

2018 No. 472

EDUCATION, ENGLAND

**The Education (Student Support) (Amendment) (No. 3)
Regulations 2018**

<i>Made</i>	- - - -	<i>5th April 2018</i>
<i>Laid before Parliament</i>		<i>13th April 2018</i>
<i>Coming into force</i>	- -	<i>7th May 2018</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 22 and 42(6) of the Teaching and Higher Education Act 1998(a).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Support) (Amendment) (No. 3) Regulations 2018.

(2) These Regulations—

- (a) come into force on 7th May 2018; and
- (b) apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st August 2018, whether anything done under these Regulations is done before, on or after that date.

(3) In paragraph (2)(b), “academic year” has the meaning given in regulation 2(1) of the Education (Student Support) Regulations 2011(b).

Amendment of the Education (Student Support) Regulations 2011

2. The Education (Student Support) Regulations 2011 are amended in accordance with regulations 3 to 26.

3. In regulation 2(1) (interpretation)—

- (a) in the definition of “eligible prisoner”, in paragraph (e), for “151” substitute “139A”;
- (b) in the definition of “Erasmus year”(c), after “5(1)(d)”, insert “or 139(1)(d)”;

(a) 1998 c. 30. Section 22 was amended by: section 146(2) of, and Schedule 11 to, the Learning and Skills Act 2000 (c. 21); paragraph 236 of Part 2 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1); section 147(3) of the Finance Act 2003 (c. 14); sections 42(1) and 43(2) and (3) of, and Schedule 7 to, the Higher Education Act 2004 (c. 8); section 257(2) of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22); section 76(1) and (2)(a) of the Education Act 2011 (c. 21); and S.I. 2013/1881. Section 22 is also amended by section 86(2) to (7) of the Higher Education and Research Act 2017 (c. 29) but those amendments are not yet in force. Section 43(1) of the Teaching and Higher Education Act 1998 defines “prescribed” and “regulations”.

(b) S.I. 2011/1986, amended by S.I. 2012/1653, 2013/235, 2013/630, 2013/1728, 2013/3106, 2014/1766, 2014/2103, 2014/2765, 2015/1951, 2016/211, 2016/270, 2016/584, 2017/52, 2017/114, 2017/204, 2018/136, 2018/137, 2018/434 and 2018/443.

(c) The definition of “Erasmus year” was substituted by S.I. 2013/1728 and subsequently amended by S.I. 2017/114.

- (c) in the definition of “household income”, at the end, insert “, and, for the purposes of Part 11B, has the meaning given in Schedule 6”.
- 4.** In regulation 6(4)(a) (period of eligibility), for “132 or 152” substitute “132, 139B or 139C”.
- 5.** In regulation 71 (general), after paragraph (1), insert—
“(2) This Chapter is subject to regulations 139B(4) to (6) and 139C(3) to (5).”.
- 6.** In regulation 85(2)(c) (students becoming eligible in the course of an academic year), for “three” substitute “five”.
- 7.** In regulation 110 (general)—
(a) in paragraph (1)—
(i) in sub-paragraphs (a) and (b), after “loans”, insert “in connection with designated courses”;
(ii) in sub-paragraph (d), after “costs”, insert “in connection with designated courses”;
(b) in paragraph (2)—
(i) omit “all”;
(ii) at the end, insert “other than loans for living costs in connection with designated part-time courses”.
- 8.** For the Part heading to Part 11 (support for part-time students) substitute—
“Eligibility in connection with designated part-time courses and transfers of status etc.”.
- 9.** In regulation 136 (interpretation of Part 11)—
(a) in paragraph (1)—
(i) in the words before sub-paragraph (a), omit “(except for purposes of regulation 139(1)(e))”;
(ii) in sub-paragraph (a), for “151” substitute “139A”;
(b) after paragraph (1), insert—
“(1A) Paragraph (1) does not apply—
(a) for the purposes of regulation 139(1)(e); or
(b) in relation to the application of this Part to loans for living costs in connection with designated part-time courses.”;
(c) omit paragraph (3).
- 10.** In regulation 137(a) (eligible part-time students)—
(a) in paragraph (1), at the end, insert “and Parts 11A and 11B”;
(b) in paragraph (3), omit sub-paragraph (e);
(c) omit paragraph (4).
- 11.** In regulation 138(b) (students becoming eligible during the course of the academic year)—
(a) in the heading, after “eligible”, insert “for support under Part 11A”;
(b) in paragraphs (1), (2)(a) and (3), for “this Part” substitute “Part 11A”;
(c) in paragraph (4)(e), for “three” substitute “five”.
- 12.** After regulation 138, insert—

(a) Regulation 137 was amended by S.I. 2015/1951, 2017/114, 2018/136, 2018/137, 2018/434 and 2018/443.
(b) Regulation 138 was amended by S.I. 2018/137.

“Students becoming eligible for support under Part 11B in the course of an academic year

138A.—(1) Where one of the events listed in paragraph (2) occurs in the course of an academic year, a student may qualify for a loan for living costs in respect of such quarters in respect of which a loan for living costs is payable as begin after the relevant event occurs.

(2) The events are—

- (a) the student’s course becomes a designated part-time course;
- (b) 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;
- (c) the state of which the student is a national accedes to the EU where the student has been ordinarily resident in the United Kingdom and Islands throughout the five-year period immediately preceding the first day of the first academic year of the course;
- (d) the student acquires the right of permanent residence;
- (e) the student becomes the child of a Turkish worker;
- (f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- (g) the student becomes the child of a Swiss national.

(3) An eligible part-time student to whom paragraph (1) applies does not qualify for a loan for living costs in respect of any academic year beginning before the academic year in which the relevant event occurred.

(4) The maximum amount of loan for living costs payable is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the student qualifies for the loan for living costs.

(5) The maximum amount of loan for living costs for each quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year.

(6) In this regulation, a “loan for living costs” means a loan for living costs under Part 11B.”.

13. In regulation 139(a) (designated part-time courses)—

- (a) in paragraph (1), after “paragraphs”, insert “(2A),”;
- (b) after paragraph (2), insert—

“(2A) A course mentioned in Schedule 2 is not a designated part-time course for the purposes of support under Part 11B unless it is—

- (a) a course which leads to an honours degree or an ordinary degree;
- (b) a course which leads to a graduate diploma at an equivalent level to an honours degree or an ordinary degree;
- (c) a course which leads to a graduate certificate at an equivalent level to an honours degree or an ordinary degree;
- (d) a course which leads to a diploma in respect of a course in—
 - (i) a dental profession subject; or
 - (ii) operating department practice;
- (e) a course which leads to a foundation degree in respect of a course in a dental profession subject;

(a) Regulation 139 was amended by S.I. 2013/1728, 2013/3106, 2014/2765, 2018/136, 2018/137, 2018/434 and 2018/443.

- (f) a course which leads to a Postgraduate Certificate in Education;
- (g) a course which leads to a Professional Graduate Certificate in Education; or
- (h) any other course not within sub-paragraph (f) or (g) which is a course of initial teacher training at an accredited institution.

(2B) In paragraph (2A)(h), “accredited institution” means an institution accredited by the Secretary of State under regulation 11 of the Education (School Teachers’ Qualifications) (England) Regulations 2003(a).”.

14. After regulation 139, insert—

“Transfer of status

139A.—(1) Where an eligible part-time student transfers to another part-time course, the Secretary of State must transfer the student’s status as an eligible part-time student to that course where—

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

(2) The grounds for transfer are—

- (a) the eligible part-time student starts to undertake another designated part-time course at the institution;
- (b) the eligible part-time student starts to undertake a designated part-time course at another institution; or
- (c) after beginning a designated part-time course for a first degree (other than an honours degree) the eligible part-time student is, before the completion of that course, admitted to a designated part-time course for an honours degree in the same subject or subjects at the institution.

(3) Subject to paragraph (4), an eligible part-time student who transfers under paragraph (1) from a part-time course beginning before 1st September 2012 is entitled to receive in connection with the academic year of the course to which the student transfers the remainder of the support for which the Secretary of State has determined the student qualifies under Part 11A in respect of the academic year of the course from which the student transfers.

(4) The Secretary of State may re-assess the amount of support payable under Part 11A after the transfer.

(5) An eligible student who transfers under paragraph (1) after the Secretary of State has determined the student’s support in connection with the academic year of the course from which the student is transferring but before the student completes that year may not apply for another grant—

- (a) under regulation 141(1)(b), where the student is transferring from a course beginning before 1st September 2012, or
- (b) under regulation 147,

in connection with the academic year of the course to which the student transfers.

(6) Where a student transfers under paragraph (1) from a part-time course beginning before 1st September 2012, the maximum amount of assistance under regulation 141(1)(a) in respect of the academic years to and from which the student transfers is the amount of

(a) S.I. 2003/1662. Regulation 11 was substituted by S.I. 2012/431.

assistance with fees available in connection with the course which has the highest intensity of study.

Conversion of status from eligible student to eligible part-time student

139B.—(1) Where an eligible student ceases to undertake a designated course and transfers to a designated part-time course at the same or at another institution, the Secretary of State must convert the student's status as an eligible student to that of an eligible part-time student in connection with the course to which the student is transferring where—

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

(2) Where, before completing the designated course, the student transfers to a part-time course in the same subject or subjects leading to the same qualification at the same institution, the part-time course is to be treated as satisfying regulation 139(1)(b) and (c) if the period of part-time study to be undertaken by the student is of at least one academic year's duration and does not exceed—

- (a) twice the period ordinarily required to complete the remainder of the designated course from which the student transfers, where the student transfers before 1st September 2012; or
- (b) four times the period ordinarily required to complete the remainder of the designated course from which the student transfers, where the student transfers on or after 1st September 2012.

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

- (a) where the Secretary of State has determined to pay an amount of disabled students' allowance to A under Chapter 3 of Part 5 in instalments, no payment in respect of that amount of grant must be made in respect of any instalment period beginning after the date on which A becomes an eligible part-time student;
- (b) the maximum amount of disabled part-time students' allowance to which A would, apart from this regulation, be entitled in connection with A undertaking a designated part-time course in respect of that academic year is reduced by one third where A became an eligible part-time student during the second quarter of the academic year and by two thirds where A became such a student in a later quarter of that year;
- (c) where an amount of disabled students' allowance has been paid to A under Chapter 3 of Part 5 ("the first amount") in a single payment, the maximum amount of disabled part-time students' allowance payable for that purpose is reduced (or, where sub-paragraph (b) applies, further reduced) by the first amount, and where the resulting amount is nil or a negative amount that amount is nil; and
- (d) where immediately before A became an eligible part-time student A was eligible to apply, but had not applied, for a loan for living costs under Part 6 in respect of that academic year, or had not applied for the maximum amount or increased maximum to which A was entitled under that Part, A may apply for such a loan, or such additional amount of loan, as if A had continued to be an eligible student.

(4) Except where paragraph (5) applies, where a transfer under paragraph (1) is made—

- (a) the maximum amount of any loan under Part 6 to which the student would, apart from this regulation, be entitled in connection with a designated course in respect of that academic year is reduced—
 - (i) by two thirds, where the student transfers to a designated part-time course at the beginning of the second quarter of that academic year;
 - (ii) by one third, where the student transfers to a designated part-time course at the beginning of the third quarter of that academic year; and

- (b) the maximum amount of any loan under Part 11B to which the student would be entitled in connection with the designated part-time course in respect of that academic year if the student had been an eligible part-time student throughout that year is reduced—
 - (i) by one third, where the student transfers to a designated part-time course at the beginning of the second quarter of that academic year;
 - (ii) by two thirds, where the student transfers to a designated part-time course at the beginning of the third quarter of that academic year.
- (5) This paragraph applies where an eligible student—
 - (a) transfers under paragraph (1); and
 - (b) ceases to undertake the designated course and starts to undertake the designated part-time course in the same quarter of an academic year (“the conversion year”).
- (6) Where paragraph (5) applies—
 - (a) the amount of loan under Part 6 to which the student is entitled for the conversion year in respect of the designated course is—

$$(A/B) \times C$$
 where—
 - A is the number of days of the designated course which the student undertakes in the conversion year;
 - B is the length of the designated course, in days, in the conversion year;
 - C is the maximum amount of loan to which the student would be entitled in the conversion year under Part 6 were it not for the transfer; and
 - (b) the amount of loan under Part 11B to which the student is entitled for the conversion year in respect of the designated part-time course is—

$$(D/E) \times F$$
 where—
 - D is the number of days of the designated part-time course which the student undertakes in the conversion year;
 - E is the length of the designated part-time course, in days, in the conversion year;
 - F is the maximum amount of loan to which the student would be entitled in the conversion year under Part 11B if the student had been an eligible part-time student throughout that year.

Conversion of status from eligible part-time student to eligible student

139C.—(1) Where an eligible part-time student ceases to undertake a designated part-time course and transfers to a designated course at the same or at another institution, the Secretary of State must convert that student’s status as an eligible part-time student to that of an eligible student in connection with the course to which the student is transferring where—

- (a) the Secretary of State receives a request from the eligible part-time student to do so; and
 - (b) the period of eligibility has not terminated.
- (2) The following applies to a student who transfers under paragraph (1)—
- (a) where the Secretary of State has determined to pay an amount of disabled part-time students’ allowance to the student in instalments no payment in respect of that amount of grant must be made in respect of any instalment period beginning after the date on which the student became an eligible student;
 - (b) any support to which the student is entitled under Part 11A in respect of the academic year in which the student transfers is ignored in determining the amount

of support to which the student may be entitled in respect of that year under Parts 4 to 6;

- (c) where an amount of disabled part-time students' allowance has been paid to the student in a single payment, the maximum amount of disabled students' allowance ("the first amount") payable to the student under Chapter 3 of Part 5 for that purpose is reduced (or, where paragraph (3) applies, further reduced) by the first amount, and where the resulting amount is nil or a negative amount that amount is nil;
 - (d) where immediately before A became an eligible student A was eligible to apply, but had not applied, for a loan for living costs under Part 11B in respect of that academic year, or had not applied for the maximum amount or increased maximum to which A was entitled under that Part, A may apply for such a loan, or such additional amount of loan, as if A had continued to be an eligible part-time student.
- (3) Except where paragraph (4) applies, where a transfer under paragraph (1) is made—
- (a) the maximum amount of any loan under Part 11B to which the student would, apart from this regulation, be entitled in connection with a part-time designated course in respect of that academic year is reduced—
 - (i) by two thirds, where the student transfers to the designated course at the beginning of the second quarter of that academic year;
 - (ii) by one third, where the student transfers to the designated course at the beginning of the third quarter of that academic year; and
 - (b) the maximum amount of any loan under Part 6 to which the student would be entitled in connection with a designated course in respect of that academic year if the student had been an eligible student throughout that year is reduced—
 - (i) by one third, where the student transfers to the designated course at the beginning of the second quarter of that academic year;
 - (ii) by two thirds where the student transfers to the designated course at the beginning of the third quarter of that academic year.
- (4) This paragraph applies where an eligible part-time student—
- (a) transfers under paragraph (1); and
 - (b) ceases to undertake the designated part-time course and starts to undertake the designated course in the same quarter of an academic year ("the conversion year").
- (5) Where paragraph (4) applies—
- (a) the maximum amount of loan under Part 11B to which the student is entitled for the conversion year in respect of the designated part-time course is—
$$(A/B) \times C$$
where—

A is the number of days of the designated part-time course which the student undertakes in the conversion year;

B is the length of the designated part-time course, in days, in the conversion year;

C is the maximum amount of loan to which the student would be entitled in the conversion year under Part 11B were it not for the transfer; and
 - (b) the maximum amount of loan under Part 6 to which the student is entitled for the conversion year in respect of the designated course is—
$$(D/E) \times F$$
where—

D is the number of days of the designated course which the student undertakes in the conversion year;

E is the length of the designated course, in days, in the conversion year;

F is the maximum amount of loan to which the student would be entitled in the conversion year under Part 6 if the student had been an eligible student throughout the conversion year.

Transfers from courses which are designated to courses which are not designated

139D.—(1) This paragraph applies where an eligible student—

- (a) transfers from a designated course to a course (including a part-time course) which is not designated; and
- (b) immediately before the transfer, that student was eligible to apply, but had not applied, for a loan under Part 6 in respect of the academic year (“the transfer year”) in which the transfer occurs.

(2) Where paragraph (1) applies—

- (a) the student may apply for a loan under Part 6 in respect of the transfer year;
- (b) for the purposes of such an application, the student is to be treated as if the student were still an eligible student undertaking the designated course; and
- (c) the amount of loan under Part 6 to which the student is entitled in respect of the transfer year is—

$$(A/B) \times C$$

where—

A is the number of days of the designated course which the student undertakes as an eligible student in the transfer year;

B is the length of the designated course, in days, in that year; and

C is the maximum amount of loan to which the student would be entitled under Part 6 for the transfer year, were it not for the transfer.

(3) This paragraph applies where an eligible part-time student—

- (a) transfers from a designated part-time course to a course (including a full-time course) which is not designated; and
- (b) immediately before the transfer the eligible part-time student was eligible to apply, but had not applied, for a loan under Part 11B in respect of the academic year (“the transfer year”) in which the transfer occurs.

(4) Where paragraph (3) applies—

- (a) the student may apply for a loan under Part 11B in respect of the transfer year;
- (b) for the purposes of such an application, the student is to be treated as if the student were still an eligible part-time student undertaking the designated part-time course; and
- (c) the amount of loan under Part 11B to which that student is entitled in respect of the transfer year is—

$$(D/E) \times F$$

where—

D is the number of days of the designated part-time course which the student undertakes as an eligible part-time student in the transfer year;

E is the length of the designated part-time course, in days, in that year; and

F is the maximum amount of loan to which the student would be entitled under Part 11B for the transfer year, were it not for the transfer.”.

15. In regulation 140 (period of eligibility)—

- (a) in paragraph (4), for “151 or 152” substitute “139A to 139C”;
- (b) in paragraph (8)—

- (i) in the words before sub-paragraph (a), after “this Part”, insert “and Parts 11A and 11B”;
- (ii) in sub-paragraph (c), at the end, insert “or 157R”.

16. Before regulation 141, insert—

“PART 11A

Fee support, grants and allowances for designated part-time courses

Interpretation of Part 11A

140A.—(1) In this Part, the current part-time course is treated as beginning before 1st September 2012 in relation to a student (“A”) where—

- (a) A transfers to the current part-time course pursuant to regulation 139A on or after 1st September 2012 from a designated part-time course beginning before 1st September 2012; or
- (b) the current part-time course is an end-on course of the kind described in paragraph (g) of the definition of “end-on course” in regulation 2.

(2) In this Part, the intensity of study is calculated as follows and expressed as a percentage—

$$(PT / FT) \times 100$$

where—

PT is the number of modules, credits, credit points, points or other unit to be awarded to the eligible part-time student by the academic authority if the student successfully completes the academic year in connection with which that student is applying for support;

FT is—

- (a) where the course is provided by or on behalf of the Open University, 120;
- (b) where the course is provided by or on behalf of any other institution, the number of modules, credits, credit points, points or other unit that a standard full-time student would be required to obtain in each academic year in order to complete the full-time equivalent within the period ordinarily required to complete that course.

(3) In paragraph (2)—

- (a) the reference to the period ordinarily required to complete the full-time equivalent means—
 - (i) where the course is provided by or on behalf of the Open University, the period that a standard full-time student would require to complete the full-time equivalent if that student were awarded 120 credit points in each academic year;
 - (ii) where the course is provided by or on behalf of any other institution, the period in which a standard full-time student would complete the full-time equivalent;
- (b) “standard full-time student” is a student who is to be taken—
 - (i) to have begun the full-time equivalent course on the same date as the eligible part-time student began the part-time course in question;
 - (ii) not to have been excused any part of the full-time equivalent course;
 - (iii) not to have repeated any part of the full-time equivalent course; and
 - (iv) not to be absent from the full-time equivalent course other than during vacations.

Availability of support to prisoners

140B. An eligible part-time student who is a prisoner qualifies for support under this Part only—

- (a) if the student is an eligible prisoner; or
- (b) in respect of an academic year during which the student enters prison or is released from prison.”.

17. In regulation 141(6)(b)(ii) (assistance for part-time courses in respect of courses beginning before 1st September 2012), for “151” substitute “139A”.

18. In regulation 142(3)(a) (amount of assistance in respect of courses beginning before 1st September 2012), for “151” substitute “139A”.

19. In regulation 145(b) (amount of the fee loan – courses beginning on or after 1st September 2012), in paragraphs (3) and (10), for “151” substitute “139A”.

20. In regulation 148 (applications for support), in paragraph (1), after “support”, insert “under this Part”.

21. In regulation 149(c) (declarations provided by academic authorities), in paragraphs (4) and (5), after “support”, insert “under this Part”.

22. Omit regulations 151 and 152(d).

23. In regulation 155(3) (payment of loans for fees)—

- (a) for “first” substitute “any”;
- (b) after sub-paragraph (a), omit “and”;
- (c) at the end of sub-paragraph (b), insert “; and”;
- (d) after sub-paragraph (b), insert—

“(c) confirmation (in such form as may be required by the Secretary of State) of the eligible part-time student’s attendance on the course for the period to which the instalment relates”.

24. After regulation 157, insert Part 11B (loans for living costs in connection with designated part-time courses), as set out in Schedule 1 to these Regulations.

25. In the shoulder note to Schedule 3 (information), for “150” substitute “150, 157E”.

26. After Schedule 5, insert Schedule 6 (assessment of eligible part-time student’s household income) as set out in Schedule 2 to these Regulations.

Amendment of the Education (Student Support) (European University Institute) Regulations 2010

27.—(1) The Education (Student Support) (European University Institute) Regulations 2010(e) are amended as follows.

(2) In Schedule 1, in paragraph 4A(3)(d), for the words from “first day” to the end substitute “relevant date”.

(a) Regulation 142(3) was amended by S.I. 2013/630, 2013/1728, 2017/114 and 2018/137.
(b) Regulation 145 was amended by S.I. 2017/114.
(c) Regulation 149 was amended by S.I. 2012/1653.
(d) Regulation 152 was amended by S.I. 2017/137.
(e) S.I. 2010/447. Paragraph 4A of Schedule 1 was inserted by S.I. 2018/137.

SCHEDULE 1

Regulation 24

LOANS FOR LIVING COSTS IN CONNECTION WITH DESIGNATED PART-TIME COURSES

“PART 11B

LOANS FOR LIVING COSTS IN CONNECTION WITH DESIGNATED PART-TIME COURSES

CHAPTER 1

Qualifying and applying for the loan for living costs

Interpretation of Part 11B

157A.—(1) In this Part,

- (a) “eligible part-time student with full entitlement” is an eligible part-time student other than an eligible part-time student with reduced entitlement;
- (b) “eligible part-time student with reduced entitlement” has the meaning given in regulation 157F(3);
- (c) “special support loan” is a loan to defray the costs of books, equipment, travel or childcare incurred for the purpose of attending a designated part-time course;
- (d) “standard full-time student” is a student who is to be taken—
 - (i) to have begun the full-time equivalent on the same date as the eligible part-time student began the part-time course in question;
 - (ii) not to have been excused any part of the full-time equivalent;
 - (iii) not to have repeated any part of the full-time equivalent; and
 - (iv) not to be absent from the full-time equivalent other than during vacations.

(2) In this Part, the intensity of study is calculated as follows and expressed as a percentage—

$$(PT / FT) \times 100$$

where—

PT is the number of modules, credits, credit points, points or other unit to be awarded to the eligible part-time student by the academic authority if the student successfully completes the academic year in connection with which that student is applying for a loan for living costs;

FT is—

- (a) where the course is provided by or on behalf of the Open University, 120;
- (b) where the course is provided by or on behalf of any other institution, the number of modules, credits, credit points, points or other unit that a standard full-time student would be required to obtain in each academic year in order to complete the full-time equivalent within the period ordinarily required to complete that course.

(3) In this Part, a reference to the period ordinarily required to complete the full-time equivalent means—

- (a) where the course is provided by or on behalf of the Open University, the period that a standard full-time student would require to complete the full-time equivalent if that student were awarded 120 credit points in each academic year;
- (b) where the course is provided by or on behalf of any other institution, the period in which a standard full-time student would complete the full-time equivalent.

Qualifying conditions for the loan for living costs

157B.—(1) Subject to the provisions of this regulation, an eligible part-time student qualifies for a loan for living costs in connection with the student’s attendance on a designated part-time course (“the relevant course”) if—

- (a) the student—
 - (i) begins the relevant course on or after 1st August 2018;
 - (ii) transfers on or after 1st August 2018 from a designated course to the relevant course; or
 - (iii) transfers to the relevant course from a designated part-time course which the eligible part-time student started on or after 1st August 2018; and
- (b) the student—
 - (i) is under the age of 60 on the relevant date; or
 - (ii) where the student transfers to the relevant course from a course described in sub-paragraph (a)(ii) or (iii) (“the first course”), was under the age of 60 on the first day of the first academic year of the first course.

(2) An eligible part-time student does not qualify for a loan for living costs in connection with a designated part-time course if—

- (a) the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9 or 10;
- (b) the student is a prisoner; or
- (c) the course is a distance learning course unless the student is treated as being in attendance on the designated part-time course under regulation 157M.

(3) An eligible part-time student does not qualify for a loan for living costs in respect of a designated part-time course if the intensity of study during the academic year for which the loan is claimed is less than 25 per cent of the course’s full-time equivalent.

(4) An eligible part-time student does not qualify for a loan for living costs if the student—

- (a) has undertaken one or more part-time courses for sixteen academic years in aggregate; and
- (b) was eligible to apply for a fee loan under regulation 144 or a loan or grant of the kind described in regulation 141(5) in respect of each of those academic years.

(5) Subject to paragraphs (6) to (13) an eligible part-time student does not qualify for a loan for living costs in connection with a current part-time course which leads to an equivalent or lower qualification.

(6) Paragraph (5) does not apply if—

- (a) the current part-time course—
 - (i) is a course in—
 - (aa) engineering, technology or computer science (or a combination of those subjects); or

- (ab) agriculture and related subjects, biological sciences, mathematical sciences, physical sciences or veterinary sciences (or a combination of those subjects); and
 - (ii) leads to an honours degree; and
 - (b) the student begins the current part-time course on or after 1st August 2018.
- (7) Paragraph (5) does not apply if—
- (a) the current part-time course—
 - (i) is a pre-registration course in an allied health profession subject, midwifery, nursing, nursing and social work or operating department practice;
 - (ii) leads to—
 - (aa) an ordinary degree or an honours degree;
 - (ab) in respect of a course in a dental profession subject, an ordinary degree, an honours degree, a diploma or a foundation degree; or
 - (ac) in respect of a course in operating department practice, an ordinary degree, an honours degree or a diploma; and
 - (b) the student begins the current part-time course on or after 1st August 2018.
- (8) Paragraph (5) does not apply where the Secretary of State determines that the following conditions are satisfied—
- (a) the student has provided all information required by the Secretary of State in relation to qualifications held by the student;
 - (b) that information is accurate; and
 - (c) the Secretary of State has provided written notification that the student qualifies for a loan for living costs in connection with the current part-time course.
- (9) Where paragraph (8) applies, the student qualifies for a loan for living costs in accordance with paragraphs (10) to (13).
- (10) If the Secretary of State makes the determination before the first day of the first academic year of the current part-time course, then the student qualifies for a loan for living costs in respect of the first academic year of the current part-time course.
- (11) If the Secretary of State makes the determination on or after the first day of the first academic year of the current part-time course, then the student qualifies for a loan for living costs in respect of—
- (a) the academic year of the current part-time course during which the Secretary of State makes the determination; and
 - (b) any academic year of the current part-time course which the student has completed prior to the Secretary of State making the determination.
- (12) Paragraphs (10) and (11) do not apply if the Secretary of State considers that there are exceptional circumstances.
- (13) Where the Secretary of State considers that there are exceptional circumstances, the Secretary of State may determine that the student should qualify for a loan for living costs in respect of one or more academic years of the current part-time course, as appropriate, whether or not the student has completed those academic years prior to the Secretary of State making the determination.
- (14) In paragraph (1)(b)(i), the “relevant date” means the first day of the first academic year of the relevant course.

Applications for a loan for living costs

157C.—(1) A person (the “applicant”) must apply for a loan for living costs in connection with each academic year of a designated part-time course by completing and

submitting to the Secretary of State an application in such form as the Secretary of State may require.

(2) The application must be accompanied by such additional documentation as the Secretary of State may require.

(3) The Secretary of State may take such steps and make such inquiries as the Secretary of State considers necessary to determine—

- (a) whether the applicant is an eligible part-time student;
- (b) whether the applicant qualifies for a loan for living costs; and
- (c) the amount of the loan payable, if any.

(4) The Secretary of State must notify the applicant of whether the applicant qualifies for a loan for living costs and, if the applicant does qualify, the amount payable in respect of the academic year.

(5) The general rule is that the application must reach the Secretary of State no later than the end of the ninth month of the academic year in respect of which it is submitted.

(6) The general rule does not apply where—

- (a) one of the events listed in paragraph (2) of regulation 138A occurs after the first day of the academic year in respect of which the applicant is applying for a loan for living costs, in which case the application must reach the Secretary of State within a period of nine months beginning with the day on which the relevant event occurred;
- (b) the Secretary of State considers that, having regard to the circumstances of the particular case, the time limit should be relaxed, in which case the application must reach the Secretary of State not later than such date as the Secretary of State specifies;
- (c) the applicant is applying to borrow an additional amount of loan for living costs, in which case the application must reach the Secretary of State not later than one month before the end of the academic year to which the application relates.

Declarations provided by academic authorities

157D.—(1) Subject to paragraph (2), the academic authority must complete a declaration in such form as may be required by the Secretary of State.

(2) An academic authority is not required to complete a declaration if it is unable to give the confirmation required.

(3) In this regulation, “declaration” means a statement that provides, for the purposes of this Part—

- (a) confirmation by the academic authority of—
 - (i) the period ordinarily required to complete the part-time course;
 - (ii) the number of modules, credits, credit points, points or other unit which the eligible part-time student is likely to obtain in each academic year of the part-time course;
 - (iii) the period ordinarily required to complete the full-time equivalent;
 - (iv) the number of modules, credits, credit points, points or other unit which a standard full-time student would be likely to obtain within the period ordinarily required to complete that course;
- (b) certification by the academic authority that it considers—
 - (i) the course to be a designated part-time course;
 - (ii) that it will be possible for the applicant to complete the course within the period specified in regulation 139(1)(c).

(4) For the purposes of paragraph (3)(b), the academic authority must have regard to—

- (a) any increase in intensity of study that would be required for the applicant to complete the course within the period specified in regulation 139(1)(c)(ii);
- (b) any parts of the course which the applicant has been required to repeat.

Information in connection with loans for living costs

157E. Schedule 3 deals with the provision of information.

CHAPTER 2

Amount of loan for living costs

Maximum amount of loans for living costs: general

157F.—(1) The maximum amount of a loan for living costs in connection with a designated part-time course is calculated as follows in respect of an academic year—

- (a) where the student is an eligible part-time student with full entitlement, in accordance with regulation 157G;
- (b) where the student is an eligible part-time student with reduced entitlement, in accordance with regulation 157H.

(2) For the purposes of regulations 157G and 157H, the “relevant intensity of study” is calculated as follows—

- (a) where the intensity of study is less than 25 per cent, the relevant intensity of study is nil;
- (b) where the intensity of study is 25 per cent or more, but less than 33.3 per cent, the relevant intensity of study is 25 per cent;
- (c) where the intensity of study is 33.3 per cent or more, but less than 50 per cent, the relevant intensity of study is 33.3 per cent;
- (d) where the intensity of study is 50 per cent or more, but less than 66.6 per cent, the relevant intensity of study is 50 per cent;
- (e) where the intensity of study is 66.6 per cent or more, but less than 75 per cent, the relevant intensity of study is 66.6 per cent;
- (f) where the intensity of study is 75 per cent or more, but less than 100 per cent, the relevant intensity of study is 75 per cent;
- (g) where the intensity of study is 100 per cent or higher, the relevant intensity of study is 100 per cent.

(3) An eligible part-time student with reduced entitlement is an eligible part-time student who opts, when applying for a loan for living costs, not to provide the information needed to calculate the household income.

(4) In this Part—

- (a) an eligible part-time student (“X”) is in category A if X resides at X’s parents’ home while attending the designated part-time course;
- (b) an eligible part-time student (“Y”) is in category B if Y is not in category A and Y attends one or more of the following—
 - (i) a course at the University of London; or
 - (ii) a course at an institution which requires attendance for at least half the time in aggregate of any quarter of the course in the academic year at a site wholly or partly within the area comprising the City of London and the former Metropolitan Police District;
- (c) an eligible part-time student is in category C if the student is not in category A and—
 - (i) attends an overseas institution as part of the student’s course;

- (ii) attends the Institute; or
- (iii) attends an overseas work placement in an Erasmus year;
- (d) an eligible part-time student is in category D if the student is not in categories A to C.

Maximum amount of loans for living costs: eligible part-time students with full entitlement

157G.—(1) Subject to Chapters 3 and 4 of this Part and paragraph (5), the maximum amount of loan for living costs for which an eligible part-time student with full entitlement qualifies in respect of an academic year of a designated part-time course is equal to—

$$A \times (X - Y)$$

where—

A is the relevant intensity of study; and

X is—

- (a) for a student in category A, £7,324;
- (b) for a student in category B, £11,354;
- (c) for a student in category C, £9,963;
- (d) for a student in category D, £8,700; and

Y is—

- (a) for a student in category A, £1 for every complete £8.10 by which the student's household income exceeds £25,000;
- (b) for a student in category B, £1 for every complete £7.87 by which the student's household income exceeds £25,000;
- (c) for a student in category C, £1 for every complete £7.93 by which the student's household income exceeds £25,000;
- (d) for a student in category D, £1 for every complete £8.01 by which the student's household income exceeds £25,000.

(2) Subject to paragraph (4), the maximum amount of loan for living costs calculated in accordance with paragraph (1) is made up of—

- (a) a special support loan calculated in accordance with paragraph (3); and
- (b) a maintenance loan.

(3) The amount of special support loan is—

$$A \times Z$$

where—

A is the relevant intensity of study; and

Z is £3,680.

(4) Where the amount of special support loan calculated in accordance with paragraph (3) is equal to or higher than the amount calculated in accordance with paragraph (1)—

- (a) the maximum amount of loan for living costs is made up of a special support loan only; and
- (b) the maximum amount of loan for living costs is equal to the amount calculated in accordance with paragraph (1).

(5) Where the maximum amount of loan for living costs is calculated in accordance with paragraph (1) and is less than the minimum level for the academic year specified in regulation 157J, the minimum level for the academic year is payable.

Maximum amount of loans for living costs: eligible part-time students with reduced entitlement

157H.—(1) Subject to Chapters 3 and 4 of this Part, the maximum amount of loan for living costs for which an eligible part-time student with reduced entitlement qualifies in respect of an academic year of a designated part-time course is equal to—

$$A \times B$$

where—

A is the relevant intensity of study; and

B is —

- (a) for a student in category A, the amount in regulation 80(1)(f)(i);
- (b) for a student in category B, the amount in regulation 80(1)(f)(ii);
- (c) for a student in category C, the amount in regulation 80(1)(f)(iii);
- (d) for a student in category D, the amount in regulation 80(1)(f)(iv).

(2) Subject to paragraph (4), the maximum amount of loan for living costs which is calculated in accordance with paragraph (1) is made up of—

- (a) a special support loan calculated in accordance with paragraph (3); and
- (b) a maintenance loan.

(3) The amount of special support loan is—

$$A \times Z$$

where—

A is the relevant intensity of study; and

Z is £3,680.

(4) Where the amount of special support loan calculated in accordance with paragraph (3) is equal to or higher than the amount calculated in accordance with paragraph (1)—

- (a) the maximum amount of loan for living costs is made up of a special support loan only; and
- (b) the maximum amount of loan for living costs is equal to the amount calculated in accordance with paragraph (1).

Calculation of household income and residual income

157I.—(1) For the purposes of regulation 157G, an eligible part-time student’s household income is assessed in accordance with Schedule 6.

(2) The Secretary of State may require an eligible part-time student to provide from time to time such information as the Secretary of State considers necessary as to the income of any person whose means are relevant to the assessment of the student’s household income.

Minimum level of loan for living costs for part-time courses

157J.—(1) Subject to paragraph (2), for an eligible part-time student with full entitlement, the “minimum level for the academic year” in regulation 157G is equal to—

$$A \times B$$

where—

A is the relevant intensity of study; and

B is

- (a) £3,224 in the case of a student in category A;
- (b) £5,654 in the case of a student in category B;
- (c) £4,816 in the case of a student in category C;

(d) £4,054 in the case of a student in category D.

(2) Where different categories apply for different quarters of the academic year, the minimum level in paragraph (1) is the aggregate of the amounts determined under paragraph (3) for each of the quarters in respect of which a loan is payable.

(3) The amount determined for each quarter is one third of the amount in paragraph (1) which corresponds to the rate applicable for the quarter.

(4) The rate applicable for a quarter is determined in accordance with regulation 157L.

CHAPTER 3

Miscellaneous

Quarters in respect of which the loan for living costs is payable to eligible part-time students

157K.—(1) Subject to regulation 138A, the loan for living costs is payable in respect of three quarters of the academic year.

(2) The loan for living costs is not payable in respect of the quarter in which, in the opinion of the Secretary of State, the longest of any vacation occurs.

Part-time students falling into more than one category

157L. Where an eligible part-time student falls into more than one of the categories set out in regulation 157F(4) in the course of the academic year—

- (a) the maximum amount of loan for living costs for the academic year is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the loan for living costs is payable;
- (b) the maximum amount of loan for living costs for each such quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year; and
- (c) the category which applies to a quarter is—
 - (i) the category into which the student falls for the longer or longest period in that quarter; or
 - (ii) if the student falls into more than one category for an equal period in that quarter, the category with the higher or the highest rate of loan for living costs for the academic year.

Students who are treated as in attendance on a course

157M.—(1) A student to whom this regulation applies is treated as being in attendance on the designated part-time course for the purpose of qualifying for the loan for living costs.

(2) This regulation applies to—

- (a) a student on a period of study or period of work placement in an Erasmus year;
- (b) a disabled student who is undertaking a designated part-time course in the United Kingdom but is not in attendance because the student is unable to attend for a reason which relates to the student's disability.

Applying for an additional amount of loan for living costs

157N.—(1) An eligible part-time student may apply to borrow an additional amount of loan for living costs where—

- (a) the Secretary of State determines that the maximum amount of loan for living costs in relation to an academic year should be increased (including an increase from nil); and
- (b) the Secretary of State considers that the increase in the maximum amount of the loan does not result from the eligible part-time student—
 - (i) failing to provide information promptly which might affect the student’s ability to qualify for the loan in question or the amount of loan in question for which the student qualifies; or
 - (ii) providing information that is inaccurate in any material particular.

(2) The additional amount under paragraph (1) is an amount which, when added to the amount which the student has already applied for under regulation 157C, does not exceed the maximum amount of loan after it has been increased pursuant to paragraph (1)(a).

(3) Where an eligible part-time student has applied for a loan for living costs of less than the maximum amount to which the student is entitled in relation to the academic year, the student may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the relevant maximum applicable in the student’s case.

CHAPTER 4

Payments in connection with loans for living costs

Provision of United Kingdom national insurance number

157O.—(1) The Secretary of State may make it a condition of entitlement to payment of any loan under this Part that the eligible part-time 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 any payment of the loan to the eligible part-time 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 a payment of loan to an eligible part-time 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 part-time student having complied with the condition imposed under paragraph (1).

Information requirements and agreements to repay loans for living costs

157P.—(1) The Secretary of State may at any time request from an eligible part-time student information that the Secretary of State considers is required to recover a loan for living costs.

(2) The Secretary of State may at any time require an eligible part-time student to enter into an agreement to repay a loan for living costs by a particular method.

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

(4) Where the Secretary of State has requested information under this regulation, the Secretary of State may withhold any payment of a loan for living costs until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

(5) 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 loan for living costs until the person provides what has been required.

Payment of loans for living costs

157Q.—(1) The Secretary of State may pay loans for living costs under this Part in instalments.

(2) Subject to paragraph (4), the Secretary of State may pay loans for living costs at such times as the Secretary of State considers appropriate.

(3) An academic authority is required to send an attendance confirmation to the Secretary of State.

(4) The Secretary of State must not pay the first instalment under this Part or, where it has been determined not to pay the loan for living costs by instalments, make any payment of loans for living costs to the eligible part-time student before the Secretary of State has received an attendance confirmation from the relevant academic authority, unless an exception applies.

(5) An exception applies if the Secretary of State has determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.

(6) Where a final assessment cannot be made on the basis of the information provided by the student, the Secretary of State may make a provisional assessment and payment of support under this Part.

(7) Payments of loans for living costs are to be made in such manner as the Secretary of State considers appropriate and the Secretary of State may make it a condition of entitlement to payment that the eligible part-time 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.

(8) Where the Secretary of State has made any payment of a loan for living costs under this Part and a student who qualifies for a loan for living costs under this Part applies for such a loan or applies for an additional amount of loan in respect of an academic year, the Secretary of State may pay that loan or that additional amount of loan in such instalments (if any) and at such times as the Secretary of State considers appropriate as soon as is reasonably practicable after a satisfactory application has been received.

(9) Subject to paragraph (10), no loan for living costs under this Part is due in respect of any day of an academic year on which the eligible student is a prisoner, unless in the opinion of the Secretary of State it would be appropriate in all the circumstances for a loan for living costs to be paid in respect of that day.

(10) In deciding whether it would be appropriate for a loan for living costs to be due under paragraph (9) the circumstances to which the Secretary of State must have regard include the financial hardship which not paying the loan would cause and whether not paying the support would affect the student's ability to continue the course.

(11) No loan for living costs under this Part in respect of the current course is due in respect of any payment period beginning after an eligible part-time student's period of eligibility terminates.

(12) No loan for living costs under this Part is due in respect of a payment period during part of which an eligible part-time student is absent from the course, unless in the opinion of the Secretary of State it would be appropriate in all the circumstances for a loan for living costs to be paid in respect of the period of absence.

(13) In deciding whether it would be appropriate for a loan for living costs to be due under paragraph (12) the circumstances to which the Secretary of State must have regard include the reasons for the student's absence, the length of the absence and the financial hardship which not paying the loan would cause.

(14) An eligible part-time student is not to be considered absent from the student's course if the student is unable to attend due to illness and the student's absence has not exceeded 60 days.

(15) Where, after the Secretary of State has made any payment of a loan for living costs under this Part for which a student qualifies in respect of an academic year, the Secretary of State makes a determination that the amount of loan for living costs for which the student qualifies is less than the amount previously determined either by way of a revision of a provisional assessment or otherwise—

- (a) the Secretary of State must subtract from any amount of loan which remains to be paid under this Part such amount as is necessary to ensure that the student does not borrow an amount of loan under this Part which is greater than that for which the student qualifies;
- (b) if the amount to be subtracted is greater than the amount of loan remaining to be paid under this Part, the amount of that loan remaining to be paid is reduced to nil;
- (c) any remaining overpayment is recoverable in accordance with regulation 157R.

(16) In this regulation—

- (a) “attendance confirmation” means—
 - (i) confirmation from the academic authority that the student has enrolled for the academic year where—
 - (aa) the student is applying for support in connection with a designated part-time course for the first time;
 - (bb) the student has a disability; and
 - (cc) the student is undertaking the course but not attending (regardless of whether the reason for not attending relates to the student’s disability);
 - (ii) confirmation from the academic authority that the student has been present at the institution and begun to attend the course where—
 - (aa) the student is applying for support in connection with a designated part-time course for the first time;
 - (bb) the student’s status as an eligible part-time student has not been transferred to the course from another designated part-time course at the same institution;
 - (cc) the student’s status has not been converted to that of an eligible part-time student after the student has transferred from a designated course to a designated part-time course at the same institution; and
 - (dd) sub-paragraph (i)(cc) does not apply; or
 - (iii) confirmation from the academic authority that the student has enrolled for the academic year where—
 - (aa) the student is applying for support in connection with a designated part-time course other than for the first time;
 - (bb) the student is applying for support in connection with a designated part-time course for the first time after the student’s status as an eligible part-time student has been transferred to that course from another designated part-time course at the same institution; or
 - (cc) the student is applying for support in connection with a designated part-time course for the first time after the student’s status as an eligible student has been converted to that of an eligible part-time student after the student has transferred from a designated course to a designated part-time course at the same institution;
- (b) “payment period” means a period in respect of which the Secretary of State pays loans for living costs or would have paid such support if the eligible part-time student’s period of eligibility had not terminated.

Overpayments of loans for living costs

157R.—(1) A part-time student must, if so required by the Secretary of State, repay any amount paid to the student under this Part which for whatever reason exceeds the amount of loans for living costs to which the student is entitled under this Part.

(2) Any overpayment of a loan for living costs in respect of any academic year is recoverable by the Secretary of State from the student to whom the payment was made.

(3) The methods of recovery are—

- (a) 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;
- (b) requiring the student to repay the loan in accordance with regulations made under section 22 of the 1998 Act;
- (c) taking such other action for the recovery of an overpayment as is available to the Secretary of State.”

SCHEDULE 2

Regulation 26

“SCHEDULE 6

Regulation 157I

Assessment of eligible part-time student’s household income

Definitions

1.—(1) In this Schedule—

- (a) “financial year” means the period of twelve months in respect of which the income of a person whose residual income is calculated under the provisions of this Schedule is computed for the purposes of the income tax legislation which applies to it;
- (b) “independent eligible part-time student” has the meaning given in paragraph 2;
- (c) “Member State” means a Member State of the EU;
- (d) “parent” means a natural or adoptive parent and “child”, “mother” and “father” are to be construed accordingly;
- (e) “parent student” means an eligible part-time student who is the parent of an eligible student or an eligible part-time student;
- (f) “partner” in relation to an eligible part-time student means any of the following—
 - (i) the spouse of an eligible part-time student;
 - (ii) the civil partner of an eligible part-time student;
 - (iii) a person ordinarily living with an eligible part-time student as if the person were the student’s spouse or civil partner where the student falls within paragraph 2(1)(a);
- (g) “partner” in relation to the parent of an eligible part-time student means any of the following other than another parent of the eligible part-time student—
 - (i) the spouse of an eligible part-time student’s parent;
 - (ii) the civil partner of an eligible part-time student’s parent;
 - (iii) a person ordinarily living with the parent of an eligible part-time student as if the person were the parent’s spouse or civil partner;
- (h) “preceding financial year” means the financial year immediately preceding the relevant year;

- (i) “prior financial year” means the financial year immediately preceding the preceding financial year;
- (j) “relevant year” means the academic year of the course in respect of which the household income falls to be assessed;
- (k) “residual income” means taxable income after the application of paragraph 4 (in the case of an eligible part-time student), paragraph 5 (in the case of an eligible part-time student’s parent), paragraph 6 (in the case of an eligible part-time student’s partner) or paragraph 7 (in the case of the partner of an eligible part-time student’s parent) and income referred to in sub-paragraph (2) received net of income tax;
- (l) “taxable income” means, in relation to paragraph 4, in respect of the academic year for which an application has been made under regulation 157C and, in relation to paragraph 5, in respect (subject to sub-paragraphs (2), (3) and (4) of paragraph 5) of the prior financial year—
 - (i) the total income on which a person (“A”) is charged to income tax as determined at Step 1 of the calculation in section 23 of the Income Tax Act 2007^(a), together with any payments and other benefits mentioned in section 401(1) of the Income Tax (Earnings and Pensions) Act 2003 (ignoring section 401(2) of that Act)^(b), received or treated as received by A, to the extent that they are not a component of the total income on which A is charged to income tax,
 - (ii) A’s total income from all sources as determined for the purposes of the income tax legislation of another Member State which applies to A’s income, or
 - (iii) where the legislation of more than one Member State applies to the period, A’s total income from all sources as determined for the purposes of the income tax legislation under which the Secretary of State considers that A’s total income in that period is greatest (except as otherwise provided in paragraph 5),
 except that no account is taken of income referred to in sub-paragraph (2) paid to another party.

(2) The income referred to in this sub-paragraph is any benefits under a pension arrangement pursuant to an order made under section 23 of the Matrimonial Causes Act 1973^(c) which includes provision made by virtue of sections 25B(4) and 25E(3) of that Act or pension benefits under Part 1 of Schedule 5 to the Civil Partnership Act 2004^(d) which includes provision made by virtue of Parts 6 and 7 of that Schedule.

Independent eligible part-time student

- 2.—(1) An independent eligible part-time student is an eligible part-time student where—
- (a) the student is aged 25 or over on the first day of the relevant year;
 - (b) the student is married or is in a civil partnership before the beginning of the relevant year, whether or not the marriage or civil partnership is still subsisting;
 - (c) the student has no parent living;
 - (d) the Secretary of State is satisfied that neither of the student’s parents can be found or that it is not reasonably practicable to get in touch with either of them;

(a) 2007 c. 3. Section 23 was amended by: paragraph 2(2) of Schedule 3 to the Finance Act 2013 (c. 29); paragraph 7 of Schedule 1 to the Finance Act 2009 (c. 10); and paragraph 19 of Part 3 of Schedule 17 to the Finance Act 2014 (c. 26).

(b) 2003 c. 1. Section 401(1) was amended by S.I. 2005/3229. Section 401(2) was amended by S.I. 2014/211.

(c) 1973 c. 18. Section 23 was amended by section 16 of the Administration of Justice Act 1982 (c. 53). Section 25B(4) was amended by paragraph 1(5)(a) of Schedule 4 to the Welfare Reform and Pensions Act 1999 (c. 30). Section 25E(3) was amended by paragraph 1(5)(b) of Schedule 4 to the Welfare Reform and Pensions Act 1999.

(d) 2004 c. 33.

- (e) the student has communicated with neither of the student’s parents for the period of one year before the beginning of the relevant year or, in the opinion of the Secretary of State, the student can demonstrate on other grounds that the student is irreconcilably estranged from the student’s parents;
- (f) the student was looked after by a local authority (within the meaning of section 22 of the Children Act 1989^(a)) or, as the case may be, section 74 of the Social Services and Well-being (Wales) Act 2014^(b) throughout any three-month period ending on or after the date on which the student reached the age of 16 and before the first day of the first academic year of the course (“the relevant period”) provided that the student has not in fact at any time during the relevant period been under the charge or control of the student’s parents;
- (g) the student’s parents are residing outside the EU and the Secretary of State is satisfied that the assessment of the household income by reference to their residual income would place those parents in jeopardy;
- (h) paragraph 5(8) applies and the parent whom the Secretary of State considered the more appropriate for the purposes of that paragraph has died (irrespective of whether the parent in question had a partner);
- (i) as at the first day of the relevant year, the student has the care of a person under the age of 18; or
- (j) the student (“A”) has supported A out of A’s earnings for any period or periods ending before the first academic year of the course which periods together aggregate not less than three years, and for the purposes of this sub-paragraph A is to be treated as supporting A out of A’s earnings during any period in which—
 - (i) A was participating in arrangements for training for the unemployed under any scheme operated by, sponsored or funded by any state authority or agency, whether national, regional or local (“a relevant authority”);
 - (ii) A was in receipt of benefit payable by any relevant authority in respect of a person who is available for employment but who is unemployed;
 - (iii) A was available for employment and had complied with any requirement of registration imposed by a relevant authority as a condition of entitlement for participation in arrangements for training or receipt of benefit;
 - (iv) A held a state studentship or comparable award; or
 - (v) A received any pension, allowance or other benefit paid by any person by reason of a disability to which A is subject, or by reason of confinement, injury or sickness.

(2) An eligible part-time student who qualifies as an independent eligible part-time student under sub-paragraph (1)(i) in respect of an academic year of a designated part-time course retains that status for the duration of the period of eligibility.

Household income

3.—(1) The amount of an eligible part-time student’s household income is—

- (a) in the case of an eligible part-time student who is not an independent eligible part-time student, the residual income of the eligible part-time student aggregated with the residual income of the eligible part-time student’s parents (subject to paragraph 5(9)) and the residual income of the partner of the student’s parent (provided that the Secretary of State has selected that parent under paragraph 5(9));

^(a) 1989 c. 41. Section 22 was amended by: section 2(2) of the Children (Leaving Care) Act 2000 (c. 35); paragraph 19 of Schedule 5 to the Local Government Act 2000 (c. 35); section 116(2) of the Adoption and Children Act 2002 (c. 38); section 52 of the Children Act 2004 (c. 31); paragraph 6(b) of Schedule 3 to the Children and Young Persons Act 2008 (c. 23); section 99 of the Children and Families Act 2014 (c. 6); and S.I. 2016/413.

^(b) 2014 anaw 4.

- (b) in the case of an independent eligible part-time student who has a partner, the residual income of the eligible part-time student aggregated with the residual income of the eligible part-time student's partner; or
- (c) in the case of an independent eligible part-time student who does not have a partner, the residual income of the eligible part-time student.

(2) In determining the household income under sub-paragraph (1), there is deducted the sum of £1,130—

- (a) for each child wholly or mainly financially dependent on the eligible part-time student or the eligible part-time student's partner; or
- (b) for each child other than the eligible part-time student wholly or mainly financially dependent on the eligible part-time student's parent or the eligible part-time student's parent's partner whose residual income is being taken into account.

Calculation of eligible part-time student's residual income

4.—(1) For the purpose of determining the residual income of an eligible part-time student, there is deducted from the student's taxable income (unless already deducted in determining taxable income) the aggregate of any amounts falling within any of the following sub-paragraphs—

- (a) any remuneration for work done during any academic year of the eligible part-time student's course, provided that such remuneration does not include any sums paid in respect of any period for which the student has leave of absence or is relieved of the student's normal duties for the purpose of attending that course;
- (b) the gross amount of any premium or other sum paid by the eligible part-time student in relation to a pension (not being a pension payable under a policy of life insurance) in respect of which relief is given under section 188 of the Finance Act 2004^(a), or where the eligible part-time student's income is computed for the purposes of the income tax legislation of another Member State, the gross amount of any such premium or sum in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

(2) Where the eligible part-time student receives income in a currency other than sterling, the value of that income for the purpose of this paragraph is—

- (a) if the student purchases sterling with the income, the amount of sterling the student so receives;
- (b) otherwise the value of the sterling which the income would purchase using the average rate published by Her Majesty's Revenue and Customs for the calendar year which ends before the start of the relevant year.

Calculation of parent's residual income

5.—(1) For the purposes of determining the residual income of an eligible part-time student's parent ("A" in this paragraph) there is deducted from the taxable income of A the aggregate of any amounts falling within any of the following sub-paragraphs (unless already deducted in determining a person's taxable income)—

- (a) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given under section 188 of the Finance Act 2004, or where the income is computed for the purposes of the income tax legislation of another Member State, the gross

^(a) 2004 c. 12. Section 188 was amended by: paragraph 2 of Schedule 18, paragraph 7 of Schedule 19 and Part 3(1) of Schedule 27, to the Finance Act 2007 (c. 11); section 52(2) and (3) of the Finance Act 2013 (c. 29); and paragraph 13(2) and (3) of Schedule 7 to the Finance Act 2014 (c. 26).

amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

(b) in any case where income is computed for the purposes of the Income Tax Acts by virtue of sub-paragraph (6) any sums equivalent to the deduction mentioned in paragraph (a) of this sub-paragraph, provided that any sums so deducted do not exceed the deductions which would be made if the whole of A's income were in fact income for the purposes of the Income Tax Acts;

(c) where A is a parent student or A holds a statutory award, £1,130.

(2) Where the Secretary of State is satisfied that the residual income of A in the financial year beginning immediately before the relevant year ("the current financial year") is likely to be not more than 85 per cent of the sterling value of A's residual income in the prior financial year the Secretary of State may, for the purpose of enabling the eligible part-time student to attend the course without hardship, ascertain A's residual income for the current financial year.

(3) In the event that sub-paragraph (2) or this paragraph was applied in the previous academic year of the current course and the Secretary of State is satisfied that the residual income of A in the financial year beginning immediately before the relevant year ("the current financial year") is likely to be not more than 85 per cent of the sterling value of A's residual income in the previous financial year the Secretary of State may, for the purpose of enabling the eligible part-time student to attend the course without hardship, ascertain A's residual income for the current financial year.

(4) In an academic year immediately following one in which the Secretary of State has ascertained A's residual income for the current financial year under sub-paragraph (2) and, where applicable under sub-paragraph (3) the Secretary of State must ascertain A's residual income in the preceding financial year.

(5) Where A satisfies the Secretary of State that A's income is wholly or mainly derived from the profits of a business or profession carried on by A, then any reference in this Schedule to a prior financial year means the earliest period of twelve months which ends after the start of the prior financial year and in respect of which accounts are kept relating to that business or profession.

(6) Where A is in receipt of any income which does not form part of A's income for the purposes of the Income Tax Acts or the income tax legislation of another Member State by reason only that—

(a) A is not resident or domiciled in the United Kingdom, or where A's income is computed as for the purposes of the income tax legislation of another Member State, not so resident or domiciled in that Member State,

(b) the income does not arise in the United Kingdom, or where A's income is computed as for the purposes of the income tax legislation of another Member State, does not arise in that Member State, or

(c) the income arises from an office, service or employment, income from which is exempt from tax in pursuance of any legislation,

A's taxable income for the purposes of this Schedule is computed as though the income under this sub-paragraph were part of A's income for the purposes of the Income Tax Acts or the income tax legislation of another Member State, as the case may be.

(7) Where A's income is computed as for the purposes of the income tax legislation of another Member State, it is computed under the provisions of this Schedule in the currency of that Member State and A's income for the purposes of this Schedule is the sterling value of that income determined in accordance with the average rate published by Her Majesty's Revenue and Customs for the calendar year which ends before the end of the prior financial year.

(8) Where one of the eligible part-time student's parents dies either before or during the relevant year and that parent's income has been or would be taken into account for the purpose of determining the household income, the household income is—

- (a) where the parent dies before the relevant year, determined by reference to the income of the surviving parent; or
- (b) where the parent dies during the relevant year, the aggregate of—
 - (i) the appropriate proportion of the household income determined by reference to the income of both parents, being the proportion in respect of that part of the relevant year during which both parents were alive; and
 - (ii) the appropriate proportion of the household income determined by reference to the income of the surviving parent, being the proportion in respect of that part of the relevant year remaining after the death of the other parent.

(9) Where the Secretary of State determines that the parents are separated for the duration of the relevant year, the household income is determined by reference to the income of whichever parent the Secretary of State considers the more appropriate under the circumstances.

(10) Where the Secretary of State determines that the parents have separated in the course of the relevant year, the household income is determined by reference to the aggregate of—

- (a) the appropriate proportion of the household income determined in accordance with sub-paragraph (9), being the proportion in respect of that part of the relevant year during which the parents are separated; and
- (b) the appropriate proportion of the household income determined otherwise in respect of the remainder of the relevant year.

Calculation of eligible part-time student's partner's residual income

6.—(1) Subject to sub-paragraphs (2), (3) and (4) of this paragraph, an eligible part-time student's partner's income is determined in accordance with paragraph 5 (other than sub-paragraphs (7), (8) and (9) of paragraph 5), references to the parent being construed as references to the eligible part-time student's partner.

(2) Where the Secretary of State determines that the eligible part-time student and the student's partner are separated for the duration of the relevant year, the partner's income is not taken into account in determining the household income.

(3) Where the Secretary of State determines that the eligible part-time student and the eligible part-time student's partner have separated in the course of the relevant year, the partner's income is determined by reference to the partner's income under sub-paragraph (1) divided by fifty-two and multiplied by the number of complete weeks in the relevant year for which the Secretary of State determines that the eligible part-time student and the eligible part-time student's partner are not separated.

(4) Where an eligible part-time student has more than one partner in any one academic year, the provisions of this paragraph apply in relation to each.

Calculation of parent's partner's residual income

7. The income of an eligible part-time student's parent's partner whose income is part of the household income by virtue of paragraph 3(1)(a) is determined in accordance with paragraph 6 and—

- (a) references to the eligible part-time student's partner are to be construed as references to the eligible part-time student's parent's partner; and
- (b) references to the eligible part-time student are to be construed as references to the eligible part-time student's parent."

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 11 of the Education (Student Support) Regulations 2011 (S.I. 2011/1986) (“the Student Support Regulations”) makes provision to ensure that eligible part-time students undertaking designated part-time courses may receive financial support in connection with those courses by way of fee loans, grants or allowances. These Regulations amend the Student Support Regulations to provide that eligible part-time students who begin designated part-time courses on or after 1st August 2018 may also receive loans for living costs in respect of some categories of such courses.

Regulations 2 to 5 and 7 to 15 of these Regulations amend Part 11 of the Student Support Regulations so that regulations 136 to 140 in that Part now make provision in respect of the eligibility of part-time students for fee support, grants and allowances in connection with designated part-time courses and also in respect of their eligibility for loans for living costs in connection with such courses. “Designated part-time courses” are described in Part 11, in regulation 139, and is given a more restricted meaning in relation to loans for living costs. Part-time students who are “eligible part-time students” in accordance with Part 11 may be entitled to fee support, grants and allowances under new Part 11A and also to loans for living costs under new Part 11B. Regulation 6 amends regulation 85 so as to update that provision.

Regulation 151 of the Student Support Regulations makes provision in respect of the status of eligible part-time students who transfer to other designated part-time courses at the same or at another institution. Regulation 152 makes provision in respect of students who convert their mode of study: eligible (full-time) students who transfer to designated part-time courses at the same or at another institution and eligible part-time students who transfer to designated (full-time) courses at the same or at another institution. Regulations 151 and 152 are omitted (by regulation 22) but the substance of those provisions is inserted into Part 11, with some modifications, in regulations 139A to 139D. The modifications ensure that, when students convert their mode of study during a term (the “relevant term”), their entitlement to a loan for living costs in that term is calculated by reference to the number of days in the relevant term which they undertake in each mode of study. The modifications also ensure that students who transfer from full or part-time courses that are designated to full or part time courses that are not designated, may apply for any loans for living costs to which they may have been entitled before the transfer.

Regulations 16 to 23 insert regulations 140A and 140B into the Student Support Regulations and amend and reposition regulations 141 to 150 and regulations 153 to 157 of those Regulations. The substance of those provisions remains unchanged by these Regulations but they now form a new Part 11A in the Student Support Regulations: they continue to make the same provision in respect of fee support, grants and allowances in connection with designated part-time courses.

Regulation 24 inserts a new Part 11B into the Student Support Regulations. Part 11B makes provision for the loan for living costs which may be available to eligible part-time students and replicates, for the most part, the position in respect of loans for living costs for full-time students in Part 6 of the Student Support Regulations.

Chapter 1 of Part 11B makes provision, at regulations 157B and 157C respectively, in respect of qualifying and applying for the loan for living costs once a student is an eligible part-time student in connection with a designated part-time course under Part 11. Regulation 157D makes provision requiring a declaration to be provided by the academic authority in respect of the eligible part-time student and the designated part-time course. Regulation 157E requires the provision of information to the Secretary of State as set out in (the existing) Schedule 3 to the Student Support Regulations.

Chapter 2 of Part 11B sets out the maximum amount of loan for living costs which students with full and reduced entitlement may receive under this Part. A loan for living costs is made up of a loan for maintenance and/or a special support loan. Information about a student’s household income is required to calculate the maximum amount of loan for living costs to which an eligible part-time student with full entitlement may be entitled. Regulation 157I introduces a new Schedule 6 into the Student Support Regulations. That Schedule sets out how a part-time student’s

household income is to be calculated. Also in Chapter 4, regulation 157J specifies how to calculate the minimum amount of loan for living costs which may be available for a student with full entitlement.

Chapter 3 of Part 11B makes miscellaneous provision. Amongst other things, it sets out, at regulation 157L, the manner in which the maximum amount of loan for living costs is to be calculated where a student falls into more than one of the categories set out in regulation 157F(4). It also sets out, in regulation 157N, the circumstances in which an eligible part-time student may apply to borrow an additional amount of loan for living costs.

Chapter 4 of Part 11B makes provision in respect of the payment of loans for living costs to eligible part-time students. Regulation 157O allows the Secretary of State to request a national insurance number before any loan under Part 11B is paid. Regulation 157P allows the Secretary of State to request information which the Secretary of State considers is required to recover a loan for living costs and allows the Secretary of State to require eligible part-time students to enter into agreements to repay loans for living costs by a particular method. Regulation 157Q provides for how payments are to be made to eligible part-time students in connection with loans for living costs. Regulation 157R makes provision in respect of how any overpayments in respect of such loans may be recovered.

An impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or the voluntary sector.

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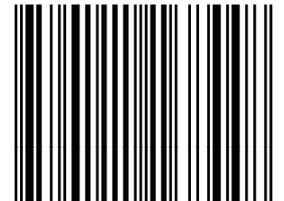
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