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STATUTORY INSTRUMENTS

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**2009 No. 1555**

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

**PART 11**

**SUPPORT FOR PART-TIME COURSES**

**Conversion of status**

**146.**—(1) Where an eligible student ceases to undertake a designated course and transfers to a designated part-time course at the same or at another institution, the Secretary of State must convert the student's status as an eligible student to that of an eligible part-time student in connection with the course to which the student is transferring where—

- (a) he receives a request from the eligible student to do so; and
- (b) the period of eligibility has not terminated.

(2) Where, before completing the designated course, the student transfers to a part-time course in the same subject or subjects leading to the same qualification at the same institution, the part-time course is to be treated as satisfying regulation 135(1)(b) and (c) if the period of part-time study to be undertaken by the student is of at least one academic year's duration and does not exceed twice the period ordinarily required to complete the remainder of the designated course from which the student transfers.

(3) The following applies to a student ("A") who transfers under paragraph (1)—

- (a) where the Secretary of State has determined to pay an amount of disabled students' allowance to A under Chapter 3 of Part 5 in periodic instalments, no payment in respect of that amount of grant must be made in respect of any instalment period beginning after the date on which A becomes an eligible part-time student;
- (b) the maximum amount of disabled part-time students' allowance to which A would, apart from this regulation, be entitled in connection with A undertaking a designated part-time course in respect of that academic year is reduced by one third where A became an eligible part-time student during the second quarter of the academic year and by two thirds where A became such a student in a later quarter of that year;
- (c) where an amount of disabled students' allowance for any purpose has been paid to A under Chapter 3 of Part 5 in a single instalment, the maximum amount of disabled part-time students' allowance payable for that purpose is reduced (or, where sub-paragraph (b) applies, further reduced) by the amount of grant paid to A for that purpose pursuant to Chapter 3 of Part 5, and where the resulting amount is nil or a negative amount that amount is nil; and
- (d) where immediately before A became an eligible part-time student A was eligible to apply, but had not applied, for a loan for living costs in respect of that year, or had not applied for the maximum amount or increased maximum to which A was entitled, A may apply for such a loan or such additional amount of loan as if A had continued to be an eligible student; and in the circumstances mentioned in paragraph (4) the maximum or increased

maximum amount of such loan for the academic year is reduced in accordance with that paragraph.

(4) Where the request under paragraph (1) is made during the first quarter of the academic year in respect of which the loan is payable the maximum amount or increased maximum amount of loan (as the case may be) is reduced by two thirds, and where the request is made during the second quarter of that year that amount is reduced by one third.

(5) Where an eligible distance learning student ceases to undertake a designated distance learning course and transfers to a designated part-time course at the same or at another institution, the Secretary of State must convert the student's status as an eligible distance learning student to that of an eligible part-time student in connection with the course to which the student is transferring where—

- (a) he receives a request from the eligible distance learning student to do so; and
- (b) the period of eligibility has not terminated.

(6) Where, before completing the designated distance learning course, the student transfers to a part-time course in the same subject or subjects leading to the same qualification at the same institution, the part-time course is to be treated as satisfying regulation 135(1)(b) and (c) if the period of part-time study to be undertaken by the student is of at least one academic year's duration and does not exceed twice the period ordinarily required to complete the remainder of the designated distance learning course from which the student transfers.

(7) Subject to paragraph (8), a student who transfers under paragraph (5) is entitled to receive in connection with the academic year of the course to which the student transfers the remainder of the support for which the Secretary of State has determined the student qualifies under Part 10 in respect of the academic year of the designated distance learning course from which the student transfers.

(8) The Secretary of State may re-assess the amount of support payable after the transfer.

(9) An eligible student who transfers under paragraph (5) after the Secretary of State has determined the student's support in connection with the academic year of the distance learning course from which the student is transferring but before the student completes that year—

- (a) may not apply for a grant under regulation 137(1)(b) if the student has already applied for a grant under regulation 120(1)(b);
- (b) may not apply for a grant under regulation 141 if the student has already applied for a grant under regulation 123.

(10) Where a student transfers under paragraph (5), the total amount of assistance paid to the student under regulations 120(1)(a) and 137(1)(a) in respect of—

- (a) the academic year from which the student transfers; and
- (b) the academic year to which the student transfers;

must not exceed the amount of support determined to be payable to the student under regulation 120(1)(a).

(11) Where an eligible part-time student ceases to undertake a designated part-time course and transfers to a designated course at the same or at another institution, the Secretary of State must convert that student's status as an eligible part-time student to that of an eligible student in connection with the course to which the student is transferring where—

- (a) he receives a request from the eligible part-time student to do so; and
- (b) the period of eligibility has not terminated.

(12) The following applies to a student who transfers under paragraph (11)—

- (a) where the Secretary of State has determined to pay an amount of disabled part-time students' allowance to the student in periodic instalments no payment in respect of that

amount of grant must be made in respect of any instalment period beginning after the date on which the student became an eligible student;

- (b) any support to which the student is entitled under this Part in respect of the academic year in which the student transfers is ignored in determining the amount of support to which the student may be entitled in respect of that year under Parts 4 to 6;
- (c) the maximum amount of any support under Part 5 or 6 to which the student would, apart from this regulation, be entitled in connection with a designated course in respect of that academic year is reduced by one third where the student became an eligible student during the second quarter of that academic year and by two thirds where the student became such a student in a later quarter of that year; and
- (d) where an amount of disabled part-time students' allowance for any purpose has been paid to the student in a single instalment, the maximum amount of disabled students' allowance payable to the student under Chapter 3 of Part 5 for that purpose is reduced (or, where sub-paragraph (c) applies, further reduced) by the amount of disabled part-time students' allowance paid to the student for that purpose and where the resulting amount is nil or a negative amount that amount is nil.

(13) Where an eligible part-time student ceases to undertake a designated part-time course and transfers to a designated distance learning course at the same or at another institution, the Secretary of State must convert that student's status as an eligible part-time student to that of an eligible distance learning student in connection with the course to which the student is transferring where—

- (a) he receives a request from the eligible part-time student to do so; and
- (b) the period of eligibility has not terminated.

(14) Subject to paragraph (15), a student who transfers under paragraph (13) is entitled to receive in connection with the academic year of the course to which the student transfers the remainder of the support for which the Secretary of State has determined the student qualifies under this Part in respect of the academic year of the designated part-time course from which the student transfers.

(15) The Secretary of State may re-assess the amount of support payable after the transfer.

(16) An eligible student who transfers under paragraph (13) after the Secretary of State has determined the student's support in connection with the academic year of the part-time course from which the student is transferring but before the student completes that year—

- (a) may not apply for a grant under regulation 120(1)(b) if the student has already applied for a grant under regulation 137(1)(b);
- (b) may not apply for a grant under regulation 123 if the student has already applied for a grant under regulation 141.

(17) Where a student transfers under paragraph (13), the total amount of assistance paid to the student under regulations 120(1)(a) and 137(1)(a) in respect of—

- (a) the academic year from which the student transfers; and
- (b) the academic year to which the student transfers,

must not exceed the maximum amount of support determined to be payable to the student under regulation 120(1)(a).