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STATUTORY INSTRUMENTS

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**2008 No. 1582**

**The Education (Student Support) (No.2) Regulations 2008**

**PART 6**

**LOANS FOR LIVING COSTS**

**CHAPTER 1**

**QUALIFYING CONDITIONS**

**Interpretation of Part 6**

**64.** In this Part—

- (a) a “current system student with full entitlement” is a current system student other than a student with reduced entitlement;
- (b) “the maintenance grant amount” is -
  - (i) where the student qualifies under Chapter 6 of Part 5 for an amount of maintenance grant not exceeding £1,292, the amount of maintenance grant payable;
  - (ii) where the student qualifies under Chapter 6 of Part 5 for an amount of maintenance grant exceeding £1,292, £1,292; and
  - (iii) where no maintenance grant is payable, nil.
- (c) an “old system student with full entitlement” is an old system student other than a student with reduced entitlement;
- (d) the “relevant date” means the first day of the first academic year of the specified designated course;
- (e) a “student with reduced entitlement” is an eligible student who—
  - (i) does not qualify for a grant for living and other costs in respect of the academic year because of regulation 38(3)(a) or (b) or 38(5); or
  - (ii) opts when applying for a loan for living costs not to provide the information needed to calculate the household income;
- (f) where the duration of a graduate-entry or postgraduate-level course for the initial training of teachers is only one academic year, that year is not to be treated as the final year.

**Qualifying conditions for the loan for living costs – current system students**

**65.—(1)** Subject to paragraphs (3) to (5), a current system student qualifies for a loan for living costs in connection with the student’s attendance on a designated course if the student is under the age of 60 on the relevant date and—

- (a) where the student begins the course on or after 1st September 2009, the designated course does not lead to an equivalent or lower qualification; or

- (b) where the student began the course before 1st September 2009, the student does not have an honours degree from an institution in the United Kingdom.
- (2) The condition in paragraph (1)(a) or (b) does not apply where—
  - (a) the designated course leads to qualification as a social worker, medical doctor, dentist, veterinary surgeon or architect;
  - (b) the designated course began before 1st September 2009 and leads to qualification as a landscape architect, landscape designer, landscape manager, town planner or town and country planner;
  - (c) the current system student is eligible to receive any payment under a healthcare bursary the amount of which is calculated by reference to the student's income or a Scottish healthcare allowance the amount of which is calculated by reference to the student's income in respect of any academic year of the course; or
  - (d) the current system student is on a course for the initial training of teachers.
- (3) A current system student does not qualify for a loan for living costs if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.
- (4) A current system student does not qualify for a loan for living costs in connection with the student's attendance on a designated course if that course is a flexible postgraduate course for the initial training of teachers which is of less than one academic year's duration.
- (5) A current system student does not qualify for a loan for living costs if the student is a prisoner.

**Qualifying conditions for the loan for living costs – old system students**

- 66.—(1) Subject to paragraphs (4) to (6), an old system student who falls within paragraph (a) or (d)(i) of the definition of “old system student” in regulation 2 qualifies for a loan for living costs in connection with the student's attendance on a designated course if the student is under the age of 60 on the relevant date.
- (2) Subject to paragraph (4), an old system student who falls within paragraph (b), (c) or (d)(ii) of the definition of “old system student” in regulation 2 qualifies for a loan for living costs in connection with the student's attendance on a designated course if the student meets the following conditions—
- (a) is under the age of 60 on the relevant date; and
  - (b) does not have an honours degree from an institution in the United Kingdom.
- (3) The condition in paragraph (2)(b) does not apply where—
- (a) the designated course leads to qualification as a social worker, medical doctor, dentist, veterinary surgeon, architect, landscape architect, landscape designer, landscape manager, town planner or town and country planner;
  - (b) the old system student is eligible to receive any payment under a healthcare bursary the amount of which is calculated by reference to the student's income or a Scottish healthcare allowance the amount of which is calculated by reference to the student's income in respect of any academic year of the course; or
  - (c) the old system student is on a course for the initial training of teachers.
- (4) An old system student does not qualify for a loan for living costs if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.
- (5) An old system student does not qualify for a loan for living costs in connection with the student's attendance on a designated course if that course is a flexible postgraduate course for the initial training of teachers which is of less than one academic year's duration.
- (6) An old system student does not qualify for a loan for living costs if the student is a prisoner.

## CHAPTER 2

### MAXIMUM AMOUNTS OF LOANS

#### General

67.—(1) The maximum amount of a loan for living costs in respect of an academic year is calculated as follows—

- (a) where the eligible student is a 2008 cohort student with full entitlement, in accordance with regulation 68;
- (b) where the eligible student is a current system student (other than a 2008 cohort student) with full entitlement, in accordance with regulation 69 or 70;
- (c) where the eligible student is an old system student with full entitlement, in accordance with regulation 71;
- (d) where the eligible student is a student with reduced entitlement, in accordance with regulation 72.

#### 2008 cohort students with full entitlement

68.—(1) This regulation applies to a 2008 cohort student with full entitlement.

(2) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than the final

year of a course that is not an intensive course is equal to  $X - (Y + Z)$  where—

$X$  is—

- (i) for a student in category A, £3,673;
- (ii) for a student in category B, £6,643;
- (iii) for a student in category C, £5,653;
- (iv) for a student in category D, £4,745;

$Y$  is the maintenance grant amount;

Subject to paragraph (4),  $Z$  is £1 for every complete £9.27 by which the household income exceeds £61,062.

(3) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year

of a course that is not an intensive course is equal to  $X - (Y + Z)$  where—

$X$  is—

- (i) for a student in category A, £3,319;
- (ii) for a student in category B, £6,048;
- (iii) for a student in category C, £4,915;
- (iv) for a student in category D, £4,391;

$Y$  is the maintenance grant amount;

Subject to paragraph (4),  $Z$  is £1 for every complete £9.27 by which the household income exceeds £61,062.

(4) Where the same household income is used to assess the amount of a statutory award for which two or more persons qualify,  $Z$  in paragraphs (2) and (3) must be divided by the number of such persons before being deducted from  $X$ .

(5) Where the maximum amount of loan for living costs calculated in accordance with this regulation is less than the minimum level for the academic year specified in regulations 101, the minimum level for the academic year is payable.

### **Current system students with full entitlement who are not 2008 cohort students**

**69.**—(1) This regulation applies to a current system student with full entitlement (other than a 2008 cohort student or, where the student's contribution exceeds nil, a type 1 or type 2 teacher training student).

(2) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than the final year of a course that is not an intensive course is equal to  $X - Y$  where—

$X$  is—

- (i) for a student in category A, £3,673;
- (ii) for a student in category B, £6,643;
- (iii) for a student in category C, £5,653;
- (iv) for a student in category D, £4,745;

$Y$  is the maintenance grant amount.

(3) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an intensive course is equal to  $X - Y$  where—

$X$  is—

- (i) for a student in category A, £3,319;
- (ii) for a student in category B, £6,048;
- (iii) for a student in category C, £4,915;
- (iv) for a student in category D, £4,391;

$Y$  is the maintenance grant amount.

### **Type 1 and type 2 teacher training students who are not 2008 cohort students**

**70.**—(1) This regulation applies to a current system student with full entitlement who is a type 1 or type 2 teacher training student whose contribution exceeds nil, and who is not a 2008 cohort student.

(2) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than the final year of a course that is not an accelerated course is —

- (a) for a student in category A, £3,673;
- (b) for a student in category B, £6,643;
- (c) for a student in category C, £5,653;
- (d) for a student in category D, £4,745.

(3) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an accelerated course is—

- (a) for a student in category A, £3,319;
- (b) for a student in category B, £6,048;
- (c) for a student in category C, £4,915;
- (d) for a student in category D, £4,391.

#### **Old system students with full entitlement**

**71.**—(1) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which an old system student with full entitlement qualifies in respect of an academic year other than the final year of a course that is not an intensive course is—

- (a) for a student in category A, £3,673;
- (b) for a student in category B, £6,643;
- (c) for a student in category C, £5,653;
- (d) for a student in category D, £4,745.

(2) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which an old system student with full entitlement qualifies in respect of an academic year that is the final year of a course that is not an intensive course is—

- (a) for a student in category A, £3,319;
- (b) for a student in category B, £6,048;
- (c) for a student in category C, £4,915;
- (d) for a student in category D, £4,391.

#### **Students with reduced entitlement**

**72.**—(1) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year of a course other than the final year of a course that is not an intensive course is—

- (a) where the student does not qualify for a grant for living and other costs in relation to the academic year because of regulation 38(3)(a)—
  - (i) for a student in category A, £1,744;
  - (ii) for a student in category B, £3,263;
  - (iii) for a student in category C or D, £2,324.
- (b) where the student does not qualify for a grant for living and other costs in relation to the academic year because of regulation 38(3)(b) or (5)—
  - (i) for a student in category A, £1,744;
  - (ii) for a student in category B, £3,263;
  - (iii) for a student in category C, £2,780;
  - (iv) for a student in category D, £2,324.
- (c) where the student applies for a loan for living costs and opts not to provide the information needed to calculate the household income an amount equal to  $X - Y$  where—  
 $X$  is—

- (i) for a student in category A, £2,755;
- (ii) for a student in category B, £4,982;
- (iii) for a student in category C, £4,240;
- (iv) for a student in category D, £3,559;

$Y$  is the amount specified in paragraph (3).

(2) Subject to Chapter 4 of this Part, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year that is the final year of a course that is not an intensive course is—

- (a) where the student does not qualify for a grant for living and other costs in relation to the academic year because of regulation 38(3)(a)—
    - (i) for a student in category A, £1,324;
    - (ii) for a student in category B, £2,498;
    - (iii) for a student in category C or D, £1,811;
  - (b) where the student does not qualify for a grant for living and other costs in relation to the academic year because of regulation 38(3)(b) or (5)—
    - (i) for a student in category A, £1,324;
    - (ii) for a student in category B, £2,498;
    - (iii) for a student in category C, £2,031;
    - (iv) for a student in category D, £1,811;
  - (c) where the student applies for a loan for living costs and opts not to provide the information needed to calculate the household income an amount equal to  $X - Y$  where—
    - $X$  is—
      - (i) for a student in category A, £2,489;
      - (ii) for a student in category B, £4,536;
      - (iii) for a student in category C, £3,686;
      - (iv) for a student in category D, £3,293;
- $Y$  is the amount specified in paragraph (3).

(3) The specified amount is—

- (a) £646 where the student is a type 1 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £646;
- (b) £1,292 where the student is a type 2 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £1,292;
- (c) nil where the student is not a type 1 or type 2 teacher training student.

### CHAPTER 3

#### LONG COURSES LOAN

##### Long courses loan

**73.**—(1) A 2008 cohort student qualifies for a long courses loan in connection with the student's attendance on a designated course if the student—

- (a) qualifies for a loan for living costs under this Part;
  - (b) is required to attend the course for a period exceeding 30 weeks and 3 days in an academic year; and
  - (c) is not a student with reduced entitlement.
- (2) The maximum amount of the long courses loan is  $X + Y$  where—  
 $X$  is calculated in accordance with paragraph (3),  
 $Y$  is calculated in accordance with paragraph (4);
- (3) Where a 2008 cohort student is required to attend a course for a period exceeding 30 weeks and 3 days in an academic year, the number of weeks or part weeks of attendance in the academic year beyond 30 weeks and 3 days is multiplied by the relevant amount in paragraph (5);
- (4) Where a 2008 cohort student attends a course for a period of not less than 45 weeks in any continuous period of 52 weeks, the total number of weeks in the 52-week period during which the student does not attend is multiplied by the relevant amount in paragraph (5);
- (5) The amount is—
- (i) for a student in category A, £54;
  - (ii) for a student in category B, £106;
  - (iii) for a student in category C, £115;
  - (iv) for a student in category D, £83.
- (6) A deduction from the amount of long courses loan calculated in accordance with this regulation may be made in accordance with Part 9.

## CHAPTER 4

### MISCELLANEOUS

#### **Quarters in respect of which the loan for living costs is payable**

74.—(1) Subject to regulation 77, the loan for living costs and the long courses loan are payable in respect of three quarters of the academic year.

- (2) The loan for living costs is not payable—
- (a) in the case of a compressed degree student, in respect of the quarter nominated by the Secretary of State;
  - (b) in any other case, in respect of the quarter in which, in the opinion of the Secretary of State, the longest of any vacation occurs.
- (3) The long courses loan is not payable in respect of the quarter nominated by the Secretary of State.

#### **Students falling into more than one category**

75. Where an eligible student falls into more than one of the categories set out in regulation 82 in the course of the academic year—

- (a) the maximum amount of loan for living costs for the academic year is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the loan for living costs is payable;
- (b) the maximum amount of loan for living costs for each such quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the

student fell into the category which applies to the relevant quarter for the duration of the academic year;

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

### **Students residing with parents**

76.—(1) Where an eligible student (“X”) resides at X’s parents’ home and the Secretary of State is satisfied that in all the circumstances X’s parents by reason of age, incapacity or otherwise cannot reasonably be expected to support X and that it would be appropriate for the amount of loan for living costs or long courses loan payable to a student in a category other than category A to apply in X’s case, X must be treated as if X were not residing at X’s parents’ home for the purposes of this Part.

(2) Paragraph (1) does not apply to an eligible student who begins the specified designated course on or after 1st September 2004.

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

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

- (2) The events are—
  - (a) the student’s course becomes a designated course;
  - (b) the student, or the student’s spouse, civil partner or parent is recognised as a refugee or becomes a person with leave to enter or remain;
  - (c) the state of which the student is a national accedes to the European Community where the student 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;
  - (d) the student acquires the right of permanent residence;
  - (e) the student becomes the child of a Turkish worker;
  - (f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
  - (g) the student becomes the child of a Swiss national.

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

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



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

(6) The maximum amount of long courses loan payable is the aggregate of the maximum amount of long courses loan for each quarter in respect of which the student qualifies for the long courses loan under this regulation.

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

### **Students who are treated as in attendance on a course**

**78.**—(1) A student to whom this regulation applies is treated as being in attendance on the designated course for the purpose of qualifying for the loan for living costs or the long courses loan.

(2) This regulation applies to—

(a) a compressed degree student;

(b) a disabled student who—

(i) is not a compressed degree student; and

(ii) is undertaking a designated course in the United Kingdom but is not in attendance because the student is unable to attend for a reason which relates to the student's disability.

### **Increases in maximum amount**

**79.**—(1) This regulation does not apply in the case of a 2008 cohort student or a student with reduced entitlement.

(2) Where an eligible student is required to attend the student's course for a period exceeding 30 weeks and 3 days in an academic year, the maximum amount of loan for living costs specified in Chapter 2 of this Part is increased for each week or part week of attendance in the academic year beyond 30 weeks and 3 days by the relevant amount in paragraph (4).

(3) Where an eligible student attends the student's course for a period of not less than 45 weeks in any continuous period of 52 weeks, the maximum amount of loan for living costs specified in Chapter 2 of this Part is increased for each week in the 52-week period during which the student did not attend by the relevant amount in paragraph (4).

(4) The amount is—

(a) for a student in category A, £54;

(b) for a student in category B, £106;

(c) for a student in category C, £115;

(d) for a student in category D, £83.

### **Deductions from loans for living costs**

**80.**—(1) A deduction from the amount of loan for living costs calculated under this Part in respect of a current system student with full entitlement who is not a 2008 cohort student or an old system student with full entitlement may be made in accordance with Part 9.

(2) There is no deduction under Part 9 from the amount of loan for living costs calculated under this Part in respect of a 2008 cohort student or a student with reduced entitlement.

### **Applying for an additional amount of loan for living costs or long courses loan**

**81.**—(1) An eligible student may apply to borrow an additional amount of loan for living costs or long courses loan where—

- (a) the Secretary of State determines that the maximum amount of loan for living costs or long courses loan 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 of the loan or loans in question does not result from the eligible student—
  - (i) failing to provide information promptly which might affect the student’s ability to qualify for the loan or loans in question or the amount of loan or loans in question for which the student qualifies; or
  - (ii) providing information that is inaccurate in any material particular.

(2) The additional amount under paragraph (1) is an amount which when added to the amount already applied for does not exceed the increased maximum.

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

### **Categories of student**

**82.** In this Part—

- (a) a student (“X”) is in category A if—
  - (i) X resides at X’s parents’ home while attending the designated course; or
  - (ii) X began the current course before 1st September 2009 and is a member of a religious order who resides in a house of that order;
- (b) a student (“Y”) is in category B if Y is not in category A and Y attends one or more of the following—
  - (i) a course at the University of London;
  - (ii) a course at an institution which requires attendance for at least half the time in aggregate of any quarter of the course in the academic year at a site wholly or partly within the area comprising the City of London and the former Metropolitan Police District; or
  - (iii) a sandwich course at an institution which requires the eligible student to undertake work experience or a combination of work experience and study provided that “Y” undertakes such work experience or combination of work experience and study for at least half the time in aggregate of any quarter of the course in the academic year at a site or sites wholly or partly within the area comprising the City of London and the former Metropolitan Police District;
- (c) a student is in category C if the student is not in category A and—
  - (i) attends an overseas institution as part of the student’s course; or
  - (ii) attends the Institute;
- (d) a student is in category D if the student is not in categories A to C.