
STATUTORY INSTRUMENTS

2002 No. 195

The Education (Student Support) Regulations 2002

PART V

LOANS FOR LIVING COSTS

Eligibility for loans for living costs

19.—(1) Subject to and in accordance with the following paragraphs and regulation 20 an eligible student shall be eligible for loan for living costs if:

- (a) he is under the age of 50 on the first day of the first academic year of the course; or
- (b) he is aged 50 or over and under the age of 55 on that day, if the Secretary of State is satisfied that he intends to enter employment after he has completed his course, or such other higher education course which he intends to start undertaking immediately after completing his present course, disregarding any intervening vacation.

(2) An eligible student shall not be eligible for loan for living costs if he is a person mentioned in paragraph 7 of Schedule 1 and not in any other paragraph of that Schedule.

(3) An eligible student shall be eligible for loan for living costs in respect of—

- (a) an academic year during which—
 - (i) his course becomes a designated course,
 - (ii) he or his spouse or parent is recognised as a refugee or is granted leave to enter or remain as mentioned in paragraph 3 of Schedule 1, or
- (b) any academic year which begins after the events referred to in paragraph (a)

but shall not be eligible for loan for living costs in respect of any other academic year.

Maximum amounts of loans

20.—(1) Subject to the following paragraphs the amount of loan for living costs in respect of each academic year shall not exceed:

- (a) for a student who resides at his parent's home while attending the course, **£3,090**;
- (b) for a student who does not—
 - (i) if he attends a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, **£4,815**;
 - (ii) if he attends for a period of at least eight weeks and as a necessary part of his course an overseas institution in a high cost country, **£4,770** or in a higher cost country, **£5,670** and if he attends the British Institute in Paris, the amount for France;
 - (iii) otherwise, **£3,905**.

(2) Subject to the following paragraphs the amount of loan for living costs in respect of an academic year which is the final year of a course other than an accelerated course shall not exceed:

- (a) for a student who resides at his parent's home while attending the course **£2,700**;
- (b) for a student who does not—
 - (i) if he attends a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, **£4,175**;
 - (ii) if he attends for a period of at least eight weeks and as a necessary part of his course an overseas institution in a high cost country, **£4,150** or in a higher cost country, **£4,935** and if he attends the British Institute in Paris, the amount for France;
 - (iii) otherwise, **£3,390**.

(3) Where an eligible student resides at his parent's home and the Secretary of State is satisfied that in all the circumstances his parents by reason of age, incapacity, or otherwise cannot reasonably be expected to support him and that it would be appropriate for the amounts referred to in paragraphs (1)(b) or (2)(b) to apply the student shall be treated as if he were not residing at his parent's home.

(4) Where an eligible student does not reside at his parent's home but the Secretary of State is satisfied that in all the circumstances he could conveniently attend the course from his parent's home and that it would be appropriate for the amounts referred to in paragraphs (1)(a) or (2)(a) to apply the student shall be treated as if he were residing at his parent's home.

(5) Where an eligible student is a member of a religious order who resides in a house of his order he shall be treated as if he were residing at his parent's home.

(6) Where an eligible student—

- (a) resides at his parent's home for part of the period of attendance during an academic year and resides elsewhere for the remaining part of that period, or is treated as residing at his parent's home or elsewhere under paragraphs (3) to (5) for part of that period, or
- (b) attends a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, or at an overseas institution or at the British Institute in Paris, for part of an academic year and a course at another institution for another part,

the Secretary of State shall determine which of the rates referred to in paragraphs (1) and (2) shall apply for each of the three quarters of the academic year in respect of which support is payable under regulation 26(2) by reference to the student's circumstances during the relevant quarter.

(7) Where the Secretary of State has determined applicable rates for each quarter under paragraph (6) the maximum amount of loan for living costs for the relevant quarter shall be one third of the maximum amount applicable at that rate for an academic year, and the maximum amount for the academic year shall be the aggregate of the three amounts so determined.

(8) Where an eligible student is eligible for loan for living costs in respect of an academic year under regulation 19(3)(a) he shall only be eligible for loan in respect of such of the three quarters of the year in respect of which support is payable under regulation 26(2) as begin after the events referred to in regulation 19(3)(a), and subject to paragraphs (6) and (7) the maximum loan for each such quarter shall be one third of the amount for the academic year and the maximum amount for the academic year shall be the aggregate of the maximum amounts in respect of each such quarter.

(9) For the purposes of paragraphs (1) to (8) where a postgraduate course of initial training for teachers is of only one academic year's duration that year shall not be treated as a final year.

(10) Where an eligible student has in an academic year attended his course for a period of 30 weeks 3 days and attends for a further period the amounts referred to in paragraphs (1) and (2) shall be increased for each week or part week of such attendance:

- (a) for a student who resides or is treated as residing at his parents' home, by **£47**;
- (b) for a student who does not—

- (i) if he attends a course provided by the University of London or by an institution within the area comprising the City of London and the Metropolitan Police District, by **£90**;
- (ii) if he attends for at least eight weeks and as necessary part of his course at an overseas institution and the further period of attendance is required at the overseas institution, if the overseas institution is in a high cost country, by **£97**, if the overseas institution is in a higher cost country, by **£127**;
- (iii) if he attends the British Institute in Paris, by the amount for France;
- (iv) otherwise by **£69**.

(11) Where an eligible student attends his course for a period of not less than 45 weeks in any continuous period of 52 weeks the amounts referred to in paragraphs (1) and (2) shall in addition be increased for each week during the 52 week period during which he did not attend by the amounts referred to in paragraph (10).

(12) Where in relation to an academic year an eligible student is not eligible for a grant for living costs by virtue of regulation 12(2)(a) he shall be eligible for a loan for living costs under this regulation but—

- (a) in paragraphs (1) and (2) there shall be substituted for the amounts in column one below the corresponding amounts in column two:

£3,090	£1,465
4,815	2,365
4,770	1,915
5,670	1,915
3,905	1,915
2,700	1,075
4,175	1,725
4,150	1,400
4,935	1,400
3,390	1,400

and

- (b) paragraphs (10) and (11) shall not apply.

(13) Where in relation to an academic year an eligible student is not eligible for a grant for living costs by virtue of regulation 12(2)(c) or 12(3) he shall be eligible for a loan for living costs under this regulation but—

- (a) in paragraphs (1) and (2) there shall be substituted for the amounts in column one below the corresponding amounts in column two:

£3,090	£1,465
4,815	2,365
4,770	2,345
5,670	2,785
3,905	1,915

2,700	1,075
4,175	1,725
4,150	1,715
4,935	2,035
3,390	1,400

and

(b) paragraphs (10) and (11) shall not apply.

Applications for loans

21.—(1) An eligible student who is eligible for a loan for living costs in respect of an academic year shall apply for such a loan not exceeding the maximum amount applicable in his case by completing and submitting to the Secretary of State an application in such form as she may require not later than one month before the end of that year.

(2) The completed form shall include among other things the following particulars:

- (a) his United Kingdom national insurance number, unless he does not have one;
- (b) his most recent student loan account number, if any; and
- (c) the names, addresses and telephone numbers of two persons who know him.

(3) The student shall sign a declaration on the application form that—

- (a) the particulars given in the application form are correct to the best of his knowledge and belief,
- (b) he will notify the Secretary of State (or if any person is exercising functions in relation to his application by virtue of arrangements under section 23(4) of the Act he will notify that person) of any change in them; and
- (c) he will repay any amount lent to him, together with interest and applicable charges and penalties, in accordance with the Act and regulations made thereunder from time to time.

(4) In any case where—

- (a) the Secretary of State determines that the maximum amount of loan which has been notified to an eligible student in relation to an academic year should be increased (including an increase from nil) as a result of a reassessment of the student's contribution or otherwise, and
- (b) the Secretary of State considers that the increase in the maximum amount does not result from the eligible student—
 - (i) failing to provide information promptly which might affect his eligibility for a loan or the amount of loan for which he is eligible, or
 - (ii) providing information which is inaccurate in any material particular,

he may apply to borrow an additional amount which when added to the amount already applied for shall not exceed the increased maximum.

(5) Such application shall be made by completing and submitting to the Secretary of State an application in such form as she may require not later than one month before the end of the academic year or one month after the date he received notice of the increased maximum amount, whichever is the later.

(6) The student shall sign a declaration on the application form in the terms set out in paragraph (3).

(7) Where an eligible student has applied for a loan less than the maximum amount of loan to which he is entitled in relation to the academic year under the preceding paragraphs he may apply to borrow an additional amount, which when added to the amount already applied for shall not exceed the relevant maximum applicable in his case.

(8) Such application shall be made by completing and submitting to the Secretary of State an application in such form as she may require not later than one month before the end of the academic year.

(9) The student shall sign a declaration on the application form in the terms set out in paragraph (3).

Hardship loans

22.—(1) An eligible student who has applied for the maximum amount of loan in respect of an academic year which has been notified to him and received at least one instalment of that loan may apply to the Secretary of State for a determination **in accordance with paragraph (4)** that he is eligible for an additional loan. . . . which shall be known as a “hardship loan”.

(2) A hardship loan shall be £100 or a multiple thereof not exceeding £500.

(3) An eligible student shall demonstrate his eligibility for a hardship loan by providing such evidence of his requirements and resources as the Secretary of State may require.

(4) On being satisfied that an eligible student is in serious financial difficulty such that his access to a course or his continued attendance on a course may be at risk, the Secretary of State shall determine the amount of hardship loan which she considers the student requires, and the student shall be eligible for a hardship loan in that amount.

(5) An eligible student who is eligible for a hardship loan shall apply for a loan not greater than the amount referred to in paragraph (4) by completing and submitting to the Secretary of State an application in such form as she may require not later than one month after the date he receives notice of the determination under paragraph (4) and one month before the end of the academic year.

(6) The student shall sign a declaration on the application form in the terms set out in regulation 21(3).

(7) Where the amount of the hardship loan is determined to be less than £500 under paragraph (4), the student may make one further application for a hardship loan in accordance with the requirements of this regulation, except that the amount of the hardship loan under the second determination when added to the amount under the first determination shall not exceed £500.