STATUTORY INSTRUMENTS

2008 No. 1582

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

PART 12

SUPPORT FOR PART-TIME COURSES

Period of eligibility

135.—(1) A student's status as an eligible part-time student is retained in connection with a designated part-time course until the status terminates in accordance with this regulation or regulation 132.

(2) The period for which an eligible part-time student's status is retained is the "period of eligibility".

(3) Subject to the following paragraphs and regulation 132, the period of eligibility terminates at the end of the academic year in which the eligible part-time student completes the designated part-time course.

(4) The period of eligibility terminates when the eligible part-time student—

(a) withdraws from the designated part-time course in circumstances where the Secretary of State has not transferred or converted or will not transfer or convert the student's status under regulation 144 or 145; or

(b) abandons or is expelled from the designated part-time course.

(5) The period of eligibility terminates at the end of the relevant academic year where the eligible part-time student cannot complete the designated part-time course within the period specified in regulation 134(1)(c).

(6) For the purposes of paragraph (5), "relevant academic year" means the academic year during or at the end of which it becomes impossible for the student to complete the course within the period specified in regulation 134(1)(c) even if the student increases the intensity of the student's study.

(7) The Secretary of State may terminate the period of eligibility where the eligible part-time student ("A") has shown by A's conduct that A is unfitted to receive support.

(8) If the Secretary of State is satisfied that an eligible part-time student has failed to comply with any requirement to provide information under this Part 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 any particular support or particular amount of support;

(c) treat any support paid to the student as an overpayment which may be recovered under regulation 148.

(9) Where the period of eligibility terminates—

(a) before the end of the academic year in which the eligible part-time student completes the designated part-time course; and

(b) otherwise than under paragraph (5),

the Secretary of State may, at any time, renew or extend the period of eligibility for such period as the Secretary of State determines.