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STATUTORY INSTRUMENTS

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**2011 No. 1986**

**The Education (Student Support) Regulations 2011**

**PART 4**

**FEE SUPPORT**

**CHAPTER 3**

**FEE LOANS FOR CURRENT SYSTEM STUDENTS**

**Availability of fee loans to current system students - general**

**19.**—(1) A current system student does not qualify for a fee loan in respect of a designated course if the designated course is an old flexible postgraduate course for the initial training of teachers.

(2) Subject to paragraph (3), a current system student does not qualify for a fee loan in respect of an academic year of a designated course that is a bursary year or an Erasmus year.

(3) Paragraph (2) does not apply where the current course is the graduate entry accelerated programme.

(4) When assessing an application for support in respect of an academic year of a designated course, the Secretary of State must determine the “standard entitlement”.

(5) The standard entitlement is calculated in accordance with regulation 20, 21 or 22.

(6) When assessing an application for support in respect of an academic year of a designated course, the Secretary of State must allocate a fee loan from the standard entitlement first to the final standard academic year of the course and then to each preceding standard academic year in turn until the standard entitlement is exhausted or a fee loan has been allocated to each standard academic year of the course.

(7) A current system student qualifies for a fee loan in respect of a standard academic year of the designated course if the Secretary of State allocates a fee loan to that year when assessing the application for support for that year.

(8) In addition to the standard entitlement, a current system student who falls within regulation 21 qualifies for a fee loan in respect of the first academic year that the student takes of the designated course that is not a bursary year or an Erasmus year if the student failed to complete the most recent previous course because of compelling personal reasons.

(9) Where a current system student qualifies for a fee loan under paragraph (8), the Secretary of State must not allocate a fee loan under paragraph (6) to the first academic year that the student takes of the designated course that is not a bursary year or an Erasmus year.

(10) In addition to the standard entitlement, if the Secretary of State determines that the student is repeating an academic year of the designated course because of compelling personal reasons, a current system student qualifies for a fee loan in respect of the year of repeat study provided that the academic year that the student is repeating was a qualifying year of study and the year of repeat study is not a bursary year.

(11) A current system student qualifies for a fee loan in respect of an academic year of a designated course that is a year of repeat study which the student is taking other than for compelling personal reasons if—

- (a) the academic year which the student is repeating was a qualifying year of study;
- (b) the academic year of repeat study is not a bursary year; and
- (c) when the academic year of repeat study is added to the number of any other academic years of repeat study that the student has already taken on the current course other than for compelling personal reasons, it does not exceed the number of additional years of support.

(12) In this regulation, the “number of additional years of support” is the number of years which make up the standard entitlement less the number of standard academic years (plus one where the student qualifies for a fee loan under paragraph (8)).

(13) The amount of the fee loan in respect of an academic year is determined in accordance with regulation 23 and may be nil.

#### **Standard entitlement of current system students who have not studied on a previous course**

**20.** The standard entitlement of a current system student who has not studied on a previous course is calculated as follows—

$$OD+1$$

where

*OD* is the number of academic years that make up the ordinary duration of the course.

#### **Standard entitlement of current system students who have transferred from or otherwise studied on a previous course**

**21.—**(1) The standard entitlement of a current system student who has studied on a previous course and who does not fall within regulation 22 is calculated as follows—

$$(OD+1) - PC$$

where

*OD* is the number of academic years that make up the ordinary duration of the course

*PC* is the number of academic years that the student has spent on previous courses.

(2) For the purposes of this regulation, a “current system student who has studied on a previous course” includes a current system student whose status as an eligible student has been transferred to the current course as a result of one or more transfers of that status by the Secretary of State pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act from a designated course which—

- (a) is a previous course; and
- (b) the student began on or after 1st September 2006.

#### **Standard entitlement of current system students on end-on courses and certain degree courses**

**22.—**(1) Where the current course began before 1st September 2009, this regulation applies to—

- (a) a current system student who is on an end-on course of the kind described in paragraph (a) or (b) of the definition of “end-on course” in regulation 2;
- (b) a current system student who—

- (i) has completed a full-time course mentioned in paragraph 2 or 3 of Schedule 2;
  - (ii) is on a full-time first degree course (other than a first degree course for the initial training of teachers) that the student did not begin immediately after the course referred to in paragraph (i); and
  - (iii) has not taken a full-time first degree course after the course referred to in paragraph (i) and before the current course;
- (c) a current system student who—
- (i) has completed a full-time foundation degree course;
  - (ii) is on a full-time honours degree course that the student did not begin immediately after the course referred to in paragraph (i); and
  - (iii) has not taken a full-time first degree course after the course referred to in paragraph (i) and before the current course.
- (2) Where the current course begins on or after 1st September 2009, this regulation applies to—
- (a) a current system student who is on an end-on course of the kind described in paragraph (d) and (e) of the definition of “end-on course” in regulation 2;
  - (b) a current system student who—
    - (i) has completed a course mentioned in paragraph 2, 3 or 4 of Schedule 2 or overseas equivalent, or a foundation degree course or overseas equivalent, on a full-time, part-time or full-time distance learning basis having achieved a qualification;
    - (ii) is on a full-time first degree course (other than a first degree course for the initial training of teachers) that the student did not begin immediately after the course referred to in paragraph (i); and
    - (iii) has not taken a full-time first degree course after the course referred to in paragraph (i) and before the current course.
- (3) Regulations 20 and 21 do not apply to students to whom this regulation applies.
- (4) The standard entitlement of a student to whom paragraph (1) applies is calculated as follows—
- $$(D + X) - Pr C$$

where

*D* is the greater of 3 and the number of academic years that make up the ordinary duration of the course

*X* is 1 where the ordinary duration of the preliminary course (or preliminary courses in total) was less than three years and 2 where the ordinary duration of the preliminary course (or preliminary courses in total) was three years

*PrC* is the number of academic years that the student spent on preliminary courses excluding any years of repeat study for compelling personal reasons.

(5) Subject to paragraph (6), the standard entitlement of a student to whom paragraph (2) applies is calculated as follows—

$$(D + X) - Pr C$$

where

*D* is the greater of 3 and the number of academic years that make up the ordinary duration of the course

*X* is—

- 1 where the ordinary duration of the preliminary course (or preliminary courses in total) was less than three years,
- 2 where the ordinary duration of the preliminary course (or preliminary courses in total) was three years,
- 3 where the ordinary duration of the preliminary course (or preliminary courses in total) was four years,
- 4 where the ordinary duration of the preliminary course (or preliminary courses in total) was five years, and
- 5 where the ordinary duration of the preliminary course (or preliminary courses in total) was six years

*PrC* is the number of academic years that the student spent on preliminary courses excluding any years of repeat study for compelling personal reasons.

(6) The standard entitlement of a student on an end-on course of the kind described in paragraph (e) of the definition of “end-on course” in regulation 2 is one academic year where the previous qualification was an ordinary degree.

#### **Amount of the fee loan**

**23.**—(1) For the purposes of this Part,—

- (a) where a student (“A”) transfers to the current course pursuant to regulation 7 on or after 1st September 2012 from a full time course beginning before 1st September 2012; or
- (b) where the current course is an end-on course of the kind described in paragraph (e) of the definition of “end-on course” in regulation 2;

the current course is treated as beginning before 1st September 2012 in relation to A.

(2) The amount of a fee loan in respect of an academic year of a designated course must not exceed the lesser of—

- (a) the fees payable by the student in connection with that year; and
- (b) the maximum amount.

(3) For the purposes of this regulation, the “maximum amount” means—

- (a) £3,465 where the current course began before 1st September 2012 unless paragraph (5) or (6) applies; or
- (b) £9,000 where the current course—
  - (i) begins on or after 1st September 2012; and
  - (ii) is provided by or on behalf of a publicly funded institution;
 unless paragraph (6) or (8) applies.

(4) Where the current course—

- (a) begins on or after 1st September 2012; and
- (b) is provided by a private institution (other than on behalf of a publicly funded institution),

the “maximum amount” is £6,000 or, where one of the cases in paragraph (7) applies, £3,000.

(5) Where the current course begins on or after 1 August 2012 and is provided by an institution in Scotland, Wales or Northern Ireland, the “maximum amount” is—

- (a) £9,000 where the course is provided by or on behalf of a publicly funded institution, unless paragraph (8) or one of the cases in paragraph (7) applies;

- (b) £6,000 where the course is provided by a private institution (other than on behalf of a publicly funded institution) unless one of the cases in paragraph (7) applies;
  - (c) £4,500 where the course is provided by or on behalf of a publicly funded institution, and one of the cases in paragraph (7) applies; or
  - (d) £3,000 where the course is provided by a private institution (other than on behalf of a publicly funded institution) and one of the cases in paragraph (7) applies.
- (6) In the cases set out in paragraph (7), the “maximum amount” is—
- (a) £1,725 where the current course began before 1st September 2012 unless paragraph (5) applies; or
  - (b) £4,500 where the current course began on or after 1st September 2012 unless paragraph (4) applies.
- (7) The cases are—
- (a) the final academic year of a designated course where that academic year is normally required to be completed after less than 15 weeks’ attendance;
  - (b) in respect of a sandwich course, an academic year—
    - (i) during which any periods of full-time study are in aggregate less than 10 weeks; or
    - (ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution (disregarding intervening vacations) exceeds 30 weeks;
  - (c) in respect of a course for the initial training of teachers which—
    - (i) began before 1st September 2010; or
    - (ii) begins on or after 1st September 2010 where the student transfers to the current course pursuant to regulation 7 from a course for the initial training of teachers beginning before 1st September 2010,  
an academic year during which any periods of full-time study are in aggregate less than 10 weeks;
  - (d) in respect of a course provided in conjunction with an overseas institution, an academic year—
    - (i) during which any periods of full-time study at the institution in the United Kingdom are in aggregate less than 10 weeks; or
    - (ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks.
- (8) Where the current course is a graduate entry accelerated programme, the “maximum amount” is £5,535.
- (9) A student may apply to the Secretary of State to reduce the amount of loan for which the student has applied in respect of a period of the academic year for which the academic authority has not made a request to the Secretary of State for payment of the fee loan or fee loan instalment under regulation 113.

#### **Amount of fee loan for transferring students**

**24.—**(1) If a student’s status as an eligible student is transferred from one designated course to another under regulation 7 and the circumstances in paragraph (2) apply, the student may apply to the Secretary of State to borrow an additional amount by way of a fee loan in respect of the academic year of the course to which that student transfers.

(2) The circumstances are—

- (a) the fees payable in respect of the academic year of the course to which the current system student transfers exceed the fees payable in respect of the academic year of the course from which the student is transferring; and
- (b) the academic year of the course to which the current system student transfers does not begin on a later date than the academic year of the course from which the student is transferring.

(3) If a student's status as an eligible student is transferred from one designated course to another under regulation 7 and the circumstances in paragraph (4) apply, the student may apply to the Secretary of State for another fee loan in respect of the academic year of the course to which the student transfers.

(4) The circumstances are that the academic year of the course to which the current system student transfers begins on a later date than the academic year of the course from which that student is transferring.

(5) Where the circumstances in paragraph (2) apply, the maximum additional amount that the current system student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for a fee loan in respect of that year, is determined by deducting the amount of any fee loan the student has taken out under these Regulations in respect of the academic year from which the student is transferring from the lesser of—

- (a) the maximum amount specified in paragraph (3) to (6) of regulation 23 applicable in the student's case; and
- (b) the fees payable by the student in respect of the academic year to which the student is transferring.

(6) Where the circumstances in paragraph (4) apply, the maximum amount of fee loan that a current system student may borrow in respect of the academic year to which that student transfers provided that the student qualifies for a fee loan in respect of that year is the lesser of—

- (a) the amount specified in paragraph (3) to (6) of regulation 23 applicable in the student's case; and
- (b) the fees payable by the student in connection with that year.

(7) Where a current system student has applied for a fee loan of less than the maximum amount available in relation to an academic year, that 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 that student's case.

(8) If a student's status as an eligible student is transferred from one course to another under these Regulations and the circumstances in paragraph (9) apply, the student may apply to the Secretary of State to reduce the amount of fee loan applied for in respect of the remainder of the academic year.

(9) The circumstances are—

- (a) the fees payable in respect of the academic year of the course to which the current system student transfers are lower than the fees payable in respect of the academic year of the course from which the student is transferring;
- (b) the academic year of the course to which the current system student transfers does not begin on a later date than the academic year of the course from which the student is transferring.

(10) For the purposes of paragraph (9), the "remainder of the academic year" means the period of the academic year in respect of which the academic authority has not made a request to the Secretary of State for payment of the fee loan or fee loan instalment.