
STATUTORY INSTRUMENTS

2009 No. 1555

The Education (Student Support) Regulations 2009

PART 6

LOANS FOR LIVING COSTS

CHAPTER 4

MISCELLANEOUS

Quarters in respect of which the loan for living costs is payable

79.—(1) Subject to regulation 82, the loan for living costs and the long courses loan are payable in respect of three quarters of the academic year.

(2) The loan for living costs is not payable—

- (a) in the case of a compressed degree student, in respect of the quarter nominated by the Secretary of State;
- (b) in any other case, in respect of the quarter in which, in the opinion of the Secretary of State, the longest of any vacation occurs.

(3) The long courses loan is not payable in respect of the quarter nominated by the Secretary of State.

Students falling into more than one category

80. Where an eligible student falls into more than one of the categories set out in regulation 87 in the course of the academic year—

- (a) the maximum amount of loan for living costs for the academic year is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the loan for living costs is payable;
- (b) the maximum amount of loan for living costs for each such 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;
- (c) the maximum amount of long courses loan for the academic year is the aggregate of the maximum amount of long courses loan for each quarter in respect of which the long courses loan is payable;
- (d) the maximum amount of long courses loan for each such quarter is one third of the maximum amount of long courses loan 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; and
- (e) the category which applies to a quarter is—

- (i) the category into which the student falls for the longer or longest period in that quarter; or
- (ii) if the student falls into more than one category for an equal period in that quarter, the category with the higher or highest rate of loan for living costs for the academic year.

Students residing with parents

81.—(1) Where an eligible student (“X”) resides at X’s parents’ home and the Secretary of State is satisfied that in all the circumstances X’s parents by reason of age, incapacity or otherwise cannot reasonably be expected to support X and that it would be appropriate for the amount of loan for living costs or long courses loan payable to a student in a category other than category A to apply in X’s case, X must be treated as if X were not residing at X’s parents’ home for the purposes of this Part.

(2) Paragraph (1) does not apply to an eligible student who begins the specified designated course on or after 1st September 2004.

Students becoming eligible in the course of an academic year

82.—(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 course;
- (b) the student, or the student’s spouse, civil partner or parent is recognised as a refugee or becomes a person with leave to enter or remain;
- (c) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-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 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 under this regulation.

(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) The maximum amount of long courses loan payable is the aggregate of the maximum amount of long courses loan for each quarter in respect of which the student qualifies for the long courses loan under this regulation.

(7) The maximum amount of long courses loan for each quarter is one third of the maximum amount of long courses loan 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.

Students who are treated as in attendance on a course

83.—(1) A student to whom this regulation applies is treated as being in attendance on the designated course for the purpose of qualifying for the loan for living costs or the long courses loan.

- (2) This regulation applies to—
- (a) a compressed degree student;
 - (b) a disabled student who—
 - (i) is not a compressed degree student; and
 - (ii) is undertaking a designated course in the United Kingdom but is not in attendance because the student is unable to attend for a reason which relates to the student's disability.

Increases in maximum amount

84.—(1) This regulation does not apply in the case of a 2008 or 2009 cohort student or a student with reduced entitlement.

(2) Where an eligible student is required to attend the student's course for a period exceeding 30 weeks and 3 days in an academic year, the maximum amount of loan for living costs specified in Chapter 2 of this Part is increased for each week or part week of attendance in the academic year beyond 30 weeks and 3 days by the relevant amount in paragraph (4).

(3) Where an eligible student attends the student's course for a period of not less than 45 weeks in any continuous period of 52 weeks, the maximum amount of loan for living costs specified in Chapter 2 of this Part is increased for each week in the 52-week period during which the student did not attend by the relevant amount in paragraph (4).

- (4) The amount is—
- (a) for a student in category A, £54;
 - (b) for a student in category B, £106;
 - (c) for a student in category C, £115;
 - (d) for a student in category D, £83.

Deductions from loans for living costs

85.—(1) A deduction from the amount of loan for living costs calculated under this Part in respect of a current system student with full entitlement who is not a 2008 or 2009 cohort student or an old system student with full entitlement may be made in accordance with Part 8.

(2) There is no deduction under Part 8 from the amount of loan for living costs calculated under this Part in respect of a 2008 or 2009 cohort student or a student with reduced entitlement.

Applying for an additional amount of loan for living costs or long courses loan

86.—(1) An eligible student may apply to borrow an additional amount of loan for living costs or long courses loan where—

- (a) the Secretary of State determines that the maximum amount of loan for living costs or long courses loan in relation to an academic year should be increased (including an increase from nil) as a result of a reassessment of the student's contribution or otherwise; and
- (b) the Secretary of State considers that the increase in the maximum amount of the loan or loans in question does not result from the eligible student—

- (i) failing to provide information promptly which might affect the student's ability to qualify for the loan or loans in question or the amount of loan or loans in question for which the student qualifies; or
 - (ii) providing information that is inaccurate in any material particular.
- (2) The additional amount under paragraph (1) is an amount which when added to the amount already applied for does not exceed the increased maximum.
- (3) Where an eligible student has applied for a loan for living costs or long courses loan of less than the maximum amount to which the student is entitled in relation to the academic year, the student may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the relevant maximum applicable in the student's case.

Categories of student

87. In this Part—

- (a) a student ("X") is in category A if—
 - (i) X resides at X's parents' home while attending the designated course; or
 - (ii) X began the current course before 1st September 2009 and is a member of a religious order who resides in a house of that order;
- (b) a student ("Y") is in category B if Y is not in category A and Y attends one or more of the following—
 - (i) a course at the University of London;
 - (ii) a course at an institution which requires attendance for at least half the time in aggregate of any quarter of the course in the academic year at a site wholly or partly within the area comprising the City of London and the former Metropolitan Police District; or
 - (iii) a sandwich course at an institution which requires the eligible student to undertake work experience or a combination of work experience and study provided that "Y" undertakes such work experience or combination of work experience and study for at least half the time in aggregate of any quarter of the course in the academic year at a site or sites wholly or partly within the area comprising the City of London and the former Metropolitan Police District;
- (c) a student is in category C if the student is not in category A and—
 - (i) attends an overseas institution as part of the student's course; or
 - (ii) attends the Institute;
- (d) a student is in category D if the student is not in categories A to C.