes of paragraph (2)(c) “loan” means a loan made under the Act, the Education (Student Loans) Act 1990, the Education (Student Loans) (Northern Ireland) Order 1990, the Teaching and Higher Education Act 1998, the Education (Student Support) (Northern Ireland) Order 1998 or under any regulations made under any of the foregoing.

(5) A person in respect of whom the first day of the first academic year of the course is on or after 1st September 2006 shall not, at any one time, be eligible for support for more than one designated course.

Designated courses

4.—(1) A course shall be designated for the purposes of regulation 3(2) if it is—

- (a) mentioned in Schedule 2;
- (b) a full-time course or sandwich course;
- (c) of at least one academic year's duration; and
- (d) wholly provided by an educational institution or institutions in the United Kingdom but outside Scotland, maintained or assisted by recurrent grants out of public funds or is provided by such an institution or institutions in conjunction with an institution or institutions outside the United Kingdom.

(2) For the purposes of this regulation a sandwich course is a course, other than a course for the initial training of teachers referred to in paragraph 4 of Schedule 2, consisting of alternate periods of full-time study in an institution and periods of work experience so organised that, taking the course as a whole, the student attends the periods of full-time study for an average of not less than 18 weeks in each year; and for the purposes of calculating his or her attendance the course shall be treated as beginning with the first period of full-time study and ending with the last such period.

(3) For the purposes of paragraph (2), where periods of both full-time study and work experience occur within any week of the course, the days of full-time study shall be aggregated with any weeks of full-time study in determining the number of weeks of full-time study in each year.

(4) For the purposes of these Regulations "periods of work experience" means—

- (a) periods of industrial, professional or commercial experience associated with full-time study at an institution but at a place outwith the institution; and
- (b) in the case of a course which includes the study of one or more modern languages for not less than one half of the time spent studying on the course, and which includes periods of residence in a country whose language is a language of the course, such periods of residence during which the student is employed.

(5) For the purposes of these Regulations a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not it has entered into an agreement with the student to provide the course.

(6) For the purposes of paragraph (1) a university and any constituent college or institution in the nature of a college of a university shall be regarded as maintained or assisted by recurrent grants out of public funds if either the university or the constituent college or institution is so maintained or assisted.

(7) For the purposes of paragraph (1) an institution shall not be regarded as maintained or assisted by recurrent grants out of public funds by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(1).

(8) For the purposes of these Regulations a course, the standard of which is not higher than a first degree course, which leads to a qualification as a medical doctor, a dentist, a veterinary surgeon, an architect, a landscape architect, a landscape designer, a landscape manager, a town planner or a town and country planner, shall be considered to be a single course for a first degree or for an equivalent qualification notwithstanding that the course may lead to another degree or qualification being conferred before the degree or equivalent qualification, and notwithstanding that part of the course may be optional.

(9) For the purposes of regulation 3(2) the Scottish Ministers may designate courses of higher education which are not designated under paragraph (1).

(1) 1992 c. 13; section 65(3A) was inserted by section 27 of the 1998 Act .

Applications for loans

5.—(1) A student shall apply for a loan, not exceeding the maximum amount applicable in his or her case, in connection with his or her undertaking a designated course by completing and submitting to the Scottish Ministers an application in such form as the Scottish Ministers may require.

(2) The maximum amount applicable in his or her case shall be the maximum amount of tuition fee charged to the student for the current academic year of the designated course which the student is undertaking.

(3) The completed application shall include such information as the Scottish Ministers require, including the following particulars:—

- (a) the student's United Kingdom national insurance number, unless he or she does not have one;
- (b) the student's most recent student loan account number, if any; and
- (c) the names, addresses and telephone numbers of two referees who know the student.

(4) The completed application shall also include a declaration, either in writing or electronically, by the student that—

- (a) the particulars given in the form are correct to the best of his or her knowledge and belief;
- (b) he or she will notify the Scottish Ministers of any change in them which might affect his or her eligibility for a loan; and
- (c) he or she will, if required to do so, repay to the Scottish Ministers—
 - (i) any amount paid to him or her or to any other person on his or her behalf which exceeds for whatever reasons the amount of loan to which he or she is entitled under these Regulations; and
 - (ii) any amount lent to him or her, together with interest and applicable charges and penalties, in accordance with the Act and any Regulations made under it from time to time.

(5) The application form must reach the Scottish Ministers by the date they determine from time to time (and different dates may be determined by them in respect of loans for different courses) unless the Scottish Ministers consider that, having regard to the circumstances of the particular case, the time limit should be relaxed in which case the application must reach the Scottish Ministers not later than the date they specify.

(6) A student shall demonstrate his or her eligibility for a loan by providing such evidence as the Scottish Ministers may require.

(7) The Scottish Ministers may take such steps to make such inquiries as they consider necessary to determine whether the student is eligible for a loan.

(8) If the Scottish Ministers determine that a student is eligible for a loan they shall notify him or her of that fact and thenceforth the student shall be an “eligible student” for the purposes of these Regulations.

(9) Where an eligible student who has submitted an application for a loan in accordance with paragraph (1) has not applied for the maximum amount of loan to which he or she is entitled in relation to an academic year under the preceding paragraphs he or she may apply to borrow an additional amount, which when added to the amount already applied for shall not exceed the maximum applicable in his or her case.

(10) An application under paragraph (9) shall be made by completing and submitting to the Scottish Ministers an application in such form as they may require not later than the date the Scottish Ministers determine from time to time and shall contain a declaration signed by the student, either in writing or electronically, in the terms set out in paragraph (4).

Transfers of eligibility

6.—(1) An eligible student may request that the Scottish Ministers transfer his or her eligibility in any case where—

- (a) on the recommendation of the academic authority of the institution concerned the eligible student starts to undertake another course at the institution;
- (b) with the written consent of the academic authorities of both institutions concerned, given on educational grounds, the eligible student starts to undertake a course at another institution;
- (c) after commencing a course for the Certificate in Education, the eligible student is, on or before the completion of that course, admitted to a course for the degree of Bachelor of Education either at the same institution or at another institution;
- (d) after commencing a course for the degree (other than an honours degree) of Bachelor of Education the eligible student is, on or before the completion of that course, admitted to a course for the honours degree of Bachelor of Education either at the same institution or at another institution; or
- (e) after commencing a course for a first degree (other than an honours degree) the eligible student is, before the completion of that course, admitted to a course for an honours degree in the same subject or subjects at the institution.

(2) The Scottish Ministers, on being satisfied of the matters referred to in paragraph (1) and that the second course is a designated course, shall transfer the eligible student's eligibility, and thenceforth the eligible student shall for all purposes be an eligible student in connection with his or her undertaking the second course, whether or not he or she might have been eligible for a loan if he or she had applied under regulation 5.

(3) An eligible student's eligibility for a loan may not be transferred after it has expired or been terminated under regulation 7.

(4) An eligible student who transfers his or her eligibility under this regulation after the Scottish Ministers have assessed his or her loan in connection with the academic year of the course from which he or she is transferring but before he or she completes that year may not, in connection with the academic year of the course to which he or she transfers, apply for another loan of a kind that he or she has already applied for under these Regulations in connection with the academic year of the course from which he or she is transferring.

Termination of eligibility

7.—(1) Subject to paragraph (2) an eligible student shall cease to be eligible for a loan on the expiry of the period ordinarily required for the completion of the course, and accordingly he or she shall then cease to be an "eligible student".

(2) The Scottish Ministers may before or after an eligible student ceases to be an eligible student under paragraph (1) determine that he or she shall continue to be eligible for a loan for such further period after the expiry of the period referred to in that paragraph as they specify, and accordingly he or she shall be, or be considered to have been, an "eligible student" throughout that further period until its expiry.

(3) Where an eligible student has withdrawn from a course in circumstances where the Scottish Ministers have not transferred or will not transfer his or her eligibility to another course under regulation 6, or has abandoned or been expelled from his or her course, the Scottish Ministers shall determine that he or she is no longer eligible for a loan, and on such determination he or she shall then cease to be an "eligible student".

(4) Where an eligible student has shown himself or herself by his or her conduct to be unfitted to receive a loan the Scottish Ministers may determine that he or she is no longer eligible for a loan, and on such determination he or she shall then cease to be an “eligible student”.

Information

8.—(1) Every applicant and every eligible student shall as soon as reasonably practicable after he or she is requested to do so provide the Scottish Ministers with such information as they consider necessary for the exercise of their functions under these Regulations.

(2) Every applicant and every eligible student shall forthwith inform the Scottish Ministers if any of the following occurs, and provide them with particulars—

- (a) he or she withdraws from, abandons or is expelled from his or her course;
- (b) he or she transfers to another course, at the same or a different institution, whether or not the new course is a designated course;
- (c) he or she ceases to undertake his or her course and does not intend to, or is not permitted to, return for the remainder of the academic year;
- (d) he or she is absent from his or her course for more than 60 days due to illness, or is absent from his or her course for any period for any other reason;
- (e) the month for the start or completion of the course changes;
- (f) his or her home or term time address or telephone number changes.

(3) If the Scottish Ministers are satisfied that an eligible student has wilfully failed to comply with any requirement to provide information, or has provided information that the student knows to be false in a material particular, or has recklessly provided information which is false in a material particular, they may determine that the student shall—

- (a) no longer be eligible for any loan; or
- (b) not be eligible for such a particular loan or particular amount of loan as they consider appropriate in the circumstances.