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STATUTORY INSTRUMENTS

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**2009 No. 1555**

**The Education (Student Support) Regulations 2009**

**PART 7**

**COLLEGE FEE LOANS**

**General**

**88.** An eligible student or person treated as an eligible student qualifies for a college fee loan in connection with the student's attendance on a qualifying course in accordance with this Part.

**Qualifying conditions**

**89.**—(1) Subject to paragraphs (2) and (3), an eligible student or person treated as an eligible student qualifies for a college fee loan in connection with the student's attendance on a qualifying course if the student—

- (a) has an honours degree from an institution in the United Kingdom;
- (b) is taking a qualifying course which the student—
  - (i) began on or after 1st September 2006 and on which the student is continuing after 31st August 2010; or
  - (ii) begins on or after 1st September 2010;
- (c) is a member of a college or a permanent private hall of the University of Oxford or a member of a college of the University of Cambridge; and
- (d) was under the age of 60 on the first day of the first academic year of the qualifying course.

(2) An eligible student who falls within paragraph 9 of Part 2 of Schedule 1 does not qualify for a college fee loan under this Part if the student is ordinarily resident in Wales or Northern Ireland.

(3) An eligible student who falls within paragraph 9 of Part 2 of Schedule 1 and who is ordinarily resident in Scotland does not qualify for a college fee loan if the student is settled in the United Kingdom other than by reason of having acquired the right of permanent residence or if the student is the family member of such a person.

**Persons to be treated as eligible students**

**90.** A person is a "person treated as an eligible student" if—

- (a) none of the circumstances in regulation 5(3) applies to that person; and
- (b) either—
  - (i) that person would have fallen within paragraph 3, 6, 7, 10 or 11 of Part 2 of Schedule 1 if any requirement in those paragraphs to be ordinarily resident in England at a particular time had been a requirement to be ordinarily resident in Scotland at that time or if any requirement to be working or self-employed in England had been a requirement to be working or self-employed in Scotland; or

- (ii) that person is settled in the United Kingdom by virtue of a right of permanent residence and would have fallen within paragraph 8 of Part 2 of Schedule 1 if the requirement in that paragraph to be ordinarily resident in England at a particular time had been a requirement to be ordinarily resident in Scotland.

### **Disabled students**

**91.** A disabled student who is undertaking a qualifying course in the United Kingdom but who is not in attendance because the student is unable to attend for a reason which relates to that student's disability is treated as being in attendance on the qualifying course for the purpose of qualifying for the college fee loan.

### **Students becoming eligible during the course of an academic year**

**92.**—(1) Where one of the events listed in paragraph (2) occurs in the course of an academic year—

- (a) a student may qualify for a college fee loan in accordance with this Part in respect of that academic year provided that the relevant event occurred within the first three months of the academic year; and
- (b) a college fee loan is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(2) The relevant events are—

- (a) the student, or the student's spouse, civil partner or the student's parent is recognised as a refugee or becomes a person with leave to enter or remain;
- (b) a state accedes to the European Community and the student is a national of that state or is the family member (as defined in Part 1 of Schedule 1) of a national of that state;
- (c) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EC national or would have become a family member of an EC national if the requirement to be working or self-employed in England had been a requirement to be working or self-employed in Scotland;
- (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 would have become such a person if the requirement to be ordinarily resident in England and the requirement to be working or self-employed in England in paragraph 6 of Schedule 1 had been requirements to be ordinarily resident in Scotland or working or self-employed in Scotland;
- (g) the student becomes the child of a Swiss national.

### **Availability of college fee loans**

**93.**—(1) A college fee loan is available in respect of each standard academic year of the qualifying course and in respect of one academic year of the qualifying course that is not a standard academic year.

(2) Where a qualifying student is allowed to study the content of one standard academic year of the qualifying course over two or more academic years, for the purpose of determining whether a college fee loan is available to the qualifying student for those years, the first of such years of study is to be treated as a standard academic year and the following academic years of that kind are to be treated as academic years that are not standard academic years.

(3) For the purposes of this Part, “standard academic year” means an academic year of the qualifying course that would be taken by a person who does not repeat any part of the course and who enters the course at the same point as the qualifying student.

#### **Amount of college fee loan**

**94.**—(1) The amount of the college fee loan in respect of an academic year of a qualifying course must not exceed the amount equal to the college fees payable by the student to the college or permanent private hall in connection with that year.

(2) Where a qualifying student has applied for a college fee loan of less than the maximum amount available 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 maximum amount available.

#### **Transfers**

**95.** Despite regulation 8, where a qualifying student transfers from one qualifying course to another qualifying course—

- (a) the Secretary of State must transfer the student’s status as a qualifying student to the other course on the request of the student unless the period of eligibility has terminated;
- (b) subject to paragraph (c), if the student transfers before the end of the academic year after applying for a college fee loan, the amount applied for is paid to the relevant college or permanent private hall in respect of the qualifying course to which the student transfers provided that the conditions in regulation 111 are met and the student cannot qualify for another college fee loan in respect of that academic year;
- (c) if the student transfers after the college fee loan is paid and before the end of the academic year, the student cannot apply for another college fee loan in connection with the academic year of the qualifying course to which the student transfers.