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STATUTORY INSTRUMENTS

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**2016 No. 606**

**The Education (Postgraduate Master's  
Degree Loans) Regulations 2016**

**PART 1**

**CHAPTER 2**

**Eligible students**

**3.—**(1) An eligible student qualifies for a postgraduate master's degree loan in connection with a designated course subject to and in accordance with these Regulations.

[<sup>F1</sup>(2) Subject to the following provisions of this regulation, a person is an eligible student in connection with a designated course if in assessing that person's application for a postgraduate master's degree loan the Secretary of State determines that the person falls within one of the categories set out—

- (a) in paragraphs 2, 2A, 3, 4, 4A, 4B, 4C, 4D, 4E, 5, [<sup>F2</sup>5A,][<sup>F3</sup>5B, 5C,] 6A, 7A, 8A, 9A, 9B, [<sup>F4</sup>9BA,][<sup>F5</sup>9BB,] 9C, 9D, 10A, 11A, 12A and 13 in Part 2 of Schedule 1; or
- (b) in paragraphs 6, 7, 8, 9, 10, 11 and 12 in Part 2 of Schedule 1, where paragraph (2A) applies.

(2A) This paragraph applies where—

- (a) in connection with a designated course beginning before 1st August 2021, the Secretary of State—
  - (i) in assessing an application for a postgraduate master's degree loan by a person ("A") determined that A fell within one of the categories set out in paragraphs 6, 7, 8, 9, 10, 11 and 12 in Part 2 of Schedule 1 in relation to an academic year of the course beginning before 1st August 2021; or
  - (ii) would have so determined had A made an application for a postgraduate master's degree loan in accordance with this Part in relation to an academic year of the course beginning before that date; and
- (b) A applies for a postgraduate master's degree loan in connection with that course or a designated course to which A's status as an eligible student is transferred from that course in accordance with this Part.

(2B) In connection with a designated course beginning on or after 1st January 2028, paragraph (2) has effect as if it did not mention paragraphs 8A [<sup>F6</sup>, 9B, 9BA and 9D].]

(3) A person ("A") is not an eligible student if—

[<sup>F7</sup>(za) A is excused from undertaking any part of the course due to—

- (i) A's previous experience;
- (ii) A having taken a module or other unit of work of another course; or

- (iii) A having been awarded a credit, credit point or equivalent measurement of study in respect of any part of another course;]
- (a) A has reached the age of 60 on the first day of the academic year in which the designated course starts;
- (b) A is in breach of any obligation to repay any loan;
- (c) A has reached the age of 18 and has not ratified any agreement for a loan made with A when A was under the age of 18;
- (d) A has, in the opinion of the Secretary of State, shown by A's conduct that A is unfitted to receive a postgraduate master's degree loan;
- (e) A is a prisoner, unless A is an eligible prisoner;
- [<sup>F8</sup>(f) A is enrolled on a course which is a designated course under regulation 5 (designated courses) or 139 (designated part-time courses) of the student support regulations or under regulation 4 (designated courses) of the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018, and is receiving support under either set of regulations for that course;]
- [<sup>F9</sup>(fa) A is studying on a course as part of an apprenticeship;]
- (g) A has already obtained an equivalent or higher qualification;
- (h) A is already enrolled on a designated course and is in receipt of a postgraduate master's degree loan under these Regulations for that course;
- (i) Subject to paragraph (7), A has previously received a postgraduate master's degree loan under these Regulations; <sup>F10</sup>...
- [<sup>F11</sup>(j) A is, in connection with the course—
  - (i) eligible to apply for a healthcare bursary;
  - (ii) eligible to apply for any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007; or
  - (iii) in receipt of any allowance, bursary or award of a similar description made under section 67(4)(a) of the Care Standards Act 2000, or under section 46 of the Children and Social Work Act 2017, which includes payment for meeting additional expenditure incurred by A by reason of A's disability, save to the extent that A is in receipt of such an allowance, bursary or award in respect of travel expenses; or]
- [<sup>F12</sup>(k) subject to paragraph (7), A has previously received—
  - (i) a loan other than under these Regulations in respect of a course, where that loan was paid out of funds provided by a government authority within the United Kingdom; or
  - (ii) a grant under regulation 33(1) of the Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019 (basic grant or contribution to costs grant).]
- [<sup>F13</sup>(3A) Paragraph (3)(za) does not apply where—
  - (a) A was so excused as a result of transferring to the course from a designated course; and
  - (b) the Secretary of State considers A being so excused to be reasonable in the circumstances.]
- (4) Where the eligible student is undertaking a designated course which is a distance learning course, the student does not qualify for support in respect of that course unless the Secretary of State considers that the student is undertaking the course in England on the first day of [<sup>F14</sup>the first academic year of] the course, whether the course is a designated course at that date or is designated on a later date during the academic year.

[<sup>F15</sup>(4A) For the purposes of paragraph (4), a person (“A”) is to be treated as being ordinarily resident in England for any period during which A would have been so resident but for the fact that—

- (a) A,
- (b) A’s spouse or civil partner,
- <sup>F16</sup>(c) .....
- (d) in the case of a dependent direct relative in the ascending line, A’s child or child’s spouse or civil partner,

is or was temporarily employed in Wales, Scotland or Northern Ireland as a member of the regular naval, military or air forces of the Crown.]

(5) An eligible student ceases to be eligible for a postgraduate master's degree loan in respect of a distance learning course, if the Secretary of State considers that the student is undertaking the course outside the United Kingdom notwithstanding whether that student has previously been considered by the Secretary of State to be undertaking their course within the United Kingdom.

[<sup>F17</sup>(5A) Paragraphs (4) and (5) do not apply to a person who is treated as ordinarily resident in the United Kingdom by virtue of paragraph 1(5) of Schedule 1 on the basis of temporary employment falling within paragraph 1(6)(a) of Schedule 1.]

(6) For the purposes of paragraphs (3)(b) and (3)(c), “loan” means a loan made under any provision of the student loans legislation.

[<sup>F18</sup>(7) The Secretary of State may deem a person described in paragraph (3)(i) or (3)(k) to be an eligible student where the Secretary of State is of the view that the person had not been able to complete the course to which the previous loan related due to compelling personal reasons.]

(8) The Secretary of State may only exercise his discretion to award a subsequent postgraduate master's degree loan to a particular person under paragraph (7) once in respect of a particular student.

[<sup>F19</sup>(8A) Where—

- (a) the Secretary of State determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before the relevant day, the refugee status of A or of A’s spouse, civil partner, parent or step-parent, as the case may be, has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”)),

A’s status as an eligible student terminates immediately before the relevant day.

(8B) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of a person granted stateless leave, a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which the person granted stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A’s status as an eligible student terminates immediately before the relevant day.

(8C) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted section 67 leave, a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which A is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A’s status as an eligible student terminates immediately before the relevant day.

(8D) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted Calais leave, a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which A is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A’s status as an eligible student terminates immediately before the relevant day.

(8E) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of a person granted humanitarian protection, a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which the person granted humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the 2002 Act),

A’s status as an eligible student terminates immediately before the relevant day.

(8F) Where—

- (a) the Secretary of State determined that, by virtue of being a person with protected rights with limited leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before the relevant day, A no longer has extant limited leave to enter or remain granted by virtue of residence scheme immigration rules and no further leave to enter or remain has been granted under those rules,

A’s status as an eligible student terminates immediately before the relevant day.

(8G) Where—

- (a) the Secretary of State determined that, by virtue of being—
  - (i) a person granted leave under one of the Afghan Schemes; or
  - (ii) the spouse, civil partner, child or step-child of a person (“S”) granted leave under one of the Afghan Schemes,a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which A or, as the case may be, S is allowed to stay in the United Kingdom has expired,

A’s status as an eligible student terminates immediately before the relevant day.

(8H) Where—

- (a) the Secretary of State determined that, by virtue of being—
  - (i) a person granted leave under one of the Ukraine Schemes; or

- (ii) the spouse, civil partner, child or step-child of a person (“U”) granted leave under one of the Ukraine Schemes,
- a person (“A”) was an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which A or, as the case may be, U is allowed to stay in the United Kingdom has expired and no further leave to enter or remain has been granted,

A’s status as an eligible student terminates immediately before the relevant day.]

[<sup>F20</sup>(9) Where—

- (a) the Secretary of State has determined that, by virtue of—
  - (i) falling within [<sup>F21</sup>paragraph (a)<sup>F22</sup>... (iv) or (v)] of the definition of “person with protected rights”; or
  - (ii) meeting the conditions in paragraph 3(1)(a)<sup>F23</sup>... (iv) in Part 2 of Schedule 1,a person (“A”) is an eligible student in connection with an application for a postgraduate master’s degree loan for a designated course; and
- (b) as at the day before [<sup>F24</sup>the relevant day], A is not a person with protected rights,

A’s status as an eligible student terminates immediately before [<sup>F25</sup>the relevant day].]

[<sup>F26</sup>(10) In this regulation “the relevant day” means—

- (a) for the purposes of paragraphs (8A) to (8E), (8G) and (8H)—
  - (i) the course start date; or
  - (ii) if the relevant status or period for which a person is allowed to stay in the United Kingdom expires on or after the course start date, the first day of the academic year which begins immediately after the academic year during which the status or period expires;
- (b) for the purposes of paragraphs (8F) and (9)—
  - (i) the first day of the first academic year of the designated course (“the AY1 start date”); or
  - (ii) if A ceases to be a person with protected rights, or to have extant limited leave to enter or remain, on or after the AY1 start date, the first day of the academic year which begins immediately after the academic year during which A ceases to be a person with protected rights or, as the case may be, to have extant limited leave to enter or remain.]

- F1** [Reg. 3\(2\)-\(2B\)](#) substituted for [reg. 3\(2\)](#) (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021](#) (S.I. 2021/127), [regs. 1\(1\), 54\(a\)](#)
- F2** Word in [reg. 3\(2\)\(a\)](#) inserted (with application in accordance with [reg. 1\(3\)\(c\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021](#) (S.I. 2021/1348), [regs. 1\(1\), 42\(2\)](#)
- F3** Words in [reg. 3\(2\)\(a\)](#) inserted (with application in accordance with [reg. 1\(3\)\(e\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2022](#) (S.I. 2022/534), [regs. 1\(1\), 15\(1\)](#)
- F4** Word in [reg. 3\(2\)\(a\)](#) inserted (1.9.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021](#) (S.I. 2021/929), [regs. 1\(1\), 26\(1\)\(a\)](#)
- F5** Word in [reg. 3\(2\)\(a\)](#) inserted (with application in accordance with [reg. 1\(3\)\(d\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021](#) (S.I. 2021/1348), [regs. 1\(1\), 45\(1\)](#)

- F6** Words in reg. 3(2B) substituted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **26(1)(b)**
- F7** Reg. 3(3)(za) inserted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **12(1)(a)(i)**
- F8** Reg. 3(3)(f) substituted (11.6.2018) by The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (S.I. 2018/599), regs. 1(1), **60(2)**
- F9** Reg. 3(3)(fa) inserted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **41**
- F10** Word in reg. 3(3)(i) omitted (12.6.2017) by virtue of The Education (Postgraduate Masters Degree Loans) (Amendment) Regulations 2017 (S.I. 2017/594), regs. 1(1), **2(2)(a)**
- F11** Reg. 3(3)(j) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **13(2)**
- F12** Reg. 3(3)(k) substituted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **14**
- F13** Reg. 3(3A) inserted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **12(1)(a)(ii)**
- F14** Words in reg. 3(4) inserted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **13(b)**
- F15** Reg. 3(4A) inserted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **11**
- F16** Reg. 3(4A)(c) omitted (11.6.2018) by virtue of The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (S.I. 2018/599), regs. 1(1), **60(3)** (with reg. 1(4))
- F17** Reg. 3(5A) inserted (with application in accordance with reg. 1(3)(a) of the amending S.I.) by The Education (Postgraduate Masters Degree Loans) (Amendment) Regulations 2017 (S.I. 2017/594), regs. 1(1), **2(2)(d)**
- F18** Reg. 3(7) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Postgraduate Masters Degree Loans) (Amendment) Regulations 2017 (S.I. 2017/594), regs. 1(1), **2(2)(e)**
- F19** Reg. 3(8A)-(8H) inserted (with application in accordance with reg. 2(8)(d)(9) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 134(2)**
- F20** Reg. 3(9) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **54(b)**
- F21** Words in reg. 3(9)(a)(i) substituted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **24**
- F22** Word in reg. 3(9)(a)(i) omitted (with application in accordance with reg. 1(3)(e) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **44(2)(a)**
- F23** Words in reg. 3(9)(a)(ii) omitted (with application in accordance with reg. 1(3)(e) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **44(2)(b)**
- F24** Words in reg. 3(9)(b) substituted (with application in accordance with reg. 2(8)(d)(9) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 134(3)(a)**
- F25** Words in reg. 3(9) substituted (with application in accordance with reg. 2(8)(d)(9) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 134(3)(b)**

**F26** Reg. 3(10) inserted (with application in accordance with reg. 2(8)(d)(9) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), reg. 134(4)

### Designated courses

4.—(1) Subject to paragraphs (5) and (6), a course is a designated course for the purposes of section 22(1) of the 1998 Act and regulation 3 if it is—

- (a) a <sup>F27</sup>full] postgraduate master's degree course which falls within paragraph (2);
- <sup>F28</sup>(b) one of the following—
  - (i) wholly provided by a registered provider, or provided by a registered or unregistered provider on behalf of a registered provider in England;
  - (ii) wholly provided by an authority-funded institution in Scotland, Northern Ireland or Wales;
  - (iii) provided by a registered provider on behalf of an authority-funded institution in Scotland, Northern Ireland or Wales;
  - (iv) provided by an institution situated in Scotland, Northern Ireland or Wales on behalf of a registered provider in England, or by a publicly funded institution situated in Scotland, Northern Ireland or Wales on behalf of an authority-funded institution in Scotland, Northern Ireland or Wales;
  - (v) provided by a registered provider in England in conjunction with an institution which is situated outside the United Kingdom; or
  - (vi) provided by an authority-funded institution in Scotland, Northern Ireland or Wales in conjunction with an institution which is situated outside the United Kingdom;]
- (c) substantially provided in the United Kingdom; and
- (d) a postgraduate master's degree course which—
  - (i) leads to an award granted or to be granted by a body falling within section 214(2)[<sup>F29</sup>(za), (zb),] (a) or (b) of the Education Reform Act 1988 <sup>M1</sup>; and
  - (ii) the teaching and supervision which comprise the course has been approved by that body.

<sup>F30</sup>(1A) For the purposes of section 22 of the 1998 Act and regulation 3(1), a course is a designated course if it—

- (a) is a Northern Irish designated master's degree course, a Scottish designated master's degree course or a Welsh designated master's degree course;
- (b) is a full postgraduate master's degree course; and
- (c) falls within paragraph (2).]

(2) For the purpose of [<sup>F31</sup>paragraphs (1)(a) and (1A)], the postgraduate master's degree course must be one of the following—

- (a) a full-time course of one or two academic year's duration;
- (b) a part-time course which it is ordinarily possible to complete in no more than twice the period ordinarily required to complete its one or two academic year full-time equivalent; or
- (c) a part-time course that does not have a full-time equivalent and which it is ordinarily possible to complete in up to three academic years.

(3) For the purposes of paragraph (1)(b) and (c)—

- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;
- (b) a course is substantially provided in the United Kingdom where at least half of the teaching and supervision which comprise the course is provided in the United Kingdom;
- (c) a university and any constituent college or institution in the nature of a college of a university is to be regarded as authority-funded if either the university or the constituent college or institution is authority-funded;
- (d) an institution is not to be regarded as publicly funded or authority-funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992 <sup>M2</sup>; and
- (e) a course is not to be regarded as provided on behalf of an authority-funded educational institution where a part of the course is provided by a private institution [<sup>F32</sup>in Scotland, Northern Ireland or Wales, or by a private institution which is an unregistered provider in England].

(4) The designated course may, but need not, be a distance learning course.

[<sup>F33</sup>(4ZA) In paragraphs (1)(a) and (1A), “full postgraduate master’s degree course” means a course which, independent of a student’s previous experience or any module or other unit of work, credit, credit point or equivalent measurement of study taken or awarded in respect of another course, leads to a master’s degree.]

[<sup>F34</sup>(4A) A course is not a designated course if its designation has been revoked or is suspended under paragraph (7).]

[<sup>F35</sup>(5) A course cannot be a designated course for the purposes of regulation 3 if it is recognised as a designated course for the purposes of regulation 5 (designated courses) or 139 (designated part-time courses) of the student support regulations or regulation 4 (designated courses) of the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018.]

(6) For the purposes of section 22 of the 1998 Act <sup>M3</sup> and regulation 3(1), the Secretary of State may designate courses of higher education which are not designated under paragraph (1) [<sup>F36</sup>or (1A)].

(7) The Secretary of State may revoke or suspend the designation of a course which is designated under [<sup>F37</sup>this regulation].

**F27** Word in reg. 4(1)(a) inserted (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **12(1)(b)(i)**

**F28** Reg. 4(1)(b) substituted (with application in accordance with reg. 1(2)(4)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **42(2)**

**F29** Words in reg. 4(1)(d) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **42(3)**

**F30** Reg. 4(1A) inserted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **4(2)(b)(i)**

**F31** Words in reg. 4(2) substituted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **4(2)(b)(ii)**

- F32** Words in reg. 4(3)(e) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **42(4)**
- F33** Reg. 4(4ZA) inserted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **12(1)(b)(ii)**
- F34** Reg. 4(4A) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **42(5)**
- F35** Reg. 4(5) substituted (11.6.2018) by The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (S.I. 2018/599), regs. 1(1), **61**
- F36** Words in reg. 4(6) inserted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **4(2)(b)(iii)**
- F37** Words in reg. 4(7) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **42(6)**

#### Marginal Citations

- M1** 1988 c.40; s214(2)(a) was amended by 1992 (c.13).
- M2** 1992 c.13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c.30), **section 27**.
- M3** 1998 c.30.

#### Period of eligibility

5.—(1) A student's status as an eligible student is retained in connection with a designated course until the status terminates in accordance with this regulation or regulation 3.

(2) The period for which an eligible student retains that status is the “period of eligibility”.

(3) Subject to the following paragraphs and regulation 3, the period of eligibility terminates at the end of the academic year in which the student completes the designated course.

(4) The period of eligibility terminates when—

(a) the eligible student (“A”) withdraws from A's designated course in circumstances where the Secretary of State is not obliged under regulation 6 to transfer A's status as an eligible student to another course; or

(b) A abandons or is expelled from A's designated course.

(5) The Secretary of State may terminate the period of eligibility where A has shown by A's conduct that A is unfitted to receive a postgraduate master's degree loan.

(6) If the Secretary of State is satisfied that an eligible student has failed to comply with any requirement to provide information under these Regulations or has provided information which is inaccurate in a material particular, the Secretary of State may take such of the following actions as the Secretary of State considers appropriate in the circumstances—

(a) terminate the period of eligibility;

(b) determine that the student no longer qualifies for a postgraduate master's degree loan;

(c) treat any postgraduate master's degree loan paid to the student as an overpayment which may be recovered under regulation 17.

(7) Where the period of eligibility terminates before the end of the academic year in which the student completes the designated course, the Secretary of State may, at any time, renew the period of eligibility for such period as the Secretary of State determines.

### Transfer of status

6.—(1) Where an eligible student “A” transfers to another course, the Secretary of State must transfer A's status as an eligible student to that course where—

- (a) he receives a request from the eligible student to do so;
- (b) he is satisfied that one or more of the grounds for transfer in paragraph (2) applies; and
- (c) the period of eligibility has not terminated.

[<sup>F38</sup>(1A) Paragraph (1) applies to a person who is an eligible student by virtue of regulation 3(2)(b) only where that person's status as an eligible student has not been transferred on or after 1st August 2021 from the designated course referred to in regulation 3(2A)(a) to another designated course.]

(2) The grounds for transfer are—

- (a) on the recommendation of the academic authority A ceases one designated course and starts to undertake another designated course at the same institution; or
- (b) A starts to undertake a designated course at another institution.

(3) Where A transfers under paragraph (1), A is entitled to receive in connection with the academic year of the course to which A transfers the remainder of the postgraduate master's degree loan in accordance with regulation 13 and, where relevant, regulation 16, in respect of the academic year of the course from which A transfers.

**F38** Reg. 6(1A) inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), 55

### Students becoming eligible in the course of an academic year

[<sup>F39</sup>7.—(1) Where—

- (a) during the currency of a course, the course becomes a designated course—
  - (i) under regulation 4(6);
  - (ii) by virtue of the course being provided by or on behalf of an English higher education provider which becomes a registered provider; or
  - (iii) by virtue of the course becoming a Northern Irish designated master's degree course, a Scottish designated master's degree course or a Welsh designated master's degree course;
- (b) the student commences a designated course after the start date of the designated course as the relevant academic authority has permitted the student to commence the course at this later start date; or
- (c) an event specified in paragraph (2) occurs during the currency of a student's course which results in the student becoming an eligible student,

the student may qualify for a postgraduate master's degree loan, provided that the student complies with the application provisions set out in Chapter 3 of Part 1.

(2) The events mentioned in paragraph (1)(c) are—

- (a) the student or the student's spouse, civil partner or parent is recognised as a refugee, or becomes a person granted stateless leave or a person granted humanitarian protection;
- (b) the student becomes a family member as described in paragraph 9A(1)(a), 9B(1)(a), 9C(1)(a) or 9D(1)(a) or (2)(a) of Schedule 1;
- (c) the student becomes a person described in paragraph 3(a) of Schedule 1;
- (d) the student becomes a person described in paragraph 6A(1)(a) of Schedule 1;

- (e) the student becomes a person described in paragraph 11A(1)(a) of Schedule 1;
- (f) the student becomes a person granted section 67 leave;
- (g) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse;
- (h) the student becomes a person granted Calais leave;
- (i) the student becomes a person granted indefinite leave to remain as a bereaved partner;
- (j) the student [<sup>F40</sup>or the student's spouse, civil partner or parent] becomes a person granted leave under one of the Afghan Schemes;
- (k) the student [<sup>F41</sup>or the student's spouse, civil partner or parent] becomes a person granted leave under one of the Ukraine Schemes.

(3) Where an event specified in paragraph (2)(a), (f), (g), (h), (i), (j) or (k) occurs in relation to a student after course start date, paragraph (4) applies for the purposes of determining whether the event results in the student becoming an eligible student.

(4) The student is to be treated, for the purposes of determining whether the student satisfies any requirement in Schedule 1 to be ordinarily resident in England on the course start date, as if the student was, on the course start date, lawfully residing in the place where the student was residing on that date.]

- F39** Reg. 7 substituted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), **reg. 91**
- F40** Words in [reg. 7\(2\)\(j\)](#) inserted (with application in accordance with reg. 2(6)(7)(9) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), **reg. 94(a)**
- F41** Words in [reg. 7\(2\)\(k\)](#) inserted (with application in accordance with reg. 2(4)(5)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), **reg. 94(b)**

## Events

<sup>F42</sup>8. ....

- F42** [Reg. 8](#) omitted (with application in accordance with reg. 2(4)(5)(a) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2023 \(S.I. 2023/74\)](#), **reg. 92**

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Postgraduate Master's Degree Loans) Regulations 2016, CHAPTER 2.