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STATUTORY INSTRUMENTS

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**2018 No. 599**

**The Education (Postgraduate Doctoral Degree Loans  
and the Education (Student Loans) (Repayment)  
(Amendment) (No. 2) etc.) Regulations 2018**

**PART 1**

**CHAPTER 1**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 and come into force on 11th June 2018.

(2) Part 1 of these Regulations applies in relation to England only.

(3) Parts 1 and 2 of these Regulations apply in relation to the provision of a loan to students in relation to a postgraduate doctoral degree course which begins on or after 1st August 2018 whether anything done under these Regulations is done before, on or after 1st August 2018.

(4) Regulation 60(3) does not apply in relation to an applicant who, before the date on which these Regulations come into force, makes an application under the Education (Postgraduate Master's Degree Loans) Regulations 2016<sup>(1)</sup> for support in relation to an academic year which begins on or after 1st August 2018.

**Interpretation**

2.—(1) For the purposes of Part 1—

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

“the 2016 Master's Degree Regulations” means the Education (Postgraduate Master's Degree Loans) Regulations 2016;

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

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

“authority-funded” means—

- (a) in relation to educational institutions in England, maintained or assisted by recurrent grants administered by the Office for Students<sup>(2)</sup>;
- (b) in relation to educational institutions in Wales, maintained or assisted by recurrent grants from the Higher Education Funding Council for Wales<sup>(3)</sup>;
- (c) in relation to educational institutions in Scotland, maintained or assisted by recurrent grants from the Scottish Funding Council; and
- (d) in relation to educational institutions in Northern Ireland, maintained or assisted by recurrent grants from the Department for the Economy in Northern Ireland or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;

“course” means a taught programme of study, a programme of research, or a combination of both, and which may include one or more periods of work experience, and which leads, on successful completion, to the award of a postgraduate doctoral degree but not –

- (a) a higher doctorate; or
- (b) a doctorate by publication;

“designated course” means a course designated by or under regulation 4;

“Directive 2004/38” means Directive 2004/38 of the European Parliament and of the Council of 29th April 2004<sup>(4)</sup> on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

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

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

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

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

“eligible prisoner” means a prisoner—

- (a) who is serving a sentence of imprisonment in the United Kingdom;
- (b) has been authorised by the prison Governor or Director or other appropriate authority to study the designated course; and
- (c) whose earliest release date is within 8 years of the first day of the first academic year of the designated course;

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- (2) The Office for Students (OfS) was established as a body corporate under section 1 of the Higher Education and Research Act 2017 (c.29). SI 2018/245 makes consequential, transitional, transitory and saving provisions and Part 3 provides for the OfS to perform the statutory functions of the Higher Education Funding Council (HEFCE) for the period beginning with the 1st of April 2018 and ending with the 31st of July 2019 including, under regulations 2 and 4, HEFCE’s funding functions under section 65(1) to (4) of the Further and Higher Education Act 1992 (c.13). HEFCE used to administer grant funding, but ceased to exist on the 1st of April 2018 in accordance with section 81 of the Higher Education Research Act 2017 (c.29) which was commenced by S.I. 2018/241.
  - (3) Under section 65 of the Further and Higher Education Act 1992 (c.13) the Higher Education Funding Council for Wales (HEFCW) may provide grants to higher education institutions in Wales. Section 65 was amended by Schedule 11 to the Higher Education and Research Act 2017 (c. 29). HEFCW’s funding functions were unaffected.
  - (4) OJ No L158, 30.4.2004, p77-123.

- “eligible student” has the meaning given in regulation 3;
- “equivalent or higher qualification” means a qualification determined in accordance with paragraph (2) to be an equivalent or higher qualification;
- “EU national” means a national of a Member State of the EU;
- “fees” has the meaning given in section 41(1) of the Higher Education Act 2004(5);
- “healthcare bursary” means a bursary or award of similar description under section 63 of the Health Services and Public Health Act 1968(6) or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(7);
- “information” includes documents;
- “Islands” means the Channel Islands and the Isle of Man;
- “period of eligibility” has the meaning given in regulation 5 in relation to an eligible student;
- “periods of work experience” means—
- (a) periods of industrial, professional or commercial experience associated with the designated course at an institution, but at a place outside that institution;
  - (b) periods during which a student is employed and residing in a country whose language is one that the student is studying for that student’s designated course (provided that the period of residence in that country is a requirement of that student’s course and the study of one or more modern languages accounts for not less than one half of the total time spent studying on the course);
- “person granted humanitarian protection” means a person—
- (a) who, on the grounds of humanitarian protection, has been granted leave to remain under the immigration rules as defined in section 33(1) of the Immigration Act 1971(8);
  - (b) whose leave to remain is extant, or in respect of whose leave to remain an appeal is pending (within section 104 of the Nationality, Immigration and Asylum Act 2002(9)) ; and
  - (c) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave to remain;
- “person granted stateless leave” means a person who—
- (a) has extant leave to remain as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971); and
  - (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave.
- “postgraduate doctoral degree loan” means a loan made by the Secretary of State pursuant to these Regulations, and includes the interest accrued on the loan, and any penalties or charges incurred in connection with it, except for interest, penalties or charges payable under Part 3 or 4 of the Education (Student Loans) (Repayment) Regulations 2009(10);

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(5) 2004 c.8; the definition of fees in section 41(1) was revoked by Schedule 11 to the Higher Education and Research Act 2017 (c.29), but saved by regulation 13 of S.I. 2018/245 for the period beginning with the 1st of April 2018 and ending with the 31st of July 2019.

(6) 1968 c.46; section 63 was amended by 1973 (c.32), 1977 (c.49), 1978 (c.29), 1985 (c.51), 1988 (c.49), 1994 (c.39), 1995 (c.17), 1997 (c.46), 1999 (c.8), 2001 (c.15), 2002 (c.17), 2003 (c.43), 2004 (c.31), 2006 (c.43), S.I. 1996/1008, S.I. 2002/2202, S.I. 2002/2469, S.I. 2004/288, S.I. 2004/957, S.I.2006/1056, S.I. 2007/961.

(7) S.I. 1972/1265 (N.I. 14), to which there have been amendments not relevant to these Regulations.

(8) 1971 c.77.

(9) 2002 c.41; section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19), sections 9, 26 and Schedule 2 of the Immigration, Asylum and Nationality Act 2006 (c.13), S.R & O 2010/21, section 9 of the Immigration, Asylum and Nationality Act 2006 (c.13), Schedule 9(4) to the Immigration Act 2014 (c.22).

(10) S.I. 2009/470, amended by S.I. 2010/661, S.I. 2010/1010, S.I. 2011/784, S.I. 2012/836, S.I. 2012/1309, S.I. 2013/388, S.I. 2013/591, S.I. 2013/607, S.I. 2013/1881, S.I. 2014/651, S.I. 2017/831, S.I. 2018/284.

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

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

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

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

“refugee” means a person who is recognised by Her Majesty’s government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951<sup>(11)</sup> as extended by the Protocol thereto which entered into force on 4th October 1967<sup>(12)</sup>;

“right of permanent residence” means a right arising under Directive 2004/38 to reside in the United Kingdom permanently without restriction;

“student loans legislation” means the 2016 Master’s Degree Regulations, the student support regulations, the Education (Student Loans) Act 1990<sup>(13)</sup>, the Education (Student Loans) (Northern Ireland) Order 1990<sup>(14)</sup>, the Education (Scotland) Act 1980<sup>(15)</sup> and regulations made under those Acts or that Order, the Education (Student Support) (Northern Ireland) Order 1998<sup>(16)</sup> and regulations made under that Order, or the 1998 Act and regulations made under that Act;

“student support regulations” means the Education (Student Support) Regulations 2011<sup>(17)</sup>;

“Turkish worker” means a Turkish national who—

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

“UKRI” means United Kingdom Research and Innovation;

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

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

## CHAPTER 2

### Eligible students

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

(11) Cmnd. 9171.

(12) Cmnd. 3906 (out of print).

(13) Repealed by the Teaching and Higher Education Act 1998 (c.30), Schedule 4.

(14) S.I. 1990/1506 (N.I. 11); amended by S.I. 1996/274 (N.I. 1), Article 43 and Schedule 5 Part II, S.I. 1996/1918 (N.I. 15), Article 3 and the Schedule, and S.I. 1998/258 (N.I. 1), Articles 3 to 6 and revoked, with savings, by SR (NI) 1998 No 306.

(15) 1980 c.44.

(16) S.I. 1998/1760 (N.I. 14), to which there have been amendments not relevant to these Regulations.

(17) S.I. 2011/1986, amended by S.I. 2012/1653, S.I. 2013/235, S.I. 2013/630, S.I. 2013/1728, S.I. 2013/3106, S.I. 2014/1766, S.I. 2014/2013, S.I. 2014/2765, S.I. 2015/1951, S.I. 2016/27, S.I. 2016/584, S.I. 2017/114, S.I. 2018/136, S.I. 2018/137, S.I. 2018/434, S.I. 2018/443.

(2) Subject to paragraphs (3) to (9), a person is an eligible student in connection with a designated course if in assessing that person's application for a postgraduate doctoral degree loan the Secretary of State determines that the person falls within one of the categories set out in Part 2 of Schedule 1.

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

- (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 doctoral degree loan;
- (e) A is a prisoner, unless A is an eligible prisoner;
- (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<sup>(18)</sup> or under regulation 4 (designated courses) of the 2016 Master's Degree Regulations, and is receiving support under either set of regulations for that course;
- (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 doctoral degree loan under these Regulations for that course;
- (i) subject to paragraph (9), A has previously received a postgraduate doctoral degree loan under these Regulations;
- (j) A is, in connection with the course, in receipt of any allowance, bursary or award of similar description made by UKRI;
- (k) A is eligible to apply for, in connection with the course—
  - (i) a healthcare bursary;
  - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007<sup>(19)</sup>; or
  - (iii) any allowance, bursary or award of similar description made under section 67(4)(a) of the Care Standards Act 2000<sup>(20)</sup> which includes payment for meeting additional expenditure incurred by A by reason of A's disability, save to the extent that A is eligible only for such an allowance, bursary or award in respect of travel expenses; or
- (l) subject to paragraph (9), A has previously received 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.

(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 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.

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<sup>(18)</sup> Regulation 5 was amended by S.I. 2013/1728, S.I. 2013/3106, S.I. 2014/2765, S.I. 2015/1951, S.I. 2017/114, S.I. 2018/136, S.I. 2018/137, S.I. 2018/434, S.I. 2018/443. Regulation 139 was amended by S.I. 2013/1728, S.I. 2013/3106, S.I. 2014/2765, S.I. 2018/137, S.I. 2018/434, S.I. 2018/443; S.I. 2018/472.

<sup>(19)</sup> S.S.I. 2007/151; relevant amending instruments are S.I. 2002/253, S.S.I. 2007/503, S.S.I. 2009/188, S.S.I. 2009/309, S.S.I. 2012/72, S.S.I. 2013/80, S.S.I. 2016/82, S.S.I. 2017/180.

<sup>(20)</sup> 2000 c.14; section 67(4)(a) was amended by Part 2 of Schedule 3 to the Regulation and Inspection of Social Care (Wales) Act 2016 anaw 2 (subject to savings and transitional provisions specified in S.R. & O 2017/309 articles 3 and 4 and Schedule 1).

(5) 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,
- (c) 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.

(6) An eligible student ceases to be eligible for a postgraduate doctoral 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.

(7) Paragraphs (4) and (6) 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.

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

(9) The Secretary of State may deem a person described in paragraph (3)(i) or (3)(l) 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.

(10) The Secretary of State may only exercise the discretion under paragraph (9) once in respect of a particular student.

### **Designated courses**

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

- (a) is a postgraduate doctoral degree course of between three and eight academic years duration;
- (b) is one of the following—
  - (i) wholly provided by an authority-funded institution;
  - (ii) provided by a publicly funded institution situated in the United Kingdom on behalf of an authority-funded institution; or
  - (iii) provided by an authority-funded institution in conjunction with an institution which is situated outside the United Kingdom;
- (c) is substantially provided in the United Kingdom; and
- (d) is a postgraduate doctoral degree course which –
  - (i) leads to an award granted or to be granted by a body falling within section 214(2) (a) or (b) of the Education Reform Act 1988<sup>(21)</sup>; and
  - (ii) the teaching and supervision which comprise the course has been approved by that body.

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

(21) 1988 c.40; section 214(2) was amended by Schedule 8 of the Further and Higher Education Act 1992 (c.13) and section 53(2) to (4) of the Higher Education and Research Act 2017 (c.29).

- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;
  - (b) a course is substantially provided in the United Kingdom where at least half of the teaching and supervision which comprise the course is provided in the United Kingdom;
  - (c) a university and any constituent college or institution in the nature of a college of a university is to be regarded as authority-funded if either the university or the constituent college or institution is authority-funded;
  - (d) an institution is not to be regarded as publicly funded or authority-funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992<sup>(22)</sup>; and
  - (e) a course is not to be regarded as provided on behalf of an authority-funded educational institution where a part of the course is provided by a private institution.
- (3) The designated course may, but need not, be a distance learning course.
- (4) A course cannot be a designated course for the purposes of regulation 3 if it is recognised as a designated course for the purposes of regulation 5 (designated courses) or 139 (designated part-time courses) of the student support regulations or regulation 4 (designated courses) of the 2016 Master's Degree Regulations.
- (5) For the purposes of section 22 of the 1998 Act and regulation 3(1), the Secretary of State may designate courses of higher education which are not designated under paragraph (1).
- (6) The Secretary of State may revoke or suspend the designation of a course which is designated under paragraph (5).

### **Period of eligibility**

- 5.—(1) A student's status as an eligible student is retained in connection with a designated course until the status terminates in accordance with this regulation or regulation 3.
- (2) The period for which an eligible student retains that status is the "period of eligibility".
- (3) Subject to the following paragraphs and regulation 3, the period of eligibility terminates at the end of the academic year in which the student completes the designated course.
- (4) The period of eligibility terminates when—
- (a) the eligible student ("A") withdraws from A's designated course in circumstances where the Secretary of State is not obliged under regulation 6 to transfer A's status as an eligible student to another course; or
  - (b) A abandons or is expelled from A's designated course.
- (5) The Secretary of State may terminate the period of eligibility where A has shown by A's conduct that A is unfitted to receive a postgraduate doctoral degree loan.
- (6) If the Secretary of State is satisfied that an eligible student has failed to comply with any requirement to provide information under these Regulations or has provided information which is inaccurate in a material particular, the Secretary of State may take such of the following actions as the Secretary of State considers appropriate in the circumstances—
- (a) terminate the period of eligibility;
  - (b) determine that the student no longer qualifies for a postgraduate doctoral degree loan;

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(22) 1992 c.13; section 65(3A) was inserted by section 27 of the Teaching and Higher Education Act 1998 (c.30). It was then amended by section 122 of the Higher Education and Research Act 2017 (c.29), subject to consequential, transitional, transitory and saving provisions made by S.I. 2018/245.



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

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

### **Transfer of status**

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

- (a) the Secretary of State receives a request from the eligible 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 that—

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

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

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

7. Where one of the events listed in regulation 8 occurs during the currency of a student’s course, a student may qualify for a postgraduate doctoral degree loan, provided the student complies with the application provisions set out in chapter 3 of Part 1.

### **Events**

8. The events are—

- (a) the student’s course becomes a designated 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) a state accedes to the EU where the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;
- (d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EU national;
- (e) the student acquires the right of permanent residence;
- (f) the student becomes the child of a Turkish worker;
- (g) the student becomes a person described in paragraph 7(1)(a) of Schedule 1;
- (h) the student becomes the child of a Swiss national; or
- (i) the student commences a designated course after the start date of the designated course as the relevant academic authority has permitted the student to commence the course at this later start date.



## CHAPTER 3

### **Applications for a postgraduate doctoral degree loan**

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

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

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

### **Time Limit**

**10.**—(1) An application for a postgraduate doctoral degree loan, or an application to amend the amount of loan applied for, must reach the Secretary of State no later than the end of the ninth month of the final academic year of the course.

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

### **Requirement to enter into a contract for a postgraduate doctoral degree loan**

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

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

## CHAPTER 4

### **Amount of the postgraduate doctoral degree loan**

**12.**—(1) The Secretary of State must pay, in accordance with regulation 13, the amount of loan an eligible student has applied for, provided that –

- (a) the total amount of the loan does not exceed £25,000; and
- (b) the amount applied for is to cover the matters referred to in paragraph 2(a) or (b) as applicable.

(2) Where the eligible student –

- (a) is not an eligible prisoner, the loan is to cover the whole or part of the costs of undertaking a designated course;
- (b) is an eligible prisoner, the loan is to cover the whole or part of the fees of a designated course (but not other costs of undertaking a designated course).

### **Payment of postgraduate doctoral degree loans**

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

- (a) either as a lump sum or by instalments; and
- (b) at such times, and in such manner, as the Secretary of State considers appropriate.

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

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

(4) The Secretary of State must not make a payment in excess of £10,609 in respect of a particular eligible student in connection with any one academic year.

(5) The Secretary of State must not, in any academic year, pay the whole or part of the postgraduate doctoral degree loan in respect of a particular student until the Secretary of State has received from the academic authority confirmation (in such form as may be required by the Secretary of State) in respect of that year—

- (a) that the student is in attendance or is undertaking the designated course; and
- (b) if it is able to do so, that the student is not, in connection to the designated course, in receipt of any allowance, bursary, or award of similar description made by UKRI.

(6) The academic authority must forthwith inform the Secretary of State and provide the Secretary of State with particulars if –

- (a) it becomes aware that the student is in receipt of any allowance, bursary, or award of similar description made by UKRI in connection with the designated course;
- (b) the student withdraws, is suspended or is expelled from the designated course, or is otherwise absent; or
- (c) the student is required to repeat a module or a similar unit of work.

#### **Provision of United Kingdom national insurance number**

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

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

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

#### **Absence from, and repetition of, parts of the course**

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

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

then the Secretary of State may not make any further payment of the postgraduate doctoral degree loan.

(2) Further payments may be made despite a notification referred to in paragraph (1) if, in the opinion of the Secretary of State, those payments would be appropriate in all the circumstances.

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

(4) The academic authority must inform the Secretary of State if the eligible student –

(a) completes the module or unit of work; or

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

(5) After considering a notification given under paragraph (3), the Secretary of State must recommence further payments of the postgraduate doctoral degree loan under regulation 13 if, in the opinion of the Secretary of State, it would be appropriate in all the circumstances for such payment to be made.

(6) After considering a notification given under paragraph (4), the Secretary of State must recommence further payments of the postgraduate doctoral degree loan under regulation 13.

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

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

(2) The Secretary of State must—

(a) adjust future payment of the postgraduate doctoral degree loan or future payments of instalments of the postgraduate doctoral degree loan, so that the total of the postgraduate doctoral degree loan awarded complies with the maximum postgraduate doctoral degree loan amount the student, as an eligible prisoner, is entitled to under regulation 12; and

(b) pay any remaining sum of the postgraduate doctoral degree loan, or any future instalments of the postgraduate doctoral degree loan, in accordance with regulation 13(3).

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

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

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

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

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

Where—

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

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

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

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

**Overpayments of a postgraduate doctoral degree loan**

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

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

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

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

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

**CHAPTER 5****Information requirements**

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

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

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

(4) The Secretary of State may at any time request from an applicant or eligible student sight of their valid national identity card, valid passport or their birth certificate.

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

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