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STATUTORY INSTRUMENTS

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**2020 No. 48**

**The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020**

**Amendments relating to designation of courses in Northern Ireland, Scotland and Wales**

4.—(1) In the Education (Student Support) Regulations 2011—

(a) in regulation 2 (interpretation)—

(i) after the definition of “non-regulated institution” insert—

““Northern Irish designated full-time course” has the meaning given in paragraph (14);

“Northern Irish designated part-time course” has the meaning given in paragraph (14);

“Northern Irish designated postgraduate course” has the meaning given in paragraph (14).”;

(ii) after the definition of “sandwich course” insert—

““Scottish designated full-time course” has the meaning given in paragraph (14);

“Scottish designated part-time course” has the meaning given in paragraph (14);

“Scottish designated postgraduate course” has the meaning given in paragraph (14).”;

(iii) after the definition of “universal credit” insert—

““Welsh designated full-time course” has the meaning given in paragraph (14);

“Welsh designated part-time course” has the meaning given in paragraph (14);

“Welsh designated postgraduate course” has the meaning given in paragraph (14).”;

(iv) after paragraph (13) insert—

“(14) In these Regulations—

“Northern Irish designated full-time course” means a full-time course mentioned in Schedule 2, substantially provided in Northern Ireland and designated under regulation 6(9) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009<sup>(1)</sup> for the purposes of regulation 5 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998<sup>(2)</sup>;

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(1) S.R. 2009 No. 373; relevant amending instruments are S.R. 2010 No. 383, S.R. 2017 No. 7, S.R. 2017 No. 43, S.R. 2019 No. 35, S.R. 2019 No.102 and S.R. 2019 No. 223. There are other amending instruments but none is relevant.

(2) S.I. 1998/1760 (N.I. 14). Article 3 was amended by section 147 of the Learning and Skills Act 2000 (c. 21), section 147 of the Finance Act 2003 (c. 14), paragraph 238 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1) section 1 of the Student Loans (Amendment) Act (Northern Ireland) 2011 (c. 2) S.I. 2005/1116 (N.I. 5) and S.I. 2013/1881.

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“Northern Irish designated part-time course” means a part-time course mentioned in Schedule 2, substantially provided in Northern Ireland and designated under regulation 124(7) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 122 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998;

“Northern Irish designated postgraduate course” means a postgraduate course substantially provided in Northern Ireland and designated under regulation 141(4) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 139 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998;

“Scottish designated full-time course” means a full-time course mentioned in Schedule 2, substantially provided in Scotland—

- (a) determined as designated under regulation 4(9) of the Education (Student Loans) (Scotland) Regulations 2007<sup>(3)</sup> for the purposes of regulation 3(2) of those Regulations;
- (b) designated under regulation 6(9) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 5 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998; and
- (c) either—
  - (i) designated under regulation 5(8) of the Education (Student Support) (Wales) Regulations 2017<sup>(4)</sup> for the purposes of regulation 4(1) of those Regulations and section 22 of the 1998 Act; or
  - (ii) specified to be treated as a designated course under regulation 8(1) of the Education (Student Support) (Wales) Regulations 2018<sup>(5)</sup>, for the purposes of those Regulations;

“Scottish designated part-time course” means a part-time course mentioned in Schedule 2, substantially provided in Scotland—

- (a) determined as designated under regulation 4(9) of the Education (Student Loans) (Scotland) Regulations 2007 for the purposes of regulation 3(2) of those Regulations;
- (b) designated under regulation 124(7) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 122 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998; and
- (c) either—
  - (i) designated under regulation 83(6) of the Education (Student Support) (Wales) Regulations 2017 for the purposes of regulation 81(1) of those Regulations and section 22 of the 1998 Act; or

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(3) S.S.I. 2007/154; relevant amending instrument are S.S.I. 2008/205, S.S.I. 2016/261, S.S.I. 2017/180, S.S.I. 2018/307 and S.S.I. 2019/70. There are other amending instruments but none is relevant.

(4) S.I. 2017/47 (W. 21); relevant amending instruments are S.I. 2018/191 (W. 42), S.I. 2018/814 (W. 165) and S.I. 2019/235 (W. 54).

(5) S.I. 2018/191 (W. 42).

- (ii) specified to be treated as a designated course under regulation 8(1) of the Education (Student Support) (Wales) Regulations 2018, for the purposes of those Regulations;

“Scottish designated postgraduate course” means a postgraduate course substantially provided in Scotland—

- (a) determined as designated under regulation 4(9) of the Education (Student Loans) (Scotland) Regulations 2007 for the purposes of regulation 3(2) of those Regulations;
- (b) designated under regulation 141(4) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 139 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998; and
- (c) either—
  - (i) designated under 112(4) of the Education (Student Support) (Wales) Regulations 2017 for the purposes of regulation 110 of those Regulations and section 22 of the 1998 Act; or
  - (ii) specified to be treated as a designated course under paragraph 3 of Schedule 4 to the Education (Student Support) (Wales) Regulations 2018, for the purposes of those Regulations;

“Welsh designated full-time course” means a full-time course mentioned in Schedule 2, substantially provided in Wales and—

- (a) designated under regulation 5(8) of the Education (Student Support) (Wales) Regulations 2017 for the purposes of regulation 4(1) of those Regulations and section 22 of the 1998 Act; or
- (b) specified to be treated as a designated course under regulation 8(1) of the Education (Student Support) (Wales) Regulations 2018, for the purposes of those Regulations;

“Welsh designated part-time course” means a part-time course mentioned in Schedule 2, substantially provided in Wales and—

- (a) designated under regulation 83(6) of the Education (Student Support) (Wales) Regulations 2017 for the purposes of regulation 81(1) of those Regulations and section 22 of the 1998 Act; or
- (b) specified to be treated as a designated course under regulation 8(1) of the Education (Student Support) (Wales) Regulations 2018, for the purposes of those Regulations;

“Welsh designated postgraduate course” means a postgraduate course substantially provided in Wales and—

- (a) designated under 112(4) of the Education (Student Support) (Wales) Regulations 2017 for the purposes of regulation 110 of those Regulations and section 22 of the 1998 Act; or
- (b) specified to be treated as a designated course under paragraph 3 of Schedule 4 to the Education (Student Support) (Wales) Regulations 2018, for the purposes of those Regulations.

(15) For the purposes of paragraph (14)—

- (a) a course is substantially provided in Northern Ireland if at least half of the teaching and supervision which comprise the course is provided in Northern Ireland;

- (b) a course is substantially provided in Scotland if at least half of the teaching and supervision which comprise the course is provided in Scotland;
  - (c) a course is substantially provided in Wales if at least half of the teaching and supervision which comprise the course is provided in Wales.”;
- (b) in regulation 5 (designated courses)—
  - (i) after paragraph (2) insert—

“(2ZZA) For the purposes of section 22 of the 1998 Act and regulation 4, a course is a designated course if it is a Northern Irish designated full-time course, a Scottish designated full-time course or a Welsh designated full-time course.”;
  - (ii) in paragraph (10), after “(1)” insert “or (2ZZA)”;
- (c) in regulation 17 (events giving rise to eligibility), for sub-paragraph (a) substitute—
  - “(a) the student’s course becomes a designated course—
    - (i) under regulation 5(10);
    - (ii) by virtue of the course being provided by or on behalf of an English higher education provider which becomes a registered provider; or
    - (iii) by virtue of the course becoming a Northern Irish designated full-time course, a Scottish designated full-time course or a Welsh designated full-time course;”;
- (d) in regulation 85(2) (students becoming eligible in the course of an academic year), for sub-paragraph (a) substitute—
  - “(a) the student’s course becomes a designated course—
    - (i) under regulation 5(10);
    - (ii) by virtue of the course being provided by or on behalf of an English higher education provider which becomes a registered provider; or
    - (iii) by virtue of the course becoming a Northern Irish designated full-time course, a Scottish designated full-time course or a Welsh designated full-time course;”;
- (e) in regulation 138(4) (students becoming eligible for support under Part 11A during the course of an academic year), for sub-paragraph (a) substitute—
  - “(a) the student’s course becomes a designated part-time course—
    - (i) under regulation 139(7);
    - (ii) by virtue of the course being provided by or on behalf of an English higher education provider which becomes a registered provider; or
    - (iii) by virtue of the course becoming a Northern Irish designated part-time course, a Scottish designated part-time course or a Welsh designated part-time course;”;
- (f) in regulation 138A(2) (students becoming eligible for support under Part 11B in the course of an academic year), for sub-paragraph (a) substitute—
  - “(a) the student’s course becomes a designated part-time course—
    - (i) under regulation 139(7);
    - (ii) by virtue of the course being provided by or on behalf of an English higher education provider which becomes a registered provider; or

- (iii) by virtue of the course becoming a Northern Irish designated part-time course, a Scottish designated part-time course or a Welsh designated part-time course;”;
  - (g) in regulation 139 (designation of part-time courses)—
    - (i) after paragraph (2) insert—

“(2ZAA) A part-time course is designated for the purposes of section 22 of the 1998 Act and regulation 137(1) if it is a Northern Irish designated part-time course, a Scottish designated part-time course or a Welsh designated part-time course.”;
    - (ii) in paragraph (7), after “paragraph (1)” insert “or (2ZAA)”;
  - (h) in regulation 160(2) (students becoming eligible in the course of an academic year) for sub-paragraph (a) substitute—
    - “(a) the student’s course becomes a designated postgraduate course—
      - (i) under regulation 161(4);
      - (ii) by virtue of the course being provided by or on behalf of an English higher education provider which becomes a registered provider; or
      - (iii) by virtue of the course becoming a Northern Irish designated postgraduate course, a Scottish designated postgraduate course or a Welsh designated postgraduate course;”;
  - (i) in regulation 161 (designation of postgraduate courses)—
    - (i) after paragraph (3) insert—

“(3ZAA) A postgraduate course is designated for the purposes of section 22 of the 1998 Act and regulation 159 if it is a Northern Irish designated postgraduate course, a Scottish designated postgraduate course or a Welsh designated postgraduate course.”;
    - (ii) in paragraph (4), after “(1)” insert “or (3ZAA)”.
- (2) In the Education (Postgraduate Master’s Degree Loans) Regulations 2016—
  - (a) in regulation 2 (interpretation)—
    - (i) in paragraph (1)—
      - (aa) after the definition of “Islands” insert—

““Northern Irish designated master’s degree course” has the meaning given in paragraph (1A);”;
      - (bb) after the definition of “right of permanent residence” insert—

““Scottish designated master’s degree course” has the meaning given in paragraph (1A);”;
      - (cc) after the definition of “Turkish Worker” insert—

““Welsh designated master’s degree course” has the meaning given in paragraph (1A).”;
    - (ii) after paragraph (1) insert—

“(1A) In these Regulations—  
“Northern Irish designated master’s degree course” means a postgraduate master’s degree course substantially provided in Northern Ireland and designated under regulation 152(8) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 149 of

those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998;

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

- (a) determined as designated under regulation 4(9) of the Education (Student Loans) (Scotland) Regulations 2007 for the purposes of regulation 3(2) of those Regulations;
- (b) designated under regulation 152(8) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 149 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998; and
- (c) either—
  - (i) designated under regulation 4(6) of the Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017<sup>(6)</sup> for the purposes of regulation 3 of those Regulations and section 22 of the 1998 Act; or
  - (ii) specified to be treated as a designated course under regulation 8(1) of the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019<sup>(7)</sup>, for the purposes of those Regulations;

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

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

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

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

(b) in regulation 4 (designation of postgraduate courses)—

(i) after paragraph (1) insert—

“(1A) For the purposes of section 22 of the 1998 Act and regulation 3(1), a course is a designated course if it—

- (a) is a Northern Irish designated master’s degree course, a Scottish designated master’s degree course or a Welsh designated master’s degree course;
- (b) is a full postgraduate master’s degree course; and

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<sup>(6)</sup> S.I. 2017/523 (W. 109); relevant amending instrument is S.I. 2017/712 (W. 169).

<sup>(7)</sup> S.I. 2019/895 (W. 161).

- (c) falls within paragraph (2).”;
- (ii) in paragraph (2), for “paragraph 1(a)” substitute “paragraphs (1)(a) and (1A)”;
- (iii) in paragraph (6), after “paragraph (1)” insert “or (1A)”;
- (c) for regulation 8(a) (events giving rise to eligibility during the course of the academic year) substitute—
  - “(a) the student’s course becomes a designated course—
    - (i) under regulation 4(6);
    - (ii) by virtue of the course being provided by or on behalf of an English higher education provider which becomes a registered provider; or
    - (iii) by virtue of the course becoming a Northern Irish designated master’s degree course, a Scottish designated master’s degree course or a Welsh designated master’s degree course;”.
- (3) In the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018—
  - (a) in regulation 2(1) (interpretation)—
    - (i) after the definition of “UKRI” insert—

““Welsh designated doctoral degree course” means a postgraduate doctoral degree course substantially provided in Wales and designated under regulation 4(5) of the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018(8) for the purposes of regulation 3 of those Regulations and section 22 of the 1998 Act.”;
    - (ii) after paragraph (1) insert—

“(1A) For the purpose of the meaning of “Welsh designated doctoral degree course”, a course is substantially provided in Wales if at least half of the teaching and supervision which comprise the course is provided in Wales.”;
  - (b) in regulation 4 (designation of courses)—
    - (i) after paragraph (2) insert—

“(2A) For the purposes of section 22 of the 1998 Act and regulation 3, a course is a designated course if it is—
      - (a) a Welsh designated doctoral degree course;
      - (b) a full postgraduate doctoral degree course; and
      - (c) of between three and eight academic years duration.”;
    - (ii) in paragraph (5), after “paragraph (1)” insert “or (2A)”;
  - (c) for regulation 8(a) (events giving rise to eligibility during the course of the academic year) substitute—
    - “(a) the student’s course becomes a designated course—
      - (i) under regulation 4(5);
      - (ii) because the course is provided by or on behalf of an English higher education provider which becomes a registered provider; or
      - (iii) by virtue of the course becoming a Welsh designated doctoral degree course;”.

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