
STATUTORY INSTRUMENTS

1999 No. 496

The Education (Student Support) Regulations 1999

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Education (Student Support) Regulations 1999 and shall come into force one week after the date on which they are made.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires—

“the 1962 Act” means the Education Act 1962(1);

“the 1998 Regulations” means the Education (Student Support) Regulations 1998(2);

“academic authority” means, in relation to an institution, the governing body, or other body having the functions of a governing body and includes a person acting with the authority of that body;

“academic year” has the meaning given it in paragraph (6);

“accelerated course” means a course which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere) for a period of at least 40 weeks in the final year, being a course of two academic years' duration;

“the Act” means the Teaching and Higher Education Act 1998;

“award” means an award under the 1962 Act;

“borrower” means a person to whom a loan has been made;

“contribution” means an eligible student's contribution calculated pursuant to regulation 21 and Schedule 3;

“designated course” means a course designated by regulation 5 or by the Secretary of State under regulation 5;

“disability related benefit” means long term incapacity benefit or short term incapacity benefit at the higher rate, severe disablement allowance, disability living allowance, industrial injuries benefit and disability working allowance, all payable under the Social Security Contributions and Benefits Act 1992(3), or the amount of any disability premium and severe disability

(1) 1962 c. 12; the relevant provisions, as amended, are set out in Schedule 5 to the Education Act 1980 (c. 20).

(2) S.I.1998/2003.

(3) 1992 c. 4, amended by the Social Security (Incapacity for Work) Act 1994 (c. 18), sections 1 to 3, 5 to 6, 8 to 11 and Schedules 1 and 2.

premium included in the applicable amount in calculating the income support payable under the Income Support (General) Regulations 1987(4);

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(5) as adjusted by the Protocol signed at Brussels on 17th March 1993(6);

“EEA migrant worker” has the meaning assigned to it in paragraph (5);

“eligible student” means a person whom the Secretary of State has determined is eligible for support in connection with his attendance at a course in accordance with regulation 6 or 7;

“European Community” means the territory comprised by the member States of the European Community as constituted from time to time;

“European Economic Area” means the European Community and subject to the conditions laid down in the EEA Agreement the area comprised by the Republic of Iceland, the Kingdom of Norway and the Principality of Liechtenstein;

“high cost country” means Australia, Austria, Belgium, Finland, France, Germany, Iceland, Indonesia, Eire, Israel, Italy, Luxembourg, the Netherlands, New Zealand, countries of the former Soviet Union, United States of America;

“higher cost country” means Denmark, Hong Kong, Japan, Republic of Korea, Norway, Sweden, Switzerland, Taiwan;

“higher education course” means a course referred to in Schedule 2 or a postgraduate or other course the standard of which is higher than the standard of a first degree course;

“the Islands” means the Channel Islands and the Isle of Man;

“loan” means a loan towards a student’s maintenance pursuant to any regulations made under section 22 of the Act, including the interest accrued on the loan and any penalties or charges made in connection with it;

“lone parent” means an eligible student who does not ordinarily live with a spouse or with another person as a spouse, and who has a dependant or dependants within the meaning of regulation 15(10);

“Metropolitan Police District” means the areas referred to in section 76 of the London Government Act 1963(7) disregarding any amendment after these Regulations are made;

“old award” means an award under section 1(1) of the 1962 Act which is an old award within the meaning of the Education (Mandatory Awards) Regulations 1998(8) or an award under section 1(6) of that Act which is an old award for the purposes of those Regulations as applied to such awards by virtue of section 1(7) of that Act;

“periods of work experience” has the meaning given it in regulation 5(4);

“public funds” means moneys provided by Parliament;

“quarter”, in relation to an academic year, means one of the periods in that year from 1st January to 31st March, 1st April to 30th June, 1st July to 31st August, or 1st September to 31st December;

“refugee” means a person who is recognised by Her Majesty’s government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at

(4) S.I. 1987/1967 (see Parts III and IV of Schedule 2); the relevant amending regulations are S.I. 1988/663, 1988/2022, 1989/1678, 1991/1559, 1991/2742, 1993/1150, 1993/2119, 1994/2139, 1994/3061, 1995/203, 1995/482, 1995/516.

(5) Cmnd. 2073.

(6) Cmnd. 2183.

(7) 1963 c. 33; section 76 was amended by the Local Authorities etc. (Miscellaneous Provisions) Order 1974 (S.I. 1974/482), article 11.

(8) S.I. 1998/1166, amended by the Education (Mandatory Awards) Regulations 1998 (Amendment) Regulations 1998 (S.I. 1998/1972).

Geneva on 28th July 1951⁽⁹⁾ as extended by the Protocol thereto which entered into force on 4th October 1967⁽¹⁰⁾ and any reference to the child of a refugee includes a reference to a step-child;

“responsible person” means a consular officer, minister of religion, medical or legal practitioner, established civil servant, teacher or police officer;

“sandwich course” has the meaning given it in regulation 5(3);

“statutory award” means any award bestowed, grant paid or other support provided by virtue of the Act or the 1962 Act, or any comparable award, grant or other support in respect of attendance at a course which is paid out of public funds;

“student loan account number” means the account number assigned by the lender to a loan made under the Act, the Education (Student Loans) Act 1990⁽¹¹⁾, the Education (Student Loans) (Northern Ireland) Order 1990⁽¹²⁾, the Education (Scotland) Act 1980⁽¹³⁾ or the Education (Student Support) (Northern Ireland) Order 1998⁽¹⁴⁾;

“support” means financial support by way of grant or loan made by the Secretary of State pursuant to regulations made under section 22 of the Act;

“transitional award” means an award under section 1(1) of the 1962 Act which is a transitional award within the meaning of the Education (Mandatory Awards) Regulations 1998 or an award under section 1(6) of that Act which is a transitional award for the purposes of those Regulations as applied to such awards by virtue of section 1(7) of that Act;

(2) For the purposes of these Regulations a person who is ordinarily resident in England and Wales, Scotland, Northern Ireland, the Channel Islands or the Isle of Man as a result of having moved from another of those areas for the purpose of attending—

- (a) his current course, or
- (b) a previous designated course which, disregarding any intervening vacation, the student was attending immediately before attending his current course

shall be considered to be ordinarily resident in the place from which he moved.

(3) For the purposes of these Regulations, including for the purpose of determining whether a person is settled in the United Kingdom within the meaning of the Immigration Act 1971⁽¹⁵⁾ for the purposes of these Regulations, a person shall be treated as ordinarily resident in England and Wales, the United Kingdom, the United Kingdom and Islands or in the European Economic Area if he would have been so resident but for the fact that he, his spouse or his parent, guardian or any other person having parental responsibility for him, or any person having care of him when he is a child is, or was temporarily employed outside the United Kingdom, the United Kingdom and Islands, or as the case may be, outside the European Economic Area and paragraph 8(c) of Schedule 1 shall not apply in the case of such a person.

(4) For the purposes of the Regulations an area which—

- (a) was previously not part of the European Community or the European Economic Area, but

⁽⁹⁾ Cmnd. 9171.

⁽¹⁰⁾ Cmnd. 3906 (Out of print; photocopies are available, free of charge, from the Student Support Division, Department for Education and Employment, Mowden Hall, Staindrop Road, Darlington DL3 9BG or the Student Awards Agency for Scotland, Gyleview House, 3 Redheughs Rigg, South Gyle, Edinburgh EH12 9HH).

⁽¹¹⁾ 1990 c. 6, amended by the Further and Higher Education Act 1992 (c. 13), Schedule 8, paragraph 67; by the Further and Higher Education (Scotland) Act 1992 (c. 37), Schedule 9, paragraphs 12(2) and (3); by the Education Act 1994 (c. 30), Schedule 2, paragraph 9; by the Education (Student Loans) Act 1996 (c. 9), section 1(1) and the Schedule; by the Education Act 1996 (c. 56), Schedule 37, paragraph 98 and Schedule 38, and by the Education (Student Loans) Act 1998 (c. 1), sections 1 to 3.

⁽¹²⁾ S.I. 1990/1506 (N.I. 11).

⁽¹³⁾ 1980 c. 44, amended by the Teaching and Higher Education Act 1998 (c. 30), section 29.

⁽¹⁴⁾ S.I. 1998/1760 (N.I. 14).

⁽¹⁵⁾ 1971 c. 77; amended by the British Nationality Act 1981 (c. 61), section 39 and Schedule 4; by the Immigration Act 1988 (c. 14), sections 1, 3, 4, 6 and 10 and the Schedule, by the Asylum and Immigration Appeals Act 1993 (c. 23), sections 10 to 12.

- (b) at any time before or after these Regulations come into force has become part of one or other or both of those areas

shall be considered to have always been part of the European Economic Area.

(5) In these Regulations a reference to an EEA migrant worker is a reference to a person who is a national of a member State of the European Economic Area who has taken up an activity as an employed person in the United Kingdom—

- (a) under Council Regulation (EEC) No. 1612/68 on freedom of movement of workers within the Community(16), as extended by the EEA Agreement; or
- (b) in circumstances where as a national of the United Kingdom he has an enforceable Community right to be treated no less favourably than a national of another member State in relation to matters which are the subject of the above mentioned Council Regulation.

(6) In these Regulations “academic year” means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September, according as the academic year of the course in question begins in the winter, the spring, the summer or the autumn respectively, but if students are required to begin attending the course during August or September and to continue attending through the autumn the academic year of the course shall be considered to begin in the autumn rather than the summer.

Revocations and transitional provisions

3.—(1) The 1998 Regulations shall be revoked on 1st September 1999.

(2) The 1998 Regulations shall apply to the making of loans to students in relation to an academic year which begins before 1st September 1999, and these Regulations shall apply in relation to the provision of support in connection with attendance at a course during an academic year which begins on or after 1st September 1999, whether anything done under either Regulations is done before or after 1st September 1999.

(3) Accordingly the revocation of the 1998 Regulations shall not affect their continued operation after 1st September 1999 for the purpose of making loans as aforesaid.

(4) If the first academic year of a course began before 1st September 1999 the requirement in regulation 6(2) that an application form be received not later than four months after the beginning of the course shall be treated as a requirement that it be received not later than sixteen months after the beginning of the course.

(5) Where the Secretary of State is satisfied that the certificate or the passport and supporting letter required to be produced by regulation 6(4) were produced by the applicant in support of an application for—

- (a) a transitional award which was bestowed on him, or
- (b) a loan under the 1998 Regulations which he received

that requirement shall not apply.

(6) Notwithstanding any other provision of these Regulations where—

- (a) a person attends a course in respect of which a transitional award was bestowed on him, or
- (b) no award was bestowed but a transitional award would have been bestowed on him if he had applied for an award and his resources had not exceeded his requirements,

he shall be eligible for support by way of grant under Parts III and IV in connection with his attendance at the course, or in connection with his attendance at any subsequent course to which the award (either bestowed or which would have been bestowed) would have been transferred if transitional awards provided for payments after the first year of a course, but unless paragraph (7)

(16) OJ No. L257, 19.10.68, p. 2 (OJ/SE 1968 (II), p. 457).

applies he shall only be eligible for support by way of loan under Part V if he satisfies the conditions for eligibility in these Regulations.

(7) Notwithstanding any other provision of these Regulations where any person received or was eligible to receive a loan in relation to an academic year of a course under the 1998 Regulations he shall be eligible for support by way of loan under Part V in connection with his attendance at the course, or any subsequent designated course which (disregarding any intervening vacation) he starts attending immediately after ceasing to attend that course, but unless paragraph (6) applies he shall only be eligible for support by way of grant under Parts III and IV if he satisfies the conditions for eligibility in these Regulations.

(8) If the eligibility of a person mentioned in paragraph (6) is transferred under regulation 7 regulation 10(9) shall apply but only where the necessary recommendation or consent to the transfer is given later than four months after the end of the first academic year of the course.

(9) Where under the 1998 Regulations a person received or was eligible to receive a loan in relation to an academic year of a part-time course of initial training for teachers he shall be eligible for support by way of loan under Part V calculated in accordance with these Regulations, except that where regulation 12(3)(b) applies regulation 18(12) shall not apply, and for the amounts referred to in regulation 18(1) and (2) there shall be substituted for the amounts in column one the corresponding amounts in column two:

£2,875	£2,385
4,480	3,225
4,440	3,195
5,275	3,800
3,635	2,805
2,510	2,020
3,885	2,630
3,865	2,615
4,590	3,105
3,150	2,320

(10) Regulations 11 to 14 of the 1998 Regulations shall apply to loans made under the 1998 Regulations or under these Regulations until 1st September 1999, and Part VIII of these Regulations shall apply to such loans on and after 1st September 1999.