

2018 No. 599

EDUCATION

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

Made - - - - *15th May 2018*
Laid before Parliament *21st May 2018*
Coming into force - - *11th June 2018*

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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), and sections 5 and 6 of the Sale of Student Loans Act 2008(b).

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(c) 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) 1998 c.30; section 22 was amended by section 146(2) of, and Schedule 11 to, the Learning 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), S.I. 2013/1881, section 86(1) to (7) and section 88 (2) to (5) of the Higher Education and Research Act 2017 (c.29). Section 43(1) of the Teaching and Higher Education Act 1998 defines “prescribed” and “regulations”.

(b) 2008 c.10.

(c) S.I. 2016/606, amended by S.I. 2017/594, S.I. 2017/831, S.I. 2017/837, S.I. 2018/137.

- (a) in relation to educational institutions in England, maintained or assisted by recurrent grants administered by the Office for Students^(a);
- (b) in relation to educational institutions in Wales, maintained or assisted by recurrent grants from the Higher Education Funding Council for Wales^(b);
- (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^(c) 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;

“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;

(a) 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.

(b) 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.

(c) OJ No L158, 30.4.2004, p77-123.

“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(a);

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

“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(d);
- (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(e)); 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(f);

“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;

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- (a) 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.
 - (b) 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.
 - (c) S.I. 1972/1265 (N.I. 14), to which there have been amendments not relevant to these Regulations.
 - (d) 1971 c.77.
 - (e) 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).
 - (f) 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.

“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(a) as extended by the Protocol thereto which entered into force on 4th October 1967(b);

“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(c), the Education (Student Loans) (Northern Ireland) Order 1990(d), the Education (Scotland) Act 1980(e) and regulations made under those Acts or that Order, the Education (Student Support) (Northern Ireland) Order 1998(f) 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(g);

“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.

(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;

(a) Cmnd. 9171.

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

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

(d) 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.

(e) 1980 c.44.

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

(g) 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.

- (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^(a) 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^(b); or
 - (iii) any allowance, bursary or award of similar description made under section 67(4)(a) of the Care Standards Act 2000^(c) 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.

(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

(a) 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.

(b) 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.

(c) 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).

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(a); 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)—

- (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(b) ; 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.

(a) 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).

(b) 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.

(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;

(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.

PART 2

Amendment of the Education (Student Loans) (Repayment) Regulations 2009

19. The Education (Student Loans) (Repayment) Regulations 2009 are amended in accordance with this Part.

Amendment of regulation 3

20.—(1) Regulation 3 (interpretation) is amended as follows.

(2) In paragraph (1)—

(a) for the definition of “the 2016 Postgraduate Regulations”(a), substitute –

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

(b) after the definition of “the 2017 Postgraduate Wales Regulations”(b), insert—

“the 2018 Doctoral Degree Regulations” means the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018;”;

(c) in the definition of “the Authority”(c), in paragraph (a) omit “master’s”;

(d) in the definition of “borrower”(d), in paragraph (b) omit “master’s”;

(e) in the definition of “loan purchaser”(e), omit “master’s”;

(f) for the definition of “postgraduate master’s degree loan”(f), substitute –

“postgraduate degree loan” means the total outstanding—

(a) principal owed by a person to the Authority in respect of –

(i) a postgraduate master’s degree loan pursuant to Part 1 of the 2016 Master’s Degree Regulations;

(ii) a postgraduate master’s degree loan pursuant to Part 4 of the 2017 Postgraduate Wales Regulations; or

(a) The definition of “the 2016 Postgraduate Regulations” was inserted by S.I. 2017/831.

(b) The definition of “the 2017 Postgraduate Wales Regulations” was inserted by S.I. 2017/831.

(c) The definition of “the Authority” was amended by S.I. 2017/831.

(d) The definition of “borrower” was substituted by S.I. 2017/831.

(e) The definition of “loan purchaser” was amended by S.I. 2017/831.

(f) The definition of “postgraduate master’s degree loan” was inserted by S.I. 2017/831.

- (iii) a postgraduate doctoral degree loan pursuant to Part 1 of the 2018 Doctoral Degree Regulations, and
 - (b) interest, penalties and charges owed by a person to the Authority pursuant to these Regulations in connection with the loan made pursuant to the 2016 Master's Degree Regulations, the 2017 Postgraduate Wales Regulations, or the 2018 Doctoral Degree Regulations,
- excluding any interest, penalties or charges payable under Part 3 or 4, and also has the meaning given to it in regulation 7;”;
- (g) for the definition of “postgraduate master’s degree loan borrower”(a), substitute –
- ““postgraduate degree loan borrower” means a person—
- (a) to whom the Authority has lent money in respect of a postgraduate degree loan; and
 - (b) who has not received a notice from the Authority or the loan purchaser (as the case may be) that the loan has been repaid in full or cancelled;”;
- (h) in the definition of “repayment”(b), omit “master’s”;
- (i) in the definition of “repayment threshold”(c), in paragraph (c) omit “master’s”;
- (j) for the definition of “student loan”(d), substitute —
- ““student loan” means the total outstanding principal, interest, penalties and charges owed by a person—
- (a) to the Secretary of State, pursuant to—
 - (i) these Regulations, other than any interest, penalties and charges owed in connection with the 2016 Master’s Degree Regulations or the 2018 Doctoral Degree Regulations; and
 - (ii) any other Regulations made under section 22 of the 1998 Act, other than the 2016 Master’s Degree Regulations or the 2018 Doctoral Degree Regulations,
 - (b) to the Welsh Ministers, pursuant to—
 - (i) these Regulations, other than any interest, penalties and charges owed in connection with the 2017 Postgraduate Wales Regulations; and
 - (ii) any other Regulations made under section 22 of the 1998 Act, other than the 2017 Postgraduate Wales Regulations,
- excluding any interest, penalties or charges payable under Part 3 or 4, and also has the meanings given to it in regulations 6 and 7;”.
- (3) In paragraph (2)(e), for “other than the 2016 Postgraduate Regulations or the 2017 Postgraduate Wales Regulations”, substitute –
- “other than the 2016 Master’s Degree Regulations, the 2017 Postgraduate Wales Regulations or the 2018 Doctoral Degree Regulations”.

Amendment of regulation 4

- 21.** In regulation 4(f) (application: general), omit “master’s”.

(a) The definition of “postgraduate master’s degree loan borrower” was inserted by S.I. 2017/831.
 (b) The definition of “repayment” was amended by S.I. 2017/831.
 (c) The definition of “repayment threshold” was inserted by S.I. 2011/784 and was subsequently substituted by S.I. 2012/1309 and then amended by S.I. 2017/831 and S.I. 2018/284.
 (d) The definition of “student loan” was substituted by S.I. 2017/831.
 (e) Paragraph (2) was inserted by S.I. 2012/1309 and was subsequently amended by S.I. 2013/607 and S.I. 2017/831.
 (f) Regulation 4 was amended by S.I. 2017/831.

Amendment of regulation 7

22. In regulation 7(1)(a) (application to transferred loans in England and Wales)—

- (a) for the definition of “postgraduate master’s degree loan”(b), substitute —
- ““postgraduate degree loan” means, subject to any provisions of transfer arrangements, the total outstanding—
- (a) principal owed by a person to a loan purchaser in respect of—
 - (i) a postgraduate master’s degree loan pursuant to the 2016 Master’s Degree Regulations;
 - (ii) a postgraduate master’s degree loan pursuant to the 2017 Postgraduate Wales Regulations; or
 - (iii) a postgraduate doctoral degree loan pursuant to the 2018 Doctoral Degree Regulations; and
 - (b) interest, penalties and charges owed by a person to a loan purchaser pursuant to these Regulations in connection with the loan made pursuant to the 2016 Master’s Degree Regulations, the 2017 Postgraduate Wales Regulations or the 2018 Doctoral Degree Regulations; and”;
- (b) for the definition of “student loan”(c), substitute —
- ““student loan” means, subject to any provisions of transfer arrangements, the total outstanding principal, interest, penalties and charges owed by a person to a loan purchaser pursuant to—
- (a) these Regulations, other than any interest, penalties and charges owed in connection with the 2016 Master’s Degree Regulations, the 2017 Postgraduate Wales Regulations or the 2018 Doctoral Degree Regulations; and
 - (b) any other Regulations made under section 22 of the 1998 Act, other than the 2016 Master’s Degree Regulations, the 2017 Postgraduate Wales Regulations or the 2018 Doctoral Degree Regulations.”.

Amendment of regulation 15

23.—(1) Regulation 15 (timing of repayments: general) is amended as follows.

(2) In paragraph (1)(d), omit “master’s”.

(3) For paragraph (2ZA)(e), substitute —

“(2ZA) Subject to paragraph (2C) a postgraduate degree loan borrower is not required to repay –

- (a) any part of a postgraduate master’s degree loan, before the start of the following tax year commencing on 6 April after the borrower ceases to be eligible for a loan under Part 1 of the 2016 Master’s Degree Regulations or Part 4 of the 2017 Postgraduate Wales Regulations, whether by reason of having completed that course or otherwise;
- (b) any part of a postgraduate doctoral degree loan, until the earlier of—
 - (i) the start of the following tax year commencing on 6 April after the borrower ceases to be eligible for a loan under Part 1 of the 2018 Doctoral Degree Regulations, whether by reason of having completed that course or otherwise;or

(a) Regulation 7(1) was amended by S.I. 2017/831.

(b) The definition of “postgraduate master’s degree loan” was inserted by S.I. 2017/831.

(c) The definition of “student loan” was amended by S.I. 2017/831.

(d) Paragraph (1) was amended by S.I. 2017/831.

(e) Paragraph (ZA) was inserted by S.I. 2017/831.

(ii) the start of the following tax year commencing on 6 April after the fourth anniversary of the course start date.”.

(4) For paragraph (2C)(a), substitute –

“A borrower is not required to repay any part of the postgraduate degree loan under paragraph (2ZA) before 6 April 2019.”.

(5) In paragraph (7)(b), omit “master’s”.

Amendment of regulation 18

24. In paragraph (1)(a)(c) (direct debit repayment), omit “master’s”.

Amendment of regulation 19

25. In regulation 19(d) (cancellation), omit “master’s” each time it appears.

Amendment of regulation 20

26. In regulation 20(e) (refunds), omit “master’s” each time it appears.

Amendment of regulation 20A

27. In regulation 20A(f) (excess payments: more than one loan), in paragraph (1)(a)(i) and (ii), omit “master’s”.

Amendment of regulation 21B

28.—(1) Regulation 21B(g) (interest rate on postgraduate master’s degree loans) is amended as follows.

(2) In the heading, omit “master’s”.

(3) In paragraph 1, omit “master’s”.

(4) For paragraph 2, substitute –

“Interest accrues as of the date that the first payment of the loan is paid out under –

(a) regulation 13 of the 2016 Master’s Degree Regulations;

(b) regulation 13 of the 2017 Postgraduate Wales Regulations; or

(c) regulation 13 of the 2018 Doctoral Degree Regulations. ”.

Amendment of regulation 25

29. In regulation 25(3)(h) (costs and expenses), omit “master’s”.

Amendment of regulation 27

30. In regulation 27(i) (foreclosure), omit “master’s”.

(a) Paragraph (2C) was substituted by S.I. 2017/831.

(b) Paragraph (7) was amended by S.I. 2017/831

(c) Paragraph 1(a) was amended by S.I. 2017/831.

(d) Regulation 19 was amended by S.I. 2013/607, S.I. 2012/1309, S.I. 2017/831.

(e) Regulation 20 was amended by S.I. 2011/784, S.I. 2012/1309, S.I. 2013/607, S.I. 2017/831.

(f) Regulation 20A was inserted by S.I. 2017/831.

(g) Regulation 21B was inserted by S.I. 2017/831.

(h) Regulation 25(3) was amended by S.I. 2017/831.

(i) Regulation 27 was amended by S.I. 2017/831.

Amendment of regulation 28

31. In the heading of regulation 28(a) (repayments of student loans and postgraduate master's degree loan by persons required to submit a tax return), omit "master's".

Amendment of regulation 29

32. In regulation 29(b) (time for and amount of repayments), omit "master's" each time it appears.

Amendment of regulation 33

33. In regulation 33(c) (other returns and information), in paragraph (3)(b) and (d)(i), omit "master's".

Amendment of regulation 41

34. In regulation 41 (interpretation), in the definition of "combined amount"(d) omit "master's".

Amendment of regulation 42

35. In the heading of regulation 42(e) (repayment of student loans or postgraduate master's degree loans by employees), omit "master's".

Amendment of regulation 43

36. In regulation 43(2)(f) (commencement of employment with a non-Real Time Information employer), omit "master's".

Amendment of regulation 43A

37. In regulation 43A(g) (commencement of employment with a Real Time information employer), omit "master's".

Amendment of regulation 44

38. In regulation 44(h) (amount of repayments), omit "master's" each time it appears.

Amendment of regulation 50

39. In regulation 50(i) (deductions of repayments), omit "master's" each time it appears.

Amendment of regulation 55

40. Regulation 55(j) (notice and certificate when repayments deducted not paid), omit "master's" each time it appears.

-
- (a) The heading of regulation 28 was amended by S.I. 2017/831.
 - (b) Regulation 29 was amended by S.I. 2010/661, S.I. 2011/784, S.I. 2012/1309, S.I. 2013/607, S.I. 2014/651, S.I. 2017/831, S.I. 2018/284.
 - (c) Regulation 33 was amended by S.I. 2013/607, S.I. 2017/831.
 - (d) The definition of "combined amount" was amended by S.I. 2017/831.
 - (e) The heading of regulation 42 was amended by S.I. 2017/831.
 - (f) Regulation 43(2) was substituted by S.I. 2012/836 and then amended by S.I. 2013/607, S.I. 2017/831.
 - (g) Regulation 43A was inserted by S.I. 2012/836 and subsequently amended by S.I. 2013/607, S.I. 2017/831.
 - (h) Regulation 44 was amended by S.I. 2011/784, S.I. 2013/607, S.I. 2017/831.
 - (i) Regulation 50 was amended by S.I. 2012/836, S.I. 2017/831.
 - (j) Regulation 55 was amended by S.I. 2012/836, S.I. 2017/831.

Amendment of regulation 56

41. In regulation 56(a) (notice of specified amount and certificate when repayments not deducted), omit “master’s” each time it appears.

Amendment of regulation 57

42. In regulation 57(2)(b) (recovery of payments deducted through the income tax system), omit “master’s”.

Amendment of regulation 59

43. In regulation 59(9)(c) (returns by employers), omit “master’s”.

Amendment of regulation 60

44. In regulation 60(4)(a)(d) (inspection of employers’ records), omit “master’s”.

Amendment of regulation 61

45. In regulation 61(2)(b)(e) (powers to obtain information), omit “master’s”.

Amendment of regulation 67

46. In regulation 67(f) (cessation of employment), in paragraphs (b) and (ba) omit “master’s”.

Amendment of regulation 68

47. In regulation 68(3)(g) (penalties), omit “master’s”.

Amendment of regulation 73

48. In regulation 73(h) (notice of liability to make repayments), in paragraph (1) and (2) omit “master’s”.

Amendment of regulation 75

49. In regulation 75(i) (repayment by income-related instalments), omit “master’s” each time it appears.

Amendment of regulation 76

50. In regulation 76(j) (calculation of fixed instalment and applicable threshold), omit “master’s” each time it appears in the third column of the table.

-
- (a) Regulation 56 was amended by S.I. 2012/836, S.I. 2017/831.
 - (b) Regulation 57(2) was amended by S.I. 2017/831.
 - (c) Regulation 59(9) was amended by S.I. 2017/831.
 - (d) Regulation 60(4)(a) was amended by S.I. 2017/831.
 - (e) Regulation 60(1)(2)(b) was amended by S.I. 2017/831.
 - (f) Regulation 67 was amended by S.I. 2012/836, S.I. 2017/831.
 - (g) Regulation 68(3) was amended by S.I. 2017/831.
 - (h) Regulation 73 was amended by S.I. 2017/831.
 - (i) Regulation 75 was amended by S.I. 2012/1309, S.I. 2017/831.
 - (j) The table in paragraph (1) was substituted by S.I. 2012/1309 and subsequently amended by S.I. 2017/831. The fourth table was inserted by S.I. 2018/284.

Amendment of regulation 77

51. In regulation 77(1)(b)(a) (application to cease repayment by instalments), omit “master’s”.

Amendment of regulation 80

52.—(1) Regulation 80 (effect of borrower insolvency on student loans and postgraduate master’s degree loans), is amended as follows.

- (2) In the heading(b), omit “master’s”.
- (3) In paragraph 2(c), omit “master’s” each time it appears.
- (4) In paragraph 3(d), omit “master’s” each time it appears.

PART 3

Amendment of the Education (Student Support) Regulations 2011

53. The Education (Student Support) Regulations 2011 are amended in accordance with this Part.

54.—(1) Regulation 2(1) (interpretation) is amended as follows.

- (2) Omit the definition of “Research Council”;
- (3) After the definition of “Turkish worker”, insert –
““UKRI” means United Kingdom Research and Innovation;”.

55. In regulation 4(7A)(e) (eligible students), for “and is receiving support under those Regulations for that course” substitute –

“or regulation 4 of the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018, and is receiving support under either set of regulations for that course.”

56. In regulation 137 (eligible part-time students), after paragraph (3A) insert –

“(3B) A person (“A”) is not an eligible part-time student if A is enrolled on a course which is designated under regulation 4 of the Education (Postgraduate Master’s Degree Loans) Regulations 2016 or regulation 4 of the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018, and is receiving support under either set of regulations for that course.”

57. In regulation 159(4)(a)(iii) (Eligible postgraduate students), for “a Research Council”, substitute “UKRI”.

PART 4

Amendment of the Education (Postgraduate Master’s Degree Loans) Regulations 2016

58. The Education (Postgraduate Master’s Degree Loans) Regulations 2016 are amended in accordance with this Part.

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- (a) Regulation 77(1)(b) was amended by S.I. 2017/831.
 - (b) The heading of regulation 80 was amended by S.I. 2017/831.
 - (c) Paragraph (2) was amended by S.I. 2017/831.
 - (d) Paragraph (3) was amended by S.I. 2017/831.
 - (e) Regulation 4(7A) was inserted by S.I. 2018/443.

59. In regulation 2(1) (interpretation), for the definition of “postgraduate master’s degree loan”, substitute—

“postgraduate master’s 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 any interest, penalties or charges payable under Part 3 or 4 of the Education (Student Loans) (Repayment) Regulations 2009;”.

60.—(1) Regulation 3 (eligible students) is amended as follows.

(2) For regulation 3(3)(f)(a) substitute –

“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(b) or under regulation 4 (designated courses) of the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018, and is receiving support under either set of regulations for that course;”.

(3) In paragraph (4A)(c), omit sub-paragraph (c).

61. For regulation 4(5) (designated courses), substitute –

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

62. For regulation 10(d) (time limit), substitute –

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

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

63. In regulation 12(3)(b)(e)(amount of the postgraduate master’s degree loan), for “regulation 10(2)”, substitute “regulation 10(1)”.

64. For regulation 13(4) (payment of postgraduate master’s degree loans), substitute –

“The Secretary of State must not, in any academic year, pay the whole or part of the postgraduate master’s degree loan in respect of a particular student until the Secretary of State has received from the academic authority confirmation (in such form as may be required by the Secretary of State) in respect of that academic year that the student is in attendance or is undertaking the designated course.”.

65. In regulation 17(3)(c), for “with Part 2” substitute “with regulations made under section 22 of the 1998 Act”.

(a) Regulation 3(3)(f) was amended by S.I. 2018/137.

(b) 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; 2018/472.

(c) Paragraph (4A) was inserted by S.I. 2018/137.

(d) Regulation 10 was substituted by S.I. 2017/594.

(e) Regulation 12(3)(b) was amended by S.I. 2017/594.

15th May 2018

Sam Gyimah
Minister of State for Universities, Science, Research and Innovation
Department for Education

SCHEDULE 1 ELIGIBLE STUDENTS

Regulations 3 and 8

PART 1

Interpretation

1.—(1) For the purposes of this Schedule—

“EEA frontier self-employed person” means an EEA national who—

- (a) is a self-employed person in England; and
- (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“EEA frontier worker” means an EEA national who—

- (a) is a worker in England; and
- (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“EEA migrant worker” means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

“EEA national” means a national of an EEA State other than the United Kingdom;

“EEA self-employed person” means an EEA national who is a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

“employed person” means an employed person within the meaning of Annex 1 to the Swiss Agreement;

“European Economic Area” means the area comprised by the EEA States;

unless otherwise indicated, “family member” means—

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person or an EEA self-employed person—
 - (i) that person’s spouse or civil partner;
 - (ii) direct descendants of the person or of the person’s spouse or civil partner who are—
 - (aa) under the age of 21, or
 - (bb) dependants of the person or the person’s spouse or civil partner; or
 - (iii) dependent direct relatives in the ascending line of that person or that of the person’s spouse or civil partner;
- (b) in relation to a Swiss employed person, a Swiss frontier employed person, a Swiss frontier self-employed person or a Swiss self-employed person—
 - (i) that person’s spouse or civil partner; or
 - (ii) that person’s child or the child of that person’s spouse or civil partner;
- (c) in relation to an EU national who falls within article 7(1)(c) of Directive 2004/38—
 - (i) that person’s spouse or civil partner; or

- (ii) direct descendants of the person or of the person’s spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of the person or the person’s spouse or civil partner;
- (d) in relation to an EU national who falls within article 7(1)(b) of Directive 2004/38—
 - (i) that person’s spouse or civil partner;
 - (ii) direct descendants of the person or of the person’s spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of the person or the person’s spouse or civil partner; or
 - (iii) dependent direct relatives in the person’s ascending line or that of the person’s spouse or civil partner;
- (e) in relation to a United Kingdom national, for the purposes of paragraph 10—
 - (i) the person’s spouse or civil partner; or
 - (ii) direct descendants of the person or the person’s spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of the person or the person’s spouse or civil partner;

“self-employed person” means—

- (a) in relation to an EEA national, a person who is self-employed within the meaning of article 7 of Directive 2004/38 or the EEA Agreement, as the case may be; or
- (b) in relation to a Swiss national, a person who is a self-employed person within the meaning of Annex 1 to the Swiss Agreement;

“settled” has the meaning given by section 33(2A) of the Immigration Act 1971(a) ;

“Swiss Agreement” means the Agreement between the EU and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons signed at Luxembourg on 21st June 1999(b) and which came into force on 1st June 2002;

“Swiss employed person” means a Swiss national who is an employed person, other than a Swiss frontier employed person, in the United Kingdom;

“Swiss frontier employed person” means a Swiss national who—

- (a) is an employed person in England; and
- (b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“Swiss frontier self-employed person” means a Swiss national who—

- (a) is a self-employed person in England; and
- (b) resides in Switzerland or in the territory of an EEA State, other than the United Kingdom, and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“Swiss self-employed person” means a Swiss national who is a self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom;

“worker” means a worker within the meaning of article 7 of Directive 2004/38 or the EEA Agreement as the case may be.

(2) For the purposes of this Schedule, “parent” means a parent, guardian or any other person having parental responsibility and “child” is to be construed accordingly.

(3) For the purposes of this Schedule, a person is not to be treated as ordinarily resident in a place unless that person lawfully resides in that place.

(a) 1971 c.77; section 33(2A) was inserted by paragraph 7 to Schedule 4 to the British Nationality Act 1981 (c.61).
 (b) Cm. 4904.

(4) For the purposes of this Schedule, a person who is ordinarily resident in England, Wales, Scotland, Northern Ireland or the Islands, as a result of having moved from another of those areas for the purpose of undertaking—

- (a) the designated course; or
- (b) a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated course,

is to be considered to be ordinarily resident in the place from which the person moved.

(5) For the purposes of this Schedule, a person (“A”) is to be treated as ordinarily resident in England, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey if A would have been so resident but for the fact that—

- (a) A;
- (b) A’s spouse or civil partner; or
- (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 outside the area in question.

(6) For the purposes of sub-paragraph (5), temporary employment outside of England, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces; and
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside of the territory comprising the European Economic Area and Switzerland as members of such forces; and
- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.

(7) For the purposes of this Schedule an area which —

- (a) was previously not part of the EU or the European Economic Area; but
- (b) at any time before or after these Regulations come into force has become part of one or other or both of these areas,

is to be considered to have always been a part of the European Economic Area.

(8) For the purposes of this Schedule, an eligible prisoner is to be considered ordinarily resident in the part of the United Kingdom where the prisoner resided prior to sentencing.

PART 2

Categories

Persons who are settled in the United Kingdom

2.—(1) A person—

- (a) who on the first day of the first academic year of the course—
 - (i) is settled in the United Kingdom other than by reason of having acquired the right of permanent residence;
 - (ii) is ordinarily resident in England; and
 - (iii) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and

- (b) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in sub-paragraph (a)(iii) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (b) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(5).

3. A person who—

- (a) is settled in the United Kingdom by virtue of having acquired the right of permanent residence;
- (b) is ordinarily resident in England on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

Refugees and their family members

4.—(1) A person who—

- (a) is a refugee;
- (b) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since the person was recognised as a refugee; and
- (c) is ordinarily resident in England on the first day of the first academic year of the course.

(2) A person who—

- (a) is the spouse or civil partner of a refugee;
- (b) was the spouse or civil partner of the refugee on the date on which the refugee made the application for asylum;
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
- (d) is ordinarily resident in England on the first day of the first academic year of the course.

(3) A person who—

- (a) is the child of a refugee or the child of the spouse or civil partner of a refugee;
- (b) on the date on which the refugee made the application for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date;
- (c) was under 18 on the date on which the refugee made the application for asylum;
- (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
- (e) is ordinarily resident in England on the first day of the first academic year of the course.

Persons granted stateless leave and their family members

5.—(1) A person granted stateless leave who—

- (a) is ordinarily resident in England on the first day of the first academic year of the course; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(2) A person—

- (a) who—

- (i) is the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave;
 - (b) who is ordinarily resident in England on the first day of the first academic year of the course; and
 - (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (3) A person—
- (a) who—
 - (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the child of a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave;
 - (b) who was under 18 on the leave application date;
 - (c) who is ordinarily resident in England on the first day of the first academic year of the course; and
 - (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (4) In this paragraph, “leave application date” means the date on which the person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971).

Persons granted humanitarian protection and their family members

- 6.—(1) A person granted humanitarian protection who—
- (a) is ordinarily resident in England on the first day of the first academic year of the course; and
 - (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (2) A person who—
- (a) is the spouse or civil partner of a person granted humanitarian protection;
 - (b) was the spouse or civil partner of the person granted humanitarian protection on the date on which that person applied for asylum (the “asylum application date”);
 - (c) is ordinarily resident in England on the first day of the first academic year of the course; and
 - (d) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (3) A person who—
- (a) is the child of a person granted humanitarian protection or the child of the spouse or civil partner of a person granted humanitarian protection;
 - (b) on the asylum application date, was the child of that person or the child of a person who was the spouse or civil partner of the person granted humanitarian protection on that date;
 - (c) was under 18 on the asylum application date;
 - (d) is ordinarily resident in England on the first day of the first academic year of the course; and
 - (e) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

Workers, employed persons, self-employed persons and their family members

7.—(1) A person who—

- (a) is—
 - (i) an EEA migrant worker or an EEA self-employed person;
 - (ii) a Swiss employed person or a Swiss self-employed person;
 - (iii) a family member of a person mentioned in paragraph (i) or (ii);
 - (iv) an EEA frontier worker or an EEA frontier self-employed person;
 - (v) a Swiss frontier employed person or a Swiss frontier self-employed person; or
 - (vi) a family member of a person mentioned in paragraph (iv) or (v);
- (b) subject to sub-paragraph (2), is ordinarily resident in England on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course.

(2) Paragraph (b) of sub-paragraph (1) does not apply where the person applying for support falls within paragraph (a)(iv), (v) or (vi) of sub-paragraph (1).

8. A person who—

- (a) is ordinarily resident in England on the first day of the first academic year of the course;
- (b) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (c) is entitled to support by virtue of Article 12 of Council Regulation (EEC) No. 1612/68 on the freedom of movement of workers^(a), as extended by the EEA Agreement.

Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere

9.—(1) A person who—

- (a) is settled in the United Kingdom;
- (b) was ordinarily resident in England and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence;
- (c) is ordinarily resident in the United Kingdom on the day on which the first term of the first academic year actually begins;
- (d) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (e) in a case where the person's ordinary residence referred to in paragraph (d) was wholly or mainly for the purposes of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).

(2) For the purposes of this paragraph, a person has exercised a right of residence if that person is a United Kingdom national, a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement) or a person who has a right of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom or, in the case of a person who is settled in the United Kingdom and has a right of permanent residence, if the person goes to the

(a) OJ No L257, 19.10.1968, p2 (OJ/SE 1968 (II) p475).

state within the territory comprising the European Economic Area and Switzerland of which the person is a national or of which the person in relation to whom the person is a family member is a national.

EU nationals

10.—(1) A person —

- (a) who is either—
 - (i) an EU national on the first day of the first academic year of the course; or
 - (ii) a family member of a such a person;
- (b) who is attending or undertaking a designated course in England;
- (c) who has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the European Economic Area and Switzerland in accordance with paragraph 1(5).

(3) Where a state accedes to the EU after the first day of the first academic year of the course and a person is a national of that state or the family member of a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EU national on the first day of the first academic year of the course is treated as being satisfied.

11.—(1) A person who—

- (a) is an EU national other than a United Kingdom national on the first day of the first academic year of the course;
- (b) is ordinarily resident in England on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course; and
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving higher education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).

(2) Where a state accedes to the EU after the first day of the first academic year of the course and a person is a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EU national other than a United Kingdom national on the first day of the first academic year of the course is treated as being satisfied.

Children of Swiss nationals

12. A person who—

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of article 3(6) of Annex 1 to the Swiss Agreement;
- (b) is ordinarily resident in England on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the

territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

Children of Turkish workers

13. A person who—

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in England on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.

Long Residence

14.—(1) A person—

- (a) who on the first day of the first academic year of the course either—
 - (i) is under the age of 18 and has lived in the United Kingdom throughout the seven-year period preceding the first day of the first academic year of the course; or
 - (ii) is aged 18 or above and, preceding the first day of the first academic year of the course, has lived in the United Kingdom throughout either—
 - (aa) half their life; or
 - (bb) a period of twenty years;
- (b) who is ordinarily resident in England;
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(5).

SCHEDULE 2

INFORMATION

Regulations 15 and 18

1. Every applicant and eligible student must, as soon as reasonably practicable after being requested to do so, provide the Secretary of State with such information as the Secretary of State considers the Secretary of State requires for the purposes of these Regulations.

2. Every applicant and eligible student must forthwith inform the Secretary of State and provide the Secretary of State with particulars if any of the following occurs—

- (a) the applicant or student withdraws, is suspended, is expelled from or abandons their course;
- (b) the applicant or student transfers to any other course at the same or at a different institution;
- (c) the applicant or student is absent from the course;
- (d) the month for the start or completion of the course changes;
- (e) the applicant or student's home or term-time address or telephone number changes;
- (f) the applicant or student becomes, or ceases to be, a prisoner or eligible prisoner;

- (g) the applicant or student starts, in connection with the course, to receive of any allowance, bursary or award of similar description made by UKRI.

3. Information provided to the Secretary of State pursuant to these Regulations must be in the format that the Secretary of State requires and, if the Secretary of State requires the information to be signed by the person providing it, an electronic signature in such form as the Secretary of State may specify satisfies such a requirement.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the making of loans to eligible students in connection with postgraduate doctoral degree courses that begin on or after 1st August 2018. These Regulations amend the Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), the Education (Student Support) Regulations 2011 (S.I. 2011/1986) and the Education (Postgraduate Master's Degree Loans) Regulations 2016 (S.I. 2016/606).

Part 1 of these Regulations sets out the loan terms. Regulation 3 sets out who can be considered an eligible student for the purposes of a postgraduate doctoral degree loan. Regulation 4 sets out which courses are deemed designated courses for which an eligible student can receive a loan. Regulation 5 sets out when a student ceases to be considered an eligible student. Regulation 6 recognises that an eligible student may transfer to another course in certain circumstances. Regulations 7 and 8 set out the circumstances in which a student may qualify for a postgraduate doctoral degree loan after the designated course has started. Regulations 9 to 11 deal with the formalities of how an eligible student applies for a loan, including the application deadlines. Regulation 12 provides that the maximum loan amount an eligible student can receive is £25,000, other than in the case of an eligible prisoner where the maximum amount is £25,000 or, if less, the value of the fees of the designated course. Regulation 13 gives the Secretary of State the power to pay any loan in instalments. The Secretary of State can make payments of up to £10,609 in respect of an eligible student in connection with an academic year and may require the student to provide details of a bank account into which payments can be transferred. In the case of an eligible prisoner, the payment is made to the institution to which the prisoner is liable to make payment for the fees or to a third party. Regulation 14 gives the Secretary of State the power to make payment of the loan conditional upon the student providing the Secretary of State with a national insurance number. Regulation 15 places an obligation on the Secretary of State to cease further loan payments if the Secretary of State receives notice of a student's need to repeat a module or a similar unit of work or of a student's lack of attendance on the course. The Secretary of State may continue to make payments if the Secretary of State considers it would be appropriate. The Secretary of State must recommence payments if the student completes the module or similar unit of work, or if the student is no longer required to complete the module or similar unit of work. If the student recommences the full course, the Secretary of State may decide to recommence further payments. Regulation 16 sets out how loan entitlement amounts change when an eligible student becomes an eligible prisoner and vice versa. Regulation 17 sets out how the Secretary of State can recover any overpayments of a postgraduate doctoral degree loan. Regulation 18 deals with information requirements.

Part 2 of these Regulations amends the Education (Student Loans) (Repayment) Regulations 2009 to make provision for the repayment of postgraduate doctoral degree loans on the same basis as postgraduate master's degree loans.

Part 3 of these Regulations amends the Education (Student Support) Regulations 2011 to prevent dual funding, and to update references to the Research Councils following their absorption into United Kingdom Research and Innovation.

Part 4 of these Regulations amends the Education (Postgraduate Master's Degree Loans) Regulations 2016 to prevent dual funding, and to bring those Regulations in line with these Regulations.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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UK201805161017 05/2018 19585

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