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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 1

**Interpretation**

2.—(1) For the purposes of Part 1—

“the 1998 Act” means the Teaching and Higher Education Act 1998;

[<sup>F1</sup>“the 2017 Act” means the Higher Education and Research Act 2017;]

[<sup>F2</sup>“the 2020 Citizens’ Rights Regulations” means the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020;]

“academic authority” means, in relation to an institution, the governing body or other body having the functions of a governing body and includes a person acting with the authority of that body;

“academic year” means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of the course in question begins according to whether that academic year begins on or after 1st January and before 1st April, on or after 1st April and before 1st July, on or after 1st July and before 1st August or on or after 1st August and on or before 31st December, respectively;

“authority-funded” means—

- (a) <sup>F3</sup> ...
- (b) in relation to educational institutions in Wales, maintained or assisted by recurrent grants from the Higher Education Funding Council for Wales;
- (c) in relation to educational institutions in Scotland, maintained or assisted by recurrent grants from the Scottish Funding Council; and
- (d) in relation to educational institutions in Northern Ireland, maintained or assisted by recurrent grants from the Department for the Economy in Northern Ireland or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;

“course” means a taught programme of study, a programme of research, or a combination of both, and which may include one or more periods of work experience, and which leads, on successful completion, to the award of a postgraduate master's degree;

[<sup>F4</sup>“the course start date” means the day on which the first term of the first academic year of a course actually begins;]

“designated course” means a course designated under regulation 4 or by the Secretary of State under regulation 4(6);

“Directive 2004/38” means Directive 2004/38 of the European Parliament and of the Council of 29th April 2004 <sup>M1</sup> on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

“distance learning course” means a course on which a student undertaking the course is not required to be in attendance by the institution providing the course, where “required to be in attendance” is not satisfied by a requirement imposed by the institution to attend any institution—

- (a) for the purposes of registration or enrolment or any examination;
- (b) on a weekend or during any vacation; or
- (c) on an occasional basis during the week;

“electronic signature” is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both;

“eligible prisoner” means a prisoner—

- (a) who begins a designated course on or after 1st August 2017;
- (b) who is serving a sentence of imprisonment in the United Kingdom;
- (c) has been authorised by the prison Governor or Director or other appropriate authority to study the designated course; and
- (d) whose earliest release date is within 4 years of the first day of the first academic year of the designated course.

“eligible student” has the meaning given in regulation 3;

[<sup>F5</sup>“English higher education provider” has the meaning given by section 83(1) of the 2017 Act;]

“equivalent or higher qualification” means a qualification determined in accordance with paragraph (2) to be an equivalent or higher qualification;

“EU national” means a national of a Member State of the EU;

“fees” has the meaning given in [<sup>F6</sup>section 85(2) of the 2017 Act];

“full-time equivalent” means a full-time course leading to a postgraduate master's degree in the same subject as the part-time course in question;

<sup>F7</sup> ...

“healthcare bursary” means a bursary or award of similar description under section 63 of the Health Services and Public Health Act 1968 <sup>M2</sup> or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972 <sup>M3</sup>;

[<sup>F8</sup>“immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971;]

“information” includes documents;

[<sup>F9</sup> “institution” in relation to England includes an English higher education provider;]

“Islands” means the Channel Islands and the Isle of Man;

[<sup>F10</sup>“Northern Irish designated master’s degree course” has the meaning given in paragraph (1A);]

[<sup>F11</sup>“OfS” means the Office for Students, as established by section 1(1) of the 2017 Act;]

“period of eligibility” has the meaning given in regulation 5 in relation to an eligible student;

“periods of work experience” means—

- (a) periods of industrial, professional or commercial experience associated with the designated course at an institution, but at a place outside that institution;
- (b) periods during which a student is employed and residing in a country whose language is one that the student is studying for that student's designated course (provided that the period of residence in that country is a requirement of that student's course and the study of one or more modern languages accounts for not less than one half of the total time spent studying on the course);

[<sup>F12</sup>“person granted Calais leave” means a person who—

- (a) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules <sup>F13</sup>...; and
- (b) has been ordinarily resident in the United Kingdom and Islands since the person was [<sup>F14</sup>granted such leave to remain];]

“person granted humanitarian protection” means a person—

- (a) who, on the grounds of humanitarian protection, has been granted leave to remain under the immigration rules <sup>F15</sup>...;
- (b) whose leave to remain is extant, or in respect of whose leave to remain an appeal is pending (within section 104 of the Nationality, Immigration and Asylum Act 2002 <sup>M4</sup>; and
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave to remain;

[<sup>F16</sup>“person granted indefinite leave to remain as a bereaved partner” means a person—

- (a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules <sup>F17</sup>...—
  - (i) paragraph 288, as a person in relation to whom the requirements in paragraph 287(b) of those rules are met (bereaved partners);
  - (ii) paragraph 295N, as a person in relation to whom the requirements in paragraph 295M of those rules are met (bereaved partners);
  - (iii) paragraph D-BPILR.1.1 of Appendix FM (bereaved partners); or
  - (iv) paragraph 36 of Appendix Armed Forces (bereaved partner of a member of HM Forces); and
- (b) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;]

[<sup>F18</sup>“person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” means a person—

- (a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules <sup>F19</sup>...—
  - (i) paragraph 289B (victims of domestic violence);
  - (ii) paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse); or
  - (iii) paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces); and

- (b) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;]

[<sup>F20c</sup>“person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;]

[<sup>F21c</sup>“person granted leave under one of the Ukraine Schemes” means a person granted leave under the Homes for Ukraine Sponsorship Scheme, a person granted leave under the Ukraine Extension Scheme or a person granted leave under the Ukraine Family Scheme;]

[<sup>F20c</sup>“person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

- (a) who has—
- (i) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules <sup>F22</sup> ..., on the basis of the Afghan Citizens Resettlement Scheme; [<sup>F23</sup>and]
- (ii) <sup>F24</sup> ...
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;]

[<sup>F25c</sup>“person granted leave under the Afghan Relocations and Assistance [<sup>F26</sup>Policy] Scheme” means a person—

- (a) who has —
- (i) indefinite leave to enter the United Kingdom under paragraph 276BA2 of or has indefinite leave to remain under paragraph 276BS2 of the [<sup>F27</sup>immigration rules], having been relocated to the United Kingdom pursuant to paragraph [<sup>F28</sup>276BB1(iii)(a)] of the [<sup>F29</sup>immigration rules];
- (ia) [<sup>F30</sup>indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of those rules;]
- (ii) leave to enter the United Kingdom in the basis of the Afghan Relocations and Assistance [<sup>F26</sup>Policy] Scheme; [<sup>F31</sup>or]
- (iii) indefinite leave to enter or remain in the United Kingdom, outside those rules, on the basis of the Afghan Relocations and Assistance [<sup>F26</sup>Policy] Scheme; [<sup>F32</sup>and]
- (iv) <sup>F33</sup> ...
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;]

[<sup>F34c</sup>“person granted leave under the Homes for Ukraine Sponsorship Scheme” means a person—

- (a) who has leave to enter or remain in the United Kingdom—
- (i) under paragraph UKR 19.1 of Appendix Ukraine Scheme of the [<sup>F35</sup>immigration rules]; or
- (ii) outside the [<sup>F36</sup>immigration rules] where the person—
- (aa) was residing in Ukraine immediately before 1st January 2022; and
- (bb) left Ukraine in connection with the Russian invasion which took place on 24th February 2022; and

- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;]

[<sup>F34c</sup>person granted leave under the Ukraine Extension Scheme” means a person—

- (a) who has leave to remain in the United Kingdom under paragraph UKR 27.1 of Appendix Ukraine Scheme of the [<sup>F37</sup>immigration rules]; and
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;]

[<sup>F34c</sup>person granted leave under the Ukraine Family Scheme” means a person—

- (a) who has leave to enter or remain in the United Kingdom—
  - (i) under paragraph UKR 9.1 of Appendix Ukraine Scheme of the [<sup>F38</sup>immigration rules]; or
  - (ii) outside the [<sup>F39</sup>immigration rules] where the person—
    - (aa) was residing in Ukraine immediately before 1st January 2022; and
    - (bb) left Ukraine in connection with the Russian invasion which took place on 24th February 2022; and
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;]

[<sup>F40c</sup>person granted section 67 leave” means a person who—

- (a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules, having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016, or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules; and
- (b) has been ordinarily resident in the United Kingdom and Islands [<sup>F41</sup>since the person was granted such leave];]

[<sup>F42c</sup>person granted stateless leave” means a person who—

- (a) has extant leave to remain as a stateless person under the immigration rules <sup>F43</sup>...; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave.]

[<sup>F44c</sup>person with protected rights” means—

- (1)
  - (a) <sup>F45</sup>a person within the personal scope of the citizens’ rights provisions who—
    - (i) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;
    - (ii) is an Irish citizen who, pursuant to section 3ZA of the Immigration Act 1971, does not require leave to enter or remain in the United Kingdom;
    - (iii) <sup>F46</sup>...
    - (iv) is an applicant for the purposes of regulation 4 of the 2020 Citizens’ Rights Regulations where the relevant period has not expired; or
    - (v) [<sup>F47</sup>otherwise has rights deemed to apply by virtue of any citizens’ rights deeming provisions; or]

- (b) a family member of a relevant person of Northern Ireland for the purposes of residence scheme immigration rules, where that family member has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;]
- (2) [<sup>F48</sup>In paragraph (1)(a)(v) “citizens’ rights deeming provisions” means—
- (a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
- (b) Article 17(2) and (3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement.]

“postgraduate master's degree loan” [<sup>F49</sup>means a loan made by the Secretary of State pursuant to these Regulations, and includes the interest accrued on the loan, and any penalties or charges incurred in connection with it, except for any interest, penalties or charges payable under Part 3 or 4 of the Education (Student Loans) (Repayment) Regulations 2009;]

“prisoner” includes a person detained in a young offender institution;

“private institution” means an institution which is not publicly funded;

“public funds” means moneys provided by Parliament or by a government authority outside the United Kingdom;

“publicly funded”, unless otherwise indicated, means maintained or assisted by recurrent grants out of public funds and related expressions are to be interpreted accordingly;

“refugee” means a person who is recognised by Her Majesty's government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951 <sup>M5</sup> as extended by the Protocol thereto which entered into force on 4th October 1967 <sup>M6</sup>;

[<sup>F50</sup>“register” means the register established and maintained by the OfS under section 3 of the 2017 Act;]

[<sup>F51</sup>“registered provider” in relation to an institution means an English higher education provider which is registered in the register and “unregistered provider” is to be construed accordingly;]

[<sup>F52</sup>“relevant period” has the meaning given by regulation 4 of the 2020 Citizens’ Rights Regulations;]

[<sup>F52</sup>“relevant person of Northern Ireland” has the meaning given by residence scheme immigration rules;]

[<sup>F52</sup>“residence scheme immigration rules” has the meaning given by section 17(1) of the European Union (Withdrawal Agreement) Act 2020;]

<sup>F53</sup>  
...

[<sup>F54</sup>“Scottish designated master’s degree course” has the meaning given in paragraph (1A);]

“student loans legislation” means the student support regulations, the Education (Student Loans) Act 1990 <sup>M7</sup>, the Education (Student Loans) (Northern Ireland) Order 1990 <sup>M8</sup>, the Education (Scotland) Act 1980 <sup>M9</sup> and regulations made under those Acts or that Order, the Education (Student Support) (Northern Ireland) Order 1998 <sup>M10</sup> and regulations made under that Order or the 1998 Act and regulations made under that Act;

“student support regulations” means the Education (Student Support) Regulations 2011<sup>M11</sup>;

[<sup>F55</sup>“Swiss citizens’ rights agreement” has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;]

“Turkish worker” means a Turkish national who—

- (a) is ordinarily resident in the United Kingdom and Islands; and
- (b) is, or has been, lawfully employed in the United Kingdom;

[<sup>F56</sup>“Welsh designated master’s degree course” has the meaning given in paragraph (1A).]

[<sup>F57</sup>(1A) In these Regulations—

“Northern Irish designated master’s degree course” means a postgraduate master’s degree course substantially provided in Northern Ireland and designated under regulation 152(8) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 149 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998;

“Scottish designated master’s degree course” means a postgraduate master’s degree course substantially provided in Scotland—

- (a) determined as designated under regulation 4(9) of the Education (Student Loans) (Scotland) Regulations 2007 for the purposes of regulation 3(2) of those Regulations;
- (b) designated under regulation 152(8) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 149 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998; and
- (c) either—
  - (i) designated under regulation 4(6) of the Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017 for the purposes of regulation 3 of those Regulations and section 22 of the 1998 Act; or
  - (ii) specified to be treated as a designated course under regulation 8(1) of the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019, for the purposes of those Regulations;

“Welsh designated master’s degree course” means a postgraduate master’s degree course substantially provided in Wales—

- (a) designated under regulation 4(6) of the Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017 for the purposes of regulation 3 of those Regulations and section 22 of the 1998 Act; or
- (b) specified to be treated as a designated course under regulation 8(1) of the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019, for the purposes of those Regulations.

(1B) For the purposes of paragraph (1A)—

- (a) a course is substantially provided in Northern Ireland if at least half of the teaching and supervision which comprise the course is provided in Northern Ireland;
- (b) a course is substantially provided in Scotland if at least half of the teaching and supervision which comprise the course is provided in Scotland;
- (c) a course is substantially provided in Wales if at least half of the teaching and supervision which comprise the course is provided in Wales.]

(2) The Secretary of State may determine that a qualification is an equivalent or higher qualification if—

- (a) an eligible student holds a higher education qualification from any institution whether or not in the United Kingdom; and
- (b) the qualification referred to in sub-paragraph (a) is a postgraduate master's degree from an institution in the United Kingdom or is of an academic level which, in the opinion of the Secretary of State, is equivalent to or higher than a qualification to which the designated course leads.

[<sup>F58</sup>(3) For the purposes of these Regulations, a person is within the personal scope of the citizens' rights provisions if that person falls within—

- (a) Article 10 (personal scope) of the EU withdrawal agreement;
- (b) Article 9 (personal scope) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (c) Article 10 (personal scope) of the Swiss citizens' rights agreement.]

- |            |   |
|------------|---|
| <b>F1</b>  | Words in reg. 2(1) 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), <b>41(a)</b>                 |
| <b>F2</b>  | Words in reg. 2(1) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), <b>53(a)(i)</b>  |
| <b>F3</b>  | Words in reg. 2(1) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), <b>41(b)</b>        |
| <b>F4</b>  | Words in reg. 2(1) inserted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, <b>84</b>   |
| <b>F5</b>  | Words in reg. 2(1) 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), <b>41(c)</b>                 |
| <b>F6</b>  | Words in reg. 2(1) 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), <b>41(d)</b>              |
| <b>F7</b>  | Words in reg. 2(1) 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), <b>44(1)(a)</b> |
| <b>F8</b>  | Words in reg. 2(1) inserted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, <b>86(a)</b>  |
| <b>F9</b>  | Words in reg. 2(1) 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), <b>41(e)</b>                 |
| <b>F10</b> | Words in reg. 2(1) 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), <b>4(2)(a)(i)(aa)</b> |
| <b>F11</b> | Words in reg. 2(1) 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), <b>41(f)</b>                 |
| <b>F12</b> | Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(b) 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), <b>3(5)(a)</b>        |
| <b>F13</b> | Words in reg. 2(1) omitted (16.2.2023) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, <b>86(b)</b>   |
| <b>F14</b> | Words in reg. 2(1) substituted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), <b>47(a)</b>   |



- F15** Words in reg. 2(1) omitted (16.2.2023) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **86(c)**
- F16** Words in reg. 2(1) inserted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **15(2)**
- F17** Words in reg. 2(1) omitted (16.2.2023) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **86(d)**
- F18** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(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), **2(5)(a)**
- F19** Words in reg. 2(1) omitted (16.2.2023) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **86(e)**
- F20** Words in reg. 2(1) inserted (15.2.2022) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2022 (S.I. 2022/57), regs. 1(1), **23(1)(a)** (with reg. 1(3))
- F21** Words in reg. 2(1) inserted (with application in accordance with reg. 1(4)(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), **16(1)(a)**
- F22** Words in reg. 2(1) omitted (16.2.2023) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **86(f)**
- F23** Word in reg. 2(1) substituted (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. 93(a)(i)**
- F24** Words in reg. 2(1) omitted (with application in accordance with reg. 2(6)(7)(9) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 93(a)(ii)**
- F25** Words in reg. 2(1) 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(1)**
- F26** Word in reg. 2(1) inserted (15.2.2022) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2022 (S.I. 2022/57), regs. 1(1), **23(1)(b)(i)** (with reg. 1(3))
- F27** Words in reg. 2(1) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **86(g)(i)**
- F28** Word in reg. 2(1) substituted (15.2.2022) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2022 (S.I. 2022/57), regs. 1(1), **23(1)(b)(ii)** (with reg. 1(3))
- F29** Words in reg. 2(1) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **86(g)(ii)**
- F30** Words in reg. 2(1) inserted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **89(a)**
- F31** Word in reg. 2(1) 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. 93(b)(i)**
- F32** Word in reg. 2(1) substituted (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. 93(b)(ii)**
- F33** Words in reg. 2(1) omitted (with application in accordance with reg. 2(6)(7)(9) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 93(b)(iii)**
- F34** Words in reg. 2(1) inserted (with application in accordance with reg. 1(4)(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), **16(1)(b)**
- F35** Words in reg. 2(1) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **86(h)(i)**

- F36** Words in reg. 2(1) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **86(h)(ii)**
- F37** Words in reg. 2(1) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **86(i)**
- F38** Words in reg. 2(1) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **86(j)(i)**
- F39** Words in reg. 2(1) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **86(j)(ii)**
- F40** Words in reg. 2(1) 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), **41(g)**
- F41** Words in reg. 2(1) substituted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **47(b)**
- F42** Words in reg. 2(1) inserted (with application in accordance with reg. 1(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **14(1)**
- F43** Words in reg. 2(1) omitted (16.2.2023) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **86(k)**
- F44** Words in reg. 2(1) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **53(a)(iii)**
- F45** Words in reg. 2(1) renumbered (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **23(a)**
- F46** Words in reg. 2(1) 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(1)(b)**
- F47** Words in reg. 2(1) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **23(b)**
- F48** Words in reg. 2(1) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **23(c)**
- F49** Words in reg. 2(1) 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), **59**
- F50** Words in reg. 2(1) 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), **41(h)**
- F51** Words in reg. 2(1) 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), **41(i)**
- F52** Words in reg. 2(1) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **53(a)(iv)**
- F53** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **25**
- F54** Words in reg. 2(1) 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)(a)(i)(bb)**
- F55** Words in reg. 2(1) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **53(a)(v)**
- F56** Words in reg. 2(1) 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)(a)(i)(cc)**
- F57** Reg. 2(1A)(1B) 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)(a)(ii)**

**F58** Reg. 2(3) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **53(b)**

#### Marginal Citations

- M1** OJ L158, 30.4.2004, p77-123.
- M2** 1968 c.46, as amended by 1973 (c.32), 1977 (c.49), 1978 (c.29), 1985 (c.51), 1988 (c.49), 1994 (c.39), 1995 (c.17), 1997 (c.46), 1999 (c.8), 2001 (c.15), 2002 (c.17), 2003 (c.43), 2004 (c.31), 2006 (c.43), S.I. 1996/1008, S.I. 2002/2202, S.I. 2002/2469, S.I. 2004/288, S.I. 2004/957, S.I.2006/1056 and S.I. 2007/961.
- M3** S.I. 1972/1265 (N.I. 14), to which there have been amendments not relevant to these Regulations.
- M4** 2001 c.41; section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19), section 26 and Schedule 2 and the Immigration, Asylum and Nationality Act 2006 (c.13), section 9).
- M5** Cmnd. 9171.
- M6** Cmnd. 3906 (out of print).
- M7** 1990 c.6; Repealed by the Teaching and Higher Education Act 1998 (c.30), Schedule 4.
- M8** S.I. 1990/1506 (N.I. 11); amended by S.I. 1996/274 (N.I. 1), Article 43 and Schedule 5 Part II, S.I. 1996/1918 (N.I. 15), Article 3 and the Schedule and S.I. 1998/258 (N.I. 1), Articles 3 to 6 and revoked, with savings, by SR (NI) 1998 No 306.
- M9** 1980 c44.
- M10** S.I. 1998/1760 (N.I. 14), to which there have been amendments not relevant to these Regulations.
- M11** S.I. 2011/1986; amended by S.I. 2012/1653, S.I. 2013/235, S.I.2013/630, S.I.2013/1728, S.I.2013/3106, S.I.2014/1766, S.I.2014/2013, S.I. 2014/2765, S.I.2015/1951, S.I. 2016/27, S.I. 2016/584.

## 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>[F59]</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>[F60]</sup>5A, <sup>[F61]</sup>5B, 5C, 6A, 7A, 8A, 9A, 9B, <sup>[F62]</sup>9BA, <sup>[F63]</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>F64</sup>, 9B, 9BA and 9D].]

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

- [<sup>F65</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>F66</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>F67</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>F68</sup>...
- [<sup>F69</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>F70</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>F71</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>F72</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>F73</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>F74</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>F75</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>F76</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>F77</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>F78</sup>(9) Where—

- (a) the Secretary of State has determined that, by virtue of—

- (i) falling within [<sup>F79</sup>paragraph (a)<sup>F80</sup> ... (iv) or (v)] of the definition of “person with protected rights”; or  
(ii) meeting the conditions in paragraph 3(1)(a)<sup>F81</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>F82</sup>the relevant day], A is not a person with protected rights,

A’s status as an eligible student terminates immediately before [<sup>F83</sup>the relevant day].]

[<sup>F84</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.]

**F59** 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)**

- F60** 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)**
- F61** 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)**
- F62** 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)**
- F63** 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)**
- F64** 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)**
- F65** 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)**
- F66** 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)**
- F67** 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**
- F68** 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)**
- F69** 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)**
- F70** 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**
- F71** 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)**
- F72** 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)**
- F73** 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**
- F74** 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))
- F75** 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)**
- F76** 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)**
- F77** 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)**
- F78** 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)**
- F79** 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**



- F80** 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), reg. 1(1), **44(2)(a)**
- F81** 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), reg. 1(1), **44(2)(b)**
- F82** 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)**
- F83** 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)**
- F84** 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>F85</sup>full] postgraduate master's degree course which falls within paragraph (2);
- [<sup>F86</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>F87</sup>(za), (zb),] (a) or (b) of the Education Reform Act 1988 <sup>M12</sup>; and
  - (ii) the teaching and supervision which comprise the course has been approved by that body.

[<sup>F88</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>F89</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>M13</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>F90</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>F91</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>F92</sup>(4A) A course is not a designated course if its designation has been revoked or is suspended under paragraph (7).]
- [<sup>F93</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>M14</sup> and regulation 3(1), the Secretary of State may designate courses of higher education which are not designated under paragraph (1) [<sup>F94</sup>or (1A)].
- (7) The Secretary of State may revoke or suspend the designation of a course which is designated under [<sup>F95</sup>this regulation].

**F85** 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)**

**F86** 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)**

- F87** 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)**
- F88** 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)**
- F89** 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)**
- F90** 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)**
- F91** 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)**
- F92** 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)**
- F93** 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**
- F94** 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)**
- F95** 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

- M12** 1988 c.40; s214(2)(a) was amended by 1992 (c.13).
- M13** 1992 c.13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c.30), **section 27**.
- M14** 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>F96</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.

**F96** 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>F97</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>F98</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>F99</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.]

- F97** 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**
- F98** 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)**
- F99** 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>F100</sup>8. ....

- F100** 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**

## CHAPTER 3

### Applications for a postgraduate master's degree loan

**9.—(1)** Where a person (the “applicant”) applies for a postgraduate master's degree loan in connection with a designated course, the applicant must complete and submit to the Secretary of State an application in such form and accompanied by such documentation as the Secretary of State may require.

(2) The Secretary of State may take such steps and make such inquiries as the Secretary of State considers necessary to determine whether the applicant is an eligible student.

(3) The Secretary of State must notify the applicant of whether the applicant qualifies for a postgraduate master's degree loan.

### Time limits

**[<sup>F101</sup>10.—(1)** An application for a postgraduate master's degree loan, or an application to amend the amount of loan applied for, must reach the Secretary of State no later than the end of the ninth month of the final academic year of the course.

(2) Paragraph (1) does not apply where the Secretary of State considers that having regard to the circumstances of the particular case the time limit is to be relaxed, in which case the application must reach the Secretary of State no later than such date as the Secretary of State specifies.]

**F101** Reg. 10 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), **62**

### Requirement to enter into a contract for a postgraduate master's degree loan

**11.—(1)** To receive a postgraduate master's degree loan a student must enter into a contract with the Secretary of State.

(2) Where the Secretary of State requires a contract to be signed by a student, an electronic signature in such form as the Secretary of State may specify satisfies such a requirement.

## CHAPTER 4

### Amount of the postgraduate master's degree loan

**12.—(1)** Subject to paragraph (2), a person may apply for a postgraduate master's degree loan of up to [<sup>F102</sup>£12,167] towards the costs of undertaking a designated course.

(2) An applicant whom the Secretary of State would consider to be an eligible prisoner may apply for a postgraduate master's degree loan to cover the whole or part of the fees of the designated course (but not towards other costs), but such postgraduate master's degree loan cannot be of more than [<sup>F103</sup>£12,167].

(3) An eligible student may apply to the Secretary of State to amend the amount of postgraduate master's degree loan for which the student has applied, provided that—

- (a) the maximum postgraduate master's degree loan amount set out in paragraphs (1) and (2) is not exceeded;
- (b) such application is made in accordance with [<sup>F104</sup>regulation 10(1)].

(4) If the Secretary of State under regulation 9(2) has determined that the applicant is an eligible student, the Secretary of State must pay the amount the [<sup>F105</sup>student] has applied for in accordance with regulation 13, provided that the amount applied for is in accordance with paragraphs (1) and (2) [<sup>F106</sup>and the student's status as an eligible student has not terminated (see regulation 3)].

**F102** Sum in Reg. 12(1) substituted (with application in accordance with reg. 2(8)(b)(9) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), reg. 96

**F103** Sum in Reg. 12(2) substituted (with application in accordance with reg. 2(8)(b)(9) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), reg. 96

**F104** Words in reg. 12(3)(b) 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), 63

**F105** Word in reg. 12(4) 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. 135(a)

**F106** Words in reg. 12(4) 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. 135(b)

### Payment of postgraduate master's degree loans

**13.**—(1) The Secretary of State may pay the postgraduate master's degree loan for which a student qualifies under this Part—

(a) either as a lump sum or by instalments; and

(b) at such times, and in such manner, as the Secretary of State considers appropriate.

(2) The Secretary of State may make it a condition of entitlement to payment that the eligible student must provide the Secretary of State with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(3) In the case of an eligible prisoner, the Secretary of State must pay the postgraduate master's degree loan for which an eligible prisoner qualifies to the institution to which the eligible prisoner is liable to make payment for the fees or to such third party that the Secretary of State considers appropriate for the purpose of ensuring the payment of the fees to the relevant institution.

[<sup>F107</sup>(4) The Secretary of State must not, in any academic year, pay the whole or part of the postgraduate master's degree loan in respect of a particular student until the Secretary of State has received from the academic authority confirmation (in such form as may be required by the Secretary of State) in respect of that academic year that the student is in attendance or is undertaking the designated course.]

[<sup>F108</sup>(5) The academic authority must forthwith inform the Secretary of State and provide the Secretary of State with particulars if—

[<sup>F109</sup>(a) the student withdraws from or abandons their course;

(aa) the student is expelled from their course;

(ab) the student is absent from their course for more than 60 days due to illness;

(ac) the student is suspended from their course (whether at the student's request or not); or]

(b) the student is required to repeat a module or a similar unit of work.]

**F107** Reg. 13(4) 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), **64**

**F108** Reg. 13(5) 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), **15(2)**

**F109** Reg. 13(5)(a)-(ac) substituted for reg. 13(5)(a) (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **9(2)**

### Provision of United Kingdom national insurance number

**14.**—(1) The Secretary of State may make it a condition of entitlement to payment of the whole or part of the postgraduate master's degree loan that the eligible student must provide the Secretary of State with the student's United Kingdom national insurance number.

(2) Where the Secretary of State has imposed a condition under paragraph (1), the Secretary of State must not make payment of the whole or part of the postgraduate master's degree loan to the eligible student before the Secretary of State is satisfied that the student has complied with that condition.

(3) Despite paragraph (2), the Secretary of State may make payment of the whole or part of the postgraduate master's degree loan to an eligible student if the Secretary of State is satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible or qualifying student having complied with the condition imposed under paragraph (1).

### Absence from<sup>F110</sup>, or repetition of parts of,] course

**15.**—<sup>F111</sup>(1) Subject to paragraphs (2) to (6), if the Secretary of State receives a notice under regulation 13(5)(a) or (b) or paragraph (2)(a) to (c) of Schedule 2 of an eligible student's—

- (a) lack of attendance on the designated course; or
- (b) need to repeat a module or similar unit of work,

the Secretary of State may not make any further payment of the postgraduate master's degree loan.]

(2) Further payments may be made despite the <sup>F112</sup>Secretary of State receiving a notice referred to in paragraph (1)] if, in the opinion of the Secretary of State, those payments would be appropriate in all the circumstances <sup>F113</sup>....

(3) If the eligible student recommences the course the student must inform the Secretary of State and give full details of the length and cause of the preceding absence.

(4) After considering the student's notification [<sup>F114</sup>under paragraph (3)], the Secretary of State must recommence further payments of the postgraduate master's loan under regulation 13 if, in the opinion of the Secretary of State, it would be appropriate in all the circumstances for such payment to be made.

<sup>F115</sup>(5) The academic authority must inform the Secretary of State if the eligible student—

- (a) completes the module or unit of work; or
- (b) is no longer required to complete the module or unit of work.

(6) After considering the information given under paragraph (5), the Secretary of State must recommence further payments of the postgraduate master's degree loan under regulation 13.]

**F110** Words in reg. 15 heading 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), **15(3)(a)**



- F111** Reg. 15(1) 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), **15(3)(b)**
- F112** Words in reg. 15(2) 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), **15(4)(a)**
- F113** Words in reg. 15(2) omitted (13.2.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **15(4)(b)**
- F114** Words in reg. 15(4) substituted (12.6.2017) by The Education (Postgraduate Masters Degree Loans) (Amendment) Regulations 2017 (S.I. 2017/594), regs. 1(1), **2(6)**
- F115** Reg. 15(5)(6) 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), **15(5)**

### Effect of becoming, or ceasing to be, an eligible prisoner

**16.**—(1) Paragraph (2) applies where an eligible student who is in receipt of a postgraduate master's degree loan becomes an eligible prisoner and continues to undertake a designated course.

(2) The Secretary of State must—

- (a) adjust future payment of the postgraduate master's degree loan or future payments of instalments of the postgraduate master's degree loan, so that the total of the postgraduate master's degree loan awarded complies with the maximum postgraduate master's degree loan amount the student, as an eligible prisoner, is entitled to under regulation 12(2); and
- (b) pay any remaining sum of the postgraduate master's degree loan, or any future instalments of the postgraduate master's degree loan, in accordance with regulation 13(3).

(3) Paragraphs (4) to (6) apply where an eligible prisoner who is in receipt of a postgraduate master's degree loan ceases to be an eligible prisoner and remains an eligible student, and continues to undertake a designated course.

(4) The Secretary of State must pay the remaining sum or the postgraduate master's degree loan, or future instalments of the postgraduate master's degree loan, in accordance with regulation 13(1).

(5) Where an eligible student (“A”) ceases to be an eligible prisoner and would have qualified for a higher amount of postgraduate master's degree loan had A not been an eligible prisoner when A's loan application was originally determined in accordance with these Regulations, A may apply for the amount of loan to be increased.

(6) The maximum amount of the increase in A's postgraduate master's degree loan for which A may apply under paragraph (5) is the amount which is calculated by reference to the following formula—

$$\frac{(F - R)}{M} \times T$$

where—

F equals the amount which A would have qualified for if A had not been an eligible prisoner;

R equals the amount which A qualifies for as an eligible prisoner;

T is the number of days of the course which remain when A ceases to be an eligible prisoner beginning with the day after the day on which A ceases to be an eligible prisoner; and

M is the total number of days of the duration of the course.

### Overpayments of a postgraduate master's degree loan

**17.**—(1) Any overpayment of a postgraduate master's degree loan is recoverable by the Secretary of State from—

- (a) the institution or third party which received the monies of the postgraduate master's degree loan where payment was made to such an institution or third party; or
- (b) the student who received the postgraduate master's degree loan.

(2) A student must, if so required by the Secretary of State, repay any amount of the postgraduate master's degree loan paid in respect of a student which for whatever reason exceeds the amount of loan to which the student is entitled.

[<sup>F116</sup>(2A) An institution or third party must, if so required by the Secretary of State, repay any amount of a postgraduate master's degree loan paid to the institution or third party in respect of a student which for whatever reason exceeds the amount of loan to which the student is entitled.]

(3) An overpayment of a postgraduate master's degree loan may be recovered from a student under paragraph (1)(b) in whichever one or more of the following ways the Secretary of State considers appropriate in all the circumstances—

- (a) by subtracting the overpayment from any amount of the postgraduate master's degree loan which remains to be paid;
- (b) by subtracting the overpayment from any kind of grant or loan payable to the student from time to time pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act;
- (c) by requiring the student to repay the postgraduate master's degree loan in accordance [<sup>F117</sup>with regulations made under section 22 of the 1998 Act]; or
- (d) by taking such other action for the recovery of an overpayment as is available to the Secretary of State.

**F116** Reg. 17(2A) inserted (15.2.2022) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2022 \(S.I. 2022/57\)](#), regs. 1(1), **24**

**F117** Words in reg. 17(3)(c) 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), **65**

## CHAPTER 5

### Information requirements

**18.**—(1) Schedule 2 makes further provision about the supply of information by applicants and eligible students.

(2) The Secretary of State may at any time request from an applicant or eligible student information that the Secretary of State considers is required to recover a postgraduate master's degree loan.

(3) The Secretary of State may at any time require an applicant or eligible student to enter into an agreement to repay a postgraduate master's degree loan by a particular method.

(4) The Secretary of State may at any time request from an applicant or eligible student sight of their valid national identity card, valid passport issued by the state of which they are a national or their birth certificate.

(5) Where the Secretary of State has requested information under this regulation, the Secretary of State may withhold any payment of a postgraduate master's degree loan until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

(6) Where the Secretary of State has required an agreement as to the method of repayment under this regulation, the Secretary of State may withhold any payment of a postgraduate master's degree loan until the person provides what has been required.

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Postgraduate Master's Degree Loans) Regulations 2016, PART 1.