
STATUTORY INSTRUMENTS

1999 No. 1001

The Education (Student Loans) (Scotland) Regulations 1999

PART III

LOANS

Maximum amounts of loans

10.—(1) Subject to the following paragraphs the amount of loan in respect of each academic year shall not exceed—

- (a) for a student who resides at his parent's home while attending the course, £2,875;
- (b) for a student who does not reside at his parent's home while attending the course—
 - (i) if he attends a course provided at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, £4,480;
 - (ii) if he attends an overseas institution as a necessary part of his course for at least 8 weeks in a high cost country £4,440, or in a higher cost country £5,275;
 - (iii) otherwise £3,635.

(2) Subject to the following paragraphs the amount of loan in respect of an academic year which is the final year of a course, other than an accelerated course, shall not exceed—

- (a) for a student who resides at his parent's home while attending the course £2,510;
- (b) for a student who does not reside at his parent's home while attending the course—
 - (i) if he attends a course provided at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, £3,885;
 - (ii) if he attends an overseas institution as a necessary part of his course for at least 8 weeks in a high cost country £3,865, or in a higher cost country £4,590;
 - (iii) otherwise £3,150.

(3) Where an eligible student resides at his parent's home and the Secretary of State is satisfied that in all the circumstances his parents by reason of age, incapacity, or otherwise cannot reasonably be expected to support him and that it would be appropriate for the amounts referred to in paragraphs (1)(b) or (2)(b) to apply to the student shall be treated as if he were not residing at his parent's home.

(4) Where an eligible student does not reside at his parent's home but the Secretary of State is satisfied that in all the circumstances he could conveniently reside at his parent's home while attending the course, and that it would be appropriate for the amounts referred to in paragraphs (1)(a) or (2)(a) to apply, the student shall be treated as if he were residing at his parent's home.

(5) Where an eligible student is a member of a religious order and he resides in a house of his order he shall be treated as if he were residing at his parent's home.

(6) Where an eligible student—

- (a) resides at his parent's home for part of the period of attendance on the course during an academic year and resides elsewhere for the remaining part of that period, or is treated

as residing at his parent's home or elsewhere under paragraphs (3) to (5) for part of that period, or

- (b) attends a course provided at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District or at an overseas institution, for part of an academic year and a course at another institution for another part,

the Secretary of State shall determine which of the rates referred to in paragraphs (1) and (2) shall apply for each of the three periods of the academic year in respect of which instalments of loans are paid under regulation 13 by reference to the student's circumstances during the relevant period.

(7) Where the Secretary of State had determined applicable rates for each period under paragraph (6) the maximum amount of loan for the relevant period shall be one third of the maximum amount applicable at that rate for an academic year, and the maximum amount for the academic year shall be the aggregate of the three amounts so determined.

(8) For the purposes of paragraphs (1) to (7) where a postgraduate course of initial training for teachers is of only one academic year's duration that year shall not be treated as a final year.

(9) Where an eligible student has in an academic year attended his course for a period of 30 weeks 3 days and attends for a further period the amounts referred to in paragraphs (1) and (2) shall be increased for each week or part week of such attendance—

- (a) for a student who resides, or is treated as residing, at his parent's home, by £44;
- (b) for a student who does not reside at his parent's home—
 - (i) if he attends a course provided at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, by £84;
 - (ii) if he attends an overseas institution as a necessary part of his course for at least 8 weeks and the further period of attendance is required at the overseas institution, if that institution is in a high cost country, by £91, or if that institution is in a higher cost country, by £118;
 - (iii) otherwise by £63.

(10) Where an eligible student attends his course for a period of not less than 45 weeks in any continuous period of 52 weeks the amounts referred to in paragraphs (1) and (2) shall in addition be increased for each week during the 52 week period during which he did not attend by the amounts referred to in paragraph (9).

(11) Where in relation to an academic year a student is—

- (a) eligible to receive a bursary or award of similar description under section 63 of the Health Services and Public Health Act 1968, the amount of which is calculated by reference to his income;
- (b) eligible to receive a maintenance award under the Students' Allowances (Scotland) Regulations 1996⁽¹⁾ in relation to his attendance on a course leading to a qualification that is appropriate for entry into one of the health care professions other than as a medical doctor or dentist; or
- (c) undertaking a sandwich course and in respect of that academic year the periods of full-time study are in aggregate less than 10 weeks and the periods of work experience in that academic year are not—
 - (i) unpaid service in a hospital or in a public health service laboratory in the United Kingdom;
 - (ii) unpaid service with a local authority in the United Kingdom acting in the exercise of their functions relating to health, welfare or the care of children and young persons

(1) S.I.1996/1754, amended by S.I. 1997/1049.

- or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom;
- (iii) unpaid service in the prison or probation and aftercare service in the United Kingdom;
- (iv) unpaid research in an institution in the United Kingdom or, in the case of a student attending an overseas institution as a necessary part of his course, in an overseas institution; or
- (v) unpaid service with—
- (a) a Health Authority established pursuant to section 8 of the National Health Service Act 1977⁽²⁾ or a Special Health Authority established pursuant to section 11 of that Act⁽³⁾
 - (b) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978⁽⁴⁾ or
 - (c) a health and social services board established under article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁵⁾

for the amounts referred to in paragraphs (1) and (2) and specified in column one below there shall be substituted the corresponding amounts specified in column two below,

<i>One</i>	<i>Two</i>
£2,875	£1,360
£4,480	£2,200
£3,635	£1,780
£2,510	£995
£3,885	£1,605
£3,150	£1,295

Means test

11.—(1) In determining the amount of a loan payable under these Regulations, the Secretary of State shall take account of the sums, if any, which—

- (a) in accordance with principles determined by him from time to time; and
- (b) after having regard to any sums taken into account under regulation 4(3) of the Students' Allowances (Scotland) Regulations 1996 in determining the amount of an allowance payable to the eligible student under those Regulations,

the eligible student, the eligible student's parents and the eligible student's spouse can reasonably be expected to contribute towards the eligible student's expenses.

(2) For the purpose of the exercise of his functions under this regulation the Secretary of State may require an eligible student to provide from time to time such information as the Secretary of

(2) 1977 c. 49; section 8 was substituted by the Health Authorities Act 1995 (c. 17), section 1(1).

(3) Section 11 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 31, the National Health Service and Community Care Act 1990 (c. 19), Schedule 10 and the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 2.

(4) 1978 c. 29; section 2 was amended by the Health and Social Security Adjudications Act 1983 (c. 41), Schedule 7, paragraph 1, and by the National Health Service and Community Care Act 1990 (c. 19), section 28 and Schedule 9, paragraph 19(1).

(5) S.I. 1972/1265 (N.I. 14).

State considers necessary as to the income of any person whose means are relevant to the assessment of a contribution under this regulation.

Hardship loans

12.—(1) An eligible student who has applied for the maximum amount of loan in respect of an academic year and has received at least one instalment of that loan may apply once only for an additional loan on grounds of hardship, which shall be known as a “hardship loan”.

(2) A hardship loan shall be not less than £100 and not more than £250, and shall be a multiple of £25.

(3) An eligible student shall demonstrate hardship by providing such evidence of his requirements and resources as the Secretary of State may require.

(4) On being satisfied that due to exceptional financial hardship the student may not be able to continue to attend his course for the remaining part of the academic year the Secretary of State shall determine the amount of hardship loan which he considers the student requires, and the student shall be eligible for a hardship loan of that amount.

(5) A student who is eligible for a hardship loan shall apply for a loan not greater than the amount determined by the Secretary of State in accordance with the provisions of paragraph (4) by completing and submitting to the Secretary of State an application in such form as he may require not later than one month after the date he receives notice of the determination under paragraph (4) and one month before the end of the academic year.

(6) The student shall sign a declaration on the application form in the terms set out in regulation 6(3).