
STATUTORY INSTRUMENTS

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.

^[F1](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, ^[F2]5A, ^[F3]5B, 5C, 6A, 7A, 8A, 9A, 9B, ^[F4]9BA, ^[F5]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 ^[F6], 9B, 9BA and 9D.]

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

^[F7](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;
- [^{F8}(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;]
- [^{F9}(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; ^{F10}...
- [^{F11}(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]
- [^{F12}(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).]
- [^{F13}(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 [^{F14}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.

[^{F15}(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,
- ^{F16}(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.

[^{F17}(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.

[^{F18}(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.

[^{F19}(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.]

[^{F20}(9) Where—

- (a) the Secretary of State has determined that, by virtue of—
 - (i) falling within [^{F21}paragraph (a)^{F22}... (iv) or (v)] of the definition of “person with protected rights”; or
 - (ii) meeting the conditions in paragraph 3(1)(a)^{F23}... (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 [^{F24}the relevant day], A is not a person with protected rights,

A’s status as an eligible student terminates immediately before [^{F25}the relevant day].]

[^{F26}(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)**

Changes to legislation:

There are currently no known outstanding effects for the The Education (Postgraduate Master's Degree Loans) Regulations 2016, Section 3.