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## STATUTORY INSTRUMENTS

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# 2011 No. 1986

## EDUCATION, ENGLAND

### The Education (Student Support) Regulations 2011

<i>Made</i>	- - - -	<i>9th August 2011</i>
<i>Laid before Parliament</i>		<i>11th August 2011</i>
<i>Coming into force</i>	- -	<i>1st September 2011</i>

The Secretary of State for Business, Innovation and Skills makes the following Regulations in exercise of the powers conferred by sections 22 and 42(6) of the Teaching and Higher Education Act 1998 <sup>M1</sup>:

#### Marginal Citations

**M1** 1998 c.30; section 22 was amended by the Learning and Skills Act 2000 (c.21), [section 146](#) and Schedule 11, the Income Tax (Earnings and Pensions) Act 2003 (c.1), [Schedule 6](#), the Finance Act 2003 (c.14), [section 147](#) the Higher Education Act 2004 (c.8), [sections 42](#) and [43](#) and Schedule 7 and the Apprentices, Skills, Children and Learning Act 2009 (c.22), [section 257\(1\)](#) and (2). See section 43(1) of the 1998 Act for the definition of “prescribed” and “regulations”.

## PART 1

### GENERAL

#### Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Support) Regulations 2011 and come into force on 1st September 2011.

(2) These Regulations apply in relation to England <sup>M2</sup>.

(3) These Regulations (other than regulations 3, 117 and 118) apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st September 2012 whether anything done under these Regulations is done before, on or after 1st September 2012.

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### Marginal Citations

**M2** In relation to Wales, the functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 were transferred to the Welsh Ministers under section 44 of the Higher Education Act 2004 except so far as they relate to the making of any provision authorised by subsection (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22.

### Interpretation

2.—(1) In these Regulations—

“the 1962 Act” means the Education Act 1962 <sup>M3</sup>;

“the 1998 Act” means the Teaching and Higher Education Act 1998;

[<sup>F1</sup>“the 2017 Act” means the Higher Education and Research Act 2017;]

“the 1998 Regulations” means the Education (Student Support) Regulations 1998 <sup>M4</sup>;

“the 1999 Regulations” means the Education (Student Support) Regulations 1999 <sup>M5</sup>;

“the 2000 Regulations” means the Education (Student Support) Regulations 2000 <sup>M6</sup>;

“the 2001 Regulations” means the Education (Student Support) Regulations 2001 <sup>M7</sup>;

“the 2002 Regulations” means the Education (Student Support) Regulations 2002 <sup>M8</sup>;

“the 2003 Regulations” means the Education (Student Support) (No. 2) Regulations 2002 <sup>M9</sup> as amended only by the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2003 <sup>M10</sup> and the Education (Student Fees and Support) (Switzerland) Regulations 2003 <sup>M11</sup>;

“the 2004 Regulations” means the 2003 Regulations as amended by the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2004 <sup>M12</sup>, the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 2) Regulations 2004 <sup>M13</sup>, the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 3) Regulations 2004 <sup>M14</sup>, the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 4) Regulations 2004 <sup>M15</sup>, the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2005 <sup>M16</sup>, the Education (Student Support) (Amendment) Regulations 2005 <sup>M17</sup> and the Education (Student Support) (Amendment) (No. 2) Regulations 2005 <sup>M18</sup>;

“the 2005 Regulations” means the Education (Student Support) Regulations 2005 <sup>M19</sup>;

“the 2006 Regulations” means the Education (Student Support) Regulations 2006 <sup>M20</sup>;

“the 2007 Regulations” means the Education (Student Support) Regulations 2007 <sup>M21</sup>;

“the 2008 Regulations” means the Education (Student Support) Regulations 2008 <sup>M22</sup>;

“the 2008 (No.2) Regulations” means the Education (Student Support) (No.2) Regulations 2008 <sup>M23</sup>;

“the 2009 Regulations” means the Education (Student Support) Regulations 2009 <sup>M24</sup>;

[<sup>F2</sup>“the 2020 Citizens’ Rights Regulations” means the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020;]

<sup>F3</sup>  
...

“2009 cohort student” means a current system student who—

- (a) begins the current course on or after 1st September 2009 and before 1st September 2012<sup>F4</sup> ...;
- (b) transfers to the current course pursuant to regulation 7 on or after 1st September 2012 from a course beginning on or after 1st September 2009 and before 1st September 2012; or
- (c) begins an end-on course on or after 1st September 2012 immediately after ceasing to attend a course that begins on or after 1st September 2009 and before 1st September 2012, and to whom one of the following sub-paragraphs applies—
  - (i) the student has not previously undertaken any course which began before 1st September 2008 and which is a previous course; [<sup>F5</sup>or]
  - (ii) <sup>F6</sup> ...
  - (iii) the course leads to qualification as a social worker, medical doctor, dentist, veterinary surgeon or architect;

[<sup>F7</sup>“2012 cohort student” means a current system student who—

- (a) begins the current course on or after 1st September 2012 and before 1st August 2016 and is not a <sup>F8</sup>... 2009 or 2016 cohort student;
- (b) transfers to the current course pursuant to regulation 7 on or after 1st August 2016 from a course that—
  - (i) is not a distance learning course; and
  - (ii) begins on or after 1st September 2012 and before 1st August 2016; or
- (c) begins an end-on course on or after 1st August 2016 immediately after ceasing to attend a course that begins on or after 1st September 2012 and before 1st August 2016;]

[<sup>F9</sup>“2016 cohort student” means a current system student who—

- (a) begins the current course on or after 1st August 2016;
- (b) is not a <sup>F10</sup>... 2009 or 2012 cohort student;
- (c) has not transferred to the current course pursuant to regulation 7 from a course that—
  - (i) is not a distance learning course; and
  - (ii) began before 1st August 2016; and
- (d) is not beginning an end-on course on or after 1st August 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;

“Academy” means a school to which Academy arrangements under section 1 of the Academies Act 2010 <sup>M25</sup> relate;

[<sup>F11</sup>“accelerated course” means—

- (i) where the course begins before 1st August 2019, a course which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the

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institution or elsewhere) for a period of at least 40 weeks in the final year, being a course of two academic years' duration; or

- (ii) where the course begins on or after 1st August 2019, a higher education course as defined in section 83(1) of the 2017 Act where the number of academic years applicable to the course is at least one fewer than would normally be the case for that course or a course of equivalent content leading to the grant of the same or an equivalent academic award;]

[<sup>F12</sup>“accredited institution” means an institution accredited by the Secretary of State under regulation 11 of the Education (School Teachers' Qualifications) (England) Regulations 2003;]

[<sup>F13</sup>“allied health profession subject” means chiropody, [<sup>F14</sup>dental profession subject,] dietetics, dietetics and nutrition, occupational therapy, orthoptics, orthotics and prosthetics, physiotherapy, podiatry, radiography, radiotherapy, and speech and language therapy;]

[<sup>F15</sup>“approved provider” and “approved (fee cap) provider” mean English higher education providers registered in the approved and approved (fee cap) parts of the register respectively;]

[<sup>F16</sup>“authority-funded” means—

- (a) <sup>F17</sup> ...
- (b) in relation to educational institutions in Wales, maintained or assisted by recurrent grants from the Higher Education Funding Council for Wales;
- (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 Employment and Learning in Northern Ireland or the Department for Agriculture and Rural Development in Northern Ireland.]

“borrower” means a person to whom a loan has been made;

[<sup>F18</sup>“bursary year” means an academic year of a course in relation to which the student is—

- (a) eligible to apply for a healthcare bursary the amount of which is calculated by reference to income whether or not the calculation results in a nil amount;
- (b) eligible to apply for a Scottish healthcare allowance the amount of which is calculated by reference to income whether or not the calculation results in a nil amount; or
- (c) eligible for a healthcare tuition payment;]

<sup>F19</sup> ...

“compressed degree course” means a course [<sup>F20</sup>which begins before 1st August 2019 and which is] determined in accordance with paragraph (2) to be a compressed degree course;

“compressed degree student” means an eligible student who—

- (a) is undertaking a compressed degree course in the United Kingdom (the “course”);
- (b) [<sup>F21</sup>began the course before 1st August 2019; and]
- (c) either—
- (i) is required to be in attendance on the course for part of the academic year for which the student is applying for support; or
- (ii) is a disabled student who is not required to be in attendance on the course because the student is unable to attend for a reason which relates to that student's disability;

“contribution” means an eligible student's contribution calculated pursuant to regulation 99 and Schedule 4;

[<sup>F22</sup>“course for the initial training of teachers” means—



- (a) a course of initial teacher training—
  - (i) undertaken in England and leading to the recommendation of qualified teacher status in England;
  - (ii) undertaken in Wales and accredited as initial teacher training by the Education Workforce Council;
  - (iii) undertaken in Scotland and accredited as initial teacher training by the General Teaching Council for Scotland;
  - (iv) undertaken in Northern Ireland and accredited as initial teacher training by the General Teaching Council for Northern Ireland; or
- (b) a course for the initial training of teachers in further education which has content equivalent to a Diploma in Education and Training, a Professional Graduate Certificate in Education or a Postgraduate Certificate in Education, and includes such a course leading to a first degree unless otherwise indicated but excludes an employment-based teacher training scheme;]

“current course” means the designated course in respect of which a person is applying for support;

F23 ...

“current part-time course” means the designated part-time course in respect of which a person is applying for support;

“current postgraduate course” means the designated postgraduate course in respect of which a person is applying for support;

“current system student” means an eligible student who—

(a) F24 ...

(b) either—

- (i) began attending the current course on or after 1st September 2006 and is continuing on that course after 31st August 2012; or
- (ii) begins attending the current course on or after 1st September 2012; or
- (iii) begins undertaking the current course on or after 1st September 2012;

[<sup>F25</sup>“dental profession subject” means dental hygiene, dental therapy and dental hygiene and dental therapy;]

“designated course” means a course designated by regulation 5 or by the Secretary of State under regulation 5;

F26 ...

“designated part-time course” means a course designated by regulation 139 or by the Secretary of State under regulation 139;

“designated postgraduate course” means a course designated by regulation 161 or by the Secretary of State under regulation 161;

“Directive 2004/38” means Directive 2004/38 of the European Parliament and of the Council of 29th April 2004 <sup>M26</sup> on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

[<sup>F27</sup>“disability” has the meaning given in section 6 of the Equality Act 2010;]

“disabled distance learning students' allowance” means the grant payable under regulation 127;

“disabled part-time students' allowance” means the grant payable under regulation 147;

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“disabled students' allowance” means the grant payable under regulation 40;

“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;

F28  
...

“eligible part-time student” has the meaning given in regulation 137;

“eligible postgraduate student” has the meaning given in regulation 159;

“eligible prisoner” means a prisoner—

- (a) who begins the current course or current part-time course on or after 1st September 2012;
- (b) who is serving a sentence of imprisonment in the United Kingdom;
- (c) has been authorised by the prison Governor or Director or other appropriate authority to study the current course or current part-time course;
- (d) whose earliest release date is within 6 years of the first day of the first academic year of the current course or current part-time course;
- (e) who has not transferred to the current course or current part-time course under regulation 7 or [F29 139A] from a course beginning before 1st September 2012; and
- (f) is not beginning an end-on course on or after 1st September 2012;

“eligible student” has the meaning given in paragraph (3);

“employment-based teacher training scheme” means—

- (a) a scheme established by the Secretary of State whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a school or other educational institution except a pupil referral unit; or
- (b) a scheme established by the National Assembly for Wales or the Welsh Ministers whereby persons who are or who have been employed in a school or other educational institution except a pupil referral unit may become qualified teachers;

“end-on course” means—

- (a) a full-time first degree course (other than a first degree course for the initial training of teachers) beginning before 1st September 2009 which, disregarding any intervening vacation, a student begins immediately after ceasing to attend a full-time course mentioned in paragraph 2 or 3 of Schedule 2 for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 or 2008 (No.2) Regulations;
- (b) a full-time honours degree course beginning on or after 1st September 2006 but before 1st September 2009 which, disregarding any intervening vacation, a student begins immediately after ceasing to attend a full-time foundation degree course and for which

the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 or 2008 (No.2) Regulations;

- (c) <sup>F30</sup> ...
- (d) a full-time first degree course beginning on or after 1st September 2009, but before 1st September 2012 (other than a first degree course for the initial training of teachers) which, disregarding any intervening vacation, a student begins immediately after ceasing to attend a full-time higher education course or to undertake a part-time higher education course <sup>F31</sup>... mentioned in paragraph 2, 3 or 4 of Schedule 2 or a foundation degree course having achieved a qualification;
- (e) a full-time honours degree course beginning on or after 1st September 2012 [<sup>F32</sup>, but before 1st August 2016] which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a full-time course [<sup>F33</sup>mentioned] in paragraph 2, 3 or 4 of Schedule 2 or a full-time foundation or ordinary degree course, which started before 1st September 2012, having achieved a qualification;
- (f) a full-time distance learning honours degree course beginning on or after 1st September 2012 which, disregarding any intervening vacation, a student begins immediately after ceasing to undertake <sup>F34</sup>... a distance learning foundation or ordinary degree course, which started before 1st September 2012, having achieved a qualification;
- (g) <sup>F35</sup> ...
- (h) [<sup>F36</sup>a full-time honours degree course beginning on or after 1st August 2016 which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a full-time course mentioned in paragraph 2, 3 or 4 of Schedule 2 that is not a distance learning course or a full-time foundation or ordinary degree course that is not a distance learning course, which started before 1st August 2016, having achieved a qualification;]

[<sup>F37</sup>“English higher education provider” has the meaning given by section 83(1) of the 2017 Act;]

“equivalent or lower qualification” means a qualification determined in accordance with paragraph (5) to be an equivalent or lower qualification;

[<sup>F38</sup>“Erasmus year” means an academic year of a course where a student is participating in the action scheme of the EU for the mobility of university students known as ERASMUS [<sup>F39</sup>or in the scheme established by the Secretary of State for Education known as the Turing scheme,] the student’s course is a course referred to in regulation 5(1)(d) [<sup>F40</sup>or 139(1)(d)] and—

- (a) <sup>F41</sup> ...
- (b) where the course <sup>F42</sup>... is provided by an institution in Northern Ireland <sup>F43</sup>..., all the periods of study or work placement during the academic year are attended at an institution or workplace outside the United Kingdom (as the case may be); or
- (c) where the course <sup>F44</sup>... is provided by an institution in England [<sup>F45</sup>, Scotland or Wales]—
  - (i) at least one period of study or work placement is attended at an institution or workplace outside the United Kingdom (as the case may be); and
  - (ii) either—
    - (aa) in respect of that academic year the aggregate of any one or more periods of full-time study at the institution in the United Kingdom is less than 10 weeks; or

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- (bb) in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks.]

“EU national” means a national of a Member State of the EU;

F46  
...

“fee loan” means a loan for fees made to a current system student pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act;

“fees” has the meaning given in [F47 section 85(2) of the 2017 Act]F48 ...;

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...

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...

“former Metropolitan Police District” means—

- (a) Greater London, excluding the City of London, the Inner Temple and the Middle Temple;
- (b) in the county of Essex, in the district of Epping Forest— the area of the former urban district of Chigwell, the parish of Waltham Abbey;
- (c) in the county of Hertfordshire— in the borough of Broxbourne, the area of the former urban district of Cheshunt, the district of Hertsmere, in the district of Welwyn Hatfield, the parish of Northaw; and
- (d) in the county of Surrey— in the borough of Elmbridge, the area of the former urban district of Esher, the boroughs of Epsom and Ewell and Spelthorne, in the district of Reigate and Banstead, the area of the former urban district of Banstead;

“full-time equivalent” means a full-time course leading to the same qualification as the part-time course in question;

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...

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...

“graduate entry accelerated programme” means a course—

- (a) the standard of which is not higher than a first degree which leads to a qualification as a medical doctor or dentist;
- (b) where a first degree or equivalent qualification would normally be required for entry to the course;
- (c) which begins on or after 1st September 2012; and
- (d) the duration of the course does not exceed 4 years;

[F53c “graduate entry veterinary course” means a course—

- (a) the standard of which is not higher than a first degree which leads to qualification as a veterinary surgeon, and
- (b) where a first degree or equivalent qualification would normally be required for entry to the course;]

“grant for living and other costs” means a grant payable under Part 5;

[F54c1 “healthcare bursary” means a bursary or award of similar description under—

- (a) section 63 of the Health Services and Public Health Act 1968 made in respect of—
  - (i) a course provided by an institution in England beginning before 1st August 2017;

- (ii) a course provided by an institution in England beginning on or after 1st August 2017, where that course leads to qualification as a paramedic, medical doctor or dentist;
  - (iii) a course provided by an institution in Scotland or Northern Ireland, where that course leads to qualification as a medical doctor or dentist;
  - (iv) a course provided by an institution in Wales; or
- (b) article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972;]

[<sup>F55</sup>“healthcare tuition payment” means a payment for tuition in connection with the NHS Bursary Scheme in England, established pursuant to section 63 of the Health Services and Public Health Act 1968, in respect of a course beginning on or after 1st August 2017, except where that course leads to qualification as a medical doctor or dentist;]

[<sup>F56</sup>“high level quality rating” has the meaning given by paragraph 2(3) of Schedule 2 to the 2017 Act;]

“higher education bursary” means an amount paid by a local authority in England under section 23C(5A) of the Children Act 1989 <sup>M27</sup>;

“higher education course” means a course referred to in Schedule 2 or a postgraduate or other course the standard of which is higher than the standard of a first degree course;

“household income” has the meaning given in Schedule 4 [<sup>F57</sup>, and, for the purposes of Part 11B, has the meaning given in Schedule 6];

“information” includes documents;

“Institute” means the University of London Institute in Paris;

[<sup>F58</sup>“institution” in relation to England includes an English higher education provider;]

“intensive course” means an accelerated course or a compressed degree course;

“Islands” means the Channel Islands and the Isle of Man;

“loan”, except where otherwise indicated, means a loan pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act, including the interest accrued on the loan and any penalties or charges incurred in connection with it;

“loan for living costs” means a loan for living costs pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act;

“long courses loan” means a long courses loan pursuant to regulation 81;

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

[<sup>F59</sup>“non-regulated institution” means an institution in Wales that does not have a fee and access plan in force approved by the Higher Education Funding Council for Wales under section 7 of the Higher Education (Wales) Act 2015;]

[<sup>F60</sup>“Northern Irish designated full-time course” has the meaning given in paragraph (14);]

[<sup>F60</sup>“Northern Irish designated part-time course” has the meaning given in paragraph (14);]

[<sup>F60</sup>“Northern Irish designated postgraduate course” has the meaning given in paragraph (14);]

[<sup>F61</sup>“OfS” means the Office for Students, as established by section 1(1) of the 2017 Act;]

“old award” is an award within the meaning of the Education (Mandatory Awards) Regulations 2003 <sup>M28</sup>;

<sup>F62</sup> ...

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<sup>F63</sup> ...

“ordinary duration” means <sup>F64</sup>... the number of academic years that a standard student would take to complete the <sup>F65</sup>... course excluding any academic years of the course that are [<sup>F66</sup>—

- (a) bursary years;
- (b) Erasmus years of a course provided by an institution in Northern Ireland <sup>F67</sup>...; or
- (c) Erasmus years of a course provided by an institution in England [<sup>F68</sup>, Scotland or Wales] where the course began before 1st September 2012];
- (d) [<sup>F69</sup>Erasmus years of a course provided by an institution in Scotland where the course began on or after 1st September 2012 and where the Erasmus year begins before 1st August 2017;]

“period of eligibility” has the meaning given respectively in regulation 6 in relation to an eligible student, <sup>F70</sup>... in regulation 140 in relation to an eligible part-time student and in regulation 162 in relation to an eligible postgraduate student;

“periods of work experience” means—

- (a) periods of industrial, professional or commercial experience associated with full-time study 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 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);

[<sup>F71</sup>“person granted Calais leave” means a person who—

- (a) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971; and
- (b) has been ordinarily resident in the United Kingdom and Islands since the person was [<sup>F72</sup>granted such leave to remain];]

“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 <sup>M29</sup>;
- (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 <sup>M30</sup>); 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

[<sup>F73</sup>“person granted indefinite leave to remain as a bereaved partner” means a person—

- (a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—
  - (i) paragraph 288, as a person in relation to whom the requirements in paragraph 287(b) of those rules are met (bereaved partners);
  - (ii) paragraph 295N, as a person in relation to whom the requirements in paragraph 295M of those rules are met (bereaved partners);

- (iii) paragraph D-BPILR.1.1 of Appendix FM (bereaved partners); or
  - (iv) paragraph 36 of Appendix Armed Forces (bereaved partner of a member of HM Forces); and
- (b) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;]

[<sup>F74c</sup>person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” means a person—

- (a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—
  - (i) paragraph 289B (victims of domestic violence);
  - (ii) paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse); or
  - (iii) paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces); and
- (b) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;]

[<sup>F75c</sup>person granted leave under the Afghan Relocations and Assistance Scheme” means a person—

- (a) who has —
  - (i) indefinite leave to enter the United Kingdom under paragraph 276BA2, or has indefinite leave to remain under paragraph 276BS2 of the Immigration Rules, having been relocated to the United Kingdom pursuant to paragraph 276BB1(iv) of the Immigration Rules as defined in section 33(1) of the Immigration Act 1971;
  - (ii) leave to enter the United Kingdom on the basis of the Afghan Relocations and Assistance Scheme;
  - (iii) indefinite leave to enter or remain in the United Kingdom, outside those rules, on the basis of the Afghan Relocations and Assistance Scheme; or
  - (iv) leave to enter or indefinite leave to enter the United Kingdom as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner, having been granted that leave under paragraph 276BJ1 or 276BO1 of those rules;
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;]

[<sup>F76c</sup>person granted section 67 leave” means a person who—

- (a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules, having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016, or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;]

[<sup>F77c</sup>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

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(b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;]

“person with protected rights” means—

(1) <sup>F78</sup>—

((a)) a person within the personal scope of the citizens’ rights provisions who—

- (i) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;
- (ii) is an Irish citizen who, pursuant to section 3ZA of the Immigration Act 1971, does not require leave to enter or remain in the United Kingdom;
- (iii) <sup>F79</sup> ...
- (iv) is an applicant for the purposes of regulation 4 of the 2020 Citizens’ Rights Regulations where the relevant period has not expired; or
- (v) [<sup>F80</sup>otherwise has rights deemed to apply by virtue of any citizens’ rights deeming provisions; or]

((b)) a family member of a relevant person of Northern Ireland for the purposes of residence scheme immigration rules, where that family member has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;

(2) [<sup>F81</sup>In paragraph (1)(a)(v), “citizens’ rights deeming provisions” means—

- ((a)) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
- ((b)) Article 17(2) and (3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- ((c)) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement.]

[<sup>F82c</sup>“postgraduate pre-registration course” means an education and training programme leading to a graduate master’s degree or a postgraduate diploma which is a condition of inclusion in the register (or, as the case may be, the relevant part or parts of the register) maintained by—

- (a) the Health and Care Professions Council, for allied health profession subjects other than dental profession subjects; or
- (b) the Nursing and Midwifery Council, for midwifery or nursing;]

“preliminary course” means a course mentioned in [<sup>F83</sup>paragraph 2] to 4 of Schedule 2, or overseas equivalent, that is taken before a full-time degree course (other than a first degree course for the initial training of teachers) or a foundation degree course, or overseas equivalent, taken before a full-time honours degree course, as the case may be;

[<sup>F84c</sup>“pre-registration course” means an education and training programme leading to a qualification, the standard of which is not higher than a first degree course, which is a condition of inclusion in the register (or, as the case may be, the relevant part or parts of the register) maintained by—

- (a) the Health and Care Professions Council, for operating department practice and allied health profession subjects, other than dental profession subjects;
- (b) the Nursing and Midwifery Council, for midwifery or nursing;
- (c) the General Dental Council, for dental profession subjects;



(d) [<sup>F85</sup>Social Work England] and the Nursing and Midwifery Council, for nursing and social work;]

“previous course” has the meaning given in regulation 12;

“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;

[<sup>F86</sup>“qualified teacher” has the meaning given in section 132(1) of the Education Act 2002 but for courses beginning on or after 1st September 2012 does not include a person who—

(a) is a qualified teacher by virtue of paragraph 13B of Schedule 2 to the Education (School Teachers’ Qualifications) (England) (Regulations) 2003; and

(b) has not been assessed by an accredited institution (within the meaning of regulation 11 of those regulations) as meeting the specified standards (within the meaning of paragraph 1 of Schedule 2 to those regulations);]

[<sup>F87</sup>“qualified teacher learning and skills status” means the status held by a person who is outside the definition of “qualified teacher” in this regulation by virtue of that person falling within the proviso described in paragraphs (a) and (b) of that definition;]

“qualifying course” means a full-time designated course which is provided by the University of Oxford or the University of Cambridge and—

(a) leads to qualification as a social worker, medical doctor, dentist, veterinary surgeon or architect;

(b) where it began before 1st September 2009, leads to qualification as a landscape architect, landscape designer, landscape manager, town planner or town and country planner; or

(c) any academic year of which is a bursary year;

<sup>F88</sup> ...

“qualifying year of study” means an academic year of a designated course—

(a) in respect of which the student qualified for [<sup>F89</sup>a fee loan] (even if the amount was nil);

(b) that was a bursary year; or

(c) in respect of which the student would have qualified for [<sup>F89</sup>a fee loan] (even if the amount would have been nil) if the student had been an eligible student or the current course had been designated at the beginning of that year;

“quarter” in relation to an academic year means a period in that year—

(a) beginning on 1st January and ending on 31st March;

(b) beginning on 1st April and ending on 30th June;

(c) beginning on 1st July and ending on 31st August; or

(d) beginning on 1st September and ending on 31st December;

“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 <sup>M31</sup> as extended by the Protocol thereto which entered into force on 4th October 1967 <sup>M32</sup>;

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[<sup>F90</sup>“register” means the register established and maintained by the OfS under section 3 of the 2017 Act;]

[<sup>F91</sup>“registered provider” means an English higher education provider which is registered in the register and “unregistered provider” is to be construed accordingly;]

[<sup>F92</sup>“regulated institution” means an institution that has a fee and access plan in force approved by the Higher Education Funding Council for Wales under section 7 of the Higher Education (Wales) Act 2015;]

[<sup>F93</sup>“relevant period”, unless otherwise indicated, has the meaning given by regulation 4 of the 2020 Citizens’ Rights Regulations;]

[<sup>F93</sup>“relevant person of Northern Ireland” has the meaning given by residence scheme immigration rules;]

[<sup>F93</sup>“residence scheme immigration rules” has the meaning given by section 17(1) of the European Union (Withdrawal Agreement) Act 2020;]

<sup>F94</sup> ...

<sup>F95</sup> ...

“sandwich course” has the meaning given in paragraph (10);

[<sup>F96</sup>“Scottish designated full-time course” has the meaning given in paragraph (14);]

[<sup>F96</sup>“Scottish designated part-time course” has the meaning given in paragraph (14);]

[<sup>F96</sup>“Scottish designated postgraduate course” has the meaning given in paragraph (14);]

“Scottish healthcare allowance” means any allowance [<sup>F97</sup>(including a young students’ bursary or an independent students’ bursary)] under sections 73(f) and 74(1) of the Education (Scotland) Act 1980<sup>M33</sup> granted in respect of a person on a course leading to a qualification in a healthcare profession other than as a medical doctor or dentist;

“specified designated course” has the meaning given in paragraph (11);

“standard academic year”, unless otherwise indicated, means an academic year of a designated course<sup>F98</sup>... that would be taken (in whole or in part) by a person who does not repeat any part of the course after 1st September 2006 and who enters the course at the same point as the eligible student [<sup>F99</sup>but does not include an academic year that is—

((a) a bursary year;

((b) an Erasmus year of a course provided by an institution in Northern Ireland<sup>F100</sup>...; or

((c) an Erasmus year of a course provided by an institution in England [<sup>F101</sup>, Scotland or Wales] where the course began before 1st September 2012];

((d) [<sup>F102</sup>an Erasmus year of a course provided by an institution in Scotland where the course began on or after 1st September 2012 and where the Erasmus year begins before 1st August 2017];]

“standard student” is a student who is to be taken—

(a) to have begun the<sup>F103</sup>... course on the same date as the eligible student in question;

(b) not to be excused any part of the course;

(c) not to repeat any part of the course; and

(d) not to be absent from the course other than during vacations;

“statutory award” means any award bestowed, grant paid or other support provided by virtue of the 1998 Act or the 1962 Act, or any comparable award, grant or other support in respect of undertaking a course which is paid out of public funds;

“student loans legislation” means the Education (Student Loans) Act 1990<sup>M34</sup>, the Education (Student Loans) (Northern Ireland) Order 1990<sup>M35</sup>, the Education (Scotland) Act 1980 and regulations made under those Acts or that Order, the Education (Student Support) (Northern Ireland) Order 1998<sup>M36</sup> and regulations made under that Order or the 1998 Act and regulations made under that Act;

“support” means financial support by way of grant or loan made by the Secretary of State pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act;

[<sup>F104</sup>“Swiss citizens’ rights agreement” has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;]

“transitional award” means an award made under the Education (Mandatory Awards) Regulations 1998<sup>M37</sup> other than an old award;

[<sup>F105</sup>“travel expenditure” means expenditure incurred by a student—

- (a) within the United Kingdom for the purposes of attending their institution; or
- (b) within or outside the United Kingdom for the purposes of attending, as part of their course, any period of study at an overseas institution or for the purposes of attending the Institute;]

“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;

[<sup>F106</sup>“UK dual degree programme” means a single course of study offered by an institution in the United Kingdom leading to the award by that institution of two first degrees, other than a full-time course leading to a qualification as a—

- (a) medical doctor;
- (b) dentist;
- (c) veterinary surgeon;
- (d) architect;
- (e) landscape architect;
- (f) landscape designer;
- (g) landscape manager;
- (h) town planner; or
- (i) town and country planner;]

[<sup>F107</sup>“UKRI” means United Kingdom Research and Innovation;]

F108 ...

F108 ...

F108 ...

[<sup>F109</sup>“universal credit” means universal credit under Part 1 of the Welfare Reform Act 2012;]

[<sup>F110</sup>“Welsh designated full-time course” has the meaning given in paragraph (14);]

[<sup>F110</sup>“Welsh designated part-time course” has the meaning given in paragraph (14);]

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[<sup>F110</sup>“Welsh designated postgraduate course” has the meaning given in paragraph (14).]

[<sup>F111</sup>(1A) For the purposes of these Regulations, a person is within the personal scope of the citizens’ rights provisions if that person falls within—

- (a) Article 10 (personal scope) of the EU withdrawal agreement;
- (b) Article 9 (personal scope) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (c) Article 10 (personal scope) of the Swiss citizens’ rights agreement.]

(2) The Secretary of State may determine that a course is a compressed degree course if, in the opinion of the Secretary of State, that course is—

- (a) a course for a first degree (other than a foundation degree);
- (b) a full-time course designated under regulation 5(1); <sup>F112</sup>...
- (c) of two academic years' duration [<sup>F113</sup>; and]

[<sup>F114</sup>(d) a course which began before 1st August 2019.]

(3) <sup>F115</sup> ... “eligible student” has the meaning given in regulation 4.

<sup>F116</sup>(4) .....

(5) The Secretary of State may determine that a qualification is an equivalent or lower 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 an honours 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 current course leads.

<sup>F117</sup>(6) .....

<sup>F117</sup>(7) .....

<sup>F117</sup>(8) .....

<sup>F117</sup>(9) .....

(10) In these Regulations—

- (a) a course is a “sandwich course” if—
  - (i) it is not a course for the initial training of teachers or an academic year of a designated course that is an Erasmus year.
  - (ii) it consists of alternate periods of full-time study in an institution and periods of work experience; and
  - (iii) taking the course as a whole, the student attends or undertakes the periods of full-time study for an average of not less than 18 weeks in each year;
- (b) in calculating the student's periods of full-time study for the purposes of sub-paragraph (a), the course is to be treated as beginning with the first period of full-time study and ending with the last such period; and
- (c) for the purposes of sub-paragraph (a), where periods of full-time study and work experience alternate within any week of the course, the days of full-time study are aggregated with each other and with any weeks of full-time study in determining the number of weeks of full-time study in each year.

(11) In these Regulations, the “specified designated course” means the current course subject to paragraphs (12) and (13).

(12) Where the student's status as an eligible student has been transferred to the current course as a result of one or more transfers of that status by the Secretary of State from a course (the “initial course”) in connection with which the Secretary of State determined the student to be an eligible student pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act, the specified designated course is the initial course.

(13) Where the current course is an end-on course, the specified designated course is the course in relation to which the current course is an end-on course (the “preceding course”). Where the preceding course is itself an end-on course, the specified designated course is the course in relation to which the preceding course is an end-on course.

[<sup>F118</sup>(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 for the purposes of regulation 5 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998;

“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 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 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, 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—

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- (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
- (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.]

### Textual Amendments

- F1** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **3(2)(a)**
- F2** Words in reg. 2(1) inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **3(2)(a)**
- F3** Words in reg. 2(1) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(1)(a)**
- F4** Words in reg. 2(1) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(1)(b)**
- F5** Word in reg. 2(1) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **4(a)(ii)(aa)**
- F6** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **4(a)(ii)(bb)**
- F7** Words in reg. 2(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **4(a)(iii)**
- F8** Word in reg. 2(1) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(1)(c)**
- F9** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **4(a)(iv)**
- F10** Word in reg. 2(1) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(1)(d)**
- F11** Words in reg. 2(1) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **3(2)(b)**
- F12** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **3(2)(c)**
- F13** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **3(a)**
- F14** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/443\)](#), regs. 1(2)(a), **3(2)(a)**
- F15** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **3(2)(d)**
- F16** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **4(a)**

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- F17** Words in reg. 2(1) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **3(2)(e)**
- F18** Words in reg. 2(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **3(b)**
- F19** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **4(a)(v)**
- F20** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **3(2)(f)**
- F21** Words in reg. 2(1) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **3(2)(g)**
- F22** Words in reg. 2(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **7(1)(a)**
- F23** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **6(1)(a)(i)**
- F24** Words in reg. 2(1) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(2)(a)(i)**
- F25** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/443\)](#), regs. 1(2)(a), **3(2)(b)**
- F26** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **6(1)(a)(ii)**
- F27** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(2), **3(a)**
- F28** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **6(1)(a)(iii)**
- F29** Word in reg. 2(1) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **3(a)**
- F30** Words in reg. 2(1) omitted (27.2.2018) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **9**
- F31** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **6(1)(b)(i)**
- F32** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **4(a)(vi)(aa)**
- F33** Word in reg. 2(1) substituted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **9(a)**
- F34** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **6(1)(b)(ii)**
- F35** Words in reg. 2(1) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(2)**



- F36** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **4(a)(vi)(bb)**
- F37** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **3(2)(h)**
- F38** Words in reg. 2(1) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **4(b)**
- F39** Words in reg. 2(1) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **3(2)(b)(i)**
- F40** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 3) Regulations 2018 (S.I. 2018/472), regs. 1(2)(a), **3(b)**
- F41** Words in reg. 2(1) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **3(2)(b)(ii)**
- F42** Words in reg. 2(1) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **3(2)(b)(iii)**
- F43** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(b)(4) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **3(c)(i)**
- F44** Words in reg. 2(1) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **3(2)(b)(iv)**
- F45** Words in reg. 2(1) substituted (with application in accordance with reg. 1(3)(b)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **3(c)(ii)**
- F46** Words in reg. 2(1) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(2)(a)(ii)(aa)**
- F47** Words in reg. 2(1) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **3(2)(i)**
- F48** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **4(a)(vii)**
- F49** Words in reg. 2(1) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(2)(a)(ii)(bb)**
- F50** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **4(a)(viii)**
- F51** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(e) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **12(1)(a)**
- F52** Words in reg. 2(1) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(2)(a)(ii)(cc)**
- F53** Words in reg. 2(1) inserted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **5(2)**
- F54** Words in reg. 2(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **3(d)**
- F55** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **3(e)**

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- F56** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **3(2)(j)**
- F57** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 3) Regulations 2018 (S.I. 2018/472), regs. 1(2)(a), **3(c)**
- F58** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **3(2)(k)**
- F59** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **3(f)**
- F60** Words in reg. 2 inserted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **4(1)(a)(i)**
- F61** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **3(2)(l)**
- F62** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **4(a)(ix)**
- F63** Words in reg. 2(1) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(2)(a)(ii)(dd)**
- F64** Words in reg. 2(1) omitted (7.11.2014) by virtue of The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **3(b)(i)**
- F65** Word in reg. 2(1) omitted (7.11.2014) by virtue of The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **3(b)(ii)**
- F66** Words in reg. 2(1) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **4(c)**
- F67** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **3(g)(i)**
- F68** Words in reg. 2(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **3(g)(ii)**
- F69** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **3(g)(iii)**
- F70** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **6(1)(c)**
- F71** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **3(3)(a)**
- F72** Words in reg. 2(1) substituted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **16**
- F73** Words in reg. 2(1) inserted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **13(2)**
- F74** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **2(3)(a)**

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- F75** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **9(1)**
- F76** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **36(1)**
- F77** Words in reg. 2(1) inserted (with application in accordance with reg. 1(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **7(1)**
- F78** Words in reg. 2(1) renumbered (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **3(a)**
- F79** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(e) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **12(1)(b)**
- F80** Words in reg. 2(1) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **3(b)**
- F81** Words in reg. 2(1) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **3(c)**
- F82** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **3(2)(c)**
- F83** Words in reg. 2(1) substituted (1.8.2013) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(3), **4(d)**
- F84** Words in reg. 2(1) substituted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **3(2)(d)**
- F85** Words in reg. 2(1) substituted (2.12.2019) by The Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019 (S.I. 2019/1094), reg. 1, **Sch. 3 para. 27(a)**; S.I. 2019/1436, reg. 2(b)
- F86** Words in reg. 2(1) substituted (1.8.2012) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(3), **9(c)**
- F87** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **7(1)(b)**
- F88** Words in reg. 2(1) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **3(2)(m)**
- F89** Words in reg. 2(1) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(2)(a)(iii)**
- F90** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **3(2)(n)**
- F91** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **3(2)(o)**
- F92** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **3(i)**
- F93** Words in reg. 2(1) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **3(2)(e)**
- F94** Words in reg. 2(1) omitted (11.6.2018) by virtue of The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (S.I. 2018/599), regs. 1(1), **54(2)**

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- F95** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **4**
- F96** Words in reg. 2 inserted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **4(1)(a)(ii)**
- F97** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **4(a)(x)**
- F98** Words in reg. 2(1) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **4(e)(i)**
- F99** Words in reg. 2(1) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **4(e)(ii)**
- F100** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **3(j)(i)**
- F101** Words in reg. 2(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **3(j)(ii)**
- F102** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **3(j)(iii)**
- F103** Word in reg. 2(1) omitted (7.11.2014) by virtue of The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **3(c)**
- F104** Words in reg. 2(1) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **3(2)(f)**
- F105** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **25(2)**
- F106** Words in reg. 2(1) inserted (with application in accordance with reg. 1(3)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **5(1)**
- F107** Words in reg. 2(1) inserted (11.6.2018) by The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (S.I. 2018/599), regs. 1(1), **54(3)**
- F108** Words in reg. 2(1) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **4(a)(xi)**
- F109** Words in reg. 2(1) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **54(2)**
- F110** Words in reg. 2 inserted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **4(1)(a)(iii)**
- F111** Reg. 2(1A) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **3(3)**
- F112** Word in reg. 2(2)(b) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **3(3)(a)**
- F113** Word and semicolon in reg. 2(2)(c) substituted for full stop (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **3(3)(b)**

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- F114** Reg. 2(2)(d) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **3(3)(c)**
- F115** Words in reg. 2(3) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **4(b)**
- F116** Reg. 2(4) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **4(c)**
- F117** Reg. 2(6)-(9) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(2)(b)**
- F118** Reg. 2(14)(15) inserted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **4(1)(a)(iv)**

### Marginal Citations

- M3** 1962 c.12; sections 1 to 4 and Schedule 1 were substituted by the provisions set out in Schedule 5 to the Education Act 1980 (c.20). Section 1(3)(d) was amended by the Education (Grants and Awards) Act 1984 (c.11), **section 4**. Section 4 was amended by the Education Act 1994 (c.30), **Schedule 2**, paragraph 2. The entire Act was repealed by the Teaching and Higher Education Act 1998 (c.30), **section 44(2)** and Schedule 4, subject to the transitional provisions and savings set out in the Teaching and Higher Education Act 1998 (Commencement No.4 and Transitional Provisions) Order 1998 (S.I. 1998/3237), **article 3**.
- M4** S.I. 1998/2003.
- M5** S.I. 1999/496, amended by S.I. 1999/2266 and S.I. 2000/1120.
- M6** S.I. 2000/1121, amended by S.I. 2000/1490, S.I. 2000/2142 and S.I. 2000/2912.
- M7** S.I. 2001/951, amended by S.I. 2001/1730, S.I. 2001/2355 and S.I. 2002/174.
- M8** S.I. 2002/195, amended by S.I. 2002/1318, S.I. 2002/2088 and S.I. 2002/3059.
- M9** S.I. 2002/3200.
- M10** S.I. 2003/1065.
- M11** S.I. 2003/3280.
- M12** S.I. 2004/161.
- M13** S.I. 2004/1602.
- M14** S.I. 2004/2041.
- M15** S.I. 2004/2598.
- M16** S.I. 2005/5.
- M17** S.I. 2005/1341.
- M18** S.I. 2005/2084.
- M19** S.I. 2005/52, as amended by S.I. 2005/1341, S.I. 2005/2084, S.I. 2005/3482, S.I. 2006/955 and S.I.2009/862.
- M20** S.I. 2006/119, as amended by S.I. 2006/955, S.I. 2006/1745 and S.I. 2007/1336.
- M21** S.I. 2007/176, as amended by S.I. 2007/1336, S.I. 2007/2263 and S.I. 2008/235.
- M22** S.I. 2008/529 as amended by S.I. 2008/1582, S.I. 2008/2094, S.I. 2008/2939 and S.I.2009/862.
- M23** S.I.2008/1582 as amended by S.I. 2008/2094 and S.I. 2008 2008/2939.
- M24** S.I. 2009/1555 as amended by S.I. 2010/2546 and S.I. 2011/87.
- M25** 2010 c.32.
- M26** OJ L158, 30.4.2004, p77-123.
- M27** 1989 c.41; Section 23C(5A) of the Children Act 1989 was inserted by section 21(2) of the Children and Young Persons Act 2008 (c.23).
- M28** S.I. 2003/1994, amended by S.I.s 2004/1038, 2004/1792, 2005/2083, 2005/3137, 2006/930 and 2007/1629.
- M29** 1971 c.77.



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- M30** 2001 c.41; section 104 was amended by the [Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(c.19\)](#), [section 26](#) and Schedule 2 and the [Immigration, Asylum and Nationality Act 2006 \(c.13\)](#), [section 9](#).
- M31** Cmnd. 9171.
- M32** Cmnd. 3906 (out of print; photocopies are available, free of charge, from the Student Finance Policy Division, Department for Innovation, Universities and Skills, Mowden Hall, Staindrop Road, Darlington DL3 9BG).
- M33** 1980 c.44; section 73(f) was amended by the [Teaching and Higher Education Act 1998 \(c.30\)](#), [section 29\(1\)](#) and the [Education \(Graduate Endowment and Student Support\) \(Scotland\) Act 2001 \(asp 6\)](#), [section 3\(2\)](#). Section 74 was amended by the [Self Governing Schools etc. \(Scotland\) Act 1989 \(c.39\)](#), [Schedule 10](#), paragraph 8(17). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the [Scotland Act 1998 \(c.46\)](#).
- M34** 1990 c.6; repealed by the [Teaching and Higher Education Act 1998 \(c.30\)](#), [Schedule 4](#).
- M35** 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.
- M36** S.I. 1998/1760 (N.I. 14), to which there have been amendments not relevant to these Regulations.
- M37** S.I. 1998/1166, amended by S.I. 1998/1972 and revoked with savings by S.I. 1999/1494.

**Revocation, savings and transitional provisions**

3.—(1) Subject to paragraphs (2) and (3), the following regulations are revoked on 1st September 2012—

- (a) the 2009 Regulations;
- (b) the [Education \(Student Support\) Regulations 2009 \(Amendment\) Regulations 2010](#) <sup>M38</sup>;
- (c) regulation 5 and regulations 10 to 12 of the [Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2011](#) <sup>M39</sup>;
- (d) the [Education \(Student Support\) \(Dance and Drama\) Regulations 1999](#) <sup>M40</sup>; and
- (e) the [Education \(Student Support\) \(Dance and Drama\) \(Amendment\) Regulations 2001](#) <sup>M41</sup>.

(2) Regulation 113 and 114 of the 2009 Regulations are revoked on 1st September 2011.

(3) The 2009 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1st September 2010 but before 1st September 2012.

<sup>F119</sup>(4) .....

<sup>F120</sup>(5) .....

**Textual Amendments**

**F119** Reg. 3(4) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), [3\(3\)](#)

**F120** Reg. 3(5) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), [3\(3\)](#)

**Marginal Citations**

**M38** S.I. 2010/2546.

**M39** S.I. 2011/87.

**M40** S.I. 1999/2263.

**M41** S.I. 2001/2893.

## PART 2

### ELIGIBILITY

#### Eligible students

4.—(1) An eligible student qualifies for support in connection with a designated course subject to and in accordance with these Regulations.

[<sup>F121</sup>(2) Subject to the following provisions of this regulation, a person is an eligible student in connection with a designated course if in assessing that person's application for support the Secretary of State determines that the person falls within one of the categories set out—

- (a) in paragraphs 2, 2A, 3, 4, 4A, 4B, 4C, 4D, 4E, 5, 6A, 7A, 8A, 9A, 9B, [<sup>F122</sup>9BA,][<sup>F123</sup>9BB,] 9C, 9D, 10ZA, 11A, 12A [<sup>F124</sup>, 13 and 14] in Part 2 of Schedule 1; or
- (b) in paragraphs 6, 7, 8, 9, 10, 10A, 11 and 12 in Part 2 of Schedule 1, where paragraph (2A) applies.

(2A) This paragraph applies where—

- (a) in connection with a designated course beginning before 1st August 2021, the Secretary of State—
  - (i) in assessing an application for support by a person (“A”), determined that A fell within one of the categories set out in paragraphs 6, 7, 8, 9, 10, 10A, 11 and 12 in Part 2 of Schedule 1 in relation to an academic year of the course beginning before 1st August 2021; or
  - (ii) would have so determined had A made an application for support in accordance with this Part in relation to an academic year of the course beginning before that date; and
- (b) A applies for support in connection with that course or a designated course to which A's status as an eligible student is transferred from that course in accordance with this Part.

(2B) In connection with a designated course beginning on or after 1st January 2028, paragraph (2) has effect as if it did not mention paragraphs 8A [<sup>F125</sup>, 9B, 9BA and 9D].]

(3) A person (“A”) is not an eligible student if—

[<sup>F126</sup>(za) A is studying on a course as part of an apprenticeship;]

- (a) an old award has been bestowed on A in respect of A's attendance on the course;
- (b) A is eligible for a loan in relation to an academic year of the course under the Education (Student Loans) Act 1990 or the Education (Student Loans) (Northern Ireland) Order 1990;
- (c) A is eligible to apply for, in connection with the course,—
  - (i) a healthcare bursary the amount of which is not calculated by reference to <sup>F127</sup>... income; or
  - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007 <sup>M42</sup>;
- (d) A is in breach of any obligation to repay any loan;
- (e) 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;
- (f) A has, in the opinion of the Secretary of State, shown by A's conduct that A is unfitted to receive support; or
- (g) subject to paragraph (4), A is a prisoner.

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- (4) Paragraph (3)(g) does not apply—
  - (a) where the student is an eligible prisoner;
  - (b) where the current course began before 1st September 2012;
  - (c) where the student has transferred to the current course on or after 1st September 2012 pursuant to regulation 7 from a course beginning before 1st September 2012;
  - (d) where the course is an end-on course; or
  - (e) in respect of an academic year during which the student enters prison or is released from prison.

(5) For the purposes of paragraphs (3)(d) and (3)(e), “loan” means a loan made under any provision of the student loans legislation.

(6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (3)(e) only applies if the agreement was made—

- (a) before 25th September 1991; and
- (b) with the concurrence of the borrower's curator or at a time when the borrower had no curator.

<sup>F128</sup>(6A) A person (“A”) is not an eligible student in connection with a postgraduate pre-registration course unless A begins the course on or after 1st August 2018.

(6B) For the purposes of paragraph (6A), a person (“A”) who transfers from a postgraduate pre-registration course which began before 1st August 2018 to a postgraduate pre-registration course which begins on or after 1st August 2018 (“the second course”) is not an eligible student unless A—

- (a) transfers to the first academic year of the second course; or
- (b) transfers to any other academic year of the second course which is not a bursary year.

(6C) A person (“A”) is not an eligible student in connection with a pre-registration course or a postgraduate pre-registration course which leads to a qualification for a profession in respect of which A is already registered in the relevant part or parts of the register maintained by the Health and Care Professions Council, the Nursing and Midwifery Council or the General Dental Council.

(6D) A person (“A”) is not an eligible student in connection with a postgraduate pre-registration course if A has received support under Part 4, 5 or 6 of these Regulations in connection with a previous postgraduate pre-registration course begun on or after 1st August 2018 and has achieved a qualification.

- (6E) A person who—
  - (a) has a disability, and
  - (b) would be an eligible student in connection with a postgraduate pre-registration course but for paragraph (6D),

is to be treated, for the purposes of Part 12 of these Regulations only, as if that person were an eligible postgraduate student in connection with a designated postgraduate course.]

(7) An eligible student in respect of whom the first academic year of the specified designated course begins on or after 1st September 2000 does not, at any one time, qualify for support for—

- (a) more than one designated course;
- <sup>F129</sup>(b) . . . . .
- (c) a designated course and a designated part-time course;
- (d) a designated course and a designated postgraduate course.

(7A) <sup>F130</sup>A person (“A”) is not an eligible student if A is enrolled on a course which is designated under regulation 4 of the Education (Postgraduate Master’s Degree Loans) Regulations 2016 <sup>F131</sup>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].]

<sup>F132</sup>(8) .....

<sup>F133</sup>(9) .....

<sup>F134</sup>(10) .....

<sup>F135</sup>(11) .....

(12) Where—

(a) the Secretary of State determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person (“A”) was—

(i) an eligible student in connection with an application for support for an earlier year of the current course, an application for support for a course in relation to which the current course is an end-on course or an application for support in connection with a designated part-time course <sup>F136</sup>... or other designated course from which A's status as an eligible part-time student <sup>F136</sup>... or eligible student has been transferred to the current course; or

(ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which A's status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and

(b) as at the day before the academic year in respect of which A is applying for support begins, the refugee status of A or of A's spouse, civil partner, parent or step-parent, as the case may be, has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible or qualifying student terminates immediately before the first day of the academic year in respect of which A is applying for support.

[<sup>F137</sup>(12A) Where—

(a) the Secretary of State determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of a person granted stateless leave, a person (“A”) was an eligible student in connection with—

(i) an application for support for an earlier year of the current course,

(ii) an application for support for a course in relation to which the current course is an end-on course, or

(iii) an application for support in connection with a designated part-time course or other designated course from which A's status as an eligible part-time student or eligible student has been transferred to the current course, and

(b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A's status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.]

[<sup>F138</sup>(12B) Where—

(a) the Secretary of State determined that, by virtue of being a person granted section 67 leave, a person (“A”) was an eligible student in connection with—

(i) an application for support for an earlier year of the current course, or

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- (ii) an application for support in connection with a designated part-time or other designated course from which A's status as an eligible part-time student or eligible student has been transferred to the current course, and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted section 67 leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A's status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.]

[<sup>F139</sup>(12C) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted Calais leave, a person ("A") was an eligible student in connection with—
  - (i) an application for support for an earlier year of the current course; or
  - (ii) an application for support in connection with a designated part-time course or other designated course from which A's status as an eligible part-time student or eligible student has been transferred to the current course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which A is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A's status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.]

(13) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of such a person, a person ("A") was—
  - (i) an eligible student in connection with an application for support for an earlier year of the current course, an application for support for a course in relation to which the current course is an end-on course or an application for support in connection with a designated part-time course <sup>F140</sup>... or other designated course from which A's status as an eligible part-time student <sup>F140</sup>... or eligible student has been transferred to the current course; or
  - (ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which A's status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible or qualifying student terminates immediately before the first day of the academic year in respect of which A is applying for support.

[<sup>F141</sup>(13A) Where—

- (a) the Secretary of State determined that, by virtue of being a person with protected rights with limited leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, a person ("A") was an eligible student in connection with—
  - (i) an application for support for an earlier year of the current course; or

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- (ii) an application for support in connection with a designated part-time course or other designated course from which A’s status as an eligible part-time student or eligible student has been transferred to the current course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, A no longer has extant limited leave to enter or remain granted by virtue of residence scheme immigration rules and no further leave to enter or remain has been granted under those rules,

A’s status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(13B) Where—

- (a) the Secretary of State has determined that, by virtue of—
  - (i) falling within [<sup>F142</sup>paragraph (1)(a) <sup>F143</sup>... (iv) or (v)] of the definition of “person with protected rights”; or
  - (ii) meeting the conditions in paragraph 3(1)(a) <sup>F144</sup>... (iv) in Part 2 of Schedule 1,
 a person (“A”) is an eligible student in connection with an application for support for an academic year of a designated course; and
- (b) as at the day before the academic year begins, A is not a person with protected rights,

A’s status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.]

[<sup>F145</sup>(13C) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted leave under the Afghan Relocations and Assistance Scheme, a person (“A”) was—
  - (i) an eligible student in connection with an application for support for—
    - (aa) an earlier year of the current course;
    - (bb) an application for support for a course in relation to which the current course is an end-on course; or
    - (cc) an application for support in connection with a designated part-time course or other designated course from which A’s status as an eligible part-time student or eligible student has been transferred to the current course; or
  - (ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which A’s status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted leave under the Afghan Relocations and Assistance Scheme is allowed to stay in the United Kingdom has expired,

A’s status as an eligible or qualifying student terminates immediately before the first day of the academic year in respect of which A is applying for support.]

<sup>F146</sup>(14) .....

**Textual Amendments**

**F121** Reg. 4(2)-(2B) substituted for reg. 4(2) (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **4(a)**

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- F122** Word in reg. 4(2)(a) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **8(1)(a)**
- F123** Word in reg. 4(2)(a) inserted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(1)**
- F124** Words in reg. 4(2)(a) substituted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **9(2)(a)**
- F125** Words in reg. 4(2B) substituted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **8(1)(b)**
- F126** Reg. 4(3)(za) inserted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **6(1)**
- F127** Word in reg. 4(3)(c)(i) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **4**
- F128** Reg. 4(6A)-(6E) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **4(2)**
- F129** Reg. 4(7)(b) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **6(2)(a)**
- F130** Reg. 4(7A) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **4(3)**
- F131** Words in reg. 4(7A) substituted (11.6.2018) by The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (S.I. 2018/599), regs. 1(1), **55**
- F132** Reg. 4(8) omitted (23.12.2015) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **5**
- F133** Reg. 4(9) omitted (23.12.2015) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **5**
- F134** Reg. 4(10) omitted (23.12.2015) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **5**
- F135** Reg. 4(11) omitted (23.12.2015) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **5**
- F136** Words in reg. 4(12)(a)(i) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **6(2)(b)**
- F137** Reg. 4(12A) inserted (with application in accordance with reg. 1(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **7(2)**
- F138** Reg. 4(12B) inserted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **36(2)**
- F139** Reg. 4(12C) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **3(3)(b)**
- F140** Words in reg. 4(13)(a)(i) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **6(2)(b)**
- F141** Reg. 4(13A)(13B) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **4(b)**

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- F142** Words in reg. 4(13B)(a)(i) substituted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **4**
- F143** Word in reg. 4(13B)(a)(i) omitted (with application in accordance with reg. 1(3)(e) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **12(2)(a)**
- F144** Words in reg. 4(13B)(a)(ii) omitted (with application in accordance with reg. 1(3)(e) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **12(2)(b)**
- F145** Reg. 4(13C) inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **9(2)(b)**
- F146** Reg. 4(14) omitted (23.12.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **15(1)**

#### Marginal Citations

- M42** S.S.I. 2007/151, amended by S.S.I. 2007/503.

#### Designated courses

5.—(1) Subject to paragraphs <sup>F147</sup>... [<sup>F148</sup>(2A),]<sup>F149</sup>... (4), (5) [<sup>F150</sup>, (6) and (6A),] a course is a designated course for the purposes of section 22(1) of the 1998 Act and regulation 4 if it is—

- (a) mentioned in Schedule 2;
- (b) one of the following—
  - (i) <sup>F151</sup>... a full-time course;
  - (ii) a sandwich course; or
  - (iii) a course for the initial training of teachers which—
    - (aa) begins before 1st September 2010; or
    - (bb) begins on or after 1st September 2010 where the student transfers to the current course pursuant to regulation 7 from a course for the initial training of teachers which began before 1st September 2010;

[<sup>F152</sup>(c) of at least one academic year's duration <sup>F153</sup>... [<sup>F154</sup>, or, in the case of a postgraduate pre-registration course, of at least two academic years' duration];]

[<sup>F155</sup>(d) either—

- (i) wholly provided by a registered provider, or provided by a registered or unregistered provider on behalf of a registered provider in England;
- (ii) wholly provided by an authority-funded institution in Scotland or Northern Ireland, or in Wales where the course began before 1st September 2017;
- (iii) provided by a registered provider on behalf of an authority-funded institution in Scotland or Northern Ireland, or in Wales where the course began before 1st September 2017;
- (iv) provided by a registered provider on behalf of a regulated institution in Wales where the course begins on or after 1st September 2017;
- (v) provided by an institution situated in Scotland, Northern Ireland or Wales on behalf of a registered provider in England, or by a publicly funded institution situated in Scotland, Northern Ireland or Wales on behalf of an authority-funded institution in Scotland or Northern Ireland, or in Wales where the course began before 1st September 2017;

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- (vi) provided by a publicly funded institution in Scotland, Northern Ireland or Wales on behalf of a regulated institution in Wales where the course begins on or after 1st September 2017;
- (vii) provided by a registered provider in England in conjunction with an institution which is situated outside the United Kingdom;
- (viii) provided by an authority-funded institution in Scotland or Northern Ireland, or in Wales where the course began before 1st September 2017, in conjunction with an institution which is situated outside the United Kingdom; or
- (ix) provided by a regulated institution in Wales or a regulated institution in Wales in conjunction with an institution which is situated outside the United Kingdom, where that course begins on or after 1st September 2017;]
- (da) substantially provided in the United Kingdom; and
- (e) for a course beginning on or after 1st September 2012 which falls within paragraph 1, 2, 4, <sup>F156</sup>... [<sup>F157</sup>7, 8, 9, 10 or 11] of Schedule 2 [<sup>F158</sup>—
  - (i) a course which leads to an award granted or to be granted by a body falling within section 214(2) [<sup>F159</sup>(za), (zb),] (a) or (b) of the Education Reform Act 1988; and
  - (ii) the teaching and supervision which comprise the course has been approved by that body.]

(2) In paragraph (1)(e) “award” means any degree, diploma, certificate or other academic award or distinction.

[<sup>F160</sup>(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.]

[<sup>F161</sup>(2ZA) A course is not a designated course if its designation has been revoked or is suspended under paragraph (11).]

(2A) [<sup>F162</sup>A postgraduate pre-registration course is not a designated course if it is a distance learning course.]

<sup>F163</sup>(3) .....

<sup>F164</sup>(3A) .....

(4) A course falling within paragraph 7 or 8 of Schedule 2 is not a designated course where the governing body of a maintained school or Academy has arranged for the provision of such a course to a pupil of the school or Academy.

(5) A course that is taken as part of an employment-based teacher training scheme is not a designated course.

(6) A first degree course [<sup>F165</sup>(other than a graduate entry accelerated programme or a graduate entry veterinary course)] is not a designated course where—

- (a) it leads to the award of a professional qualification;
- (b) a first degree (or equivalent qualification) would normally be required for entry to a course leading to the award of that professional qualification; and
- (c) the current course begins on or after 1st September 2009.

[<sup>F166</sup>(6A) A UK dual degree programme is not a designated course.]

(7) For the purposes of paragraph (1)(d)—

- (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;
- [<sup>F167</sup>(aa) 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;]
- (b) a university and any constituent college or institution in the nature of a college of a university is to be regarded as [<sup>F168</sup>authority-funded] if either the university or the constituent college or institution is [<sup>F168</sup>authority-funded]; <sup>F169</sup> ...
- (c) an institution is not to be regarded as publicly funded [<sup>F170</sup>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<sup>M43</sup>[<sup>F171</sup>; and]
- [<sup>F172</sup>(d) 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 [<sup>F173</sup>in Scotland, Northern Ireland or Wales, or by a private institution which is an unregistered provider in England].]
- (8) Subject to paragraph (6), a course to which this paragraph applies is considered to be a single course for a first degree or for an equivalent qualification even if—
- (a) the course leads to another degree or qualification being conferred before the degree or equivalent qualification; and
- (b) part of the course is optional.
- (9) Paragraph (8) applies to a course the standard of which is not higher than a first degree which leads to a qualification as a medical doctor, dentist, veterinary surgeon, architect, landscape architect, landscape designer, landscape manager, town planner or town and country planner.
- (10) For the purposes of section 22 of the 1998 Act and regulation 4(1) the Secretary of State may designate courses of higher education which are not designated under paragraph (1) [<sup>F174</sup>or (2ZZA)].
- [<sup>F175</sup>(11) The Secretary of State may revoke or suspend the designation of a course which is designated under [<sup>F176</sup>this regulation].]

### Textual Amendments

- F147** Word in reg. 5(1) omitted (28.3.2018) by virtue of [The Education \(Student Support\) \(Revocation, Amendment and Saving Provision\) Regulations 2018](#) (S.I. 2018/434), regs. 1(2), **7(2)(a)** (with reg. 3)
- F148** Word in reg. 5(1) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 2\) Regulations 2018](#) (S.I. 2018/443), regs. 1(2)(a), **5(2)(a)**
- F149** Word in reg. 5(1) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018](#) (S.I. 2018/137), regs. 1(2), **6(3)(a)**
- F150** Words in reg. 5(1) substituted (with application in accordance with reg. 1(3)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021](#) (S.I. 2021/1348), regs. 1(1), **5(2)(a)**
- F151** Words in reg. 5(1)(b)(i) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018](#) (S.I. 2018/137), regs. 1(2), **6(3)(b)**
- F152** Reg. 5(1)(c) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015](#) (S.I. 2015/1951), regs. 1(3)(a), **6**



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- F153** Words in reg. 5(1)(c) omitted (28.3.2018) by virtue of The Education (Student Support) (Revocation, Amendment and Saving Provision) Regulations 2018 (S.I. 2018/434), regs. 1(2), **7(2)(b)** (with reg. 3)
- F154** Words in reg. 5(1)(c) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **5(2)(b)**
- F155** Reg. 5(1)(d) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **4(2)**
- F156** Word in reg. 5(1)(e) omitted (7.11.2014) by virtue of The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **4(b)(i)**
- F157** Words in reg. 5(1)(e) substituted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **13**
- F158** Words in reg. 5(1)(e) substituted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(4)(a), **4(b)(ii)**
- F159** Words in reg. 5(1)(e)(i) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **4(3)**
- F160** Reg. 5(2ZZA) inserted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **4(1)(b)(i)**
- F161** Reg. 5(2ZA) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **4(4)**
- F162** Reg. 5(2A) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **5(3)**
- F163** Reg. 5(3) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **6(3)(c)**
- F164** Reg. 5(3A) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **6(3)(c)**
- F165** Words in reg. 5(6) inserted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **5(3)**
- F166** Reg. 5(6A) inserted (with application in accordance with reg. 1(3)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **5(2)(b)**
- F167** Reg. 5(7)(aa) inserted (7.11.2014) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **4(c)**
- F168** Words in reg. 5(7)(b) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **5(c)(i)**
- F169** Word in reg. 5(7)(b) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **5(c)(ii)**
- F170** Words in reg. 5(7)(c) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **5(c)(iii)**
- F171** Word in reg. 5(7)(c) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **5(c)(iv)**



- F172** Reg. 5(7)(d) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **5(c)(v)**
- F173** Words in reg. 5(7)(d) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **4(5)**
- F174** Words in reg. 5(10) inserted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **4(1)(b)(ii)**
- F175** Reg. 5(11) inserted (15.1.2014) by [The Education \(Fees and Student Support\) \(Amendment\) Regulations 2013 \(S.I. 2013/3106\)](#), regs. 1(2), **5**
- F176** Words in reg. 5(11) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **4(6)**

#### Marginal Citations

- M43** 1992 c.13; section 65(3A) was inserted by the [Teaching and Higher Education Act 1998 \(c.30\)](#), [section 27](#).

#### Period of eligibility

6.—(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 4.

(2) The period for which an eligible student retains that status is the “period of eligibility”.

(3) Subject to the following paragraphs and regulation 4, 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 the eligible student (“A”)—

- (a) withdraws from A's designated course in circumstances where the Secretary of State has not transferred or converted or will not transfer or convert A's status as an eligible student under regulation 7, <sup>F177</sup>132, 139B or 139C]; or
- (b) 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 support.

(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 any particular support or particular amount of support;
- (c) treat any support paid to the student as an overpayment which may be recovered under Chapter 5 of Part 9.

(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.

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### Textual Amendments

**F177** Words in [reg. 6\(4\)\(a\)](#) substituted (with application in accordance with [reg. 1\(2\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), [regs. 1\(2\)\(a\), 4](#)

### Transfer of status

7.—(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) he receives a request from the eligible student to do so;
- (b) he is satisfied that one or more of the grounds for transfer in paragraph (2) applies; and
- (c) the period of eligibility has not terminated.

[<sup>F178</sup>(1A) Paragraph (1) applies to a person who is an eligible student by virtue of regulation 4(2) (b) only where that person's status as an eligible student has not been transferred on or after 1st August 2021 from the designated course referred to in regulation 4(2A)(a) to another designated course.]

(2) The grounds for transfer are—

- [<sup>F179</sup>(a) on the recommendation of the academic authority A ceases one course and starts to attend or undertake another designated course <sup>F180</sup> ...;]
- [<sup>F181</sup>(b) A starts to attend or undertake a designated course <sup>F182</sup> ...;]
- (c) after starting a course for the Certificate in Education, A is, on or before the completion of that course, admitted to a designated course for the degree (including an honours degree) of Bachelor of Education either at the same institution or at another institution;
- (d) after starting a course for the degree (other than an honours degree) of Bachelor of Education, A is, on or before the completion of that course, admitted to a designated course for the honours degree of Bachelor of Education either at the same institution or at another institution; or
- (e) after starting a course for a first degree (other than an honours degree) A is, before the completion of that course, admitted to a designated course for an honours degree in the same subject or subjects at the institution.

(3) Subject to paragraph (4), 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 support assessed by the Secretary of State in respect of the academic year of the course from which A transfers.

(4) The Secretary of State may re-assess the amount of support payable after the transfer [<sup>F183</sup>provided that A qualifies for such support in connection with the academic year of the course to which A transfers].

(5) Where A transfers under paragraph (1) after the Secretary of State has assessed A's support in connection with the academic year of the course from which A is transferring but before A completes that year, A may not, in connection with the academic year of the course to which A transfers, apply for another grant or loan of a kind that A has already applied for under these Regulations in connection with the academic year of the course from which A is transferring unless otherwise provided.

### Textual Amendments

- F178** Reg. 7(1A) inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **5**
- F179** Reg. 7(2)(a) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **5(2)**
- F180** Words in reg. 7(2)(a) omitted (13.2.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **5(a)**
- F181** Reg. 7(2)(b) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **5(3)**
- F182** Words in reg. 7(2)(b) omitted (13.2.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **5(b)**
- F183** Words in reg. 7(4) inserted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), 7

## PART 3

### APPLYING FOR SUPPORT, PROVISION OF INFORMATION AND LOAN CONTRACTS

#### Applications for support

**8.—(1)** A person (the “applicant”) must apply for support in connection with each academic year of a designated course by completing and submitting 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, whether the applicant qualifies for support and the amount of support payable, if any.

(3) The Secretary of State must notify the applicant of whether the applicant qualifies for support and, if so, the amount of support payable in respect of the academic year, if any.

#### Time limits

**9.—(1)** The general rule is that the application must reach the Secretary of State no later than the end of the ninth month of the academic year in respect of which it is submitted.

(2) The general rule does not apply where—

(a) one of the events listed in regulation 17 occurs after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the Secretary of State within a period of nine months beginning with the day on which the relevant event occurred;

[<sup>F184</sup>(b) the applicant is making a separate application for a fee loan <sup>F185</sup>... or a loan for living costs or is applying for an additional amount of fee loan under regulation 24(1) or (7) <sup>F186</sup>... or an additional amount of loan for living costs under regulation 89(3) in which case the application must reach the Secretary of State not later than one month before the end of the academic year to which the application relates;]

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- (c) the applicant is applying to borrow <sup>F187</sup>... an additional amount of loan for living costs or an additional amount of long courses loan under regulation 89(1), in which case the application must reach the Secretary of State not later than one month before the end of the academic year to which the application relates or within a period of one month beginning with the day on which the applicant receives notice of the increased maximum amount, whichever is the later;
- (d) the applicant is applying for the disabled students' allowance, in which case the application must reach the Secretary of State as soon as is reasonably practicable; or
- (e) the Secretary of State considers that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the Secretary of State not later than such date as the Secretary of State specifies.

#### Textual Amendments

- F184** Reg. 9(2)(b) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **8**
- F185** Words in reg. 9(2)(b) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(4)(a)(i)**
- F186** Words in reg. 9(2)(b) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(4)(a)(ii)**
- F187** Words in reg. 9(2)(c) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(4)(b)**

#### Information

**10.** Schedule 3 deals with the provision of information.

#### <sup>F188</sup>Requirement to enter into a contract for a loan

**11.—(1)** To receive a 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.]

#### Textual Amendments

- F188** Reg. 11 substituted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **9**

## PART 4

### FEE [<sup>F189</sup>LOANS]

#### Textual Amendments

- F189** Word in Pt. 4 heading substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(a)**

## CHAPTER 1

### GENERAL

#### Previous course

- 12.—(1) Subject to the exceptions in paragraphs (4) to (7), a “previous course” is—
- (a) where the current course began before 1st September 2009, any full-time higher education course, a course for the initial training of teachers or a course designated under regulation 5(10), which the student attended or, in the case of [F190an intensive course] or [F191a full-time] distance learning course, undertook before the current course and which meets [F192any] of the conditions in paragraph (2);
  - (b) where the current course begins on or after 1st September 2009—
    - (i) a lower level qualification achieved following a full-time or part-time higher education course, a course for the initial training of teachers or a course designated under regulation 5(10), which the student attended or, in the case of [F190an intensive course] or a F193 ... distance learning course, undertook before the current course;
    - (ii) a full-time higher education course, a course for the initial training of teachers or a course designated under regulation 5(10), which the student attended, or in the case of [F190an intensive course] or a [F194full-time] distance learning course, undertook before the current course where the student studied but did not achieve a qualification and which meets [F195any] of the conditions in paragraph (3); or
    - (iii) a full-time higher education course, a course for the initial training of teachers or a course designated under regulation 5(10), which the student attended or, in the case of [F190an intensive course] or [F196a full-time] distance learning course, undertook before the current course where—
      - (aa) the course meets [F197any] of the conditions in paragraph (2); and
      - [F198](bb) the student’s status as an eligible student has been transferred or converted under these Regulations to the current course from a course which began before 1st September 2009.]
- (2) The conditions are—
- [F199](a) the course was provided by an institution which was a registered provider in England or by a publicly funded institution in the United Kingdom for some or all of the academic years during which the student attended or undertook the course;
  - (aa) the course was provided by an accredited institution which was an unregistered provider for some or all of the academic years during which the student attended or undertook the course; or]
  - (b) any scholarship, exhibition, bursary, grant, allowance or [F200statutory award] which was paid in respect of the student's attending or, in the case of [F190an intensive course] or a F201 ... distance learning course, undertaking the course to defray fees was from public funds or funds attributable to public funds.
- (3) The conditions are—
- (a) the course was provided at [F202a registered provider or] a publicly funded institution whether or not in the United Kingdom [F203or a regulated institution] for some or all of the academic years during which the student attended or undertook the course; F204 ...

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- [<sup>F205</sup>(aa) the course was provided by an accredited institution which was an unregistered provider for some or all of the academic years during which the student attended or undertook the course; or]
- (b) any scholarship, exhibition, bursary, grant, allowance or [<sup>F206</sup>statutory award] which was paid in respect of the student's attending or, in the case of [<sup>F190</sup>an intensive course] or a [<sup>F207</sup>full-time] distance learning course, undertaking the course to defray fees was from public funds or funds attributable to public funds.
- (4) A course which would otherwise be a previous course will not be treated as such if—
- (a) the current course is a course for the initial training of teachers;
- (b) the duration of the current course does not exceed two years <sup>F208</sup> ... ; and
- (c) the student is not a qualified teacher.
- [<sup>F209</sup>(4ZA) Paragraph (4) does not apply where—
- (a) the current course is a course for the initial training of teachers in further education which has content equivalent to a Diploma in Education and Training, a Professional Graduate Certificate in Education or a Postgraduate Certificate in Education; and
- (b) the student already holds qualified teacher learning and skills status.]
- [<sup>F210</sup>(4A) A course which would otherwise be a previous course is not <sup>F211</sup> ... [<sup>F212</sup>to be] treated as such if the current course—
- (a) is a pre-registration course in an allied health profession subject, midwifery, nursing, nursing and social work, or operating department practice;
- [<sup>F213</sup>(b) leads to—
- (i) an ordinary degree or an honours degree;
- (ii) in respect of a course in a dental profession subject, an ordinary degree, an honours degree, a diploma or a foundation degree; or
- (iii) in respect of a course in operating department practice, an ordinary degree, an honours degree or a diploma;]
- (c) begins on or after 1st August 2017 <sup>F214</sup> ... [<sup>F215</sup>or, in the case of a course in a dental profession subject, begins on or after 1st August 2018]]
- (4B) [<sup>F216</sup>A course which would otherwise be a previous course is not to be treated as such if the current course is a postgraduate pre-registration course which begins on or after 1st August 2018.]
- (5) A course which would otherwise be a previous course will not be treated as such if the current course is a graduate entry accelerated programme.
- (6) A course for the Certificate in Education which would otherwise be a previous course will not be treated as such if—
- (a) the current course is a course for the degree (including an honours degree) of Bachelor of Education; and
- (b) the student transferred to the current course from the course for the Certificate in Education before the completion of that course or began the current course on completion of the course for the Certificate in Education.
- (7) A course for the degree (other than an honours degree) of Bachelor of Education will not be treated as a previous course if—
- (a) the current course is a course for the honours degree of Bachelor of Education; and
- (b) the student transferred to the current course from the course for the degree (other than an honours degree) of Bachelor of Education before the completion of that course or began the

current course on completion of the course for the degree (other than an honours degree) of Bachelor of Education.

(8) Subject to paragraphs (9), (10) and (11), for the purpose of determining PC in the [F217 formula in regulation 21] —

- (a) each academic year that the student completed on a previous course is counted; and
- (b) an academic year of a previous course that the student began or ceased to attend part of the way through the year is counted as one academic year on a previous course.

(9) For the purpose of determining PC in the [F218 formula in regulation 21] where the student began the current course before 1st September 2009, an academic year of a previous course is not to be counted as a year spent on a previous course if—

- (a) the student did not qualify for [F219 a fee loan] for that year other than because the academic year was a bursary year or an Erasmus year; and
- (b) the student qualified for [F220 a fee loan] for some but not all of the other academic years of that previous course.

(10) For the purpose of determining PC in the [F221 formula in regulation 21], an academic year of a previous course is not to be counted as a year spent on a previous course if it was a year of repeat study that the student was taking for compelling personal reasons or a year in relation to which the student qualified for [F222 a fee loan] because the student had failed to complete a previous course for compelling personal reasons.

(11) For the purpose of determining PC in the [F223 formula in regulation 21], where a student (“A”) transfers from an academic year of one designated course to an academic year of another designated course before the Secretary of State considers that A has completed the year from which A is transferring, the time spent by A during the academic year in which the transfer takes place on the course from which A is transferring is not counted as a year spent on a previous course.

(12) A student (“A”) who undertook a previous course but was not in attendance because A was unable to attend for a reason which related to A's disability is only [F224 ... [F225 to be] treated as having been in attendance on the previous course in respect of periods of study beginning on or after 1st September 2006.

#### Textual Amendments

- F190** Words in reg. 12 substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **6(2)**
- F191** Words in reg. 12(1)(a) substituted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **6(4)**
- F192** Word in reg. 12(1)(a) substituted (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **18(2)**
- F193** Word in reg. 12(1)(b)(i) omitted (7.11.2014) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(2), **5(a)(i)**
- F194** Word in reg. 12(1)(b)(ii) substituted (7.11.2014) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(2), **5(a)(ii)**
- F195** Word in reg. 12(1)(b)(ii) substituted (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **18(2)**
- F196** Words in reg. 12(1)(b)(iii) substituted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **6(4)**



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- F197** Word in reg. 12(1)(b)(iii)(aa) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **18(2)**
- F198** Reg. 12(1)(b)(iii)(bb) substituted (7.11.2014) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **5(a)(iii)**
- F199** Reg. 12(2)(a)(aa) substituted for reg. 12(2)(a) (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **6(3)**
- F200** Words in reg. 12(2)(b) substituted (7.11.2014) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **5(b)(i)**
- F201** Word in reg. 12(2)(b) omitted (7.11.2014) by virtue of The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **5(b)(ii)**
- F202** Words in reg. 12(3)(a) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **6(4)(a)(i)**
- F203** Words in reg. 12(3)(a) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **6(4)(a)(ii)**
- F204** Word in reg. 12(3)(a) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **6(4)(a)(iii)**
- F205** Reg. 12(3)(aa) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **6(4)(b)**
- F206** Words in reg. 12(3)(b) substituted (7.11.2014) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **5(c)(i)**
- F207** Word in reg. 12(3)(b) substituted (7.11.2014) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **5(c)(ii)**
- F208** Words in reg. 12(4)(b) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **7(2)(a)**
- F209** Reg. 12(4ZA) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **7(2)(b)**
- F210** Reg. 12(4A) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **6**
- F211** Words in reg. 12(4A) omitted (28.3.2018) by virtue of The Education (Student Support) (Revocation, Amendment and Saving Provision) Regulations 2018 (S.I. 2018/434), regs. 1(2), **8(2)(a)** (with reg. 3)
- F212** Words in reg. 12(4A) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **6(2)(a)**
- F213** Reg. 12(4A)(b) substituted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **6(2)(b)**
- F214** Words in reg. 12(4A)(c) omitted (28.3.2018) by virtue of The Education (Student Support) (Revocation, Amendment and Saving Provision) Regulations 2018 (S.I. 2018/434), regs. 1(2), **8(2)(c)** (with reg. 3)
- F215** Words in reg. 12(4A)(c) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **6(2)(c)**
- F216** Reg. 12(4B) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **6(3)**



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- F217** Words in reg. 12(8) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(b)(i)**
- F218** Words in reg. 12(9) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(b)(i)**
- F219** Words in reg. 12(9)(a) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(b)(ii)**
- F220** Words in reg. 12(9)(b) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(b)(ii)**
- F221** Words in reg. 12(10) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(b)(i)**
- F222** Words in reg. 12(10) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(b)(iii)**
- F223** Words in reg. 12(11) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(b)(i)**
- F224** Words in reg. 12(12) omitted (28.3.2018) by virtue of The Education (Student Support) (Revocation, Amendment and Saving Provision) Regulations 2018 (S.I. 2018/434), regs. 1(2), **8(4)** (with reg. 3)
- F225** Words in reg. 12(12) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **6(4)**

## Miscellaneous

13.—(1) Subject to paragraphs (2) to (4), an eligible student does not qualify for [<sup>F226</sup>a fee loan] under this Part if—

- (a) the student has an honours degree from an institution in the United Kingdom, where—
  - (i) the current course began before 1st September 2009; or
  - (ii) the current course begins on or after 1st September 2009 where the student transfers to the current course pursuant to regulation 7 from a course which began before 1st September 2009; or
- (b) the current course leads to an equivalent or lower qualification, where the student begins the course on or after 1st September 2009.

(2) Paragraph (1) does not apply where—

- (a) the current course is a course for the initial training of teachers;
- (b) the duration of the current course does not exceed two years <sup>F227</sup>... ; and
- (c) the student is not a qualified teacher.

[<sup>F228</sup>(2ZA) Paragraph (2) does not apply where—

- (a) the current course is a course for the initial training of teachers in further education which has content equivalent to a Diploma in Education and Training, a Professional Graduate Certificate in Education or a Postgraduate Certificate in Education; and
- (b) the student already holds qualified teacher learning and skills status.]

[<sup>F229</sup>(2A) Paragraph (1) does not apply where the current course—

- (a) is a pre-registration course in an allied health profession subject, midwifery, nursing, nursing and social work or operating department practice;

[<sup>F230</sup>(b) leads to—

- (i) an ordinary degree or an honours degree;
- (ii) in respect of a course in a dental profession subject, an ordinary degree, an honours degree, a diploma or a foundation degree; or

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(iii) in respect of a course in operating department practice, an ordinary degree, an honours degree or a diploma;]

(c) begins on or after 1st August 2017 <sup>F231</sup>.... [<sup>F232</sup>or, in the case of a course in a dental profession subject, begins on or after 1st August 2018]]

(2B) [<sup>F233</sup>Paragraph (1) does not apply where the current course is a postgraduate pre-registration course which begins on or after 1st August 2018.]

(3) Paragraph (1) does not apply where the current course is a graduate entry accelerated programme.

[<sup>F234</sup>(3A) Paragraph (1) does not apply to a current system student where the Secretary of State determines that the following conditions are satisfied—

(a) the student has provided all information required by the Secretary of State in relation to qualifications held by the student;

(b) that information is accurate; and

(c) the Secretary of State has provided written notification that the student qualifies for a fee loan under Chapter 3 of this Part in respect of [<sup>F235</sup>—

(i) the first academic year of the current course, where the determination by the Secretary of State is made before the first day of the first academic year of the current course;

(ii) the academic year of the current course during which the determination by the Secretary of State is made; or

(iii) an academic year of the current course in respect of which the determination of the Secretary of State is made, which the student has completed before the making of that determination].]

(4) Where the current course is considered to be a single course because of regulation 5(8) and (9) and it leads to a honours degree from an institution in the United Kingdom being conferred on the eligible student before the final degree or equivalent qualification, the eligible student is not prevented from qualifying for [<sup>F236</sup>a fee loan] under this Part in respect of any part of the single course by virtue of having that honours degree.

(5) Where an institution allows an eligible student to study the content of one standard academic year of the designated course over two or more academic years, for the purpose of determining whether the student qualifies for [<sup>F237</sup>a fee loan] for those years, the last of such years of study is to be treated as a standard academic year and the preceding years of that kind are to be treated as years of repeat study other than for compelling personal reasons.

(6) 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 [<sup>F238</sup>on the first day of the first academic year].

[<sup>F239</sup>(6A) For the purposes of paragraph (6), 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) A’s parent, or

(d) 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.]

[<sup>F240</sup>(7) A student qualifying for support in respect of a distance learning course will no longer qualify for support in respect of that course if the Secretary of State considers that the student is undertaking the course outside the United Kingdom.]

[<sup>F241</sup>(8) Paragraphs (6) and (7) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.]

### Textual Amendments

- F226** Words in reg. 13(1) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(c)**
- F227** Words in reg. 13(2)(b) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **7(3)(a)**
- F228** Reg. 13(2ZA) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **7(3)(b)**
- F229** Reg. 13(2A) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **7(a)**
- F230** Reg. 13(2A)(b) substituted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **7(2)(a)**
- F231** Words in reg. 13(2A)(c) omitted (28.3.2018) by virtue of The Education (Student Support) (Revocation, Amendment and Saving Provision) Regulations 2018 (S.I. 2018/434), regs. 1(2), **9(2)(b)** (with reg. 3)
- F232** Words in reg. 13(2A)(c) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **7(2)(b)**
- F233** Reg. 13(2B) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **7(3)**
- F234** Reg. 13(3A) inserted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(4)(a), **6**
- F235** Reg. 13(3A)(c)(i)-(iii) substituted for words in reg. 13(3A)(c) (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **8(1)**
- F236** Words in reg. 13(4) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(c)**
- F237** Words in reg. 13(5) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(c)**
- F238** Words in reg. 13(6) inserted (1.8.2012) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(3), **10(a)**
- F239** Reg. 13(6A) inserted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **3(1)**
- F240** Reg. 13(7) inserted (1.8.2012) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(3), **10(b)**
- F241** Reg. 13(8) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **7(b)**

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## CHAPTER 2

### [<sup>F242</sup>Availability of fee loans]

#### Textual Amendments

**F242** Pt. 4 Ch. 2 heading substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(d)**

#### Current system students

**14.** A current system student (“A”) qualifies for a fee loan in respect of the fees payable by A in connection with A's attendance on or undertaking of a designated course in accordance with Chapter 3 of this Part.

#### Old system students

<sup>F243</sup>**15.** .....

#### Textual Amendments

**F243** Reg. 15 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(e)**

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

- 16.** Where one of the events listed in regulation 17 occurs in the course of an academic year—
- (a) a student may qualify for [<sup>F244</sup>a fee loan] in accordance with this Part in respect of that academic year provided that [<sup>F245</sup>, with the exception of an event mentioned in paragraph (a) of that regulation,] the relevant event occurred within the first three months of the academic year; and
  - (b) [<sup>F246</sup>a fee loan] is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

#### Textual Amendments

**F244** Words in reg. 16(a) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(f)**

**F245** Words in reg. 16(a) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), 7

**F246** Words in reg. 16(b) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(f)**

#### Events

- 17.** The events are—
- (a) [<sup>F247</sup>(a) the student's course becomes a designated course—
    - (i) under regulation 5(10);

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- (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;]
- (b) the student or the student's spouse, civil partner or parent is recognised as a refugee or becomes [<sup>F248</sup>a person granted stateless leave or] a person granted humanitarian protection;
- <sup>F249</sup>(c) .....
- [<sup>F250</sup>(d) the student becomes a family member described in paragraph 9A(1)(a), 9C(1)(a) [<sup>F251</sup>, 9D(1)(a) or 9D(2)(a)] of Schedule 1;]
- [<sup>F252</sup>(e) the student becomes a person described in paragraph 3(1)(a) of Schedule 1;]
- [<sup>F253</sup>(f) where regulation 4(2A)(a) applies, the person becomes a person described in paragraph 12(a) of Schedule 1;]
- (g) the student becomes a person described in [<sup>F254</sup>paragraph 6A(1)(a) of Schedule 1 or, where regulation 4(2A)(a) applies, in] paragraph 6(1)(a) of Schedule 1; <sup>F255</sup> ...
- [<sup>F256</sup>(h) the student becomes a person described in paragraph 11A(a) of Schedule 1 or, where regulation 4(2A)(a) applies, in paragraph 11(1)(a) of Schedule 1;]
- (i) [<sup>F257</sup>the person becomes a person granted section 67 leave;]
- [<sup>F258</sup>(j) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; <sup>F259</sup> ...]
- [<sup>F260</sup>(k) the student becomes a person granted Calais leave.][<sup>F261</sup>, <sup>F262</sup> ...
- (l) the student becomes a person granted indefinite leave to remain as a bereaved partner];
- [<sup>F263</sup>(m) the student becomes a person described in paragraph 9B(1)(a)(ii) of Schedule 1]; [<sup>F264</sup>or]
- [<sup>F265</sup>(n) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.]

#### Textual Amendments

- F247** Reg. 17(a) substituted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **4(1)(c)**
- F248** Words in reg. 17(b) inserted (with application in accordance with reg. 1(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **7(3)**
- F249** Reg. 17(c) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **6(a)**
- F250** Reg. 17(d) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **6(b)**
- F251** Words in reg. 17(d) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **11(2)**
- F252** Reg. 17(e) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **5(b)**
- F253** Reg. 17(f) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **6(c)**
- F254** Words in reg. 17(g) inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **6(d)**

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- F255** Word in reg. 17(g) omitted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **36(3)(a)**
- F256** Reg. 17(h) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **6(e)**
- F257** Reg. 17(i) inserted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **36(3)(c)**
- F258** Reg. 17(j) inserted (with application in accordance with reg. 1(3)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **2(3)(b)(ii)**
- F259** Word in reg. 17(j) omitted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **13(3)(a)**
- F260** Reg. 17(k) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **3(3)(c)**
- F261** Reg. 17(l) and word inserted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **13(3)(b)**
- F262** Word in reg. 17(k) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **6(f)**
- F263** Reg. 17(m) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **6(h)**
- F264** Word in reg. 17 repositioned (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **9(3)**
- F265** Reg. 17(n) inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **9(3)**

### Students to be treated as in attendance on a course

**18.—(1)** A student to whom this regulation applies is treated as if the student were in attendance on the designated course for the purpose of qualifying for [<sup>F266</sup>a fee loan].

(2) This regulation applies to—

- (a) [<sup>F267</sup>a [<sup>F268</sup>compressed degree student]]; or
- (b) a disabled student who—
- (i) is not [<sup>F267</sup>a [<sup>F269</sup>compressed degree student]]; and
- (ii) is undertaking a designated course <sup>F270</sup>... 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.

### Textual Amendments

- F266** Words in reg. 18(1) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(g)**
- F267** Words in reg. 18 substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **9**



- F268** Words in reg. 18(2)(a) substituted (23.12.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **17(1)(a)**
- F269** Words in reg. 18(2)(b)(i) substituted (23.12.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **17(1)(b)**
- F270** Words in reg. 18(2)(b)(ii) omitted (1.8.2013) by virtue of [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(3), **6**

## CHAPTER 3

### FEE LOANS FOR CURRENT SYSTEM STUDENTS

#### Availability of fee loans to current system students - general

19.—<sup>F271</sup>(1) . . . . .

(2) Subject to paragraph (3), a current system student does not qualify for a fee loan in respect of an academic year of a designated course that is [<sup>F272</sup>—

- (a) a bursary year;
- (b) an Erasmus year of a course provided by an institution in Northern Ireland <sup>F273</sup>...; or
- (c) an Erasmus year of a course provided by an institution in England [<sup>F274</sup>, Wales or Scotland] where the course began before 1st September 2012].

(3) Paragraph (2) does not apply where the current course is the graduate entry accelerated programme.

[<sup>F275</sup>(3A) A current system student qualifies for a fee loan in respect of an academic year of the current course in accordance with paragraphs (3B) to [<sup>F276</sup>(3E)] where the Secretary of State determines that the conditions in regulation 13(3A) are satisfied.

(3B) If the Secretary of State makes the determination before the first day of the first academic year of the current course then the current system student qualifies for a fee loan in respect of the first academic year of the current course.

(3C) If the Secretary of State makes the determination on or after the first day of the first academic year of the current course then the current system student qualifies for a fee loan in respect of—

- (a) the academic year of the current course during which the Secretary of State makes the determination; and
- (b) an academic year of the current course which the student has completed prior to the Secretary of State making the determination.

[<sup>F277</sup>(3D) Paragraphs (3B) and (3C) do not apply if the Secretary of State considers that there are exceptional circumstances.]

[<sup>F278</sup>(3E) Where the Secretary of State considers that there are exceptional circumstances, the Secretary of State may determine that the student should qualify for a fee loan in respect of one or more academic years of the current course, as appropriate, whether or not the student has completed those academic years prior to the Secretary of State making the determination.]

(4) When assessing an application for support in respect of an academic year of a designated course, the Secretary of State must determine the “standard entitlement”.

(5) The standard entitlement is calculated in accordance with regulation 20, 21 or 22.

(6) When assessing an application for support in respect of an academic year of a designated course, the Secretary of State must allocate a fee loan from the standard entitlement first to the final standard academic year of the course and then to each preceding standard academic year in turn until

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the standard entitlement is exhausted or a fee loan has been allocated to each standard academic year of the course.

(7) A current system student qualifies for a fee loan in respect of a standard academic year of the designated course if the Secretary of State allocates a fee loan to that year when assessing the application for support for that year.

[<sup>F279</sup>(8) In addition to the standard entitlement, a current system student who falls within regulation 21 and has failed to complete the most recent previous course because of compelling personal reasons qualifies for a fee loan in respect of the first academic year that the student takes of the designated course that is not—

- (a) a bursary year;
- (b) an Erasmus year of a course provided by an institution in Northern Ireland <sup>F280</sup> ...; or
- (c) an Erasmus year of a course provided by an institution in England [<sup>F281</sup>, Wales or Scotland] which began before 1st September 2012.]

(9) Where a current system student qualifies for a fee loan under paragraph (8), the Secretary of State must not allocate a fee loan under paragraph (6) to the first academic year that the student takes of the designated course that is not [<sup>F282</sup>—

- (a) a bursary year;
- (b) an Erasmus year of a course provided by an institution in Northern Ireland <sup>F283</sup> ...; or
- (c) an Erasmus year of a course provided by an institution in England [<sup>F284</sup>, Wales or Scotland] where the course began before 1st September 2012].

[<sup>F285</sup>(9A) In addition to the standard entitlement, a current system student qualifies for a fee loan in respect of an academic year of a current course in accordance with [<sup>F286</sup>this paragraph and paragraphs (9D) and (9E)] where—

- (a) the student falls within regulation 21 or 22; and
- (b) the Secretary of State determines that—
  - (i) the student has provided all information required by the Secretary of State in relation to all courses which have been undertaken and qualifications which are held by the student;
  - (ii) that information is accurate; and
  - (iii) the Secretary of State has provided written notification that the student qualifies for a fee loan under this regulation in respect of [<sup>F287</sup>—
    - (aa) the first academic year of the current course, where the determination by the Secretary of State is made before the first day of the first academic year of the current course;
    - (bb) the academic year of the current course during which the determination by the Secretary of State is made;
    - (cc) an academic year of the current course in respect of which the determination of the Secretary of State is made, which the student has completed before the making of that determination].

<sup>F288</sup>(9B) .....

<sup>F289</sup>(9C) .....

[<sup>F290</sup>(9D) [<sup>F291</sup>Paragraph (9A)(b)(iii) does] not apply if the Secretary of State considers that there are exceptional circumstances.]



[<sup>F292</sup>(9E) Where the Secretary of State considers that there are exceptional circumstances, the Secretary of State may determine that the student should qualify for a fee loan in respect of one or more academic years of the current course, as appropriate, whether or not the student has completed those academic years prior to the Secretary of State making the determination.]

(10) In addition to the standard entitlement, if the Secretary of State determines that the student is repeating an academic year of the designated course because of compelling personal reasons, a current system student qualifies for a fee loan in respect of the year of repeat study provided that the academic year that the student is repeating was a qualifying year of study and the year of repeat study is not a bursary year.

(11) A current system student qualifies for a fee loan in respect of an academic year of a designated course that is a year of repeat study which the student is taking other than for compelling personal reasons if—

- (a) the academic year which the student is repeating was a qualifying year of study;
- (b) the academic year of repeat study is not a bursary year; and
- (c) when the academic year of repeat study is added to the number of any other academic years of repeat study that the student has already taken on the current course other than for compelling personal reasons, it does not exceed the number of additional years of support.

(12) In this regulation, the “number of additional years of support” is the number of years which make up the standard entitlement less the number of standard academic years (plus one where the student qualifies for a fee loan under paragraph (8)).

(13) The amount of the fee loan in respect of an academic year is determined in accordance with regulation 23 and may be nil.]]

#### Textual Amendments

- F271** Reg. 19(1) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **10**
- F272** Words in reg. 19(2) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **7(a)**
- F273** Words in reg. 19(2)(b) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **8(a)**
- F274** Words in reg. 19(2)(c) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **8(b)**
- F275** Reg. 19(3A)-(3D) inserted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **7(a)**
- F276** Word in reg. 19(3A) substituted (27.2.2018) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **4(1)(a)**
- F277** Reg. 19(3D) substituted (27.2.2018) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **4(1)(b)**
- F278** Reg. 19(3E) inserted (27.2.2018) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **4(1)(c)**
- F279** Reg. 19(8) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **7(b)**

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- F280** Words in reg. 19(8)(b) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **8(c)**
- F281** Words in reg. 19(8)(c) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **8(d)**
- F282** Words in reg. 19(9) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **7(c)**
- F283** Words in reg. 19(9)(b) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **8(e)**
- F284** Words in reg. 19(9)(c) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **8(f)**
- F285** Reg. 19(9A)-(9D) inserted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(4)(a), **7(b)**
- F286** Words in reg. 19(9A) substituted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **8(2)(a)(i)**
- F287** Reg. 19(9A)(b)(iii)(aa)-(cc) substituted for words in reg. 19(9A)(b)(iii) (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **8(2)(a)(ii)**
- F288** Reg. 19(9B) omitted (23.12.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **8(2)(b)**
- F289** Reg. 19(9C) omitted (23.12.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **8(2)(b)**
- F290** Reg. 19(9D) substituted (27.2.2018) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **4(1)(e)**
- F291** Words in reg. 19(9D) substituted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **8(2)(c)**
- F292** Reg. 19(9E) inserted (27.2.2018) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **4(1)(f)**

### Standard entitlement of current system students who have not studied on a previous course

**20.** The standard entitlement of a current system student who has not studied on a previous course is calculated as follows—

$$OD + 1$$

where

*OD* is the number of academic years that make up the ordinary duration of the course.

### Standard entitlement of current system students who have transferred from or otherwise studied on a previous course

**21.—(1)** The standard entitlement of a current system student who has studied on a previous course and who does not fall within regulation 22 is calculated as follows—

$$(OD + 1) - PC$$

where

$OD$  is the number of academic years that make up the ordinary duration of the course

$PC$  is the number of academic years that the student has spent on previous courses.

(2) For the purposes of this regulation, a “current system student who has studied on a previous course” includes a current system student whose status as an eligible student has been transferred to the current course as a result of one or more transfers of that status by the Secretary of State pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act from a designated course which—

- (a) is a previous course; and
- (b) the student began on or after 1st September 2006.

### **Standard entitlement of current system students on end-on courses and certain degree courses**

22.—(1) Where the current course began before 1st September 2009, this regulation applies to—

- (a) a current system student who is on an end-on course of the kind described in paragraph (a) or (b) of the definition of “end-on course” in regulation 2;
- (b) a current system student who—
  - (i) has completed a full-time course mentioned in paragraph 2 or 3 of Schedule 2;
  - (ii) is on a full-time first degree course (other than a first degree course for the initial training of teachers) that the student did not begin immediately after the course referred to in paragraph (i); and
  - (iii) has not taken [<sup>F293</sup>(in whole or in part)] a full-time first degree course after the course referred to in paragraph (i) and before the current course;
- (c) a current system student who—
  - (i) has completed a full-time foundation degree course;
  - (ii) is on a full-time honours degree course that the student did not begin immediately after the course referred to in paragraph (i); and
  - (iii) has not taken [<sup>F294</sup>(in whole or in part)] a full-time first degree course after the course referred to in paragraph (i) and before the current course.

[<sup>F295</sup>(2) Where the current course begins on or after 1st September 2009, this regulation applies to a current system student who—

- (a) has completed a course mentioned in paragraph 2, 3 or 4 of Schedule 2 or overseas equivalent, or a foundation degree course or overseas equivalent, on a full-time, part-time or full-time distance learning basis, or [<sup>F296</sup>an intensive course] and achieved a qualification;
  - (b) is on a full-time honours degree course (other than a first degree course for the initial training of teachers); and
  - (c) has not taken [<sup>F297</sup>(in whole or in part)] a full-time first degree course after the course referred to in paragraph (a) and before the current course.]
- (3) Regulations 20 and 21 do not apply to students to whom this regulation applies.
- (4) The standard entitlement of a student to whom paragraph (1) applies is calculated as follows—

$$(D + X) - Pr C$$

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where

*D* is the greater of 3 and the number of academic years that make up the ordinary duration of the course

*X* is 1 where the ordinary duration of the preliminary course (or preliminary courses in total) was less than three years and 2 where the ordinary duration of the preliminary course (or preliminary courses in total) was three years

*PrC* is the number of academic years that the student spent on preliminary courses [<sup>F298</sup>(including any academic years that the student began or ceased to attend part of the way through the year),] excluding any years of repeat study for compelling personal reasons.

(5) <sup>F299</sup>...The standard entitlement of a student to whom paragraph (2) applies is calculated as follows--

$$(D + X) - PrC$$

where

*D* is the greater of 3 and the number of academic years that make up the ordinary duration of the course

*X* is—

1 where the ordinary duration of the preliminary course (or preliminary courses in total) was less than three years, [<sup>F300</sup>and]

[<sup>F301</sup>where the ordinary duration of the preliminary course (or preliminary courses in total) was three years or more, the ordinary duration minus 1]

*PrC* is the number of academic years that the student spent on preliminary courses [<sup>F302</sup>(including any academic years that the student began or ceased to attend part of the way through the year),] excluding any years of repeat study for compelling personal reasons.

<sup>F303</sup>(6) .....

**Textual Amendments**

- F293** Words in reg. 22(1)(b)(iii) inserted (15.1.2014) by [The Education \(Fees and Student Support\) \(Amendment\) Regulations 2013 \(S.I. 2013/3106\)](#), regs. 1(2), **6**
- F294** Words in reg. 22(1)(c)(iii) inserted (15.1.2014) by [The Education \(Fees and Student Support\) \(Amendment\) Regulations 2013 \(S.I. 2013/3106\)](#), regs. 1(2), **6**
- F295** Reg. 22(2) substituted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **11(a)**
- F296** Words in reg. 22(2) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **10**
- F297** Words in reg. 22(2)(c) inserted (15.1.2014) by [The Education \(Fees and Student Support\) \(Amendment\) Regulations 2013 \(S.I. 2013/3106\)](#), regs. 1(2), **6**
- F298** Words in reg. 22(4) inserted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **11(a)**
- F299** Words in reg. 22(5) omitted (1.8.2013) by virtue of [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(3), **8(a)**
- F300** Word in reg. 22(5) inserted (1.8.2013) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(3), **8(b)**
- F301** Words in reg. 22(5) substituted (1.8.2013) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(3), **8(c)**

- F302** Words in reg. 22(5) inserted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **11(b)**
- F303** Reg. 22(6) omitted (1.8.2012) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **11(b)**

### Amount of the fee loan

**23.**—(1) For the purposes of this Part,—

- (a) where a student (“A”) transfers to the current course pursuant to regulation 7 on or after 1st September 2012 from a full time course beginning before 1st September 2012; or
- (b) where the current course is an end-on course of the kind described in paragraph (e) of the definition of “end-on course” in regulation 2;

the current course is treated as beginning before 1st September 2012 in relation to A.

[<sup>F304</sup>(1A) In this regulation “new accelerated course” means an accelerated course which begins on or after 1st August 2019.]

(2) The amount of a fee loan in respect of an academic year of a designated course must not exceed the lesser of—

- (a) the fees payable by the student in connection with that year; and
- (b) the maximum amount.

(3) For the purposes of this regulation, the “maximum amount” means—

- (a) £3,465 where the current course began before 1st September 2012 unless paragraph (5) [<sup>F305</sup>, (5A)] [<sup>F306</sup>, (6), (6A) or (6B)] applies; <sup>F307</sup> ...
- (b) [<sup>F308</sup>£9,250] where the current course—
  - (i) begins on or after 1st September 2012; and
  - (ii) is provided by or on behalf of [<sup>F309</sup>an approved (fee cap) provider][<sup>F310</sup>in England]; unless paragraph [<sup>F311</sup>(3)(d),] (6) [<sup>F312</sup>, (6A), (6B), (6C) or (8)] [<sup>F313</sup>applies;]

[<sup>F314</sup>(c) £9,250 where the current course is a course for the initial training of teachers provided by an accredited institution which is an unregistered provider, unless paragraph (6)(b), (6A) (b), (6B)(b) or (6C) applies; or

- (d) where the current course is a new accelerated course provided by or on behalf of an approved (fee cap) provider in England—
  - (i) £11,100 unless paragraph (7A), (7B) or (7C) applies;
  - (ii) £2,220 where paragraph (7A) applies; or
  - (iii) £1,660 where paragraph (7B) or (7C) applies.]

[<sup>F315</sup>(4) Where the current course begins on or after 1st September 2012 and—

- (a) is provided by an approved provider in England (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution);
- (b) is provided by an unregistered provider, a private institution or a non-regulated institution on behalf of an approved provider; or
- (c) is provided by an unregistered provider in England (other than on behalf of an approved or an approved (fee cap) provider where the course began before 1st August 2019; and
- (d) (i) in a case specified in sub-paragraph (a) or (b) the provider of the course does not have a high level quality rating; or

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(ii) in a case specified in sub-paragraph (c) the provider of the course did not have a high level quality rating in the academic year starting before 1st August 2019, the “maximum amount” is the amount specified in paragraph (4ZA).

(4ZA) The maximum amount is—

- (a) £6,000, unless sub-paragraph (e), or paragraph (7), (7A), (7B) or (8) applies;
- (b) £3,000 where paragraph (7) applies and sub-paragraph (e) does not apply;
- (c) £1,200 where paragraph (7A) applies and sub-paragraph (e) does not apply;
- (d) £900 where paragraph (7B) applies and sub-paragraph (e) does not apply; or
- (e) in the case of a new accelerated course—
  - (i) £7,200, unless paragraph (7A) or (7B) applies;
  - (ii) £1,440 where paragraph (7A) applies; or
  - (iii) £1,080 where paragraph (7B) applies.]

[<sup>F316</sup>(4A) Where the current course begins on or after 1st September 2012 and—

- (a) is provided by an approved provider, a private institution or a non-regulated institution (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution);
- (b) is provided by an unregistered provider in England on behalf of an approved provider; or
- (c) is provided by an unregistered provider in England (other than on behalf of an approved or an approved (fee cap) provider) where the course began before 1st August 2019; and
- (d) (i) in a case specified in sub-paragraph (a) or (b) the provider of the course has a high level quality rating; or
  - (ii) in a case specified in sub-paragraph (c) the provider of the course had a high level quality rating in the academic year starting before 1st August 2019,

the “maximum amount” is the amount specified in paragraph (4B).

(4B) The maximum amount is—

- (a) £6,165, or £7,400 in the case of a new accelerated course, unless paragraph (7), (7A), (7B) or (8) applies;
- (b) £3,080 where paragraph (7) applies and the current course is not an accelerated course;
- (c) £1,230, or £1,475 in the case of a new accelerated course, where paragraph (7A) applies and the course is provided by an approved provider in England (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution);
- (d) £1,230 where paragraph (7A) applies, the course is provided by a private institution in Wales (other than on behalf of an approved (fee cap) provider or a publicly funded institution) and began before 1st September 2017;
- (e) £1,230 where paragraph (7A) applies, the course is provided by a non-regulated institution in Wales (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution) and the course begins on or after 1st September 2017;
- (f) £3,080 where paragraph (7A) applies and the course is provided by a private institution in Northern Ireland or Scotland (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution);
- (g) £920, or £1,105 in the case of a new accelerated course, where paragraph (7B) applies and the course is provided by an approved provider in England (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution);

- (h) £920 where paragraph (7B) applies, the course is provided by a private institution in Wales (other than on behalf of an approved (fee cap) provider or a publicly funded institution), and began before 1st September 2017;
- (i) £920 where paragraph (7B) applies, the course is provided by a non-regulated institution in Wales (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution), and begins on or after 1st September 2017;
- (j) £3,080 where paragraph (7B) applies and the course is provided by a private institution in Northern Ireland or Scotland (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution).]

[<sup>F317</sup>(5) Where the current course began on or after 1st August 2012 and is provided [<sup>F318</sup>by or on behalf of an institution in Scotland or Northern Ireland], the “maximum amount” is—

- (a) £9,250 where the course is provided by or on behalf of a publicly funded institution, unless paragraph (7), (7A), (7B) or (8) applies;
- (b) £6,000 where the course is provided by a private institution (other than on behalf of [<sup>F319</sup>an approved (fee cap) provider, a publicly funded institution or a regulated institution]), unless paragraph (4A), (7), (7A), (7B) or (8) applies;
- (c) £4,625 where the course is provided by or on behalf of a publicly funded institution and paragraph (7), (7A) or (7B) applies;
- (d) £3,000 where the course is provided by a private institution (other than on behalf of [<sup>F320</sup>an approved (fee cap) provider, a publicly funded institution or a regulated institution]) and paragraph (7), (7A) or (7B) applies, unless paragraph (4A) applies.]

[<sup>F321</sup>(5ZA) Where the current course begins on or after 1st August 2012 and before 1st September 2017, and is provided by or on behalf of an institution in Wales, the “maximum amount” is—

- (a) £9,000 where the course is provided by or on behalf of a publicly funded institution, unless paragraph (7), (7A), (7B) or (8) applies;
- (b) £6,000 where the course is provided by a private institution (other than on behalf of [<sup>F322</sup>an approved (fee cap) provider or] a publicly funded institution), unless paragraph (4A), (7), (7A), (7B) or (8) applies;
- (c) £4,500 where the course is provided by or on behalf of a publicly funded institution, and paragraph (7) applies;
- (d) £3,000 where the course is provided by a private institution (other than on behalf of [<sup>F323</sup>an approved (fee cap) provider or] a publicly funded institution) and paragraph (7) applies, unless paragraph (4A) applies;
- (e) £1,800 where the course is provided by or on behalf of a publicly funded institution, and paragraph (7A) applies;
- (f) £1,200 where the course is provided by a private institution (other than on behalf of [<sup>F324</sup>an approved (fee cap) provider or] a publicly funded institution) and paragraph (7A) applies, unless paragraph (4A) applies;
- (g) £1,350 where the course is provided by or on behalf of a publicly funded institution, and paragraph (7B) applies; or
- (h) £900 where the course is provided by a private institution (other than on behalf of [<sup>F325</sup>an approved (fee cap) provider or] a publicly funded institution) and paragraph (7B) applies, unless paragraph (4A) applies.

(5ZB) Where the current course begins on or after 1st September 2017, and is provided by or on behalf of an institution in Wales, the “maximum amount” is—

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- (a) £9,000 where the course is provided by or on behalf of a regulated institution, unless paragraph (7), (7A), (7B) or (8) applies;
- (b) £6,000 where the course is provided by a non-regulated institution [<sup>F326</sup>(other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution)], unless paragraph (4A), (7), (7A), (7B) or (8) applies;
- (c) £4,500 where the course is provided by or on behalf of a regulated institution, and paragraph (7) applies;
- (d) £3,000 where the course is provided by a non-regulated institution [<sup>F326</sup>(other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution)] and paragraph (7) applies, unless paragraph (4A) applies;
- (e) £1,800 where the course is provided by or on behalf of a regulated institution, and paragraph (7A) applies;
- (f) £1,200 where the course is provided by a non-regulated institution [<sup>F326</sup>(other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution)] and paragraph (7A) applies, unless paragraph (4A) applies;
- (g) £1,350 where the course is provided by or on behalf of a regulated institution, and paragraph (7B) applies; or
- (h) £900 where the course is provided by a non-regulated institution [<sup>F326</sup>(other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution)] and paragraph (7B) applies, unless paragraph (4A) applies.]

[<sup>F327</sup>(5A) Where the current course began before 1st August 2012 and is provided by an institution in Northern Ireland, the maximum amount is [<sup>F328</sup>£4,030], or, where paragraph (7), (7A) or (7B) applies, [<sup>F328</sup>£2,005].]

- (6) [<sup>F329</sup>Where paragraph (7) applies], the “maximum amount” is—
  - (a) £1,725 where the current course began before 1st September 2012 unless paragraph (5) [<sup>F330</sup>or (5A)] applies; or
  - (b) [<sup>F331</sup>£4,625] where the current course began on or after 1st September 2012 unless paragraph (4) [<sup>F332</sup>(4A), (5), (5ZA) or (5ZB)] applies.

- [<sup>F333</sup>(6A) Where paragraph (7A) applies, the “maximum amount” is—
  - (a) £1,725 where the current course began before 1st September 2012, unless paragraph (5) or (5A) applies;
  - (b) [<sup>F334</sup>£1,850] where the current course began on or after 1st September 2012 and is provided by [<sup>F335</sup>or on behalf of an approved (fee cap) provider or by an accredited institution which is an unregistered provider] in England <sup>F336</sup>..., unless paragraph [<sup>F337</sup>(3)(d)] applies; or
  - (c) [<sup>F338</sup>£4,625] where the current course began on or after 1st September 2012 and is provided by [<sup>F339</sup>or on behalf of a publicly funded institution] in Northern Ireland or Scotland <sup>F340</sup>....

- (6B) Where paragraph (7B) applies, the “maximum amount” is—
  - (a) £1,725 where the current course began before 1st September 2012, unless paragraph (5) or (5A) applies;
  - (b) [<sup>F341</sup>£1,385] where the current course began on or after 1st September 2012 and is provided by [<sup>F342</sup>or on behalf of an approved (fee cap) provider or by an accredited institution which is an unregistered provider] in England <sup>F343</sup>..., unless paragraph [<sup>F344</sup>(3)(d)] applies; or



- (c) [<sup>F345</sup>£4,625] where the current course began on or after 1st September 2012 and is provided by [<sup>F346</sup>or on behalf of a publicly funded institution] in Northern Ireland or Scotland<sup>F347</sup> ....
- [<sup>F348</sup>(6C) Where paragraph (7C) applies, the “maximum amount” is—
  - (a) £1,350 where the course is provided by or on behalf of a publicly funded or regulated institution in Wales; or
  - (b) £1,385 where the course is provided—
    - (i) by or on behalf of an approved (fee cap) provider;
    - (ii) by an accredited institution which is an unregistered provider in England; or
    - (iii) by or on behalf of a publicly funded institution in Scotland.]
- (7) [<sup>F349</sup>This paragraph applies in respect of]—
  - (a) the final academic year of a designated course where that academic year is normally required to be completed after less than 15 weeks' attendance; [<sup>F350</sup>or]
  - <sup>F351</sup>(b) .....
  - (c) in respect of a course for the initial training of teachers which—
    - (i) began before 1st September 2010; or
    - (ii) begins on or after 1st September 2010 where the student transfers to the current course pursuant to regulation 7 from a course for the initial training of teachers beginning before 1st September 2010, an academic year during which any periods of full-time study are in aggregate less than 10 weeks;
  - <sup>F351</sup>(d) .....
- [<sup>F352</sup>(7A) This paragraph applies in respect of an academic year of a sandwich course—
  - (a) during which any periods of full-time study are in aggregate less than 10 weeks; or
  - (b) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution (disregarding intervening vacations) exceeds 30 weeks.
- (7B) This paragraph applies in respect of an academic year of a course provided in conjunction with an overseas institution which is not an Erasmus year—
  - (a) during which any periods of full-time study at the institution in the United Kingdom are in aggregate less than 10 weeks; or
  - (b) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks.
- (7C) This paragraph applies in respect of an Erasmus year of a course provided by an institution in England [<sup>F353</sup>, Wales or Scotland] which began on or after 1st September 2012.]
- (8) Where the current course is a graduate entry accelerated programme, the “maximum amount” is [<sup>F354</sup>£5,785 for the first academic year of the course, otherwise £5,535].
- [<sup>F355</sup>(8A) But paragraph (8B) applies where—

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- (a) a designated course is provided by or on behalf of a publicly funded institution in Scotland, Northern Ireland or Wales or a regulated institution in Wales, or by an institution in Scotland, Northern Ireland or Wales on behalf of an approved (fee cap) provider;
- (b) on or before the date on which these Regulations are made, the Secretary of State has notified to an institution referred to in sub-paragraph (a) a level for the number of students starting the first year of courses at that institution in respect of an academic year commencing on or after 1st August 2020 and before 1st August 2021 (“AY 2020/21”), and
- (c) the number of students to whom that level applies is exceeded by that institution in AY 2020/21.

(8B) The maximum amounts set out in this regulation are reduced in respect of that institution in relation to the first academic year of a current course where that course commences on or after 1st August 2021 and before 1st August 2022—

- (a) by 3% where the level is exceeded but not by more than 6%;
- (b) by 9% where the level is exceeded by more than 6% but not more than 12%;
- (c) by 15% where the level is exceeded by more than 12%.]

(9) A student may apply to the Secretary of State to reduce the amount of loan for which the student has applied in respect of a period of the academic year for which the academic authority has not made a request to the Secretary of State for payment of the fee loan or fee loan instalment under regulation 113.]

#### Textual Amendments

- F304** Reg. 23(1A) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **11(2)**
- F305** Word in reg. 23(3)(a) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(2)(a), **12(a)**
- F306** Words in reg. 23(3)(a) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **9(a)(i)**
- F307** Word in reg. 23(3)(a) omitted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **11(3)(a)**
- F308** Sum in reg. 23(3)(b) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), reg. 1(3), **Sch. 2**
- F309** Words in reg. 23(3)(b)(ii) substituted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **11(3)(b)**
- F310** Words in reg. 23(3)(b)(ii) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **9(a)**
- F311** Words in reg. 23(3)(b) inserted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **11(3)(c)(i)**
- F312** Words in reg. 23(3)(b) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **9(a)(ii)**

- F313** Word in reg. 23(3)(b) substituted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(3)(c)(ii)**
- F314** Reg. 23(3)(c)(d) inserted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(3)(d)**
- F315** Reg. 23(4)(4ZA) substituted for reg. 23(4) (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(4)**
- F316** Reg. 23(4A)(4B) substituted for reg. 23(4A) (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(5)**
- F317** Reg. 23(5) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **9(d)**
- F318** Words in reg. 23(5) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(6)(a)**
- F319** Words in reg. 23(5)(b) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(6)(b)**
- F320** Words in reg. 23(5)(d) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(6)(c)**
- F321** Reg. 23(5ZA)(5ZB) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **9(e)**
- F322** Words in reg. 23(5ZA)(b) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(7)(a)**
- F323** Words in reg. 23(5ZA)(d) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(7)(b)**
- F324** Words in reg. 23(5ZA)(f) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(7)(c)**
- F325** Words in reg. 23(5ZA)(h) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(7)(d)**
- F326** Words in reg. 23(5ZB) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(8)**
- F327** Reg. 23(5A) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **9(d)**
- F328** Sums in reg. 23(5A) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), reg. 1(3), **Sch. 2**
- F329** Words in reg. 23(6) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **9(e)**

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- F330** Words in reg. 23(6)(a) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012](#) (S.I. 2012/1653), regs. 1(2)(a), **12(c)**
- F331** Sum in reg. 23(6)(b) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017](#) (S.I. 2017/114), reg. 1(3), **Sch. 2**
- F332** Words in reg. 23(6)(b) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017](#) (S.I. 2017/114), regs. 1(3), **9(f)**
- F333** Reg. 23(6A)-(6C) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013](#) (S.I. 2013/1728), regs. 1(2)(a), **9(f)**
- F334** Sum in reg. 23(6A)(b) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017](#) (S.I. 2017/114), reg. 1(3), **Sch. 2**
- F335** Words in reg. 23(6A)(b) substituted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019](#) (S.I. 2019/142), regs. 1(1), **11(9)(a)(i)**
- F336** Words in reg. 23(6A)(b) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018](#) (S.I. 2018/137), regs. 1(2), **5(1)(a)**
- F337** Word in reg. 23(6A)(b) substituted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019](#) (S.I. 2019/142), regs. 1(1), **11(9)(a)(ii)**
- F338** Sum in reg. 23(6A)(c) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017](#) (S.I. 2017/114), reg. 1(3), **Sch. 2**
- F339** Words in reg. 23(6A)(c) substituted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019](#) (S.I. 2019/142), regs. 1(1), **11(9)(b)(i)**
- F340** Words in reg. 23(6A)(c) omitted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019](#) (S.I. 2019/142), regs. 1(1), **11(9)(b)(ii)**
- F341** Sum in reg. 23(6B)(b) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017](#) (S.I. 2017/114), reg. 1(3), **Sch. 2**
- F342** Words in reg. 23(6B)(b) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019](#) (S.I. 2019/142), regs. 1(1), **11(10)(a)(i)**
- F343** Words in reg. 23(6B)(b) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018](#) (S.I. 2018/137), regs. 1(2), **5(1)(a)**
- F344** Word in reg. 23(6B)(b) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019](#) (S.I. 2019/142), regs. 1(1), **11(10)(a)(ii)**
- F345** Sum in reg. 23(6B)(c) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017](#) (S.I. 2017/114), reg. 1(3), **Sch. 2**
- F346** Words in reg. 23(6B)(c) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019](#) (S.I. 2019/142), regs. 1(1), **11(10)(b)(i)**

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- F347** Words in reg. 23(6B)(c) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **11(10)(b)(ii)**
- F348** Reg. 23(6C) substituted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **11(11)**
- F349** Words in reg. 23(7) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **9(g)(i)**
- F350** Word in reg. 23(7)(a) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **9(g)(ii)**
- F351** Reg. 23(7)(b)(d) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **9(g)(iii)**
- F352** Reg. 23(7A)-(7C) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **9(h)**
- F353** Words in reg. 23(7C) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **9(j)**
- F354** Words in reg. 23(8) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **9(k)**
- F355** Reg. 23(8A)(8B) inserted (13.8.2020) by [The Higher Education \(Fee Limits and Student Support\) \(England\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/853\)](#), regs. 1, **4**

### Amount of fee loan for transferring students

24.—(1) If a student's status as an eligible student is transferred from one designated course to another under regulation 7 and the circumstances in paragraph (2) apply, the student may apply to the Secretary of State to borrow an additional amount by way of a fee loan in respect of the academic year of the course to which that student transfers.

(2) The circumstances are—

- (a) the fees payable in respect of the academic year of the course to which the current system student transfers exceed the fees payable in respect of the academic year of the course from which the student is transferring; and
- (b) the academic year of the course to which the current system student transfers does not begin on a later date than the academic year of the course from which the student is transferring.

(3) If a student's status as an eligible student is transferred from one designated course to another under regulation 7 and the circumstances in paragraph (4) apply, the student may apply to the Secretary of State for another fee loan in respect of the academic year of the course to which the student transfers.

(4) The circumstances are that the academic year of the course to which the current system student transfers begins on a later date than the academic year of the course from which that student is transferring.

(5) Where the circumstances in paragraph (2) apply, the maximum additional amount that the current system student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for a fee loan in respect of that year, is determined by deducting the

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amount of any fee loan the student has taken out under these Regulations in respect of the academic year from which the student is transferring from the lesser of—

- (a) the maximum amount specified in [<sup>F356</sup>paragraphs (3) to (6C)] of regulation 23 applicable in the student's case; and
- (b) the fees payable by the student in respect of the academic year to which the student is transferring.

(6) Where the circumstances in paragraph (4) apply, the maximum amount of fee loan that a current system student may borrow in respect of the academic year to which that student transfers provided that the student qualifies for a fee loan in respect of that year is the lesser of—

- (a) the amount specified in [<sup>F357</sup>paragraphs (3) to (6C)] of regulation 23 applicable in the student's case; and
- (b) the fees payable by the student in connection with that year.

(7) Where a current system student has applied for a fee loan of less than the maximum amount available in relation to an academic year, that 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 that student's case.

(8) If a student's status as an eligible student is transferred from one course to another under these Regulations and the circumstances in paragraph (9) apply, the student may apply to the Secretary of State to reduce the amount of fee loan applied for in respect of the remainder of the academic year.

(9) The circumstances are—

- (a) the fees payable in respect of the academic year of the course to which the current system student transfers are lower than the fees payable in respect of the academic year of the course from which the student is transferring;
- (b) the academic year of the course to which the current system student transfers does not begin on a later date than the academic year of the course from which the student is transferring.

(10) For the purposes of paragraph (9), the “remainder of the academic year” means the period of the academic year in respect of which the academic authority has not made a request to the Secretary of State for payment of the fee loan or fee loan instalment.

**Textual Amendments**

**F356** Words in [reg. 24\(5\)\(a\)](#) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **27(a)**

**F357** Words in [reg. 24\(6\)\(a\)](#) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **27(a)**

## CHAPTER 4

### GRANTS FOR FEES FOR OLD SYSTEM STUDENTS

#### Old system students who are continuing students.

<sup>F358</sup>25. ....



**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Student Support) Regulations 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

**Textual Amendments**

**F358** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Old system students who are transferring students**

<sup>F358</sup>**26.** .....

**Textual Amendments**

**F358** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Old system students who are on end-on courses**

<sup>F358</sup>**27.** .....

**Textual Amendments**

**F358** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Old system students who are gap year students who have not studied on a previous course**

<sup>F358</sup>**28.** .....

**Textual Amendments**

**F358** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Old system students who are gap year students who have studied on a previous course**

<sup>F358</sup>**29.** .....

**Textual Amendments**

**F358** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Availability of the grant for fees to old system students for years of repeat study**

<sup>F358</sup>**30.** .....

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**Textual Amendments**

**F358** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Amount of the grant for fees for a course at a publicly funded institution**

<sup>F358</sup>**31.** .....

**Textual Amendments**

**F358** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Amount of the grant for fees for a course that is provided at a private institution on behalf of a publicly funded institution**

<sup>F358</sup>**32.** .....

**Textual Amendments**

**F358** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Amount of the grant for fees for a course at a private institution**

<sup>F358</sup>**33.** .....

**Textual Amendments**

**F358** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

CHAPTER 5

FEE CONTRIBUTION LOANS FOR OLD SYSTEM STUDENTS

**Availability of fee contribution loans to old system students**

<sup>F359</sup>**34.** .....

**Textual Amendments**

**F359** Pt. 4 Ch. 5 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(ii)**

**Amount of the fee contribution loan**

<sup>F359</sup>**35.** .....



**Textual Amendments**

**F359** Pt. 4 Ch. 5 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020](#) (S.I. 2020/1203), regs. 1(2), **3(5)(h)(ii)**

## PART 5

### GRANTS FOR LIVING AND OTHER COSTS

#### CHAPTER 1

##### TYPES OF GRANTS AVAILABLE

#### Current system students

**36.** The following grants are available to a current system student in connection with a designated course if the student meets the relevant qualifying conditions in this Part—

- (a) disabled students' allowance;
- (b) grant for dependants;
- (c) grant for travel;
- (d) maintenance grant or special support grant.

#### Old system students

<sup>F360</sup>**37.** .....

**Textual Amendments**

**F360** Reg. 37 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020](#) (S.I. 2020/1203), regs. 1(2), **3(6)(a)**

#### CHAPTER 2

##### GENERAL PROVISIONS

#### General qualifying conditions for grants for living and other costs

**38.**—(1) An eligible student qualifies for a grant under this Part provided that the student—

- (a) is not excluded from qualification by any of the following paragraphs; and
- (b) satisfies the qualifying conditions for the particular grant for which the student is applying.

(2) An eligible student does not qualify for a grant under this Part, other than for a disabled students' allowance, in respect of a distance learning course [<sup>F361</sup>unless the student is treated as being in attendance on the designated course under regulation 39].

(3) An eligible student does not qualify for a grant under this Part if the only paragraph [<sup>F362</sup>or paragraphs in Part 2 of Schedule 1 into which the student falls is one or more of [<sup>F363</sup>paragraphs 2A, 3(1)(d)(ii), 6A(1)(c)(ii), 7A(1)(b)(ii), 9, 9A, 9BA, 9BB, 9C, 9D, 10, 10ZA, 11A(c)(ii) and 12A(d)(ii).]

(4) An eligible student does not qualify for a grant under this Part in respect of—

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(a) an academic year which is a bursary year<sup>F364</sup>.]

<sup>F365</sup>(b) .....

<sup>F365</sup>(c) .....

<sup>F366</sup>(5) .....

(6) An eligible student does not qualify for a grant under this Part in respect of any academic year of a sandwich course where the periods of full-time study are in aggregate less than 10 weeks unless the periods of work experience constitute unpaid service.

(7) For the purposes of paragraph (6), “unpaid service” means—

(a) unpaid service in a hospital or in a public health service laboratory or with a <sup>F367</sup>clinical commissioning group] in the United Kingdom;

(b) unpaid service with a local authority in the United Kingdom acting in the exercise of its functions relating to the care of children and young persons, health or welfare or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom;

<sup>F368</sup>(ba) unpaid service with a local authority (within the meaning of section 2B of the National Health Service Act 2006) acting in the exercise of public health functions (within the meaning of that Act);]

(c) unpaid service in the prison or probation and aftercare service in the United Kingdom;

(d) unpaid research in an institution in the United Kingdom or, in the case of a student attending an overseas institution as part of the student's course, in an overseas institution;  
<sup>F369</sup> ...

(e) unpaid service with—

<sup>F370</sup>(i) a Special Health Authority established pursuant to section 28 of the National Health Service Act 2006;

(ia) the National Health Service Commissioning Board;

(ib) the National Institute for Health and Care Excellence;

(ic) the Health and Social Care Information Centre;]

(ii) a Local Health Board established pursuant to section 11 of the National Health Service (Wales) Act 2006 <sup>M44</sup> or a Special Health Authority established pursuant to section 22 of that Act;

(iii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978 <sup>M45</sup>; or

(iv) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 <sup>M46</sup><sup>F371</sup>; or]

<sup>F372</sup>(f) unpaid service with either House of Parliament.]

(8) <sup>F373</sup> ... Where one of the events listed in regulation 17(a), (b), <sup>F374</sup> ... (e), (f), (g) <sup>F375</sup>, (h), (i), (j), (k) <sup>F376</sup>, (l) or (m)]] occurs in the course of an academic year, a student may qualify for a particular grant in accordance with this Part in respect of <sup>F377</sup> ...part of that academic year but a student does not qualify for such a grant in respect of any academic year beginning before the academic year in which the relevant event occurred.

<sup>F378</sup>(9) .....

(10) Subject to paragraph (11), an eligible student does not qualify for a grant under this Part if the student is a prisoner.

(11) Paragraph (10) does not apply in respect of disabled students' allowance for a course beginning before 1st September 2012.]

### Textual Amendments

- F361** Words in reg. 38(2) inserted (1.8.2013) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(3), **10**
- F362** Words in reg. 38(3) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **7(a)**
- F363** Words in reg. 38(3) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **11(3)**
- F364** Full stop in reg. 38(4)(a) substituted for semi-colon (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **16(a)(i)**
- F365** Reg. 38(4)(b)(c) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **16(a)(ii)**
- F366** Reg. 38(5) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **16(b)**
- F367** Words in reg. 38(7)(a) substituted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 165(a)** (with Sch. 3 para. 24)
- F368** Reg. 38(7)(ba) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 165(b)** (with Sch. 3 para. 24)
- F369** Word in reg. 38(7)(d) omitted (7.11.2014) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(2), **8(a)**
- F370** Reg. 38(7)(e)(i)-(ic) substituted for reg. 38(7)(e)(i) (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 165(c)** (with Sch. 3 para. 24)
- F371** Word in reg. 38(7)(e)(iv) substituted for full-stop (7.11.2014) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(2), **8(b)**
- F372** Reg. 38(7)(f) inserted (7.11.2014) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(2), **8(c)**
- F373** Words in reg. 38(8) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **7(b)(i)**
- F374** Word in reg. 38(8) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **7(b)(ii)**
- F375** Words in reg. 38(8) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **26(2)**
- F376** Words in reg. 38(8) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **7(b)(iii)**
- F377** Words in reg. 38(8) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(2)(a), **13**
- F378** Reg. 38(9) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **7(c)**

### Marginal Citations

- M44** 2006 c.42.

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- M45** 1978 c.29 to which there have been amendments not relevant to these regulations.
- M46** S.I. 1972/1265 (N.I. 14), to which there have been amendments not relevant to these regulations.

**Students who are treated as in attendance**

**39.**—(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 following grants—

- (a) disabled students' allowance;
- (b) grant for dependants;
- (c) maintenance grant or special support grant;
- <sup>F379</sup>(d) .....

(2) This regulation applies to—

- (a) [<sup>F380</sup>a [<sup>F381</sup>compressed degree student]];
- (b) a student on a period of study or period of work placement in an Erasmus year;
- (c) a disabled student who—
  - (i) is not [<sup>F380</sup>a [<sup>F382</sup>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.

**Textual Amendments**

**F379** Reg. 39(1)(d) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(6)(b)**

**F380** Words in reg. 39 substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **12**

**F381** Words in reg. 39(2)(a) substituted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **17(2)(a)**

**F382** Words in reg. 39(2)(c)(i) substituted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **17(2)(b)**

**CHAPTER 3**

**DISABLED STUDENTS' ALLOWANCES**

**[<sup>F383</sup>Qualifying conditions for the disabled students' allowance**

**40.**—(1) Subject to paragraphs (2) to (4), a student qualifies for a grant under regulation 40A if the student—

- (a) is an eligible student; and
- (b) has a disability.

(2) A student does not qualify for a grant under regulation 40A in respect of a distance learning course starting on or after 1st September 2012 unless the Secretary of State considers that the student is undertaking the designated course in England on the first day of the first academic year.

[<sup>F384</sup>(2A) For the purposes of paragraph (2), 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) A’s parent, or
- (d) 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.]

(3) A student who would otherwise qualify for a grant under regulation 40A in respect of a distance learning course does not qualify for that grant in respect of that course if the Secretary of State considers that the student is undertaking the course outside of the United Kingdom.

[<sup>F385</sup>(3A) Paragraphs (2) and (3) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.]

<sup>F386</sup>(4) . . . . . ]

**Textual Amendments**

- F383** Regs. 40, 40A substituted for reg. 40 (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **9**
- F384** Reg. 40(2A) inserted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **3(2)**
- F385** Reg. 40(3A) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **10**
- F386** Reg. 40(4) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **8**

[<sup>F383</sup>**Payment of the disabled students’ allowance**

**40A.**—[

<sup>F387</sup>(1)] The Secretary of State is authorised to pay the disabled students’ allowance to a student (“A”) who qualifies for that grant under regulation 40 for the purpose of assisting with the additional expenditure which A is obliged to incur in connection with A’s attendance on or undertaking of a designated course by reason of A’s disability.

[

<sup>F388</sup>(2) The expenditure for which the grant may be paid includes, in particular—

- (a) expenditure on a non-medical personal helper;
- (b) expenditure on major items of specialist equipment;
- (c) travel expenditure.]]

**Textual Amendments**

- F383** Regs. 40, 40A substituted for reg. 40 (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **9**

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- F387** Reg. 40A renumbered as reg. 40A(1) (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **25(3)(a)**
- F388** Reg. 40A(2) inserted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **25(3)(b)**

**Amount of the disabled students' allowance**

**41.**—(1) Subject to the following paragraphs, the amount of the disabled students' allowance is the amount that the Secretary of State considers appropriate in accordance with the student's circumstances.

[<sup>F389</sup>(1A) Subject to paragraph (2), the amount of the disabled students' allowance in respect of additional expenditure on a computer must not exceed an amount equal to the additional expenditure incurred less £200.]

[<sup>F390</sup>(2) The amount of the disabled students' allowance in respect of an academic year—

- (a) for expenditure other than travel expenditure, must not exceed [<sup>F391</sup>£25,575];
- (b) for travel expenditure, must not exceed an amount equal to that expenditure.]

<sup>F392</sup>(3) .....

<sup>F393</sup>(4) .....

<sup>F394</sup>(5) .....

<sup>F395</sup>(6) .....

[<sup>F396</sup>(7) Subject to paragraph (8), the disabled students' allowance is payable in respect of the four quarters of the academic year <sup>F397</sup>....

(8) <sup>F398</sup> ... Where one of the events listed in regulation 17(a), (b), <sup>F399</sup> ... (e) (f), (g) [<sup>F400</sup>, (h), (i), (j), (k) [<sup>F401</sup>, (l) or (m)]] occurs in the course of an academic year, a student may qualify for the disabled students' allowance [<sup>F402</sup>: in respect of—

- (a) the quarter in which the relevant event occurs, and
- (b) if relevant, such quarters as begin after the relevant event occurs.]

<sup>F403</sup>(9) .....

- Textual Amendments**
- F389** Reg. 41(1A) inserted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **10(a)**
  - F390** Reg. 41(2) substituted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **25(4)(a)**
  - F391** Sum in reg. 41(2)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
  - F392** Reg. 41(3) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(6)(c)**
  - F393** Reg. 41(4) omitted (3.3.2017) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(2), **11**

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- F394** Reg. 41(5) omitted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **10(b)**
- F395** Reg. 41(6) omitted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **10(b)**
- F396** Reg. 41(7)-(9) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(2)(a), **14(c)**
- F397** Words in [reg. 41\(7\)](#) omitted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **25(4)(b)**
- F398** Words in [reg. 41\(8\)](#) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **9(a)**
- F399** Word in [reg. 41\(8\)](#) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **9(b)**
- F400** Words in [reg. 41\(8\)](#) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **26(3)**
- F401** Words in [reg. 41\(8\)](#) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **9(c)**
- F402** Words in [reg. 41\(8\)](#) substituted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **25(4)(c)**
- F403** Reg. 41(9) omitted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **10(b)**

## CHAPTER 4

### GRANTS FOR DEPENDANTS

#### Interpretation of Chapter 4

42.—(1) In regulations 44 to 47—

- (a) subject to sub-paragraph (n), “adult dependant” means, in relation to an eligible student, an adult person dependent on the student other than the student's child, the student's partner (including a spouse or civil partner from whom the Secretary of State considers the student is separated) or the student's former partner;
- (b) “child” in relation to an eligible student includes any child of the student's partner who is dependent on the student and any child for whom the student has parental responsibility who is dependent on the student;
- (c) “dependant” means, in relation to an eligible student, the student's partner, the student's dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;
- (d) “dependent” means wholly or mainly financially dependent;
- (e) “dependent child” means, in relation to an eligible student, a child dependent on the student;
- <sup>F404</sup>(f) .....
- (g) “net income” has the meaning given in paragraph (2);



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- [<sup>F405</sup>(ga) “preceding financial year” means the financial year immediately preceding the relevant year;
- (gb) “prior financial year” means the financial year immediately preceding the preceding financial year;
- (gc) “relevant year” means the academic year of the course in respect of which the eligible student’s dependants’ income falls to be assessed;
- (gd) “residual income” means taxable income after the application of paragraph (5) (in the case of an eligible student’s partner) or paragraph (6) (in the case of an eligible student’s adult dependants);
- [<sup>F406</sup>(ge) “taxable income” means, in respect of the prior financial year—
- (i) the total income on which a person (“A”) is charged to income tax as determined at Step 1 of the calculation in section 23 of the Income Tax Act 2007, together with any payments and other benefits mentioned in section 401(1) of the Income Tax (Earnings and Pensions) Act 2003 (ignoring section 401(2) of that Act), received or treated as received by A, to the extent that they are not a component of the total income on which A is charged to income tax;
- (ii) A’s total income from all sources as determined for the purposes of the income tax legislation of [<sup>F407</sup>a Member State] which applies to A’s income; or
- [<sup>F408</sup>(iii) where the legislation of—
- (aa) the United Kingdom and one or more Member States; or
- (bb) more than one Member State
- applies to the period, A’s total income from all sources as determined for the purposes of the income tax legislation under which the Secretary of State considers that A’s total income in that period is greatest,]
- [<sup>F409</sup>except that] no account is taken of income referred to in paragraph (1A) paid to another party;]]
- (h) subject to sub-paragraphs (i), (j), (k), (l) and (m), “partner” means any of the following—
- (i) the spouse of an eligible student;
- (ii) the civil partner of an eligible student;
- (iii) a person ordinarily living with an eligible student as if that person were the student’s spouse where an eligible student falls within paragraph 2(1)(a) of Schedule 4 and began the specified designated course on or after 1st September 2000;
- (iv) a person ordinarily living with an eligible student as if that person were the student’s civil partner where an eligible student falls within paragraph 2(1)(a) of Schedule 4 and began the specified designated course on or after 1st September 2005;
- (i) unless otherwise indicated, a person who would otherwise be a partner under sub-paragraph (h) is not to be treated as a partner if—
- (i) in the opinion of the Secretary of State, that person and the eligible student are separated; or
- (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible student;
- (j) for the purposes of the definition of “adult dependant”, a person is to be treated as a partner if that person would be a partner under sub-paragraph (h) but for the fact that the eligible student with whom that person is ordinarily living does not fall within paragraph 2(1)(a) of Schedule 4;



- (k) for the purposes of the [<sup>F410</sup>definition of child], a person is to be treated as a partner if that person would be a partner under sub-paragraph (h) but for the date on which the eligible student began the specified designated course or the fact that the eligible student with whom that person is ordinarily living does not fall within paragraph 2(1)(a) of Schedule 4;
- (l) for the purposes of regulation 45—
  - (i) sub-paragraph (i) does not apply; and
  - (ii) a person is to be treated as a partner if that person would be a partner under sub-paragraph (h) but for the fact that the eligible student with whom that person is ordinarily living does not fall within paragraph (2)(1)(a) of Schedule 4;
- (m) for the purposes of determining whether a person is the former partner of an eligible student's partner, "partner" in relation to an eligible student's partner means—
  - (i) the spouse of an eligible student's partner;
  - (ii) the civil partner of an eligible student's partner;
  - (iii) where the eligible student began the specified designated course on or after 1st September 2000, a person ("A") ordinarily living with an eligible student's partner ("B") as if A were B's spouse;
  - (iv) where the eligible student began the specified designated course on or after 1st September 2005, a person "A" ordinarily living with an eligible student's partner "B" as if A were B's civil partner;
- (n) subject to sub-paragraph (o), for the purposes of the definitions of "adult dependant" and "dependent child", the Secretary of State may treat an adult person or child as dependent on an eligible student if the Secretary of State is satisfied that the adult person or child—
  - (i) is not dependent on—
    - (aa) the eligible student; or
    - (bb) the student's partner; but
  - (ii) is dependent on the eligible student and the student's partner together;
- (o) the Secretary of State must not treat an adult person ("A") as dependent on an eligible student in accordance with sub-paragraph (n), if A is—
  - (i) the spouse or civil partner of the eligible student's partner (including a spouse or civil partner from whom the Secretary of State considers the eligible student's partner is separated); or
  - (ii) the former partner of the eligible student's partner.

[<sup>F411</sup>(1A) The income referred to in this paragraph is any benefits under a pension arrangement pursuant to an order made under section 23 of the Matrimonial Causes Act 1973 which includes provision made by virtue of sections 25B(4) and 25E(3) of that Act or pension benefits under Part 1 of Schedule 5 to the Civil Partnership Act 2004 which includes provision made by virtue of Parts 6 and 7 of that Schedule.]

(2) <sup>F412</sup>...A dependant's net income is the dependant's income from all sources [<sup>F413</sup>(for the relevant year for the purposes of regulation 44(2)(b) and for the prior financial year for the purposes of [<sup>F414</sup>regulation 47])] reduced by the amount of income tax and social security contributions payable in respect of it but disregarding—

- (a) any pension, allowance, or other benefit paid by reason of a disability or incapacity to which the dependant is subject;
- (b) child benefit payable under Part IX of the Social Security Contributions and Benefits Act 1992 <sup>M47</sup>;

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- (c) any financial support payable to the dependant by a local authority in accordance with regulations made under sections 2, 3 and 4 of the Adoption and Children Act 2002 <sup>M48</sup>;
- (d) any guardian's allowance to which the dependant is entitled under section 77 of the Social Security Contributions and Benefits Act 1992;
- (e) in the case of a dependant with whom a child being looked after by a local authority is boarded out, any payment made to that dependant in pursuance of section 22C of the Children Act 1989 <sup>M49</sup> <sup>F415</sup> or, as the case may be, any payment made under section 81 of the Social Services and Well-being (Wales) Act 2014];
- (f) any payments made to the dependant under section 15 of and Schedule 1 to the Children Act 1989 in respect of a person who is not the dependant's child or any assistance given by a local authority pursuant to section 24 of that Act <sup>M50</sup> <sup>F416</sup> or section 104 of the Social Services and Well-being (Wales) Act 2014 in so far as that section applies to category 5 and 6 young persons within the meaning of that Act];
- (g) any child tax credit to which the dependant is entitled under Part I of the Tax Credits Act 2002 <sup>M51</sup>, <sup>F417</sup> ...
- (h) a higher education bursary paid to the dependent;
- <sup>F418</sup>(i) in the case of a dependant who is entitled to an award of universal credit—
  - (i) any amount that is included in the calculation of the award, under regulation 27(1) of the Universal Credit Regulations 2013, in respect of the fact that the dependant has <sup>F419</sup> ... or limited capability for work and work-related activity;
  - (ii) any amount or additional amount that is included in the calculation of the award under regulation 24 of those Regulations (the child element)].
- <sup>F420</sup>(3) .....
- <sup>F421</sup>(3A) .....
- (4) For the purposes of paragraph (2), where the dependant is a dependent child and payments are made to the eligible student towards the child's maintenance, those payments are to be treated as the child's income.
- <sup>F422</sup>(5) An eligible student's partner's residual income is determined in accordance with paragraph 6 of Schedule 4.
- (6) An eligible student's adult dependants' residual income is determined in accordance with paragraph 5 of Schedule 4 (other than sub-paragraphs <sup>F423</sup>(3)(b) and (c), (4)(b) and (c), (9), (10) and (11)] of paragraph 5), references to the parent being construed as references to the eligible student's adult dependants.]

**Textual Amendments**

- F404** Reg. 42(1)(f) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **13(2)(i)**
- F405** Reg. 42(1)(ga)-(ge) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(2)(a), **15(a)**
- F406** Reg. 42(1)(ge) substituted (1.8.2014) by [The Further and Higher Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/1766\)](#), regs. 1, **10**
- F407** Words in reg. 42(1)(ge)(ii) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **6(a)**

- F408** Reg. 42(1)(ge)(iii) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **6(b)**
- F409** Words in reg. 42(1)(ge) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **6(c)**
- F410** Words in reg. 42(1)(k) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **13(2)(ii)**
- F411** Reg. 42(1A) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(2)(a), **15(b)**
- F412** Words in reg. 42(2) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(2)(a), **15(c)(i)**
- F413** Words in reg. 42(2) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(2)(a), **15(c)(ii)**
- F414** Words in reg. 42(2) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **13(3)**
- F415** Words in reg. 42(2)(e) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) Regulations 2016 (S.I. 2016/211), reg. 1(2), **Sch. 3 para. 124(a)**
- F416** Words in reg. 42(2)(f) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) Regulations 2016 (S.I. 2016/211), reg. 1(2), **Sch. 3 para. 124(b)**
- F417** Word in reg. 42(2) omitted (29.4.2013) by virtue of The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **54(3)**
- F418** Reg. 42(2)(i) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **54(3)**
- F419** Words in reg. 42(2)(i)(i) omitted (3.4.2017) by virtue of The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017 (S.I. 2017/204), reg. 1, **Sch. 1 para. 17** (with Sch. 2 paras. 8-15)
- F420** Reg. 42(3) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **13(4)**
- F421** Reg. 42(3A) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **13(4)**
- F422** Reg. 42(5)(6) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(2)(a), **15(f)**
- F423** Words in reg. 42(6) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **10(2)**

**Marginal Citations**

- M47** 1992 c.4 to which there are amendments not relevant to these Regulations.
- M48** 2002 c.38.
- M49** 1989 c.41; sections 22A to 22F substituted section 23 and were inserted by the Children and Young Persons Act 2008 (c.23).
- M50** 1989 c.41. There are amendments to sections 15 and 24 and Schedule 1 which are not relevant to these Regulations.

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**M51** 2002 c.21; section 3 was amended by the [Civil Partnership Act 2004 \(c.33\)](#), [Schedule 24](#) and there are amendments not relevant to these Regulations.

## General

**43.**—(1) The grant for dependants consists of the following elements—

- (a) adult dependants' grant;
- (b) childcare grant;
- (c) parents' learning allowance.

(2) The qualifying conditions for each element and the amounts payable are set out in regulations 44 to 47.

## Adult dependants' grant

**44.**—(1) An eligible student qualifies for an adult dependants' grant in connection with the student's attendance on a designated course in accordance with this regulation.

(2) The adult dependants' grant is available in respect of one dependant of an eligible student who is either—

- (a) the eligible student's partner; or
- (b) an adult dependant whose net income [<sup>F424</sup>for the relevant year] does not exceed £3,796.

(3) The amount of adult dependants' grant payable in respect of an academic year is calculated in accordance with regulation 47, the basic amount being—

- (a) [<sup>F425</sup>£3,263]; or
- (b) where the person in respect of whom the eligible student is applying for adult dependants' grant is ordinarily resident outside the United Kingdom, such amount not exceeding [<sup>F426</sup>£3,263] as the Secretary of State considers reasonable in the circumstances.

### Textual Amendments

**F424** Words in reg. 44(2)(b) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), reg. 1(2)(a), **16**

**F425** Sum in reg. 44(3)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

**F426** Sum in reg. 44(3)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

## Childcare grant

**45.**—(1) An eligible student (“A”) qualifies for a childcare grant in connection with A's attendance on a designated course in accordance with this regulation.

(2) Subject to paragraphs (3) [<sup>F427</sup>, (3B)] and (4), the childcare grant is available in respect of an academic year in which A incurs prescribed childcare charges for—

- (a) a dependent child who is under the age of 15 immediately before the beginning of the academic year; or

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(b) a dependent child who has special educational needs within the meaning of [F428 section 20 of the Children and Families Act 2014] and is under the age of 17 immediately before the beginning of the academic year.

(3) A does not qualify for a childcare grant if F429 ... [F430—

(a) [F431 A or A’s partner] has elected to receive the childcare element of the working tax credit under Part 1 of the Tax Credits Act 2002; F432 ...

(b) [F433 A or A’s partner] is entitled to an award of universal credit the calculation of which includes an amount under regulation 31 of the Universal Credit Regulations 2013 (childcare costs element)] F434 ...

[F435 (c) A’s partner has elected to receive financial support for childcare under a healthcare bursary [F436 or Scottish healthcare allowance] [F437; or]

[F438 (d) A’s partner is eligible for a healthcare tuition payment and has elected to receive financial support for childcare under section 63 of the Health Services and Public Health Act 1968.]

[F439 (3A) In this regulation, the terms “entitlement period” and “valid declaration of eligibility” have the same meanings as they have for the purposes of the Childcare Payments Act 2014 and regulations made thereunder.

(3B) A does not qualify for a childcare grant during any entitlement period for which A or A’s partner has made a valid declaration of eligibility under the Childcare Payments Act 2014 in relation to any child.]

(4) A does not qualify for a childcare grant if the prescribed childcare charges that A incurs for A’s child are paid or to be paid by A to A’s partner.

(5) Subject to [F440 paragraphs (6) and (8)], the basic amount of childcare grant for each week is—

(a) for one dependent child, 85 per cent. of the prescribed childcare charges, subject to a maximum amount of [F441 £183.75] per week; or

(b) for two or more dependent children, 85 per cent. of the prescribed childcare charges, subject to a maximum amount of [F442 £315.03] per week

except that A does not qualify for any such grant in respect of each week falling within the period between the end of the course and the end of the academic year in which the course ends.

(6) For the purposes of calculating the basic amount of childcare grant—

(a) a week runs from Monday to Sunday; and

(b) where a week in respect of which prescribed childcare charges are incurred falls partly within and partly outside the academic year in respect of which childcare grant is payable under this regulation, the maximum weekly amount of grant is calculated by multiplying the relevant maximum weekly amount in paragraph (5) by the number of days of that week falling within the academic year and dividing the product by seven.

(7) In this regulation “prescribed childcare charges” means childcare charges of a description prescribed for the purposes of section 12 of the Tax Credits Act 2002 M52.

F443 (8) .....

F444 (9) .....

(10) Subject to paragraph F445 ... (11), a childcare grant is payable in respect of the four quarters of the academic year.

(11) F446 ... Where one of the events listed in regulation 17(a), (b), F447 ... (e), (f), (g) [F448, (h), (i), (j), (k) [F449, (l) or (m)]] occurs in the course of an academic year, a student may qualify for a childcare grant in respect of such quarters as begin after the relevant event occurs.

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F450(12) .....

### Textual Amendments

- F427** Word in reg. 45(2) inserted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **18(a)**
- F428** Words in reg. 45(2)(b) substituted (1.9.2014) by [The Special Educational Needs \(Consequential Amendments to Subordinate Legislation\) Order 2014 \(S.I. 2014/2103\)](#), arts. 1, **39**
- F429** Words in reg. 45(3) omitted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **11(a)**
- F430** Words in reg. 45(3) substituted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **54(4)**
- F431** Words in reg. 45(3)(a) inserted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **11(b)**
- F432** Word in reg. 45(3)(a) omitted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **11(b)**
- F433** Words in reg. 45(3)(b) inserted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **11(c)**
- F434** Word in reg. 45(3)(b) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **12(a)**
- F435** Reg. 45(3)(c) inserted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **11(d)**
- F436** Words in reg. 45(3)(c) inserted (3.3.2017) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(2), **12(b)(i)**
- F437** Word in reg. 45(3)(c) substituted for full-stop (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **12(b)(ii)**
- F438** Reg. 45(3)(d) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **12(c)**
- F439** Reg. 45(3A)(3B) inserted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **18(b)**
- F440** Words in reg. 45(5) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(2)(a), **17**
- F441** Sum in reg. 45(5)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F442** Sum in reg. 45(5)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F443** Reg. 45(8) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **14(a)**
- F444** Reg. 45(9) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **14(a)**

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- F445** Words in reg. 45(10) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **14(b)**
- F446** Words in reg. 45(11) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **10(a)(i)**
- F447** Word in reg. 45(11) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **10(a)(ii)**
- F448** Words in reg. 45(11) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **26(4)**
- F449** Words in reg. 45(11) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **10(a)(iii)**
- F450** Reg. 45(12) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **10(b)**

### Marginal Citations

- M52** Regulation 14 of the Working Tax Credit (Entitlement and Maximum Amount) Regulations 2002 (S.I. 2002/2005; as amended by S.I. 2003/701, S.I. 2003/2815, S.I. 2004/762, S.I. 2004/1276, S.I. 2004/2663, S.I.2005/681, S.I. 2005/769, S.I. 2005/2919, S.I.2006/217, S.I. 2006/766, S.I. 2006/963, S.I. 2007/824, S.I.2007/968, S.I. 2007/2479, S.I. 2008/604, S.I.2008/1879, S.I.2008/2169, S.I.2009/679 and S.I.2009/800) S.I. 2009/2887, S.I. 2010/751, S.I. 2011/721 sets out the charges that are prescribed for the purposes of section 12 of the Tax Credits Act 2002.

### Parents' learning allowance

**46.**—(1) An eligible student (“A”) qualifies in connection with A's attendance on a designated course for the parents' learning allowance if A has one or more dependants who are dependent children.

(2) The amount of parents' learning allowance payable in respect of an academic year is calculated in accordance with regulation 47, the basic amount being [<sup>F451</sup>£1,863].

### Textual Amendments

- F451** Sum in reg. 46(2) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**

### Calculations

**47.**—[<sup>F452</sup>(1) The amount of adult dependants’ grant payable in respect of an academic year beginning on or after 1st August 2019 is calculated in accordance with paragraphs (1A), [<sup>F453</sup>(1AA)], (1B), (1C) and (4).

(1A) Subject to paragraph (1C), the amount of adult dependants’ grant payable [<sup>F454</sup>, where the residual income of any adult dependants and the eligible student’s partner and the net income of any dependent child or children, taken together for the prior financial year, exceeds £8,746,] is an amount equal to—

$$A-(B+C)-D2$$

Where—

- (i) A is the basic amount mentioned in regulation 44(3);



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- (ii) B is the residual income of any adult dependants and the eligible student's partner for the prior financial year;
- (iii) C is the net income of any dependent child or children for the prior financial year; and
- (iv) D is £8,746.

[<sup>F455</sup>(1AA) Where the residual income of any adult dependants and the eligible student's partner and the net income of any dependent child or children, taken together for the prior financial year, does not exceed £8,746, the amount of adult dependant's grant payable is the basic amount mentioned in paragraph (3) of regulation 44.]

(1B) Where the residual income of any adult dependants and the eligible student's partner and the net income of any dependent child or children [<sup>F456</sup>, taken together for the prior financial year,] exceeds [<sup>F457</sup>£15,271.98], the amount of adult dependants' grant payable is nil.

(1C) The basic amount of adult dependants' grant mentioned in paragraph (3) of regulation 44 is payable instead of the amount payable under paragraph (1A) to an eligible student—

- (a) who was in receipt of adult dependants' grant and parents' learning allowance in respect of an academic year of a course beginning on or after 1st August 2018 but before 1st August 2019;
- (b) who is undertaking—
  - (i) a subsequent year of the same course in an academic year beginning on or after 1st August 2019 without their participation in that course having been withdrawn or suspended; or
  - (ii) a year of a course in an academic year beginning on or after 1st August 2019, without their participation in that course having been withdrawn or suspended, having transferred from the course mentioned in sub-paragraph (a);
- (c) who qualifies for and who is entitled to receive parents' learning allowance in respect of an academic year mentioned in sub-paragraph (b);
- (d) in respect of whom the amount of adult dependants' grant payable under paragraph (1A) after the application of any contribution calculated under Part 8 would, other than by virtue of an increase in the residual income of any adult dependants and the eligible student's partner and the net income of any dependent child or children, be lower than the amount of adult dependants' grant received in the academic year mentioned in sub-paragraph (a); and
- (e) in respect of whom the residual income of any adult dependants and the eligible student's partner and the net income of any dependent child or children is at least £8,746 but does not exceed £12,776.

(2) [<sup>F458</sup>Subject to paragraph (5B),] the amount of childcare grant payable in respect of an academic year beginning on or after 1st August 2019 is calculated in accordance with paragraph (2A), [<sup>F459</sup>(2AA),] (2C) and (5) where the eligible student has one dependent child only, and in accordance with paragraph (2B), [<sup>F460</sup>(2BA),] (2C) and (5) where the eligible student has two or more dependent children.

(2A) The amount of childcare grant payable [<sup>F461</sup>, where the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child, taken together for the prior financial year, exceeds £9,727,] is an amount equal to—<sup>F462</sup>

$$A - [(B+C) - D] \times [EF]$$

Where—

- (i) A is the basic amount mentioned in paragraph (5)(a) of regulation 45 multiplied by 52;



- (ii) B is the residual income of any adult dependants and the eligible student's partner for the prior financial year;
- (iii) C is the net income of the dependent child for the prior financial year;
- (iv) D is £9,727; <sup>F463</sup> ...
- (v) [<sup>F464</sup>E is the number of days in respect of which the eligible student applies and qualifies for childcare grant, up to a maximum of 365 days or, where the academic year includes 29th February, up to a maximum of 366 days; and
- (vi) F is 365 days or, where the academic year includes 29th February, 366 days.]

[<sup>F465</sup>(2AA) Where the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child, taken together for the prior financial year, does not exceed £9,727, the amount of childcare grant payable is an amount equal to—<sup>F466</sup>

~~A×[BC]~~  
Where—

- (i) A is the basic amount mentioned in paragraph (5)(a) of regulation 45 multiplied by 52; <sup>F467</sup> ...
- (ii) [<sup>F468</sup>B is the number of days in respect of which the eligible student applies and qualifies for childcare grant, up to a maximum of 365 days or, where the academic year includes 29th February, up to a maximum of 366 days; and
- (iii) C is 365 days or, where the academic year includes 29th February, 366 days.]]

(2B) The amount of childcare grant payable [<sup>F469</sup>, where the residual income of any adult dependants and the eligible student's partner and the net income of the dependent children, taken together for the prior financial year, exceeds £11,118,] is an amount equal to—<sup>F470</sup>

$A - [(B + C) - D] \times [EF]$

Where—

- (i) A is the basic amount mentioned in paragraph (5)(b) of regulation 45 multiplied by 52;
- (ii) B is the residual income of any adult dependants and the eligible student's partner for the prior financial year;
- (iii) C is the net income of the dependent children for the prior financial year;
- (iv) D is £11,118; <sup>F471</sup> ...
- (v) [<sup>F472</sup>E is the number of days in respect of which the eligible student applies and qualifies for childcare grant, up to a maximum of 365 days or, where the academic year includes 29th February, up to a maximum of 366 days; and
- (vi) F is 365 days or, where the academic year includes 29th February, 366 days.]

[<sup>F473</sup>(2BA) Where the residual income of any adult dependants and the eligible student's partner and the net income of the dependent children, taken together for the prior financial year, does not exceed £11,118, the amount of childcare grant payable is an amount equal to—<sup>F474</sup>

~~A×[BC]~~  
Where—

- (i) A is the basic amount mentioned in paragraph (5)(b) of regulation 45 [<sup>F475</sup>multiplied by 52]; <sup>F476</sup> ...
- (ii) [<sup>F477</sup>B is the number of days in respect of which the eligible student applies and qualifies for childcare grant, up to a maximum of 365 days or, where the academic year includes 29th February, up to a maximum of 366 days; and

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(iii) C is 365 days or, where the academic year includes 29th February, 366 days.]]

(2C) Where—

- (i) the eligible student has one dependent child only and the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child exceeds [<sup>F478</sup>£19,281.99], the amount of childcare grant payable is nil;
- (ii) the eligible student has two or more dependent children and the residual income of any adult dependants and the eligible student's partner and the net income of the dependent children exceeds [<sup>F479</sup>£27,499.55], the amount of childcare grant payable is nil.

(3) The amount of parents' learning allowance payable in respect of an academic year beginning on or after 1st August 2019 is calculated in accordance with paragraphs (3A), [<sup>F480</sup>(3AA),] (3B) and (3C).

(3A) Subject to paragraph (3C), the amount of parents' learning allowance payable [<sup>F481</sup>, where the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child or children, taken together for the prior financial year, exceeds £14,910,] is an amount equal to—

$A-(B+C)-D2$

Where—

- (i) A is the basic amount mentioned in paragraph (2) of regulation 46;
- (ii) B is the residual income of any adult dependants and the eligible student's partner for the prior financial year;
- (iii) C is the net income of the dependent child or children for the prior financial year; and
- (iv) D is £14,910.

[<sup>F482</sup>(3AA) Where the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child or children, taken together for the prior financial year, does not exceed £14,910, the amount of parents' learning allowance payable is the basic amount mentioned in paragraph (2) of regulation 46.]

(3B) Where the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child or children [<sup>F483</sup>, taken together for the prior financial year,] exceeds [<sup>F484</sup>£18,635.98], the amount of parents' learning allowance payable is nil.

(3C) The basic amount of parents' learning allowance mentioned in paragraph (2) of regulation 46 is payable instead of the amount payable under paragraph (3A) to an eligible student—

- (a) who was in receipt of parents' learning allowance in respect of an academic year of a course beginning on or after 1st August 2018 but before 1st August 2019;
- (b) who is undertaking—
  - (i) a subsequent year of the same course in an academic year beginning on or after 1st August 2019 without their participation in that course having been withdrawn or suspended; or
  - (ii) a year of a course in an academic year beginning on or after 1st August 2019, without their participation in that course having been withdrawn or suspended, having transferred from the course mentioned in sub-paragraph (a);
- (c) in respect of whom the total amount of parents' learning allowance payable under paragraph (3A) after the application of any contribution calculated under Part 8 would, other than by virtue of an increase in the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child or children, be lower than the amount of parents' learning allowance received under sub-paragraph (a); and

- (i) who qualifies for and is entitled to receive adult dependants' grant and childcare grant under this Part, who has one dependent child only, and in respect of whom the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child is at least £14,910 but does not exceed £23,154;
  - (ii) who qualifies for and is entitled to receive adult dependants' grant and childcare grant under this Part, who has two or more dependent children, and in respect of whom the residual income of any adult dependants and the eligible student's partner and the net income of the dependent children is at least £14,910 but does not exceed £30,609;
  - (iii) who qualifies for and is entitled to receive childcare grant under this Part, who does not qualify for or is not entitled to receive adult dependants' grant under this Part, who has one dependent child only, and in respect of whom the residual income of any adult dependants and the eligible student's partner and the net income of the dependent child is at least £14,910 but does not exceed £20,147; or
  - (iv) who qualifies for and is entitled to receive childcare grant under this Part, who does not qualify for or who is not entitled to receive adult dependants' grant under this Part, who has two or more dependent children, and in respect of whom the residual income of any adult dependants and the eligible student's partner and the net income of the dependent children is at least £14,910 but does not exceed £27,062.]
- (4) The amount of adult dependants' grant calculated under paragraph [F<sup>485</sup>(1A), [F<sup>486</sup>(1AA),] (1B) and (1C)] in respect of an adult dependant is reduced by one half where—
- (a) the eligible student's partner—
    - (i) is an eligible student; or
    - (ii) holds a statutory award; and
  - (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which that partner is entitled under the statutory award.
- (5) The amount of childcare grant calculated under paragraph [F<sup>487</sup>(2A), (2AA) and (2C), or (2B), (2BA) and (2C)] is reduced by one half where—
- (a) the eligible student's partner—
    - (i) is an eligible student; or
    - (ii) holds a statutory award; and
  - (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which that partner is entitled under the statutory award.
- [F<sup>488</sup>(5A) An eligible student may request an amount of childcare grant to be payable which—
- (a) where the eligible student has one dependent child only, is less than the amount calculated in accordance with paragraphs (2A), (2AA), (2C) and (5); or
  - (b) where the eligible student has two or more dependent children, is less than the amount calculated in accordance with (2B), (2BA), (2C) and (5).
- (5B) Where an eligible student makes a request under paragraph (5A), the amount of childcare grant payable is the amount requested, provided that the Secretary of State considers the amount requested to be reasonable in the circumstances.]
- (6) Where the amount of the parents' learning allowance calculated under paragraph [F<sup>489</sup>(3A)] is £0.01 or more but less than £50, the amount of parents' learning allowance payable is £50.

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F490(7) .....

F491(7A) .....

(7B) Where the Secretary of State is satisfied that the net income of the eligible student’s dependent children in the financial year beginning immediately before the relevant year (“the current financial year”) is likely to be not more than 85 per cent of the sterling value of their net income in the prior financial year the Secretary of State may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the dependent children’s net income for the current financial year.

(7C) In the event that paragraph (7B) or this paragraph is applied in the previous academic year of the current course and the Secretary of State is satisfied that the net income of the eligible student’s dependent children in the financial year beginning immediately before the relevant year (“the current financial year”) is likely to be not more than 85 per cent of the sterling value of their net income in the previous financial year the Secretary of State may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the dependent children’s net income for the current financial year.

(7D) In an academic year immediately following one in which the Secretary of State has ascertained the eligible student’s dependent children’s net income for the current financial year under paragraph (7B) and, where applicable, under sub-paragraph (7C) the Secretary of State must ascertain the dependent children’s net income in the preceding financial year.

(8) Paragraphs (9) to (12) apply where, in the course of the academic year, any of the following occurs—

- (a) there is a change in the number of the eligible student's dependants;
- (b) a person becomes or ceases to be a dependant of the eligible student;

F492(c) .....

- (d) a student becomes eligible for support as a result of an event referred to in regulation 17.

(9) For the purposes of determining <sup>F493</sup>... whether adult dependants' grant or parents' learning allowance is payable, the Secretary of State must determine the following in relation to each relevant quarter by reference to the student's circumstances in the relevant quarter—

- (a) how many dependants the eligible student is to be treated as having;
- (b) who those dependants are;

F494(c) .....

(10) The amount of grant for dependants for the academic year is the aggregate of the amounts of adult dependants' grant and parents' learning allowance calculated in respect of each relevant quarter under paragraph (11) and the amount of any childcare grant for the academic year.

(11) The amount of adult dependants' grant and parents' learning allowance in respect of a relevant quarter is one third of what that grant or allowance would be for the academic year if the student's circumstances in the relevant quarter <sup>F495</sup>... applied for the duration of the academic year.

(12) In this regulation, a “relevant quarter” means—

- (a) in the case of a person referred to in paragraph (8)(d), a quarter which begins after the relevant event occurs other than a quarter during which, in the opinion of the Secretary of State, the longest of any vacation occurs;
- (b) otherwise, a quarter other than the one quarter during which, in the opinion of the Secretary of State, the longest of any vacation occurs.

(13) A deduction may be made in accordance with Part 8 from the amount payable in respect of a particular element of the grant for dependants calculated under this Part.

## Textual Amendments

- F452** Reg. 47(1)-(3C) substituted for reg. 47(1)-(3) (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **15(2)**
- F453** Word in reg. 47(1) inserted (1.7.2019) by [The Further Education Loans and the Education \(Student Support\) \(Amendment\) Regulations 2019 \(S.I. 2019/983\)](#), regs. 1, **3(2)(a)**
- F454** Words in reg. 47(1A) inserted (1.7.2019) by [The Further Education Loans and the Education \(Student Support\) \(Amendment\) Regulations 2019 \(S.I. 2019/983\)](#), regs. 1, **3(2)(b)**
- F455** Reg. 47(1AA) inserted (1.7.2019) by [The Further Education Loans and the Education \(Student Support\) \(Amendment\) Regulations 2019 \(S.I. 2019/983\)](#), regs. 1, **3(2)(c)**
- F456** Words in reg. 47(1B) inserted (1.7.2019) by [The Further Education Loans and the Education \(Student Support\) \(Amendment\) Regulations 2019 \(S.I. 2019/983\)](#), regs. 1, **3(2)(d)**
- F457** Sum in reg. 47(1B) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F458** Words in reg. 47(2) inserted (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **6(2)(a)**
- F459** Word in reg. 47(2) inserted (1.7.2019) by [The Further Education Loans and the Education \(Student Support\) \(Amendment\) Regulations 2019 \(S.I. 2019/983\)](#), regs. 1, **3(2)(e)(i)**
- F460** Word in reg. 47(2) inserted (1.7.2019) by [The Further Education Loans and the Education \(Student Support\) \(Amendment\) Regulations 2019 \(S.I. 2019/983\)](#), regs. 1, **3(2)(e)(ii)**
- F461** Words in reg. 47(2A) inserted (1.7.2019) by [The Further Education Loans and the Education \(Student Support\) \(Amendment\) Regulations 2019 \(S.I. 2019/983\)](#), regs. 1, **3(2)(f)**
- F462** “E/F” substituted for “E/52” in formula in reg. 47(2A) (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **6(2)(b)(i)**
- F463** Word in reg. 47(2A)(iv) omitted (13.2.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **6(2)(b)(ii)**
- F464** Reg. 47(2A)(v)(vi) substituted for reg. 47(2A)(v) (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **6(2)(b)(iii)**
- F465** Reg. 47(2AA) inserted (1.7.2019) by [The Further Education Loans and the Education \(Student Support\) \(Amendment\) Regulations 2019 \(S.I. 2019/983\)](#), regs. 1, **3(2)(g)**
- F466** “B/C” substituted for “B/52” in formula in reg. 47(2AA) (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **6(2)(c)(i)**
- F467** Word in reg. 47(2AA)(i) omitted (13.2.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **6(2)(c)(ii)**
- F468** Reg. 47(2AA)(ii)(iii) substituted for reg. 47(2AA)(ii) (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **6(2)(c)(iii)**
- F469** Words in reg. 47(2B) inserted (1.7.2019) by [The Further Education Loans and the Education \(Student Support\) \(Amendment\) Regulations 2019 \(S.I. 2019/983\)](#), regs. 1, **3(2)(h)**
- F470** “E/F” substituted for “E/52” in formula in reg. 47(2B) (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **6(2)(d)(i)**
- F471** Word in reg. 47(2B)(iv) omitted (13.2.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **6(2)(d)(ii)**
- F472** Reg. 47(2B)(v)(vi) substituted for reg. 47(2B)(v) (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **6(2)(d)(iii)**
- F473** Reg. 47(2BA) inserted (1.7.2019) by [The Further Education Loans and the Education \(Student Support\) \(Amendment\) Regulations 2019 \(S.I. 2019/983\)](#), regs. 1, **3(2)(i)**
- F474** “B/C” substituted for “B/52” in formula in reg. 47(2BA) (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **6(2)(e)(i)**

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- F475** Words in reg. 47(2BA)(i) inserted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **6(2)(e)(ii)**
- F476** Word in reg. 47(2BA)(i) omitted (13.2.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **6(2)(e)(iii)**
- F477** Reg. 47(2BA)(ii)(iii) substituted for reg. 47(2BA)(ii) (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **6(2)(e)(iv)**
- F478** Sum in reg. 47(2C)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F479** Sum in reg. 47(2C)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F480** Word in reg. 47(3) inserted (1.7.2019) by The Further Education Loans and the Education (Student Support) (Amendment) Regulations 2019 (S.I. 2019/983), regs. 1, **3(2)(j)**
- F481** Words in reg. 47(3A) inserted (1.7.2019) by The Further Education Loans and the Education (Student Support) (Amendment) Regulations 2019 (S.I. 2019/983), regs. 1, **3(2)(k)**
- F482** Reg. 47(3AA) inserted (1.7.2019) by The Further Education Loans and the Education (Student Support) (Amendment) Regulations 2019 (S.I. 2019/983), regs. 1, **3(2)(l)**
- F483** Words in reg. 47(3B) inserted (1.7.2019) by The Further Education Loans and the Education (Student Support) (Amendment) Regulations 2019 (S.I. 2019/983), regs. 1, **3(2)(m)**
- F484** Sum in reg. 47(3B) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F485** Words in reg. 47(4) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **15(3)**
- F486** Word in reg. 47(4) inserted (1.7.2019) by The Further Education Loans and the Education (Student Support) (Amendment) Regulations 2019 (S.I. 2019/983), regs. 1, **3(2)(n)**
- F487** Words in reg. 47(5) substituted (1.7.2019) by The Further Education Loans and the Education (Student Support) (Amendment) Regulations 2019 (S.I. 2019/983), regs. 1, **3(2)(o)**
- F488** Reg. 47(5A)(5B) inserted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **6(2)(f)**
- F489** Word in reg. 47(6) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **6(2)(g)**
- F490** Reg. 47(7) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **15(6)**
- F491** Reg. 47(7A) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **15(6)**
- F492** Reg. 47(8)(c) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **15(7)**
- F493** Words in reg. 47(9) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **15(8)(i)**
- F494** Reg. 47(9)(c) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **15(8)(ii)**
- F495** Words in reg. 47(11) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **15(9)**

CHAPTER 5  
GRANTS FOR TRAVEL

Interpretation

- 48. For the purposes of this Chapter—
  - (a) any reference to expenditure incurred for the purpose of attending an institution or period of study or period of overseas work placement in an Erasmus year.
    - (i) includes expenditure both before and after so attending; and
    - (ii) does not include any expenditure in respect of which a grant is payable under Chapter 3 of this Part;
  - (b) “qualifying quarter” means a quarter during which the eligible student attends as part of the student's course an overseas institution or the Institute or overseas workplace in an Erasmus year for at least half the period covered by that quarter.

General

- 49. A grant for travel is available—
  - (a) to eligible students attending courses in medicine or dentistry in accordance with regulation 50;
  - (b) to eligible students attending an overseas institution or the Institute or overseas workplace in an Erasmus year in accordance with regulation 52.

<sup>F496</sup>49A.—(1) Subject to paragraph (2), a grant for travel is payable in respect of the four quarters of the academic year.

(2) <sup>F497</sup>... Where one of the events listed in regulation 17(a), (b), <sup>F498</sup>... (e), (f), (g) <sup>F499</sup>, (h), (i), (j), (k) <sup>F500</sup>, (l) or (m)] occurs in the course of an academic year, a student may qualify for a grant for travel in respect of such quarters as begin after the relevant event occurs.

<sup>F501</sup>(3) ..... ]

**Textual Amendments**

- F496** Reg. 49A inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(2)(a), **20**
- F497** Words in [reg. 49A\(2\)](#) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **11(a)(i)**
- F498** Word in [reg. 49A\(2\)](#) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **11(a)(ii)**
- F499** Words in [reg. 49A\(2\)](#) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **26(5)**
- F500** Words in [reg. 49A\(2\)](#) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **11(a)(iii)**
- F501** [Reg. 49A\(3\)](#) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **11(b)**

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### **Qualifying conditions for the grant for travel – courses in medicine and dentistry**

**50.** A grant is available to an eligible student attending a course in medicine or dentistry (a necessary part of which is a period of study by way of clinical training) in respect of the reasonable expenditure which the student is obliged to incur in an academic year for the purpose of attending in connection with the student's course any hospital or other premises in the United Kingdom (not comprised in the institution) at which facilities for clinical training are provided other than expenditure incurred for the purpose of residential study away from the institution.

### **Amount of the grant for travel – courses in medicine and dentistry**

**51.** The amount of grant payable under regulation 50 in respect of an academic year is equal to the reasonable expenditure that the Secretary of State determines the eligible student is obliged to incur for the purposes set out in that regulation less £303.

### **Qualifying conditions for the grant for travel – overseas study**

**52.** A grant is available to an eligible student in respect of the reasonable expenditure which the student is obliged to incur in each qualifying quarter within or outside the United Kingdom for the purpose of attending as part of the student's course the overseas institution or the Institute or overseas workplace in an Erasmus year.

### **Amount of the grant for travel – overseas study**

**53.** The amount of grant payable under regulation 52 in respect of an academic year is calculated as follows—

$$(X - \text{£ } 303) + Y$$

*X* is the aggregate of the reasonable travel costs that the eligible student is obliged to incur in each qualifying quarter for the purposes set out in regulation 52.

*Y* is the aggregate of the expenditure incurred in each qualifying quarter specified in regulation 54.

**54.** The expenditure specified in this regulation is—

- (a) expenditure that the eligible student reasonably incurs in insuring against liability for the cost of medical treatment provided outside the United Kingdom for any illness or bodily injury contracted or suffered during the period the student is attending the overseas institution or the Institute;
- (b) the cost of a visa or visas that the eligible student is obliged to obtain in order to attend the overseas institution or the Institute; and
- (c) medical costs that the eligible student reasonably incurs in order to fulfil a mandatory condition of entry into the territory, country or state in which the overseas institution or the Institute is situated.

### **Deductions from the grant for travel**

**55.** A deduction may be made from any grant under this Chapter in accordance with Part 8.



CHAPTER 6

MAINTENANCE GRANTS FOR CURRENT SYSTEM STUDENTS

Qualifying conditions for the maintenance grant

56.—(1) A current system student [<sup>F502</sup>who is not a 2016 cohort student] qualifies in accordance with this regulation for a maintenance grant in connection with the student's attendance on a designated course (other than a distance learning course).

(2) A current system student does not qualify for a maintenance grant if the student qualifies for a special support grant.

(3) If a current system student does not qualify for a fee loan in respect of an academic year of the designated course, the student cannot qualify for a maintenance grant for that year unless the reason that the student does not qualify for a fee loan is that—

(a) the year is an Erasmus year [<sup>F503</sup>in accordance with regulation 19(2)] [<sup>F504</sup>.]

<sup>F505</sup>(b) .....

(4) A current system student does not qualify for a maintenance grant if the current course is the graduate entry accelerated programme.

<sup>F506</sup>(5) Subject to paragraph (6), a maintenance grant is payable to a qualifying student in respect of the four quarters of the academic year.

(6) <sup>F507</sup>... Where one of the events listed in regulation 17 (a), (b), <sup>F508</sup>... (e), (f), (g) or (h) occurs in the course of an academic year, a student may qualify for a maintenance grant in respect of such quarters as begin after the relevant event occurs.

<sup>F509</sup>(7) .....

Textual Amendments

- F502** Words in [reg. 56\(1\)](#) inserted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), [19\(a\)](#)
- F503** Words in [reg. 56\(3\)\(a\)](#) inserted (with application in accordance with [reg. 1\(2\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), [regs. 1\(2\)\(a\)](#), [11](#)
- F504** Full stop in [reg. 56\(3\)\(a\)](#) substituted for word (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), [19\(b\)\(i\)](#)
- F505** [Reg. 56\(3\)\(b\)](#) omitted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), [19\(b\)\(ii\)](#)
- F506** [Reg. 56\(5\)-\(7\)](#) inserted (with application in accordance with [reg. 1\(2\)\(b\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), [regs. 1\(2\)\(a\)](#), [21](#)
- F507** Words in [reg. 56\(6\)](#) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), [regs. 1\(1\)](#), [12\(a\)\(i\)](#)
- F508** Word in [reg. 56\(6\)](#) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), [regs. 1\(1\)](#), [12\(a\)\(ii\)](#)
- F509** [Reg. 56\(7\)](#) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), [regs. 1\(1\)](#), [12\(b\)](#)

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**Amount of the maintenance grant – 2008 cohort students**

<sup>F510</sup>57. ....

**Textual Amendments**

**F510** Reg. 57 omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), 4(2)

**Amount of the maintenance grant – 2009 cohort students**

58.—<sup>F511</sup>(1) The maximum amount of maintenance grant available to a 2009 cohort student in respect of an academic year is [<sup>F512</sup>£3,680].]

<sup>F513</sup>(2) .....

<sup>F513</sup>(3) .....

<sup>F514</sup>(4) .....

(5) <sup>F515</sup>A 2009 cohort student ... who qualifies for a maintenance grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives [<sup>F516</sup>£3,680];
- (b) where the household income exceeds £25,000 but does not exceed [<sup>F517</sup>£50,724], the

student receives an amount equal to  $M - (A + B)$  where—

$M$  is [<sup>F517</sup>£3,680]

$A$  is £1 for every complete [<sup>F517</sup>£4.23] by which the household income exceeds £25,000 but does not exceed [<sup>F517</sup>£34,298]

$B$  is £1 for every complete [<sup>F517</sup>£11.47] by which the household income exceeds [<sup>F517</sup>£34,298] but does not exceed [<sup>F517</sup>£50,724]; and

- (c) where the household income exceeds [<sup>F518</sup>£50,724], no maintenance grant is payable.

**Textual Amendments**

**F511** Reg. 58(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), 21(a)

**F512** Sum in reg. 58(1) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), Sch.

**F513** Reg. 58(2)(3) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), 21(b)

**F514** Reg. 58(4) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), 21(b)

**F515** Words in reg. 58(5) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), 21(c)

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- F516** Sum in reg. 58(5)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F517** Sums in reg. 58(5)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F518** Sum in reg. 58(5)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**

**Amount of the maintenance grant – 2012 cohort students**

**59.**—(1) The maximum amount of maintenance grant available to a 2012 cohort student in respect of an academic year is [<sup>F519</sup>£4,009].

(2) A 2012 cohort student who qualifies for a maintenance grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives [<sup>F520</sup>£4,009];
- (b) where the household income exceeds £25,000 but does not exceed [<sup>F521</sup>£42,737] the student receives an amount equal to  $M - A$  where—  
 $M$  is [<sup>F521</sup>£4,009]  
 $A$  is £1 for every complete [<sup>F521</sup>£4.48] by which the household income exceeds £25,000; and
- (c) where the household income exceeds [<sup>F522</sup>£42,737], no maintenance grant is payable.

**Textual Amendments**

- F519** Sum in reg. 59(1) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F520** Sum in reg. 59(2)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F521** Sums in reg. 59(2)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F522** Sum in reg. 59(2)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**

**[<sup>F523</sup>Amount of the maintenance grant – current system students who are not <sup>F524</sup>... 2009, 2012 or 2016 cohort students]**

**60.**—[<sup>F525</sup>(1) The maximum amount of maintenance grant available to a current system student who is not a <sup>F526</sup>... 2009, 2012 or 2016 cohort student in respect of an academic year is [<sup>F527</sup>£3,680].]

- <sup>F528</sup>(2) .....
- <sup>F528</sup>(3) .....
- <sup>F529</sup>(4) .....

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(5) A current system student [<sup>F530</sup>other than a <sup>F531</sup>... 2009, 2012 or 2016 cohort student] who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,360 or less, the student receives [<sup>F532</sup>£3,680];  
 (b) where the household income exceeds £18,360 but does not exceed [<sup>F533</sup>£39,593], the

student receives an amount equal to  $M - (A + B)$  where—

$M$  is [<sup>F533</sup>£3,680]

$A$  is £1 for every complete [<sup>F533</sup>£4.71] by which the household income exceeds £18,360 but does not exceed [<sup>F534</sup>£28,111];

$B$  is £1 for every complete [<sup>F533</sup>£7.36] by which the household income exceeds [<sup>F534</sup>£28,111] but does not exceed [<sup>F533</sup>£39,593];

- (c) where the household income exceeds [<sup>F535</sup>£39,593], no maintenance grant is payable.

#### Textual Amendments

- F523** Reg. 60 heading substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\), regs. 1\(3\)\(a\), 22\(a\)](#)
- F524** Word in reg. 60 heading omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\), regs. 1\(1\), 4\(3\)\(a\)](#)
- F525** Reg. 60(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\), regs. 1\(3\)\(a\), 22\(b\)](#)
- F526** Word in reg. 60(1) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\), regs. 1\(1\), 4\(3\)\(b\)](#)
- F527** Sum in reg. 60(1) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\), reg. 1\(1\), Sch.](#)
- F528** Reg. 60(2)(3) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\), regs. 1\(3\)\(a\), 22\(c\)](#)
- F529** Reg. 60(4) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\), regs. 1\(3\)\(a\), 22\(c\)](#)
- F530** Words in reg. 60(5) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\), regs. 1\(3\)\(a\), 22\(d\)](#)
- F531** Word in reg. 60(5) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\), regs. 1\(1\), 4\(3\)\(c\)](#)
- F532** Sum in reg. 60(5)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\), reg. 1\(1\), Sch.](#)
- F533** Sums in reg. 60(5)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\), reg. 1\(1\), Sch.](#)
- F534** Sums in reg. 60(5)(b) substituted (with application in accordance with reg. 1(3)(c)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\), reg. 1\(2\), Sch.](#)

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**F535** Sum in reg. 60(5)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), Sch.

CHAPTER 7

SPECIAL SUPPORT GRANTS FOR CURRENT SYSTEM STUDENTS

Qualifying conditions for the special support grant

61.—<sup>F536</sup>(A1) A current system student who is a 2016 cohort student does not qualify for a special support grant.]

(1) A current system student qualifies in accordance with this regulation for a special support grant in connection with the student's attendance on a designated course (other than a distance learning course) to defray the costs of books, equipment, travel or childcare incurred for the purpose of attending that course.

(2) A current system student qualifies for a special support grant if the student—

(a) falls within a prescribed category of person for the purposes of section 124(1)(e) of the Social Security Contributions and Benefits Act 1992 <sup>M53, F537</sup> ...

(b) is treated as being liable to make payments in respect of a dwelling prescribed by regulations made under section 130(2) of that Act <sup>M54</sup><sup>F538, F539</sup> ...

[ satisfies one of sub-paragraphs (b) to (e) of regulation 14(1) of the Universal Credit <sup>F540</sup>(ba) Regulations 2013; or]

(c) under regulation 25(3) of the Universal Credit Regulations 2013 is liable or treated as being liable to make payments in respect of the accommodation they occupy as their home].

(3) If a current system student does not qualify for a fee loan in respect of an academic year of the designated course, the student cannot qualify for a special support grant for that year unless the reason that the student does not qualify for a fee loan is that—

(a) the year is an Erasmus year [<sup>F541</sup>in accordance with regulation 19(2)]<sup>F542</sup>.]

<sup>F543</sup>(b) .....

(4) A current system student does not qualify for a special support grant if the current course is the graduate entry accelerated programme.

<sup>F544</sup>(5) Subject to regulation (6), a special support grant is payable in respect of the four quarters of the academic year.

(6) <sup>F545</sup>...Where one of the events listed in regulation 17 (a), (b), <sup>F546</sup>... (e), (f), (g) or (h) occurs in the course of an academic year, a student may qualify for a special support grant in respect of such quarters as begin after the relevant event occurs.

<sup>F547</sup>(7) .....

Textual Amendments

**F536** Reg. 61(A1) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **23(a)**

**F537** Word in reg. 61(2) omitted (29.4.2013) by virtue of The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **54(5)**

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- F538** Reg. 61(2)(c) and word inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **54(5)**
- F539** Word in reg. 61(2) omitted (with application in accordance with reg. 1(2)(a)(4) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **3**
- F540** Reg. 61(2)(ba) inserted (with application in accordance with reg. 1(2)(a)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **3**
- F541** Words in reg. 61(3)(a) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **12**
- F542** Full stop in reg. 61(3)(a) substituted for word (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **23(b)(i)**
- F543** Reg. 61(3)(b) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **23(b)(ii)**
- F544** Reg. 61(5)-(7) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(2)(a), **23**
- F545** Words in reg. 61(6) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **13(a)(i)**
- F546** Word in reg. 61(6) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **13(a)(ii)**
- F547** Reg. 61(7) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **13(b)**

**Marginal Citations**

- M53** 1992 c.4 inserted by the Jobseekers Act 1995 (c.18), **Schedule 2 paragraph 30** (5). The relevant regulation is regulation 4ZA of the Income Support (General) Regulations 1987 (S.I. 1987/1967). Regulation 4ZA was inserted by S.I. 1996/206, amended by S.I. 2000/1981, S.I. 2006/2144, S.I.2008/1826 and S.I.2009/583; there are other amending instruments but none is relevant.
- M54** There are amendments to section 130 which are not relevant to these Regulations. The relevant regulation is regulation 56 of the Housing Benefit Regulations 2006 (S.I. 2006/213, as amended by S.I. 2006/718, S.I.2008/1042, S.I.2008/1082 and 2009/583).

**Amount of the special support grant – 2008 cohort students**

<sup>F548</sup>**62.** . . . . .

**Textual Amendments**

- F548** Reg. 62 omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **4(4)**

**Amount of the special support grant – 2009 cohort students**

**63.**—<sup>F549</sup>(1) The maximum amount of special support grant available to a 2009 cohort student in respect of an academic year is [<sup>F550</sup>£3,680.]

<sup>F551</sup>(2) . . . . .



<sup>F551</sup>(3) .....

<sup>F552</sup>(4) .....

(5) A 2009 cohort student <sup>F553</sup>... who qualifies for a special support grant in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives [<sup>F554</sup>£3,680];  
 (b) where the household income exceeds £25,000 but does not exceed [<sup>F555</sup>£50,724], the

student receives an amount equal to  $M - (A + B)$  where—

$M$  is [<sup>F555</sup>£3,680]

$A$  is £1 for every complete [<sup>F555</sup>£4.23] by which the household income exceeds £25,000 but does not exceed [<sup>F555</sup>£34,298]

$B$  is £1 for every complete [<sup>F556</sup>£11.47] by which the household income exceeds [<sup>F555</sup>£34,298] but does not exceed [<sup>F555</sup>£50,724]; and

- (c) where the household income exceeds [<sup>F557</sup>£50,719], no special support grant is payable.

#### Textual Amendments

**F549** Reg. 63(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **25(a)**

**F550** Sum in reg. 63(1) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

**F551** Reg. 63(2)(3) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **25(b)**

**F552** Reg. 63(4) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **25(b)**

**F553** Words in reg. 63(5) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **25(c)**

**F554** Sum in reg. 63(5)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

**F555** Sums in reg. 63(5)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

**F556** Sum in reg. 63(5)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

**F557** Sum in reg. 63(5)(c) substituted (with application in accordance with reg. 1(3)(c)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), reg. 1(2), **Sch.**

#### Amount of the special support grant – 2012 cohort students

**64.**—(1) The maximum amount of [<sup>F558</sup>special support grant] available to a 2012 cohort student in respect of an academic year is [<sup>F559</sup>£4,009].

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(2) A 2012 cohort student who qualifies for a <sup>F558</sup>special support grant] in respect of an academic year receives, subject to sub-paragraph (c), an amount as follows in respect of that year—

- (a) where the household income is £25,000 or less, the student receives <sup>F560</sup>£4,009];
- (b) where the household income exceeds £25,000 but does not exceed <sup>F561</sup>£42,737] the student receives an amount equal to  $M - A$  where—  
 $M$  is <sup>F561</sup>£4,009]  
 $A$  is £1 for every complete <sup>F561</sup>£4.48] by which the household income exceeds £25,000; and
- (c) where the household income exceeds <sup>F562</sup>£42,737], no <sup>F558</sup>special support grant] is payable.

**Textual Amendments**

**F558** Words in reg. 64(1)(2) substituted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), reg. 1(3), **25**

**F559** Sum in reg. 64(1) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

**F560** Sum in reg. 64(2)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

**F561** Sums in reg. 64(2)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

**F562** Sum in reg. 64(2)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

**<sup>F563</sup>Amount of the special support grant – current system students who are not <sup>F564</sup>... 2009, 2012 or 2016 cohort students]**

65.—<sup>F565</sup>(1) The maximum amount of special support grant available to a current system student who is not a <sup>F566</sup>... 2009, 2012 or 2016 cohort student in respect of an academic year is <sup>F567</sup>£3,680].

- <sup>F568</sup>(2) .....
- <sup>F568</sup>(3) .....
- <sup>F569</sup>(4) .....

(5) A current system student <sup>F570</sup>other than a <sup>F571</sup>... 2009, 2012 or 2016 cohort student] who qualifies for a special support grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,360 or less, the student receives <sup>F572</sup>£3,680];
- (b) where the household income exceeds £18,360 but does not exceed <sup>F573</sup>£39,593], the student receives an amount equal to  $M - (A + B)$  where—  
 $M$  is <sup>F573</sup>£3,680]



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A is £1 for every complete [<sup>F573</sup>£4.71] by which the household income exceeds £18,360 but does not exceed [<sup>F574</sup>£28,111];

B is £1 for every complete [<sup>F573</sup>£7.36] by which the household income exceeds [<sup>F574</sup>£28,111] but does not exceed [<sup>F573</sup>£39,593];

(c) where the household income exceeds [<sup>F575</sup>£39,593], no special support grant is payable.

### Textual Amendments

- F563** Reg. 65 heading substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **26(a)**
- F564** Word in reg. 65 heading omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(5)(a)**
- F565** Reg. 65(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **26(b)**
- F566** Word in reg. 65(1) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(5)(b)**
- F567** Sum in reg. 65(1) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F568** Reg. 65(2)(3) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **26(c)**
- F569** Reg. 65(4) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **26(c)**
- F570** Words in reg. 65(5) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **26(d)**
- F571** Word in reg. 65(5) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(5)(c)**
- F572** Sum in reg. 65(5)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F573** Sums in reg. 65(5)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F574** Sums in reg. 65(5)(b) substituted (with application in accordance with reg. 1(3)(c)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), reg. 1(2), **Sch.**
- F575** Sum in reg. 65(5)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

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## CHAPTER 8

### HIGHER EDUCATION GRANTS FOR OLD SYSTEM STUDENTS

#### Qualifying conditions for the higher education grant

<sup>F576</sup>66. ....

##### Textual Amendments

**F576** Pt. 5 Ch. 8 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020](#) (S.I. 2020/1203), regs. 1(2), **3(6)(d)**

#### Amount of the higher education grant

<sup>F576</sup>67. ....

##### Textual Amendments

**F576** Pt. 5 Ch. 8 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020](#) (S.I. 2020/1203), regs. 1(2), **3(6)(d)**

## PART 6

### LOANS FOR LIVING COSTS

#### CHAPTER 1

#### QUALIFYING CONDITIONS

#### Interpretation of Part 6

**68.** In this Part—

- (a) a [<sup>F577</sup>current system student “with full entitlement”] is a current system student other than a student with reduced entitlement;
- (b) “the maintenance grant amount” is, unless otherwise stated,—
  - (i) where the student qualifies under Chapter 6 of Part 5 for an amount of maintenance grant not exceeding [<sup>F578</sup>£1,610], the amount of maintenance grant payable;
  - (ii) where the student qualifies under Chapter 6 of Part 5 for an amount of maintenance grant exceeding [<sup>F579</sup>£1,610], [<sup>F579</sup>£1,610]; and
  - (iii) where no maintenance grant is payable, nil.
- <sup>F580</sup>(c) .....
- (d) the “relevant date” is 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(4)(a) <sup>F581</sup>... or 38(6); 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 [<sup>F582</sup>];
- [<sup>F583</sup>(g) a “loan for living costs” is a loan for maintenance only, except where paragraph (h) or (i) applies;
- (h) a “loan for living costs” where regulation 71(1)(h) applies, is a loan for maintenance and, where applicable, a special support loan;
- (i) a “loan for living costs” where regulation 71(1)(i) applies, is a special support loan only;
- (j) a “long courses loan” is a loan for maintenance;
- (k) a “special support loan” is a loan to defray the costs of books, equipment, travel or childcare incurred for the purpose of attending a designated course.]

#### Textual Amendments

- F577** Words in reg. 68(a) substituted (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **7(a)**
- F578** Sum in reg. 68(b)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F579** Sum in reg. 68(b)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F580** Reg. 68(c) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(7)(a)**
- F581** Words in reg. 68(e)(i) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **28(a)**
- F582** Semi-colon in reg. 68(f) substituted for full stop (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **28(b)**
- F583** Reg. 68(g)-(k) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **28(e)**

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

**69.**—(1) Subject to paragraphs (3) and (4), 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 unless the student's status as an eligible student has been transferred to the current course pursuant to regulation 8 from a designated course which began before 1st September 2009 and the student does not have an honours degree from an institution in the United Kingdom; 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—

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- (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 apply for a healthcare bursary or a Scottish healthcare allowance, the amount of which is calculated by reference to <sup>F584</sup>... income whether or not the calculation results in a nil amount in respect of any academic year of the course; <sup>F585</sup>...
  - [<sup>F586</sup>(ca) the current system student is eligible for a healthcare tuition payment;]
  - (d) the current system student is on a course for the initial training of teachers [<sup>F587</sup>; or]
  - [<sup>F588</sup>(e) the designated course—
    - (i) is a pre-registration course in an allied health profession subject, midwifery, nursing, nursing and social work, or operating department practice;
    - [<sup>F589</sup>(ii) leads to—
      - (aa) an ordinary degree or an honours degree;
      - (bb) in respect of a course in a dental profession subject, an ordinary degree, an honours degree, a diploma or a foundation degree; or
      - (cc) in respect of a course in operating department practice, an ordinary degree, an honours degree or a diploma;]
    - (iii) begins on or after 1st August 2017 <sup>F590</sup>... [<sup>F591</sup>or, in the case of a course in a dental profession subject, begins on or after 1st August 2018];]
  - (f) [<sup>F592</sup>the designated course is a postgraduate pre-registration course which begins on or after 1st August 2018.]
- [<sup>F593</sup>(2A) The condition in paragraph (1)(a) or (b) does not apply where the Secretary of State determines that the following conditions are satisfied—
- (a) the current system student has provided all information required by the Secretary of State in relation to qualifications held by the student;
  - (b) that information is accurate; and
  - (c) the Secretary of State has provided written notification that the student qualifies for a loan for living costs under Chapter 1 of Part 6 in respect of [<sup>F594</sup>—
    - (i) the first academic year of the current course, where the determination by the Secretary of State is made before the first day of the first academic year of the current course;
    - (ii) the academic year of the current course during which the determination by the Secretary of State is made; or
    - (iii) an academic year of the current course in respect of which the determination of the Secretary of State is made, which the student has completed before the making of that determination].
- (2B) Where paragraph (2A) applies, a current system student qualifies for a loan for living costs in accordance with paragraphs (2C) to [<sup>F595</sup>(2F)].
- (2C) If the Secretary of State makes the determination before the first day of the first academic year of the current course then the current system student qualifies for a loan for living costs in respect of the first academic year of the current course.

(2D) If the Secretary of State makes the determination on or after the first day of the first academic year of the current course then the current system student qualifies for a loan for living costs in respect of—

- (a) the academic year of the current course during which the Secretary of State makes the determination; and
- (b) an academic year of the current course which the student has completed prior to the Secretary of State making the determination.

[<sup>F596</sup>(2E) Paragraphs (2C) and (2D) do not apply if the Secretary of State considers that there are exceptional circumstances.]]

[<sup>F597</sup>(2F) Where the Secretary of State considers that there are exceptional circumstances, the Secretary of State may determine that the student should qualify for a loan for living costs in respect of one or more academic years of the current course, as appropriate, whether or not the student has completed those academic years prior to the Secretary of State making the determination.]

(3) A current system student does not qualify for a loan for living costs if—

- [<sup>F598</sup>(a) the only paragraph or paragraphs in Part 2 of Schedule 1 into which the student falls is one or more of [<sup>F599</sup>paragraphs 2A, 3(1)(d)(ii), 6A(1)(c)(ii), 7A(1)(b)(ii), 9, 9A, 9BA, 9BB, 9C, 9D, 10, 10ZA, 11A(c)(ii) and 12A(d)(ii)];]
- (b) the student is a prisoner; or
- (c) the current course is a distance learning course [<sup>F600</sup>unless the student is treated as being in attendance on the designated course under regulation 86].

[<sup>F601</sup>(4) The requirement in paragraph (1) that the student is under the age of 60 on the relevant date does not apply to a current system student who is a 2016 cohort student [<sup>F602</sup>with full entitlement].]

### Textual Amendments

**F584** Words in reg. 69(2)(c) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017](#) (S.I. 2017/114), regs. 1(3), **13(a)(i)**

**F585** Word in reg. 69(2)(c) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017](#) (S.I. 2017/114), regs. 1(3), **13(a)(ii)**

**F586** Reg. 69(2)(ca) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017](#) (S.I. 2017/114), regs. 1(3), **13(b)**

**F587** Word in reg. 69(2)(d) substituted for full-stop (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017](#) (S.I. 2017/114), regs. 1(3), **13(c)**

**F588** Reg. 69(2)(e) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017](#) (S.I. 2017/114), regs. 1(3), **13(d)**

**F589** Reg. 69(2)(e)(ii) substituted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 2\) Regulations 2018](#) (S.I. 2018/443), regs. 1(2)(a), **8(2)(a)(i)**

**F590** Words in reg. 69(2)(e)(iii) omitted (28.3.2018) by virtue of [The Education \(Student Support\) \(Revocation, Amendment and Saving Provision\) Regulations 2018](#) (S.I. 2018/434), regs. 1(2), **10(2)(a)(ii)** (with reg. 3)

**F591** Words in reg. 69(2)(e)(iii) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 2\) Regulations 2018](#) (S.I. 2018/443), regs. 1(2)(a), **8(2)(a)(ii)**

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- F592** Reg. 69(2)(f) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **8(2)(b)**
- F593** Reg. 69(2A)-(2E) inserted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(4)(a), **12**
- F594** Reg. 69(2A)(c)(i)-(iii) substituted for words in reg. 69(2A)(c) (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **8(1)**
- F595** Word in reg. 69(2B) substituted (27.2.2018) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **4(2)(a)**
- F596** Reg. 69(2E) substituted (27.2.2018) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **4(2)(b)**
- F597** Reg. 69(2F) inserted (27.2.2018) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **4(2)(c)**
- F598** Reg. 69(3)(a) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **14**
- F599** Words in reg. 69(3)(a) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(4)**
- F600** Words in reg. 69(3)(c) inserted (1.8.2013) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **13**
- F601** Reg. 69(4) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **29**
- F602** Words in reg. 69(4) inserted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **7(b)**

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

**F603** ~~70.~~ . . . . .

**Textual Amendments**

**F603** Reg. 70 omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(7)(b)**

CHAPTER 2

MAXIMUM AMOUNTS OF LOANS

**General**

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

- F604** (a) . . . . .
- (b) where the eligible student is a 2009 cohort student with full entitlement, in accordance with regulation 74 or 75;
- (c) where the eligible student is a 2012 cohort student with full entitlement, in accordance with regulation 76;
- (d) where the eligible student is a current system student [<sup>F605</sup>(other than a <sup>F606</sup>... 2009, 2012 or 2016 cohort student)] with full entitlement, in accordance with regulation 77 or 78;
- F607** (e) . . . . .

- (f) where the eligible student is a student with reduced entitlement, in accordance with regulation 80 <sup>F608</sup>;
  - <sup>F609</sup>(g) in accordance with regulation 80A where the eligible student—
    - (i) is a 2016 cohort student with full entitlement;
    - (ii) is under the age of 60 on the relevant date; and
    - (iii) does not meet the condition in sub-paragraph (h)(iii);
  - (h) in accordance with regulation 80B where the eligible student—
    - (i) is a 2016 cohort student with full entitlement;
    - (ii) is under the age of 60 on the relevant date; and
    - (iii) would qualify for a special support grant but for regulation 61(A1);
  - (i) in accordance with regulation 80C where the eligible student—
    - (i) is a 2016 cohort student with full entitlement; and
    - (ii) is not under the age of 60 on the relevant date.]
- <sup>F610</sup>(2) This Chapter is subject to regulations 139B(4) to (6) and 139C(3) to (5).]

**Textual Amendments**

- F604** Reg. 71(1)(a) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(6)(a)**
- F605** Words in reg. 71(1)(d) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **31(a)**
- F606** Word in reg. 71(1)(d) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(6)(b)**
- F607** Reg. 71(1)(e) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(7)(c)**
- F608** Semi-colon in reg. 71(1)(f) substituted for full stop (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **31(b)**
- F609** Reg. 71(1)(g)-(i) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **31(c)**
- F610** Reg. 71(2) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **5**

**2008 cohort students with full entitlement** <sup>F611</sup> ...

<sup>F612</sup>**72.** .....

**Textual Amendments**

- F611** Words in reg. 72 heading omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **32(a)**



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**F612** Reg. 72 omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), 4(7)

## Type 1 and type 2 teacher training students who are 2008 cohort students

**F613** 73. ....

### Textual Amendments

**F613** Reg. 73 omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), 3

## **F614** 2009 cohort students with full entitlement ...

74.—(1) This regulation applies to a 2009 cohort student with full entitlement <sup>F615</sup>....

(2) Subject to Chapter 4 of this Part and paragraph (5), where the student's household income exceeds £50,778, 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, [<sup>F616</sup>£4,856];
- (ii) for a student in category B, [<sup>F617</sup>£8,764];
- (iii) for a student in category C, [<sup>F618</sup>£7,455];
- (iv) for a student in category D, [<sup>F619</sup>£6,263];

Subject to paragraph (4),  $Y$  is £1 for every complete [<sup>F620</sup>£4.01] by which the household income exceeds £50,778.

(3) Subject to Chapter 4 of this Part and paragraph (5), where the student's household income exceeds £50,778, 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, [<sup>F621</sup>£4,405];
- (ii) for a student in category B, [<sup>F622</sup>£7,979];
- (iii) for a student in category C, [<sup>F623</sup>£6,483];
- (iv) for a student in category D, [<sup>F624</sup>£5,795];

Subject to paragraph (4),  $Y$  is £1 for every complete [<sup>F625</sup>£4.01] by which the household income exceeds £50,778.  $X - Y$  where—

(4) Where the same household income is used to assess the amount of a statutory award for which two or more persons qualify,  $Y$  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 is calculated in accordance with paragraph (2) or (3) and is less than the minimum level for the academic year specified in regulation 105, the minimum level for the academic year is payable.



(6) Subject to Chapter 4 of this Part, where the student's household income exceeds [<sup>F626</sup>£50,724] but does not exceed £50,778, 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—

- (a) for a student in category A, [<sup>F627</sup>£4,856];
- (b) for a student in category B, [<sup>F628</sup>£8,764];
- (c) for a student in category C, [<sup>F629</sup>£7,455];
- (d) for a student in category D, [<sup>F630</sup>£6,263].

(7) Subject to Chapter 4 of this Part, where the student's household income exceeds [<sup>F631</sup>£50,724] but does not exceed £50,778, 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—

- (a) for a student in category A, [<sup>F632</sup>£4,405];
- (b) for a student in category B, [<sup>F633</sup>£7,979];
- (c) for a student in category C, [<sup>F634</sup>£6,483];
- (d) for a student in category D, [<sup>F635</sup>£5,795].

(8) Subject to Chapter 4 of this Part, where the student's household income is [<sup>F636</sup>£50,724] or less, 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, [<sup>F637</sup>£4,856];
- (ii) for a student in category B, [<sup>F638</sup>£8,764];
- (iii) for a student in category C, [<sup>F639</sup>£7,455];
- (iv) for a student in category D, [<sup>F640</sup>£6,263];

$Y$  is the maintenance grant amount.

(9) Subject to Chapter 4 of this Part, where the student's household income is [<sup>F641</sup>£50,724] or less, 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, [<sup>F642</sup>£4,405];
- (ii) for a student in category B, [<sup>F643</sup>£7,979];
- (iii) for a student in category C, [<sup>F644</sup>£6,483];
- (iv) for a student in category D, [<sup>F645</sup>£5,795];

$Y$  is the maintenance grant amount.

(10) In this regulation, the “maintenance grant amount” is—

- (a) where the student <sup>F646</sup>... qualifies under Chapter 6 of Part 5 for a maintenance grant, half the amount of the maintenance grant payable; [<sup>F647</sup>and]

<sup>F648</sup>(b) .....

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(c) where no maintenance grant is payable, nil.

### Textual Amendments

- F614** Words in reg. 74 heading omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **33(a)**
- F615** Words in reg. 74(1) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **33(b)**
- F616** Sum in reg. 74(2)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F617** Sum in reg. 74(2)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F618** Sum in reg. 74(2)(iii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F619** Sum in reg. 74(2)(iv) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F620** Sum in reg. 74(2) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F621** Sum in reg. 74(3)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F622** Sum in reg. 74(3)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F623** Sum in reg. 74(3)(iii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F624** Sum in reg. 74(3)(iv) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F625** Sum in reg. 74(3) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F626** Sum in reg. 74(6) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F627** Sum in reg. 74(6)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F628** Sum in reg. 74(6)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F629** Sum in reg. 74(6)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

- F630** Sum in reg. 74(6)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F631** Sum in reg. 74(7) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F632** Sum in reg. 74(7)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F633** Sum in reg. 74(7)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F634** Sum in reg. 74(7)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F635** Sum in reg. 74(7)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F636** Sum in reg. 74(8) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F637** Sum in reg. 74(8)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F638** Sum in reg. 74(8)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F639** Sum in reg. 74(8)(iii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F640** Sum in reg. 74(8)(iv) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F641** Sum in reg. 74(9) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F642** Sum in reg. 74(9)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F643** Sum in reg. 74(9)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F644** Sum in reg. 74(9)(iii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F645** Sum in reg. 74(9)(iv) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F646** Words in reg. 74(10)(a) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **33(c)(i)(aa)**

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**F647** Word in reg. 74(10)(a) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **33(c)(i)(bb)**

**F648** Reg. 74(10)(b) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **33(c)(ii)**

## Type 1 and type 2 teacher training students who are 2009 cohort students

**F649** 75. ....

### Textual Amendments

**F649** Reg. 75 omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **3**

## 2012 cohort students with full entitlement

**76.**—(1) This regulation applies to a 2012 cohort student with full entitlement.

(2) Subject to Chapter 4 of this Part and paragraph (5), where the student's household income exceeds £42,875 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, [<sup>F650</sup>£5,534];
- (ii) for a student in category B, [<sup>F651</sup>£9,708];
- (iii) for a student in category C, [<sup>F652</sup>£8,267];
- (iv) for a student in category D, [<sup>F653</sup>£6,958];

Subject to paragraph (4),  $Y$  is £1 for every complete [<sup>F654</sup>£7.93] by which the household income exceeds £42,875.

(3) Subject to Chapter 4 of this Part and paragraph (5), where the student's household income exceeds £42,875, 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, [<sup>F655</sup>£5,084];
- (ii) for a student in category B, [<sup>F656</sup>£8,842];
- (iii) for a student in category C, [<sup>F657</sup>£7,185];
- (iv) for a student in category D, [<sup>F658</sup>£6,470];

Subject to paragraph (4),  $Y$  is £1 for every complete [<sup>F659</sup>£7.93] by which the household income exceeds £42,875.

(4) Where the same household income is used to assess the amount of a statutory award for which two or more persons qualify,  $Y$  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 is calculated in accordance with paragraph (2) or (3) and is less than the minimum level for the academic year specified in regulation 105, the minimum level for the academic year is payable.

(6) Subject to Chapter 4 of this Part, where the student's household income exceeds [<sup>F660</sup>£42,737] but does not exceed £42,875, 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—

- (a) for a student in category A, [<sup>F661</sup>£5,534];
- (b) for a student in category B, [<sup>F662</sup>£9,708];
- (c) for a student in category C, [<sup>F663</sup>£8,267];
- (d) for a student in category D, [<sup>F664</sup>£6,958].

(7) Subject to Chapter 4 of this Part, where the student's household income exceeds [<sup>F665</sup>£42,737] but does not exceed £42,875 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—

- (a) for a student in category A, [<sup>F666</sup>£5,084];
- (b) for a student in category B, [<sup>F667</sup>£8,842];
- (c) for a student in category C, [<sup>F668</sup>£7,185];
- (d) for a student in category D, [<sup>F669</sup>£6,470].

(8) Subject to Chapter 4 of this Part, where the student's household income is [<sup>F670</sup>£42,737] or less, 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, [<sup>F671</sup>£5,534];
- (ii) for a student in category B, [<sup>F672</sup>£9,708];
- (iii) for a student in category C, [<sup>F673</sup>£8,267];
- (iv) for a student in category D, [<sup>F674</sup>£6,958];

$Y$  is the maintenance grant amount.

(9) Subject to Chapter 4 of this Part, where the student's household income is [<sup>F675</sup>£42,737] or less, 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, [<sup>F676</sup>£5,084];
- (ii) for a student in category B, [<sup>F677</sup>£8,842];
- (iii) for a student in category C, [<sup>F678</sup>£7,185];
- (iv) for a student in category D, [<sup>F679</sup>£6,470];

$Y$  is the maintenance grant amount.

(10) In this regulation, the “maintenance grant amount” is

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- (a) half the amount of the maintenance grant payable; or
- (b) where no maintenance grant is payable, nil.

### Textual Amendments

- F650** Sum in reg. 76(2)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F651** Sum in reg. 76(2)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F652** Sum in reg. 76(2)(iii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F653** Sum in reg. 76(2)(iv) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F654** Sum in reg. 76(2) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F655** Sum in reg. 76(3)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F656** Sum in reg. 76(3)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F657** Sum in reg. 76(3)(iii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F658** Sum in reg. 76(3)(iv) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F659** Sum in reg. 76(3) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F660** Sum in reg. 76(6) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F661** Sum in reg. 76(6)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F662** Sum in reg. 76(6)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F663** Sum in reg. 76(6)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F664** Sum in reg. 76(6)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**



- F665** Sum in reg. 76(7) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F666** Sum in reg. 76(7)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F667** Sum in reg. 76(7)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F668** Sum in reg. 76(7)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F669** Sum in reg. 76(7)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F670** Sum in reg. 76(8) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F671** Sum in reg. 76(8)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F672** Sum in reg. 76(8)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F673** Sum in reg. 76(8)(iii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F674** Sum in reg. 76(8)(iv) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F675** Sum in reg. 76(9) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F676** Sum in reg. 76(9)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F677** Sum in reg. 76(9)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F678** Sum in reg. 76(9)(iii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F679** Sum in reg. 76(9)(iv) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**

### **Current system students with full entitlement who are not <sup>F680</sup>... 2009, 2012 or 2016 cohort students**

<sup>F681</sup>77.—(1) This regulation applies to a current system student with full entitlement (other than a <sup>F682</sup>... 2009, 2012 or 2016 cohort student).

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(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, [<sup>F683</sup>£4,645];
- (ii) for a student in category B, [<sup>F684</sup>£8,405];
- (iii) for a student in category C, [<sup>F685</sup>£7,150];
- (iv) for a student in category D, [<sup>F686</sup>£6,002];

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, [<sup>F687</sup>£4,196];
- (ii) for a student in category B, [<sup>F688</sup>£7,651];
- (iii) for a student in category C, [<sup>F689</sup>£6,217];
- (iv) for a student in category D, [<sup>F690</sup>£5,552];

Y is the maintenance grant amount.]

### Textual Amendments

- F680** Word in [reg. 77](#) heading omitted (with application in accordance with [reg. 1\(2\)\(b\)\(4\)](#) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [regs. 1\(1\), 4\(8\)\(a\)](#)
- F681** [Reg. 77](#) substituted (with application in accordance with [reg. 2\(1\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2016 \(S.I. 2016/584\)](#), [regs. 1\(2\), 5\(2\)](#)
- F682** Word in [reg. 77\(1\)](#) omitted (with application in accordance with [reg. 1\(2\)\(b\)\(4\)](#) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [regs. 1\(1\), 4\(8\)\(b\)](#)
- F683** Sum in [reg. 77\(2\)\(i\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\), Sch.](#)
- F684** Sum in [reg. 77\(2\)\(ii\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\), Sch.](#)
- F685** Sum in [reg. 77\(2\)\(iii\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\), Sch.](#)



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- F686** Sum in reg. 77(2)(iv) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F687** Sum in reg. 77(3)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F688** Sum in reg. 77(3)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F689** Sum in reg. 77(3)(iii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F690** Sum in reg. 77(3)(iv) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**

### Type 1 and type 2 teacher training students who are not 2008 or 2009 cohort students

**F691**78. ....

#### Textual Amendments

- F691** Reg. 78 omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **3**

### Old system students with full entitlement

**F692**79. ....

#### Textual Amendments

- F692** Reg. 79 omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(7)(d)**

### Students with reduced entitlement

**80.**—(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(4)(a)—
- (i) for a student in category A, [**F693**£1,902];
  - (ii) for a student in category B, [**F694**£3,558];
  - (iii) for a student in category C or D, [**F695**£2,534].
- (b) where the student does not qualify for a grant for living and other costs in relation to the academic year because of [**F696**regulation 38(6)]—
- (i) for a student in category A, [**F697**£2,205];
  - (ii) for a student in category B, [**F698**£4,128];

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- <sup>F699</sup>(iii) . . . . .
- (iv) for a student in category D, [<sup>F700</sup>£2,940].
- (c) where the student, other than a 2009 [<sup>F701</sup>, 2012 or 2016] cohort student, applies for a loan for living costs and opts not to provide the information needed to calculate the household income [<sup>F702</sup>, the amount is]—
- (i) for a student in category A, [<sup>F703</sup>£3,482];
- (ii) for a student in category B, [<sup>F704</sup>£6,303];
- (iii) for a student in category C, [<sup>F705</sup>£5,364];
- (iv) for a student in category D, [<sup>F706</sup>£4,501].
- <sup>F707</sup> ...
- (d) where a 2009 cohort student applies for a loan for living costs and opts not to provide the information needed to calculate the household income [<sup>F708</sup>, the amount is]—
- (i) for a student in category A, [<sup>F709</sup>£3,496];
- (ii) for a student in category B, [<sup>F710</sup>£6,310];
- (iii) for a student in category C, [<sup>F711</sup>£5,368];
- (iv) for a student in category D, [<sup>F712</sup>£4,509].
- <sup>F713</sup> ...
- (e) where a 2012 student applies for a loan for living costs and opts not to provide the information needed to calculate the household income, the amount is—
- (i) for a student in category A, [<sup>F714</sup>£3,597];
- (ii) for a student in category B, [<sup>F715</sup>£6,310];
- (iii) for a student in category C, [<sup>F716</sup>£5,375];
- (iv) for a student in category D, [<sup>F717</sup>£4,526].
- <sup>F718</sup>(f) where a 2016 cohort student applies for a loan for living costs and opts not to provide the information needed to calculate the household income, the amount is—
- (i) for a student in category A, [<sup>F719</sup>£3,597];
- (ii) for a student in category B, [<sup>F720</sup>£6,308];
- (iii) for a student in category C, [<sup>F721</sup>£5,374];
- (iv) for a student in category D, [<sup>F722</sup>£4,524].]
- (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(4)(a)—
- (i) for a student in category A, [<sup>F723</sup>£1,443];
- (ii) for a student in category B, [<sup>F724</sup>£2,724];
- (iii) for a student in category C or D, [<sup>F725</sup>£1,975];
- (b) where the student does not qualify for a grant for living and other costs in relation to the academic year because of [<sup>F726</sup>regulation 38(6)]—

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- (i) for a student in category A, [<sup>F727</sup>£1,675];
- (ii) for a student in category B, [<sup>F728</sup>£3,158];
- <sup>F729</sup>(iii) . . . . .
- (iv) for a student in category D, [<sup>F730</sup>£2,292];
- (c) where the student, other than a 2009 [<sup>F731</sup>, 2012 or 2016] cohort student, applies for a loan for living costs and opts not to provide the information needed to calculate the household income [<sup>F732</sup>, the amount is]—
  - (i) for a student in category A, [<sup>F733</sup>£3,149];
  - (ii) for a student in category B, [<sup>F734</sup>£5,739];
  - (iii) for a student in category C, [<sup>F735</sup>£4,663];
  - (iv) for a student in category D, [<sup>F736</sup>£4,165].
- <sup>F737</sup> . . . . .
- (d) where a 2009 cohort student applies for a loan for living costs and opts not to provide the information needed to calculate the household income [<sup>F738</sup>, the amount is]—
  - (i) for a student in category A, [<sup>F739</sup>£3,172];
  - (ii) for a student in category B, [<sup>F740</sup>£5,744];
  - (iii) for a student in category C, [<sup>F741</sup>£4,667];
  - (iv) for a student in category D, [<sup>F742</sup>£4,174].
- <sup>F743</sup> . . . . .
- (e) <sup>F744</sup>where a 2012 ... cohort student applies for a loan for living costs and opts not to provide the information needed to calculate the household income, the amount is—
  - (i) for a student in category A, [<sup>F745</sup>£3,304];
  - (ii) for a student in category B, [<sup>F746</sup>£5,747];
  - (iii) for a student in category C, [<sup>F747</sup>£4,670];
  - (iv) for a student in category D, [<sup>F748</sup>£4,207][<sup>F749</sup>];
- <sup>F750</sup>(f) where a 2016 cohort student applies for a loan for living costs and opts not to provide the information needed to calculate the household income, the amount is—
  - (i) for a student in category A, [<sup>F751</sup>£3,304];
  - (ii) for a student in category B, [<sup>F752</sup>£5,747];
  - (iii) for a student in category C, [<sup>F753</sup>£4,669];
  - (iv) for a student in category D, [<sup>F754</sup>£4,206]].
- <sup>F755</sup>(3) . . . . .
- <sup>F755</sup>(4) . . . . .

**Textual Amendments**

**F693** Sum in [reg. 80\(1\)\(a\)\(i\)](#) substituted (with application in accordance with [reg. 1\(3\)\(c\)\(5\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), [reg. 1\(2\)](#), [Sch.](#)

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- F694** Sum in reg. 80(1)(a)(ii) substituted (with application in accordance with reg. 1(3)(c)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), reg. 1(2), **Sch.**
- F695** Sum in reg. 80(1)(a)(iii) substituted (with application in accordance with reg. 1(3)(c)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), reg. 1(2), **Sch.**
- F696** Words in reg. 80(1)(b) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **35(a)(i)**
- F697** Sum in reg. 80(1)(b)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F698** Sum in reg. 80(1)(b)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F699** Reg. 80(1)(b)(iii) omitted (3.3.2017) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(2), **15(a)**
- F700** Sum in reg. 80(1)(b)(iv) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F701** Words in reg. 80(1)(c) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **35(a)(ii)(aa)**
- F702** Words in reg. 80(1)(c) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **35(a)(ii)(bb)**
- F703** Sum in reg. 80(1)(c)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F704** Sum in reg. 80(1)(c)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F705** Sum in reg. 80(1)(c)(iii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F706** Sum in reg. 80(1)(c)(iv) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F707** Words in reg. 80(1)(c) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **35(a)(ii)(cc)**
- F708** Words in reg. 80(1)(d) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **35(a)(iii)(aa)**
- F709** Sum in reg. 80(1)(d)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F710** Sum in reg. 80(1)(d)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F711** Sum in reg. 80(1)(d)(iii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**

- F712** Sum in [reg. 80\(1\)\(d\)\(iv\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F713** Words in [reg. 80\(1\)\(d\)](#) omitted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), **35(a)(iii)(bb)**
- F714** Sum in [reg. 80\(1\)\(e\)\(i\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F715** Sum in [reg. 80\(1\)\(e\)\(ii\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F716** Sum in [reg. 80\(1\)\(e\)\(iii\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F717** Sum in [reg. 80\(1\)\(e\)\(iv\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F718** [Reg. 80\(1\)\(f\)](#) inserted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), **35(a)(iv)**
- F719** Sum in [reg. 80\(1\)\(f\)\(i\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F720** Sum in [reg. 80\(1\)\(f\)\(ii\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F721** Sum in [reg. 80\(1\)\(f\)\(iii\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F722** Sum in [reg. 80\(1\)\(f\)\(iv\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F723** Sum in [reg. 80\(2\)\(a\)\(i\)](#) substituted (with application in accordance with [reg. 1\(3\)\(c\)\(5\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), [reg. 1\(2\)](#), **Sch.**
- F724** Sum in [reg. 80\(2\)\(a\)\(ii\)](#) substituted (with application in accordance with [reg. 1\(3\)\(c\)\(5\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), [reg. 1\(2\)](#), **Sch.**
- F725** Sum in [reg. 80\(2\)\(a\)\(iii\)](#) substituted (with application in accordance with [reg. 1\(3\)\(c\)\(5\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), [reg. 1\(2\)](#), **Sch.**
- F726** Words in [reg. 80\(2\)\(b\)](#) substituted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), **35(b)(i)**
- F727** Sum in [reg. 80\(2\)\(b\)\(i\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F728** Sum in [reg. 80\(2\)\(b\)\(ii\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F729** [Reg. 80\(2\)\(b\)\(iii\)](#) omitted (3.3.2017) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), [regs. 1\(2\)](#), **15(b)(i)**

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- F730** Sum in [reg. 80\(2\)\(b\)\(iv\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F731** Words in [reg. 80\(2\)\(c\)](#) substituted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), **35(b)(ii)(aa)**
- F732** Words in [reg. 80\(2\)\(c\)](#) substituted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), **35(b)(ii)(bb)**
- F733** Sum in [reg. 80\(2\)\(c\)\(i\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F734** Sum in [reg. 80\(2\)\(c\)\(ii\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F735** Sum in [reg. 80\(2\)\(c\)\(iii\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F736** Sum in [reg. 80\(2\)\(c\)\(iv\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F737** Words in [reg. 80\(2\)\(c\)](#) omitted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), **35(b)(ii)(cc)**
- F738** Words in [reg. 80\(2\)\(d\)](#) substituted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), **35(b)(iii)(aa)**
- F739** Sum in [reg. 80\(2\)\(d\)\(i\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F740** Sum in [reg. 80\(2\)\(d\)\(ii\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F741** Sum in [reg. 80\(2\)\(d\)\(iii\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F742** Sum in [reg. 80\(2\)\(d\)\(iv\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F743** Words in [reg. 80\(2\)\(d\)](#) omitted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), **35(b)(iii)(bb)**
- F744** Words in [reg. 80\(2\)\(e\)](#) omitted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), [regs. 1\(3\)](#), **15(b)(ii)**
- F745** Sum in [reg. 80\(2\)\(e\)\(i\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F746** Sum in [reg. 80\(2\)\(e\)\(ii\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**



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- F747** Sum in reg. 80(2)(e)(iii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F748** Sum in reg. 80(2)(e)(iv) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F749** Semi-colon in reg. 80(2)(e)(iv) substituted for full-stop (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **15(b)(iii)**
- F750** Reg. 80(2)(f) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **15(b)(iv)**
- F751** Sum in reg. 80(2)(f)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F752** Sum in reg. 80(2)(f)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F753** Sum in reg. 80(2)(f)(iii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F754** Sum in reg. 80(2)(f)(iv) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F755** Reg. 80(3)(4) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **35(c)**

**[<sup>F756</sup>2016 cohort students with full entitlement who satisfy the conditions in regulation 71(1)(g)]**

**80A.**—(1) This regulation applies to a 2016 cohort student who satisfies all the conditions in regulation 71(1)(g).

(2) Subject to Chapter 4 of this Part and paragraph (4), 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, [<sup>F757</sup>£8,171];
- (ii) for a student in category B, [<sup>F758</sup>£12,667];
- (iii) for a student in category C, [<sup>F759</sup>£11,116]
- (iv) for a student in category D, [<sup>F760</sup>£9,706];

Y is—

- (i) for a student in category A, £1 for every complete [<sup>F757</sup>£7.27] by which the student's household income exceeds £25,000;

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- (ii) for a student in category B, £1 for every complete [<sup>F758</sup>£7.08] by which the student's household income exceeds £25,000;
- (iii) for a student in category C, £1 for every complete [<sup>F759</sup>£7.13] by which the student's household income exceeds £25,000;
- (iv) for a student in category D, £1 for every complete [<sup>F760</sup>£7.20] by which the student's household income exceeds £25,000.

(3) Subject to Chapter 4 of this Part and paragraph (4), 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, [<sup>F761</sup>£7,689];
- (ii) for a student in category B, [<sup>F762</sup>£11,736];
- (iii) for a student in category C, [<sup>F763</sup>£9,950];
- (iv) for a student in category D, [<sup>F764</sup>£9,179];

Y is—

- (i) for a student in category A, £1 for every complete [<sup>F761</sup>£7.27] by which the student's household income exceeds £25,000;
- (ii) for a student in category B, £1 for every complete [<sup>F762</sup>£7.08] by which the student's household income exceeds £25,000;
- (iii) for a student in category C, £1 for every complete [<sup>F763</sup>£7.13] by which the student's household income exceeds £25,000;
- (iv) for a student in category D, £1 for every complete [<sup>F764</sup>£7.20] by which the student's household income exceeds £25,000.

(4) Where the maximum amount of loan for living costs is calculated in accordance with paragraph (2) or (3) and is less than the minimum level for the academic year specified in regulation 105, the minimum level for the academic year is payable.]

#### Textual Amendments

**F756** Regs. 80A-80C inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **36**

**F757** Sums in [reg. 80A\(2\)\(i\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

**F758** Sums in [reg. 80A\(2\)\(ii\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

**F759** Sums in [reg. 80A\(2\)\(iii\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

**F760** Sums in [reg. 80A\(2\)\(iv\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**



- F761** Sums in reg. 80A(3)(i) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F762** Sums in reg. 80A(3)(ii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F763** Sums in reg. 80A(3)(iii) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F764** Sums in reg. 80A(3)(iv) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**

**[<sup>F756</sup>2016 cohort students with full entitlement who satisfy the conditions in regulation 71(1)(h)]**

**80B.**—(1) This regulation applies to a 2016 cohort student who satisfies all the conditions in regulation 71(1)(h).

(2) Subject to Chapter 4 of this Part and paragraph (6), 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, [<sup>F765</sup>£9,640];
- (ii) for a student in category B, [<sup>F766</sup>£13,815];
- (iii) for a student in category C, [<sup>F767</sup>£12,374];
- (iv) for a student in category D, [<sup>F768</sup>£11,064];

Y is—

- (i) for a student in category A, £1 for every complete [<sup>F765</sup>£4.551] by which the student's household income exceeds £25,000 but does not exceed £42,875;
- (ii) for a student in category B, £1 for every complete [<sup>F766</sup>£4.867] by which the student's household income exceeds £25,000 but does not exceed £42,875;
- (iii) for a student in category C, £1 for every complete [<sup>F767</sup>£4.747] by which the student's household income exceeds £25,000 but does not exceed £42,875;
- (iv) for a student in category D, £1 for every complete [<sup>F768</sup>£4.654] by which the student's household income exceeds £25,000 but does not exceed £42,875;

Z is—

- (i) for a student in category A, £1 for every complete [<sup>F765</sup>£7.27] by which the student's household income exceeds £42,875;
- (ii) for a student in category B, £1 for every complete [<sup>F766</sup>£7.08] by which the student's household income exceeds £42,875;
- (iii) for a student in category C, £1 for every complete [<sup>F767</sup>£7.13] by which the student's household income exceeds £42,875;

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- (iv) for a student in category D, £1 for every complete [<sup>F768</sup>£7.20] by which the student's household income exceeds £42,875.

(3) The loan for living costs for an academic year other than the final year of a course that is not an intensive course, where regulation 71(1)(h) applies, is made up of a loan for maintenance and a special support loan, whereby the maximum loan for maintenance is—

- (a) for a student in category A, [<sup>F769</sup>£5,534];  
 (b) for a student in category B, [<sup>F770</sup>£9,709];  
 (c) for a student in category C, [<sup>F771</sup>£8,268];  
 (d) for a student in category D, [<sup>F772</sup>£6,958];

and any remainder is a special support loan.

(4) Subject to Chapter 4 of this Part and paragraph (6), 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, [<sup>F773</sup>£9,191];  
 (ii) for a student in category B, [<sup>F774</sup>£12,947];  
 (iii) for a student in category C, [<sup>F775</sup>£11,290];  
 (iv) for a student in category D, [<sup>F776</sup>£10,576];

Y is—

- (i) for a student in category A, £1 for every complete [<sup>F773</sup>£4.513] by which the student's household income exceeds £25,000 but does not exceed £42,875;  
 (ii) for a student in category B, £1 for every complete [<sup>F774</sup>£4.785] by which the student's household income exceeds £25,000 but does not exceed £42,875;  
 (iii) for a student in category C, £1 for every complete [<sup>F775</sup>£4.646] by which the student's household income exceeds £25,000 but does not exceed £42,875;  
 (iv) for a student in category D, £1 for every complete [<sup>F776</sup>£4.608] by which the student's household income exceeds £25,000 but does not exceed £42,875;

Z is—

- (i) for a student in category A, £1 for every complete [<sup>F773</sup>£7.27] by which the student's household income exceeds £42,875;  
 (ii) for a student in category B, £1 for every complete [<sup>F774</sup>£7.08] by which the student's household income exceeds £42,875;  
 (iii) for a student in category C, £1 for every complete [<sup>F775</sup>£7.13] by which the student's household income exceeds £42,875;  
 (iv) for a student in category D, £1 for every complete [<sup>F776</sup>£7.20] by which the student's household income exceeds £42,875.

(5) The loan for living costs for an academic year that is the final year of a course that is not an intensive course, where regulation 71(1)(h) applies, is made up of a loan for maintenance and a special support loan, whereby the maximum loan for maintenance is—

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- (a) for a student in category A, [<sup>F777</sup>£5,085];
- (b) for a student in category B, [<sup>F778</sup>£8,841];
- (c) for a student in category C, [<sup>F779</sup>£7,184];
- (d) for a student in category D, [<sup>F780</sup>£6,470];

and any remainder is a special support loan.

(6) Where the maximum amount of loan for living costs is calculated in accordance with paragraph (2) or (4) and is less than the minimum level for the academic year specified in regulation 105, the minimum level for the academic year is payable.]

### Textual Amendments

- F756** Regs. 80A-80C inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **36**
- F765** Sums in [reg. 80B\(2\)\(i\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F766** Sums in [reg. 80B\(2\)\(ii\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F767** Sums in [reg. 80B\(2\)\(iii\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F768** Sums in [reg. 80B\(2\)\(iv\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F769** Sum in [reg. 80B\(3\)\(a\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F770** Sum in [reg. 80B\(3\)\(b\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F771** Sum in [reg. 80B\(3\)\(c\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F772** Sum in [reg. 80B\(3\)\(d\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F773** Sums in [reg. 80B\(4\)\(i\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F774** Sums in [reg. 80B\(4\)\(ii\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F775** Sums in [reg. 80B\(4\)\(iii\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F776** Sums in [reg. 80B\(4\)\(iv\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

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- F777** Sum in reg. 80B(5)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F778** Sum in reg. 80B(5)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F779** Sum in reg. 80B(5)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F780** Sum in reg. 80B(5)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**

**[<sup>F756</sup>2016 cohort students with full entitlement who satisfy the conditions in regulation 71(1)(i)]**

**80C.**—(1) This regulation applies to a 2016 cohort student who satisfies both the conditions in regulation 71(1)(i).

(2) Subject to Chapter 4 of this Part, the loan for living costs is a special support loan and the maximum amount for which a student to whom this regulation applies qualifies is equal to—

X–Y

where—

X is [<sup>F781</sup>£4,106];

Y is £1 for every complete [<sup>F781</sup>£4.63] by which the student's household income exceeds £25,000.

(3) Where the amount of loan for living costs calculated under paragraph (2) is less than £50, the amount of loan for living costs payable is nil.]

**Textual Amendments**

**F756** Regs. 80A-80C inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **36**

**F781** Sums in reg. 80C(2) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**

**CHAPTER 3**

**LONG COURSES LOAN**

**Long courses loan**

**81.**—(1) A [<sup>F782</sup>... 2009 [<sup>F783</sup>, 2012 or 2016] 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; [<sup>F784</sup>...]
- (c) is not a student with reduced [<sup>F785</sup>entitlement; and]

<sup>F786</sup>(d) is not a 2016 cohort student who meets the conditions set out in regulation 71(1)(i).]

(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 <sup>F787</sup>... 2009 [<sup>F788</sup>, 2012 or 2016] 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 <sup>F789</sup>... 2009 [<sup>F790</sup>, 2012 or 2016] 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—

(a) for a student in category A, [<sup>F791</sup>£69];

(b) for a student in category B, [<sup>F792</sup>£134];

(c) for a student in category C, [<sup>F793</sup>£144];

(d) for a student in category D, [<sup>F794</sup>£104].

(6) A deduction from the amount of long courses loan calculated in accordance with this regulation may be made in accordance with Part 8.

(7) [<sup>F795</sup>For the purposes of calculating the maximum amount of the long courses loan, a student's attendance on a pre-registration course or a postgraduate pre-registration course includes any time the student is required to spend, as part of that course, undertaking clinical training at a hospital or other premises.]

### Textual Amendments

**F782** Word in reg. 81(1) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(9)(a)**

**F783** Words in reg. 81(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **37(a)**

**F784** Word in reg. 81(1)(b) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **16(2)**

**F785** Words in reg. 81(1)(c) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **16(3)**

**F786** Reg. 81(1)(d) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **16(4)**

**F787** Word in reg. 81(3) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(9)(b)**

**F788** Words in reg. 81(3) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **37(b)**

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- F789** Word in reg. 81(4) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **4(9)(c)**
- F790** Words in reg. 81(4) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **37(c)**
- F791** Sum in reg. 81(5)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F792** Sum in reg. 81(5)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F793** Sum in reg. 81(5)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F794** Sum in reg. 81(5)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F795** Reg. 81(7) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **9**

**CHAPTER 4**

**MISCELLANEOUS**

**Quarters in respect of which [<sup>F796</sup>the loan for living costs and the long courses loan are] payable**

**82.**—[<sup>F797</sup>(1) Subject to regulation 85, the loan for living costs is payable in respect of three quarters of the academic year and the long courses loan is payable in respect of four quarters of the academic year.]

- (2) The loan for living costs is not payable—
  - (a) in the case of [<sup>F798</sup>a [<sup>F799</sup>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.

<sup>F800</sup>(3) .....

**Textual Amendments**

- F796** Words in reg. 82 heading substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **17(2)**
- F797** Reg. 82(1) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **17(3)**
- F798** Words in reg. 82(2) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **17(4)**
- F799** Words in reg. 82(2)(a) substituted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **17(3)**



**F800** Reg. 82(3) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), 17(5)

### Students falling into more than one category

**83.** Where an eligible student falls into more than one of the categories set out in regulation 90 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 <sup>F801</sup>fourth] 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.

### Textual Amendments

**F801** Word in reg. 83(d) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), 18

### Students residing with parents

**84.**—(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

**85.**—(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.



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(2) The events are—

- [<sup>F802</sup>(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;]
- (b) the student, or the student's spouse, civil partner or parent is recognised as a refugee or becomes [<sup>F803</sup>a person granted stateless leave or] a person granted humanitarian protection;
- [<sup>F804</sup>(c) .....]
- [<sup>F805</sup>(d) the student becomes a person described in paragraph 3(1)(a) of Schedule 1;]
- [<sup>F806</sup>(e) where regulation 4(2A)(a) applies, the person becomes a person described in paragraph 12(a) of Schedule 1;]
- (f) the student becomes a person described in [<sup>F807</sup>paragraph 6A(1)(a) of Schedule 1 or, where regulation 4(2A)(a) applies, in] paragraph 6(1)(a) of Schedule 1; [<sup>F808</sup> ...]
- [<sup>F809</sup>(g) the student becomes a person described in paragraph 11A(a) of Schedule 1 or, where regulation 4(2A)(a) applies, in paragraph 11(1)(a) of Schedule 1;]
- [<sup>F810</sup>(h) the student becomes a person granted section 67 leave];
- [<sup>F811</sup>(i) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; [<sup>F812</sup> ...]]
- [<sup>F813</sup>(j) the student becomes a person granted Calais leave.][<sup>F814</sup>, [<sup>F815</sup> ...]]
- (k) the student becomes a person granted indefinite leave to remain as a bereaved partner [<sup>F816</sup>, ]]
- [<sup>F817</sup>(l) the student becomes a person described in paragraph 9B(1)(a)(ii) of Schedule 1]; [<sup>F818</sup> or]
- [<sup>F819</sup>(m) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.]

(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 [<sup>F820</sup>fourth] 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.

## Textual Amendments

- F802** Reg. 85(2)(a) substituted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **4(1)(d)**
- F803** Words in reg. 85(2)(b) inserted (with application in accordance with reg. 1(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **7(4)**
- F804** Reg. 85(2)(c) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **15(a)**
- F805** Reg. 85(2)(d) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **7**
- F806** Reg. 85(2)(e) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **15(b)**
- F807** Words in reg. 85(2)(f) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **15(c)**
- F808** Word in reg. 85(2)(f) omitted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **36(4)(a)**
- F809** Reg. 85(2)(g) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **15(d)**
- F810** Reg. 85(2)(h) inserted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **36(4)(c)**
- F811** Reg. 85(2)(i) inserted (with application in accordance with reg. 1(3)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **2(3)(c)(ii)**
- F812** Word in reg. 85(2)(i) omitted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **13(4)(a)**
- F813** Reg. 85(2)(j) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **3(3)(d)**
- F814** Reg. 85(2)(k) and word inserted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **13(4)(b)**
- F815** Word in reg. 85(2)(j) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **15(e)**
- F816** Word in reg. 85(2)(k) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **15(f)**
- F817** Reg. 85(2)(l) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **15(g)**
- F818** Word in reg. 85(2) repositioned (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **9(4)**
- F819** Reg. 85(2)(m) inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **9(4)**
- F820** Word in reg. 85(7) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **19(3)**

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

**86.**—(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) [<sup>F821</sup>a [<sup>F822</sup>compressed degree student]];
- (b) a student on a period of study or period of work placement in an Erasmus year;
- (c) a disabled student who—
  - (i) is not [<sup>F821</sup>a [<sup>F823</sup>compressed degree student]]; and
  - (ii) is undertaking a designated course <sup>F824</sup>... 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.

#### Textual Amendments

**F821** Words in reg. 86 substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **20**

**F822** Words in reg. 86(2)(a) substituted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **17(4)(a)**

**F823** Words in reg. 86(2)(c)(i) substituted (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **17(4)(b)**

**F824** Words in reg. 86(2)(c)(ii) omitted (1.8.2013) by virtue of The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(3), **14**

### Increases in maximum amount

**87.**—(1) This regulation does not apply in the case of a <sup>F825</sup>... 2009 [<sup>F826</sup>, 2012 or 2016] 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, [<sup>F827</sup>£69];
- (b) for a student in category B, [<sup>F828</sup>£134];
- (c) for a student in category C, [<sup>F829</sup>£144];
- (d) for a student in category D, [<sup>F830</sup>£104].

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### Textual Amendments

- F825** Word in reg. 87(1) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(10)**
- F826** Words in reg. 87(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **38**
- F827** Sum in reg. 87(4)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F828** Sum in reg. 87(4)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F829** Sum in reg. 87(4)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F830** Sum in reg. 87(4)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**

### Deductions from loans for living costs

**88.**—(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 <sup>F831</sup>... 2009 [<sup>F832</sup>, 2012 or 2016] cohort student <sup>F833</sup>... may be made in accordance with Part 8.

(2) There is no deduction under Part 8 from the amount of loan for living costs calculated under this Part in respect of a <sup>F834</sup>... 2009 [<sup>F835</sup>, 2012 or 2016] cohort student or a student with reduced entitlement.

### Textual Amendments

- F831** Word in reg. 88(1) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(11)(a)**
- F832** Words in reg. 88(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **39(a)**
- F833** Words in reg. 88(1) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(7)(e)**
- F834** Word in reg. 88(2) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(11)(b)**
- F835** Words in reg. 88(2) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **39(b)**

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

**89.**—(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**

**90.** <sup>F836</sup> ... 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;
  - (ii) attends the Institute;
 or
  - (iii) attends an overseas work placement in an Erasmus year,
- (d) a student is in category D if the student is not in categories A to C.

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**Textual Amendments**

**F836** Words in [reg. 90](#) omitted (23.12.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **15(2)**

**Application of category A in quarters ending on 30th June 2021 and 31st August 2021**

<sup>F837</sup>**90A.** . . . . .

**Textual Amendments**

**F837** [Reg. 90A](#) omitted (23.12.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **15(3)**

**PART 7**

**COLLEGE FEE LOANS**

**General**

<sup>F838</sup>**91.** . . . . .

**Textual Amendments**

**F838** [Regs. 91-98](#) omitted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **3**

**Qualifying conditions**

<sup>F838</sup>**92.** . . . . .

**Textual Amendments**

**F838** [Regs. 91-98](#) omitted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **3**

**Persons to be treated as eligible students**

<sup>F838</sup>**93.** . . . . .

**Textual Amendments**

**F838** [Regs. 91-98](#) omitted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **3**

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## Disabled students

<sup>F838</sup>94. ....

### Textual Amendments

**F838** Regs. 91-98 omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **3**

## Students becoming eligible during the course of an academic year

<sup>F838</sup>95. ....

### Textual Amendments

**F838** Regs. 91-98 omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **3**

## Availability of college fee loans

<sup>F838</sup>96. ....

### Textual Amendments

**F838** Regs. 91-98 omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **3**

## Amount of college fee loan

<sup>F838</sup>97. ....

### Textual Amendments

**F838** Regs. 91-98 omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **3**

## Transfers

<sup>F838</sup>98. ....

### Textual Amendments

**F838** Regs. 91-98 omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **3**



## PART 8

### FINANCIAL ASSESSMENT

#### Calculation of contribution

**99.**—(1) An eligible student's contribution in respect of an academic year is the amount, if any, calculated under Schedule 4.

(2) For the purposes of the exercise of the Secretary of State's functions under the 1998 Act and regulations made under it the Secretary of State may require an eligible student to provide from time to time such information as the Secretary of State considers necessary as to the income of any person whose means are relevant to the assessment of the student's contribution.

#### [<sup>F839</sup>Application of contribution – <sup>F840</sup>... 2009, 2012 or 2016 cohort students

**100.** In the case of a <sup>F841</sup>... 2009, 2012 or 2016 cohort student, the Secretary of State must apply the contribution in accordance with regulation 103.]

#### Textual Amendments

**F839** Reg. 100 substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **40**

**F840** Word in reg. 100 heading omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(12)(a)**

**F841** Word in reg. 100 omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(12)(b)**

#### [<sup>F842</sup>Application of contribution – current system students who are not <sup>F843</sup>... 2009, 2012 or 2016 cohort students

**101.** In the case of a current system student who is not a <sup>F844</sup>... 2009, 2012 or 2016 cohort student, the Secretary of State must apply the contribution in accordance with regulation 104.]

#### Textual Amendments

**F842** Reg. 101 substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **41**

**F843** Word in reg. 101 heading omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(13)(a)**

**F844** Word in reg. 101 omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(13)(b)**

#### Application of contribution – old system students

<sup>F845</sup>**102.** . . . . .

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#### Textual Amendments

**F845** Reg. 102 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(8)**

#### Order of application – <sup>F846</sup>... 2009 [<sup>F847</sup>, 2012 or 2016] cohort students

**103.** The contribution or the remainder of the contribution, as the case may be, is to be applied as follows—

- (a) first, to reduce the amount of adult dependants' grant calculated in accordance with regulation 47;
- (b) second, to reduce the childcare grant calculated in accordance with regulation 47;
- (c) third, to reduce the parents' learning allowance calculated in accordance with regulation 47 (except the first £50 of the allowance);
- (d) fourth, to reduce the long courses loan calculated in accordance with Chapter 3 of Part 6;
- (e) fifth, to reduce the grant for travel calculated in accordance with Chapter 5 of Part 5.

#### Textual Amendments

**F846** Word in reg. 103 heading omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(14)**

**F847** Words in reg. 103 heading substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **42**

#### Order of application – other eligible students

**104.** The contribution or the remainder of the contribution, as the case may be, is to be applied as follows—

- (a) first, to reduce the amount of adult dependants' grant calculated in accordance with regulation 47;
- (b) second, to reduce the childcare grant calculated in accordance with regulation 47;
- (c) third, to reduce the parents' learning allowance calculated in accordance with regulation 47 (except the first £50 of the allowance);
- (d) fourth, to reduce the loan for living costs for which the eligible student (other than a student with reduced entitlement) qualifies under Part 6 to no less than the minimum level for the academic year specified in regulation 105;
- (e) fifth, to reduce the grant for travel calculated in accordance with Chapter 5 of Part 5.

#### Minimum level of loan for living costs

**105.—**(1) <sup>F848</sup>Subject to paragraphs (2) and (7), for a student other than a 2009 [<sup>F849</sup>, 2012 or 2016] cohort student, the “minimum level for the academic year” in regulations 72(5) ... and 104(d) is—

- (a) [<sup>F850</sup>£3,482], in the case of a student in category A;
- (b) [<sup>F851</sup>£6,303], in the case of a student in category B;

- (c) [F<sup>852</sup>£5,364], in the case of a student in category C;
- (d) [F<sup>853</sup>£4,501], in the case of a student in category D.
- (2) F<sup>854</sup> Subject to paragraph (7), for a student other than a 2009 [F<sup>855</sup>, 2012 or 2016] cohort student, where the academic year in question is the final year of a course other than an intensive course, the “minimum level for the academic year” in regulations 72(5) ...and 104(d) is—
- (a) [F<sup>856</sup>£3,149], in the case of a student in category A;
- (b) [F<sup>857</sup>£5,739], in the case of a student in category B;
- (c) [F<sup>858</sup>£4,663], in the case of a student in category C;
- (d) [F<sup>859</sup>£4,165], in the case of a student in category D.
- (3) Subject to paragraphs (4) and (7), for a 2009 cohort student the “minimum level for the academic year” [F<sup>860</sup>in regulation 74(5)] is—
- (a) [F<sup>861</sup>£3,496], in the case of a student in category A;
- (b) [F<sup>862</sup>£6,310], in the case of a student in category B;
- (c) [F<sup>863</sup>£5,368], in the case of a student in category C;
- (d) [F<sup>864</sup>£4,509], in the case of a student in category D.
- (4) Subject to paragraph (7), for a 2009 cohort student where the academic year in question is the final year of a course other than an intensive course, the “minimum level for the academic year” [F<sup>865</sup>in regulation 74(5)] is—
- (a) [F<sup>866</sup>£3,172], in the case of a student in category A;
- (b) [F<sup>867</sup>£5,744], in the case of a student in category B;
- (c) [F<sup>868</sup>£4,667], in the case of a student in category C;
- (d) [F<sup>869</sup>£4,174], in the case of a student in category D.
- (5) Subject to paragraphs (6) and (7), for a 2012 cohort student, the “minimum level for the academic year” in regulations 76 and 104(d) is—
- (a) [F<sup>870</sup>£3,597], in the case of a student in category A;
- (b) [F<sup>871</sup>£6,310], in the case of a student in category B;
- (c) [F<sup>872</sup>£5,375], in the case of a student in category C;
- (d) [F<sup>873</sup>£4,526], in the case of a student in category D.
- (6) Subject to paragraph (7), for a 2012 cohort student, where the academic year in question is the final year of a course other than an intensive course, the “minimum level for the academic year” in regulations 76 and 104(d) is—
- (a) [F<sup>874</sup>£3,304], in the case of a student in category A;
- (b) [F<sup>875</sup>£5,747], in the case of a student in category B;
- (c) [F<sup>876</sup>£4,670], in the case of a student in category C;
- (d) [F<sup>877</sup>£4,207], in the case of a student in category D.
- [F<sup>878</sup>(6A) Subject to paragraphs (6B) and (7), for a 2016 cohort student who satisfies all the conditions in regulation 71(1)(g), the “minimum level for the academic year” in regulation 80A is—
- (a) [F<sup>879</sup>£3,597], in the case of a student in category A;
- (b) [F<sup>880</sup>£6,308], in the case of a student in category B;

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(c) [F881 £5,374], in the case of a student in category C;

(d) [F882 £4,524], in the case of a student in category D.

(6B) Subject to paragraph (7), for a 2016 cohort student who satisfies all the conditions in regulation 71(1)(g), where the academic year in question is the final year of a course other than an intensive course, the “minimum level for the academic year” in regulation 80A is—

(a) [F883 £3,304], in the case of a student in category A;

(b) [F884 £5,747], in the case of a student in category B;

(c) [F885 £4,669], in the case of a student in category C;

(d) [F886 £4,206], in the case of a student in category D.

(6C) Subject to paragraphs (6D) and (7), for a 2016 cohort student who satisfies all the conditions in regulation 71(1)(h), the “minimum level for the academic year” in regulation 80B is—

(a) [F887 £3,597], in the case of a student in category A;

(b) [F888 £6,308], in the case of a student in category B;

(c) [F889 £5,374], in the case of a student in category C;

(d) [F890 £4,524], in the case of a student in category D.

(6D) Subject to paragraph (7), for a 2016 cohort student who satisfies all the conditions in regulation 71(1)(h), where the academic year in question is the final year of a course other than an intensive course, the “minimum level for the academic year” in regulation 80B is—

(a) [F891 £3,304], in the case of a student in category A;

(b) [F892 £5,747], in the case of a student in category B;

(c) [F893 £4,669], in the case of a student in category C;

(d) [F894 £4,206], in the case of a student in category D.]

(7) Where different categories apply for different quarters of the academic year, the minimum levels in paragraphs [F895(1) to (6D)] are the aggregate of the amounts determined under paragraph (8) for each of the quarters in respect of which a loan is payable.

(8) The amount determined for each quarter is one third of the amount in paragraph (1), (2), (3), (4), (5) [F896, (6), (6A), (6B), (6C) or (6D)] which corresponds to the rate applicable for the quarter.

(9) The rate applicable for a quarter is determined in accordance with regulation 83.

(10) Categories A to D have the meaning given in regulation 90.

### Textual Amendments

**F848** Word in reg. 105(1) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), [43\(a\)\(ii\)](#)

**F849** Words in reg. 105(1) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), [43\(a\)\(i\)](#)

**F850** Sum in reg. 105(1)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), [Sch.](#)

**F851** Sum in reg. 105(1)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), [Sch.](#)

- F852** Sum in reg. 105(1)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F853** Sum in reg. 105(1)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F854** Word in reg. 105(2) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **43(b)(ii)**
- F855** Words in reg. 105(2) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **43(b)(i)**
- F856** Sum in reg. 105(2)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F857** Sum in reg. 105(2)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F858** Sum in reg. 105(2)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F859** Sum in reg. 105(2)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F860** Words in reg. 105(3) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **43(c)**
- F861** Sum in reg. 105(3)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F862** Sum in reg. 105(3)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F863** Sum in reg. 105(3)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F864** Sum in reg. 105(3)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F865** Words in reg. 105(4) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **43(d)**
- F866** Sum in reg. 105(4)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F867** Sum in reg. 105(4)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F868** Sum in reg. 105(4)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**

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- F869** Sum in reg. 105(4)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F870** Sum in reg. 105(5)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F871** Sum in reg. 105(5)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F872** Sum in reg. 105(5)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F873** Sum in reg. 105(5)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F874** Sum in reg. 105(6)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F875** Sum in reg. 105(6)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F876** Sum in reg. 105(6)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F877** Sum in reg. 105(6)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F878** Reg. 105(6A)-(6D) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **43(e)**
- F879** Sum in reg. 105(6A)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F880** Sum in reg. 105(6A)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F881** Sum in reg. 105(6A)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F882** Sum in reg. 105(6A)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F883** Sum in reg. 105(6B)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F884** Sum in reg. 105(6B)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F885** Sum in reg. 105(6B)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F886** Sum in reg. 105(6B)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**



- F887** Sum in [reg. 105\(6C\)\(a\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F888** Sum in [reg. 105\(6C\)\(b\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F889** Sum in [reg. 105\(6C\)\(c\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F890** Sum in [reg. 105\(6C\)\(d\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F891** Sum in [reg. 105\(6D\)\(a\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F892** Sum in [reg. 105\(6D\)\(b\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F893** Sum in [reg. 105\(6D\)\(c\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F894** Sum in [reg. 105\(6D\)\(d\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**
- F895** Words in [reg. 105\(7\)](#) substituted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), **43(f)**
- F896** Words in [reg. 105\(8\)](#) substituted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), **43(g)**

**Amount of loan for living costs payable to certain type 1 and type 2 teacher training students**

<sup>F897</sup>**106.** . . . . .

**Textual Amendments**

**F897** [Reg. 106](#) omitted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(3\)\(a\)](#), **3**

**PART 9**

**PAYMENTS**

**CHAPTER 1**

**INTERPRETATION OF PART 9**

**Interpretation**

**107.** In this Part—



*Status: Point in time view as at 23/12/2021.*

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- (a) “attendance confirmation” means—
  - (i) confirmation from the academic authority that the student has enrolled for the academic year where—
    - (aa) the student is applying for support in connection with a designated course for the first time;
    - (bb) the student has a disability; and
    - (cc) the student is undertaking the course but not attending (regardless of whether the reason for not attending relates to the student's disability);
  - (ii) confirmation from the academic authority that the student has been present at the institution and begun to attend the course where—
    - (aa) the student is applying for support in connection with a designated course for the first time;
    - (bb) the student's status as an eligible student has not been transferred to the course from another designated course at the same institution; and
    - (cc) sub-paragraph (i)(cc) does not apply;
  - (iii) confirmation from the academic authority that the student has enrolled for the academic year where—
    - (aa) the student is applying for support in connection with a designated course other than for the first time; or
    - (bb) the student is applying for support in connection with a designated course for the first time after the student's status as an eligible student has been transferred to that course from another course at the same institution;
- (b) “payment period” means a period in respect of which the Secretary of State pays the relevant support under Part 5 or Part 6 or would have paid such support if the eligible student's period of eligibility had not terminated.

CHAPTER 2

PAYMENT OF GRANTS FOR FEES

**Payment of grants for fees**

<sup>F898</sup>**108.** .....

**Textual Amendments**  
**F898** Pt. 9 Ch. 2 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(9)(a)**

CHAPTER 3

PAYMENT OF GRANTS FOR LIVING AND OTHER COSTS

**Payment of grants for living and other costs**

- 109.**—(1) The Secretary of State may pay support under Part 5 in instalments.
- (2) Subject to paragraph (3), the Secretary of State may pay support under Part 5 at such times as the Secretary of State considers appropriate.
- (3) An academic authority is required to send an attendance confirmation to the Secretary of State.

(4) The Secretary of State must not pay the first instalment or, where it has been determined not to pay support under Part 5 by instalments, make any payment of support under that Part to [F899 any person] before the Secretary of State has received the attendance confirmation unless an exception applies.

(5) An exception applies if—

- (a) a disabled students' allowance is payable in which case that particular grant may be paid before the Secretary of State has received an attendance confirmation; or
- (b) the Secretary of State has determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.

(6) Payments of support under Part 5 are to be made in such manner as the Secretary of State considers appropriate and the Secretary of State may make it a condition of entitlement to payment that the eligible student [F900, or in the case of childcare grant, a person seeking payment of prescribed childcare charges] must provide the Secretary of State [F901 or such person as the Secretary of State specifies] with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(7) Where a final assessment cannot be made on the basis of the information provided by the student, the Secretary of State may make a provisional assessment and payment of support under Part 5.

(8) Subject to paragraph (9), no support under Part 5 is due in respect of any day of an academic year on which the eligible student is a prisoner, unless in the opinion of the Secretary of State it would be appropriate in all the circumstances for support to be paid in respect of that day.

(9) Paragraph (8) does not apply in respect of disabled student's allowance where the course began before 1st September 2012.

(10) In deciding whether it would be appropriate for support to be due under paragraph (8) the circumstances to which the Secretary of State must have regard include the financial hardship not paying the support would cause and whether not paying the support would affect the student's ability to continue the course.

(11) No support under Part 5 in respect of the current course is due in respect of any payment period beginning after an eligible student's period of eligibility terminates.

(12) Where an eligible student's period of eligibility terminates on or after the relevant date, the Secretary of State must determine—

- (a) the amount of each grant for living and other costs for which the student qualifies that would be payable in respect of the relevant payment period if the eligible student's period of eligibility had not terminated (the “full amount”); and
- (b) how much of the full amount is due in respect of the period which runs from the first day of the relevant payment period up to and including the day on which the eligible student's period of eligibility terminated (the “partial amount”).

(13) In this regulation, the “relevant date” is the date on which the first term of the academic year in question actually begins.

(14) If the Secretary of State has made a payment of grant for living and other costs in respect of the relevant payment period before the point in that period at which the eligible student's period of eligibility terminated and that payment exceeds the partial amount of that grant—

- (a) the Secretary of State may treat the excess as an overpayment of that grant; or
- (b) if the Secretary of State considers that it is appropriate to do so the Secretary of State may extend the student's period of eligibility in respect of that grant until the end of the relevant payment period and determine that the full amount of that grant is due in respect of that payment period.

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(15) Subject to paragraph (16), if a payment of a grant for living and other costs in respect of the relevant payment period is due to be made or is made after the eligible student's period of eligibility has terminated, the amount of that grant due is the partial amount unless the Secretary of State considers it appropriate to extend the period of eligibility in respect of that grant until the end of the relevant payment period and to determine that the full amount of that grant is due in respect of that payment period.

(16) Paragraph (15) does not apply to a payment of the disabled students' allowance in respect of specialist equipment.

(17) No support under Part 5 is due in respect of a payment period during any part of which an eligible student is absent from the course, unless in the opinion of the Secretary of State it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.

(18) In deciding whether it would be appropriate for support to be due under paragraph (17) the circumstances to which the Secretary of State must have regard include the reasons for the student's absence, the length of the absence and the financial hardship which not paying the support would cause.

(19) An eligible student is not to be considered absent from the course if the student is unable to attend due to illness and the student's absence has not exceeded 60 days.

(20) Where, after the Secretary of State has made any payment of support under Part 5 or Part 6, the Secretary of State makes a determination of the amount of a grant for living and other costs for which the student qualifies either for the first time or by way of revision of a provisional or other determination of that amount—

- (a) if the determination increases the amount of that grant for which the student qualifies the Secretary of State must pay the additional amount in such instalments (if any) and at such times as the Secretary of State considers appropriate;
- (b) if the determination decreases the amount of that grant for which the student qualifies the Secretary of State must subtract the amount of the decrease from the amount of that grant which remains to be paid;
- (c) if the amount of the decrease is greater than the amount of that grant remaining to be paid the latter amount is reduced to nil and the balance subtracted from any other grant for living and other costs for which the student qualifies in respect of the academic year;
- (d) any remaining overpayment is recoverable in accordance with Chapter 5 of this Part.

#### **Textual Amendments**

**F899** Words in [reg. 109\(4\)](#) substituted (with application in accordance with [reg. 1\(2\)\(5\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), [regs. 1\(1\)](#), [21\(a\)](#)

**F900** Words in [reg. 109\(6\)](#) inserted (with application in accordance with [reg. 1\(2\)\(5\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), [regs. 1\(1\)](#), [21\(b\)\(i\)](#)

**F901** Words in [reg. 109\(6\)](#) inserted (with application in accordance with [reg. 1\(2\)\(5\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), [regs. 1\(1\)](#), [21\(b\)\(ii\)](#)

## CHAPTER 4

## PAYMENT OF LOANS

**General**

**110.**—(1) Subject to paragraph (2)—

(a) fee loans [<sup>F902</sup>in connection with designated courses] are payable in accordance with regulation 113;

<sup>F903</sup>(b) .....

<sup>F904</sup>(c) .....

(d) loans for living costs [<sup>F905</sup>in connection with designated courses] and long courses loans are payable in accordance with regulation 116;

(2) Regulations 111 and 112 apply in respect of the payment of <sup>F906</sup>...loans [<sup>F907</sup>other than loans for living costs in connection with designated part-time courses].

**Textual Amendments**

**F902** Words in reg. 110(1)(a) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **7(a)(i)**

**F903** Reg. 110(1)(b) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(9)(b)**

**F904** Reg. 110(1)(c) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **44**

**F905** Words in reg. 110(1)(d) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **7(a)(ii)**

**F906** Word in reg. 110(2) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **7(b)(i)**

**F907** Words in reg. 110(2) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **7(b)(ii)**

**Provision of United Kingdom national insurance number**

**111.**—(1) The Secretary of State may make it a condition of entitlement to payment of any loan that the eligible or qualifying 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 any payment of the loan to the eligible or qualifying 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 a payment of loan to an eligible or qualifying 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 or qualifying student having complied with the condition imposed under paragraph (1).

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## Information requirements

**112.**—(1) The Secretary of State may at any time request from an applicant, eligible student or qualifying student information that the Secretary of State considers is required to recover a loan.

(2) The Secretary of State may at any time require an applicant, eligible student or qualifying student to enter into an agreement to repay a loan by a particular method.

(3) The Secretary of State may at any time request from an applicant, eligible student or qualifying student sight of their valid national identity card, valid passport issued by the state of which they are a national or their birth certificate.

(4) Where the Secretary of State has requested information under this regulation, the Secretary of State may withhold any payment of a loan until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

(5) 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 loan until the person provides what has been required.

## Payment of fee loans

**113.**—(1) The Secretary of State must pay the fee loan for which an eligible student qualifies to an institution to which the student is liable to make payment.

(2) The Secretary of State may pay the fee loan in instalments.

(3) The Secretary of State must not pay the fee loan or instalment of fee loan until the Secretary of State has received from the academic authority—

(a) a request for payment; and

(b) confirmation (in such form as may be required by the Secretary of State) of the student's attendance on the course for the period to which the instalment relates.

[<sup>F908</sup>(3A) For a student beginning the current course on or after 1st August 2016, an academic authority must not send confirmation of the student's attendance to the Secretary of State—

(a) in the case of an institution with degree awarding powers pursuant to section 76 of the Further and Higher Education Act 1992 [<sup>F909</sup>or sections 42 to 49 of the 2017 Act], until the student is registered on the course at the institution;

(b) in the case of a course validated by an institution with degree awarding powers pursuant to section 76 of the Further and Higher Education Act 1992 [<sup>F910</sup>or sections 42 to 49 of the 2017 Act], until the validating institution has been notified by the institution teaching the student that the student is studying on the course covered by the validation agreement; or

(c) where neither sub-paragraph (a) or (b) applies, until the student has been registered with the relevant awarding body.]

(4) In this regulation, “confirmation of the student's attendance” means confirmation from the academic authority that the student-

(a) has enrolled for the academic year and has begun to attend (or in the case of a distance learning course undertake) the course for that academic year, where the confirmation relates to payment of the fee loan or the first instalment of the fee loan for the academic year; or

(b) remains enrolled and continues to attend (or in the case of a distance learning course undertake) the course, where the confirmation relates to payment of an instalment of the fee loan other than the first instalment.

(5) The academic authority must inform the Secretary of State if a student ceases to attend or undertake the designated course during the academic year.

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**Textual Amendments**

- F908** Reg. 113(3A) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **45**
- F909** Words in [reg. 113\(3A\)\(a\)](#) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **22(2)**
- F910** Words in [reg. 113\(3A\)\(b\)](#) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **22(2)**

**Payment of fee contribution loans**

<sup>F911</sup>**114.** . . . . .

**Textual Amendments**

- F911** [Reg. 114](#) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(9)(c)**

**Payment of college fee loans**

<sup>F912</sup>**115.** . . . . .

**Textual Amendments**

- F912** [Reg. 115](#) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **3**

**Payment of loans for living costs and long courses loans**

- 116.—**(1) The Secretary of State may pay support under Part 6 in instalments.
- (2) Subject to paragraph (4), the Secretary of State may pay support under Part 6 at such times as the Secretary of State considers appropriate.
- (3) An academic authority is required to send an attendance confirmation to the Secretary of State.
- (4) The Secretary of State must not pay the first instalment, or where it has been determined not to pay support under Part 6 by instalments, make any payment of support under Part 6 to the eligible student before the Secretary of State has received an attendance confirmation from the relevant academic authority unless an exception applies.
- (5) An exception applies if the Secretary of State has determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.
- (6) Where a final assessment cannot be made on the basis of the information provided by the student, the Secretary of State may make a provisional assessment and payment of support under Part 6.
- (7) Payments of support under Part 6 are to be made in such manner as the Secretary of State considers appropriate and the Secretary of State may make it a condition of entitlement to payment

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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.

(8) Where the Secretary of State has made any payment of support under Part 5 or under Part 6 and a student who qualifies for a loan for living costs or a long courses loan under Part 6 applies for either loan or applies for an additional amount of either loan in respect of an academic year, the Secretary of State may pay that loan (or loans, as the case may be) or that additional amount of loan (or loans, as the case may be) in such instalments (if any) and at such times as the Secretary of State considers appropriate as soon as is reasonably practicable after a satisfactory application has been received.

(9) Subject to paragraph (10), no support under Part 6 is due in respect of any day of an academic year on which the eligible student is a prisoner, unless in the opinion of the Secretary of State it would be appropriate in all the circumstances for support to be paid in respect of that day.

(10) In deciding whether it would be appropriate for support to be due under paragraph (9) the circumstances to which the Secretary of State must have regard include the financial hardship which not paying the support would cause and whether not paying the support would affect the student's ability to continue the course.

(11) No support under Part 6 in respect of the current course is due in respect of any payment period beginning after an eligible student's period of eligibility terminates.

(12) No support under Part 6 is due in respect of a payment period during part of which an eligible student is absent from the course, unless in the opinion of the Secretary of State it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.

(13) In deciding whether it would be appropriate for support to be due under paragraph (12) the circumstances to which the Secretary of State must have regard include the reasons for the student's absence, the length of the absence and the financial hardship which not paying the support would cause.

(14) An eligible student is not to be considered absent from the student's course if the student is unable to attend due to illness and the student's absence has not exceeded 60 days.

(15) Where, after the Secretary of State has made any payment of support under Part 6 for which a student qualifies in respect of an academic year, the Secretary of State makes a determination that the amount of loan for living costs or long courses loan for which the student qualifies is less than the amount previously determined either by way of a revision of a provisional assessment or otherwise—

- [<sup>F913</sup>(a) the Secretary of State must subtract from any amount of loan which remains to be paid under Part 6 such amount as is necessary to ensure that the student does not borrow an amount of loan under Part 6 which is greater than that for which the student qualifies;
- (b) if the amount to be subtracted is greater than the amount of loan remaining to be paid under Part 6, the amount of that loan remaining to be paid is reduced to nil;]
- (c) any remaining overpayment is recoverable in accordance with Chapter 5 of this Part.

#### **Textual Amendments**

**F913** Reg. 116(15)(a)(b) substituted (1.8.2013) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(3), **15**



## CHAPTER 5 OVERPAYMENTS

### [<sup>F914</sup>Overpayment of fee loans]

**117.**—(1) Any overpayment of [<sup>F915</sup>a fee loan] is recoverable by the Secretary of State from—

- (a) the academic authority; or
- (b) the student in respect of whom the payment of [<sup>F915</sup>a fee loan] was made.

[<sup>F916</sup>(1A) A student must, if so required by the Secretary of State, repay any amount of [<sup>F917</sup>a fee loan] paid in respect of the student which for whatever reason exceeds the amount of [<sup>F917</sup>a fee loan] to which the student is entitled.]

(2) An overpayment of a fee 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 fee loan which remains to be paid;
- [<sup>F918</sup>(aa) 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;]
- (b) by requiring the student to repay the fee loan in accordance with regulations made under section 22 of the 1998 Act;
- (c) by taking such other action for the recovery of an overpayment as is available to the Secretary of State.

#### Textual Amendments

- F914** Reg. 117 heading substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(9)(d)(i)**
- F915** Words in reg. 117(1) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(9)(d)(ii)**
- F916** Reg. 117(1A) inserted (23.12.2015) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **46(a)**
- F917** Words in reg. 117(1A) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(9)(d)(ii)**
- F918** Reg. 117(2)(aa) inserted (23.12.2015) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **46(b)**

### Overpayments of college fee loan

[<sup>F919</sup>**118.** . . . . .]

#### Textual Amendments

- F919** Reg. 118 omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(3)(a), **3**

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**Overpayments of support payable under Part 5 or Part 6**

119.—(1) [<sup>F920</sup>A student] must, if so required by the Secretary of State, repay any amount paid to the student under Part 5 or 6 which for whatever reason exceeds the amount of support to which the student is entitled under Part 5 or 6.

(2) The Secretary of State must recover an overpayment of any grant for living and other costs unless the Secretary of State considers it is not appropriate to do so.

(3) The methods of recovery are—

- (a) subtracting the overpayment from any kind of grant [<sup>F921</sup>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;
- (b) taking such other action for the recovery of an overpayment as is available to the Secretary of State.

(4) A payment of any grant for living and other costs made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the Secretary of State decides otherwise.

(5) In this regulation, the “relevant date” is the date on which the first term of the academic year in question actually begins.

(6) In the circumstances in paragraph (7) or (8), there is an overpayment of the disabled students' allowance unless the Secretary of State decides otherwise.

(7) The circumstances are—

- (a) the Secretary of State applies all or part of the disabled students' allowance to the purchase of specialist equipment on behalf of the <sup>F922</sup>... student;
- (b) the student's period of eligibility terminates after the relevant date; and
- (c) the equipment has not been delivered to the student before the student's period of eligibility terminates.

(8) The circumstances are—

- (a) the <sup>F923</sup>... student's period of eligibility terminates after the relevant date; and
- (b) a payment of the disabled students' allowance in respect of specialist equipment is made to the student after the student's period of eligibility terminated.

(9) Where there is an overpayment of the disabled students' allowance, the Secretary of State may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if the Secretary of State considers it is appropriate to do so.

[<sup>F924</sup>(10) Any overpayment of a loan for living costs or a long courses loan in respect of any academic year is recoverable by the Secretary of State from the student to whom the payment was made.]

[<sup>F925</sup>(11) The methods of recovery are—

- (a) 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;
- (b) requiring the student to repay the loan in accordance with regulations made under section 22 of the 1998 Act;
- (c) taking such other action for the recovery of an overpayment as is available to the Secretary of State.]

<sup>F926</sup>(12) .....

**Textual Amendments**

- F920** Words in reg. 119(1) substituted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **47(a)**
- F921** Words in reg. 119(3)(a) inserted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **47(b)**
- F922** Word in reg. 119(7)(a) omitted (23.12.2015) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **47(c)**
- F923** Word in reg. 119(8)(a) omitted (23.12.2015) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **47(c)**
- F924** Reg. 119(10) substituted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **47(d)**
- F925** Reg. 119(11) substituted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **47(e)**
- F926** Reg. 119(12) omitted (23.12.2015) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **47(f)**

**F927 PART 10**

**SUPPORT FOR DESIGNATED DISTANCE LEARNING COURSES**

**Textual Amendments**

- F927** **Pt. 10** omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **6(5)**

**Eligible distance learning students**

**120.** .....

**Students becoming eligible during the course of the academic year**

**121.** .....

**Designated distance learning courses**

**122.** .....

**Period of eligibility**

**123.** .....

**Support for distance learning courses**

**124.** .....

**Amount of support for designated distance learning courses**

**125.** .....

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**Interpretation of regulation 125**

126. ....

**Disabled distance learning students' allowance**

127. ....

**Applications for support**

128. ....

**Declarations provided by academic authorities**

129. ....

**Information**

130. ....

**Transfer of status**

131. ....

**Conversion of status**

132. ....

**Payment of grants for fees**

133. ....

**Payment of grants for books, travel and other expenditure and disabled distance learning students' allowance**

134. ....

**Overpayments**

135. ....

**PART 11**

[<sup>F928</sup>Eligibility in connection with designated part-time courses and transfers of status etc.]

**Textual Amendments**

**F928** Pt. 11 heading substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), 8

## Interpretation of Part 11

136.—<sup>F929</sup>(1) .....

<sup>F930</sup>(1A) .....

(2) In this Part,—

(a) “period ordinarily required to complete the full-time equivalent” means—

- (i) where the course is provided by or on behalf of the Open University, the period that a standard full-time student would require to complete the full-time equivalent if that student were awarded 120 credit points in each academic year;
- (ii) where the course is provided by or on behalf of any other institution, the period in which a standard full-time student would complete the full-time equivalent;

(b) “standard full-time student” is a student who is to be taken—

- (i) to have begun the full-time equivalent on the same date as the eligible part-time student began the part-time course in question;
- (ii) not to have been excused any part of the full-time equivalent;
- (iii) not to have repeated any part of the full-time equivalent; and
- (iv) not to be absent from the full-time equivalent other than during vacations.

<sup>F931</sup>(3) .....

### Textual Amendments

**F929** Reg. 136(1) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(3)(a)**

**F930** Reg. 136(1A) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(3)(a)**

**F931** Reg. 136(3) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2) (a), **9(c)**

## Eligible part-time students

137.—(1) An eligible part-time student qualifies for support in connection with the student's undertaking a designated part-time course subject to and in accordance with this Part [<sup>F932</sup>and Parts 11A and 11B].

[<sup>F933</sup>(2) Subject to the following provisions of this regulation, a person is an eligible part-time student in connection with a designated part-time course if in assessing that person's application for support the Secretary of State determines that the person falls within one of the categories set out—

- (a) in paragraphs 2, 2A, 3, 4, 4A, 4B, 4C, 4D, 4E, 5, 6A, 7A, 8A, 9A, 9B, [<sup>F934</sup>9BA][<sup>F935</sup>9BB,] 9C, 9D, 10ZA, 11A, 12A [<sup>F936</sup>, 13 and 14] in Part 2 of Schedule 1; or
- (b) in paragraphs 6, 7, 8, 9, 10, 10A, 11 and 12 in Part 2 of Schedule 1, where paragraph (2A) applies.

(2A) This paragraph applies where—

- (a) in connection with a designated part-time course beginning before 1st August 2021, the Secretary of State—
  - (i) in assessing an application for support by a person (“A”) determined that A fell within one of the categories set out in paragraphs 6, 7, 8, 9, 10, 10A, 11 and 12 in

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Part 2 of Schedule 1 in relation to an academic year of the course beginning before 1st August 2021; or

(ii) would have so determined had A made an application for support in accordance with this Part in relation to an academic year of the course beginning before that date; and

(b) A applies for support in connection with that course or a designated part-time course to which A's status as an eligible part-time student is transferred from that course in accordance with this Part.

(2B) In connection with a designated part-time course beginning on or after 1st January 2028, paragraph (2) has effect as if it did not mention paragraphs 8A [F937, 9B, 9BA and 9D].]

(3) A person ("A") is not an eligible part-time student if—

[F938](za) A is studying on a course as part of an apprenticeship;]

[F939](a) A is, in connection with the part-time course—

- (i) eligible to apply for a healthcare bursary whether or not the amount of such bursary is calculated by reference to income;
- (ii) eligible to apply for any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007; or
- (iii) eligible for a healthcare tuition payment;]

(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 A made when A was under the age of 18;

(d) A has, in the opinion of the Secretary of State, shown by A's conduct that A is unfitted to receive support; or

[F940](e) .....

[F941](3A) A person ("A") is not an eligible part-time student in connection with a pre-registration course which leads to a qualification for a profession in respect of which A is already registered in the relevant part or parts of the register maintained by the Health and Care Professions Council, the Nursing and Midwifery Council or the General Dental Council.]

[F942](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.]

[F943](4) .....

(5) For the purposes of paragraphs (3)(b) and (3)(c), "loan" means a loan made under any provision of the student loans legislation.

(6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (3)(c) only applies if the agreement was made—

(a) before 25th September 1991; and

(b) with the concurrence of the borrower's curator or at a time when the borrower had no curator.

[F944](7) .....

[F945](8) .....

[F946](9) .....

(10) Where—

- (a) the Secretary of State determined that, by virtue of being a [<sup>F947</sup>refugee] or the spouse, civil partner, child or step-child of [<sup>F948</sup>a refugee], a person (“A”) was an eligible part-time student in connection with an application for support for an earlier year of the current part-time course or an application for support in connection with a designated course <sup>F949</sup>... or other designated part-time course from which A's status as an eligible part-time student [<sup>F950</sup>or eligible student] has been transferred to the current part-time course; and
- [<sup>F951</sup>(b) as at the day before the academic year in respect of which A is applying for support begins, the refugee status of A or of A's spouse, civil partner, parent or step-parent, as the case may be, has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),]

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.

[<sup>F952</sup>(10A) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of a person granted stateless leave, a person (“A”) was an eligible part-time student in connection with—
- (i) an application for support for an earlier year of the current part-time course, or
  - (ii) an application for support in connection with a designated part-time course or other designated course from which A's status as an eligible part-time student or eligible student has been transferred to the current part-time course, and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.]

[<sup>F953</sup>(10B) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted section 67 leave, a person (“A”) was an eligible part-time student in connection with—
- (i) an application for support for an earlier year of the current part-time course, or
  - (ii) an application for support in connection with a designated part-time course or other designated course from which A's status as an eligible part-time student or eligible student has been transferred to the current part-time course, and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted section 67 leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.]

[<sup>F954</sup>(10C) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted Calais leave, a person (“A”) was an eligible part-time student in connection with—
- (i) an application for support for an earlier year of the current part-time course; or
  - (ii) an application for support in connection with a designated part-time course or other designated course from which A's status as an eligible part-time student or eligible student has been transferred to the current part-time course; and



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- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which A is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.]

(11) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible part-time student in connection with an application for support for an earlier year of the current part-time course or an application for support in connection with a designated course <sup>F955</sup>... or other designated part-time course from which A's status as an eligible part-time student [<sup>F956</sup>or eligible student] has been transferred to the current part-time course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.

[<sup>F957</sup>(11A) Where—

- (a) the Secretary of State determined that, by virtue of being a person with protected rights with limited leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, a person (“A”) was an eligible part-time student in connection with—
  - (i) an application for support for an earlier year of the current part-time course; or
  - (ii) an application for support in connection with a designated part-time course or other designated course from which A's status as an eligible part-time student or eligible student has been transferred to the current part-time course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, A no longer has extant limited leave to enter or remain granted by virtue of residence scheme immigration rules and no further leave to enter or remain has been granted under those rules,

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(11B) Where—

- (a) the Secretary of State has determined, that by virtue of—
  - (i) falling within [<sup>F958</sup>paragraph (1)(a) <sup>F959</sup>... (iv) or (v)] of the definition of “person with protected rights”; or
  - (ii) meeting the conditions in paragraph 3(1)(a) <sup>F960</sup>... (iv) in Part 2 of Schedule 1,
 a person (“A”) is an eligible part-time student in connection with an application for support for an academic year of a designated part-time course; and
- (b) as at the day before the academic year begins, A is not a person with protected rights,

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.]

[<sup>F961</sup>(11C) Where—

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- (a) the Secretary of State determined that, by virtue of being a person granted leave under the Afghan Relocations and Assistance Scheme, a person (“A”) was an eligible part-time student in connection with—
  - (i) an application for support for an earlier year of the current part-time course; or
  - (ii) an application for support in connection with a designated course or other designated part-time course from which A’s status as an eligible part-time student or eligible student has been transferred to the current part-time course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted leave under the Afghan Relocations and Assistance Scheme is allowed to stay in the United Kingdom has expired,

A’s status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.]

(12) Paragraphs (10) and (11) do not apply where A began the course in connection with which the Secretary of State determined that A was an eligible part-time student or eligible student, as the case may be, before 1st September 2007.

- (13) An eligible part-time student may not, at any one time, qualify for support for—
  - (a) more than one designated part-time course;
  - (b) a designated part-time course and a designated course;
  - <sup>F962</sup>(c) . . . . .
  - (d) a designated part-time course and a designated postgraduate course.

**Textual Amendments**

- F932** Words in reg. 137(1) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **10(a)**
- F933** Reg. 137(2)-(2B) substituted for reg. 137(2) (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **16(a)**
- F934** Word in reg. 137(2)(a) inserted (1.9.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **8(4)(a)**
- F935** Word in reg. 137(2)(a) inserted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **11(5)**
- F936** Words in reg. 137(2)(a) substituted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **9(5)(a)**
- F937** Words in reg. 137(2B) substituted (1.9.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **8(4)(b)**
- F938** Reg. 137(3)(za) inserted (23.12.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **6(2)**
- F939** Reg. 137(3)(a) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **18(a)**
- F940** Reg. 137(3)(e) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **10(b)**
- F941** Reg. 137(3A) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/443\)](#), regs. 1(2)(a), **10**

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- F942** Reg. 137(3B) inserted (11.6.2018) by The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (S.I. 2018/599), regs. 1(1), **56**
- F943** Reg. 137(4) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) (No. 3) Regulations 2018 (S.I. 2018/472), regs. 1(2)(a), **10(c)**
- F944** Reg. 137(7) omitted (23.12.2015) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **50**
- F945** Reg. 137(8) omitted (23.12.2015) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **50**
- F946** Reg. 137(9) omitted (23.12.2015) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **50**
- F947** Word in reg. 137(10)(a) substituted (3.3.2017) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(2), **18(b)(i)(aa)**
- F948** Words in reg. 137(10)(a) substituted (3.3.2017) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(2), **18(b)(i)(bb)**
- F949** Words in reg. 137(10)(a) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **6(6)(a)(i)**
- F950** Words in reg. 137(10)(a) substituted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **6(6)(a)(ii)**
- F951** Reg. 137(10)(b) substituted (3.3.2017) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(2), **18(b)(ii)**
- F952** Reg. 137(10A) inserted (with application in accordance with reg. 1(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **7(5)**
- F953** Reg. 137(10B) inserted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **36(5)**
- F954** Reg. 137(10C) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **3(3)(e)**
- F955** Words in reg. 137(11)(a) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **6(6)(a)(i)**
- F956** Words in reg. 137(11)(a) substituted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **6(6)(a)(ii)**
- F957** Reg. 137(11A)(11B) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **16(b)**
- F958** Words in reg. 137(11B)(a)(i) substituted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **5**
- F959** Word in reg. 137(11B)(a)(i) omitted (with application in accordance with reg. 1(3)(e) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **12(2)(a)**
- F960** Words in reg. 137(11B)(a)(ii) omitted (with application in accordance with reg. 1(3)(e) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **12(2)(b)**
- F961** Reg. 137(11C) inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **9(5)(b)**

**F962** Reg. 137(13)(c) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **6(6)(b)**

### Students becoming eligible <sup>F963</sup>for support under Part 11A] during the course of the academic year

**138.**—<sup>F964</sup>(1) .....

<sup>F965</sup>(2) .....

(3) <sup>F966</sup>... Where one of the events listed in paragraph (4) occurs in the course of an academic year, a student may qualify for a fee loan in respect of that academic year in accordance with <sup>F967</sup>Part 11A] provided that—

(a) the relevant event occurred within the first three months of the academic year <sup>F968</sup>and was not an event mentioned in sub-paragraph (a) of that paragraph]; and

(b) a fee loan is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(4) The events are—

<sup>F969</sup>(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;]

(b) the student or the student's spouse, civil partner or parent is recognised as a refugee or becomes <sup>F970</sup>a person granted stateless leave or] a person granted humanitarian protection;

<sup>F971</sup>(c) .....

<sup>F972</sup>(d) the student becomes a family member described in paragraph 9A(1)(a), 9C(1)(a) <sup>F973</sup>, 9D(1)(a) or 9D(2)(a)] of Schedule 1;]

<sup>F974</sup>(e) .....

<sup>F975</sup>(f) the student becomes a person described in paragraph 3(1)(a) of Schedule 1;]

<sup>F976</sup>(g) where regulation 137(2A)(a) applies, the student becomes a person described in paragraph 12(a) of Schedule 1;]

(h) the student becomes a person described in <sup>F977</sup>paragraph 6A(1)(a) of Schedule 1 or, where regulation 137(2A)(a) applies, in] paragraph 6(1)(a) of Schedule 1; <sup>F978</sup>...

<sup>F979</sup>(i) the student becomes a person described in paragraph 11A(a) of Schedule 1 or, where regulation 137(2A)(a) applies, in paragraph 11(1)(a) of Schedule 1;]

<sup>F980</sup>(j) the student becomes a person granted section 67 leave];

<sup>F981</sup>(k) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; <sup>F982</sup>...]

<sup>F983</sup>(l) the student becomes a person granted Calais leave.]]<sup>F984</sup>, <sup>F985</sup>...

(m) the student becomes a person granted indefinite leave to remain as a bereaved partner]]<sup>F986</sup>;

<sup>F987</sup>(n) the student becomes a person described in paragraph 9B(1)(a)(ii) of Schedule 1]; <sup>F988</sup>or]

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[<sup>F989</sup>(o) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.]

### Textual Amendments

- F963** Words in reg. 138 heading inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 3) Regulations 2018 (S.I. 2018/472), regs. 1(2)(a), **11(a)**
- F964** Reg. 138(1) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(3)(b)(i)**
- F965** Reg. 138(2) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(3)(b)(i)**
- F966** Words in reg. 138(3) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(3)(b)(ii)**
- F967** Words in reg. 138(3) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 3) Regulations 2018 (S.I. 2018/472), regs. 1(2)(a), **11(b)**
- F968** Words in reg. 138(3)(a) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **23(3)**
- F969** Reg. 138(4)(a) substituted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **4(1)(e)**
- F970** Words in reg. 138(4)(b) inserted (with application in accordance with reg. 1(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **7(6)**
- F971** Reg. 138(4)(c) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **17(a)**
- F972** Reg. 138(4)(d) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **17(b)**
- F973** Words in reg. 138(4)(d) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(6)**
- F974** Reg. 138(4)(e) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **17(c)**
- F975** Reg. 138(4)(f) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **8(b)**
- F976** Reg. 138(4)(g) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **17(d)**
- F977** Words in reg. 138(4)(h) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **17(e)**
- F978** Word in reg. 138(4)(h) omitted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **36(6)(a)**
- F979** Reg. 138(4)(i) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **17(f)**
- F980** Reg. 138(4)(j) inserted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **36(6)(c)**
- F981** Reg. 138(4)(k) inserted (with application in accordance with reg. 1(3)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **2(3)(d)(ii)**

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- F982** Word in reg. 138(4)(k) omitted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **13(5)(a)**
- F983** Reg. 138(4)(l) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **3(3)(f)**
- F984** Reg. 138(4)(m) and word inserted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **13(5)(b)**
- F985** Word in reg. 138(4)(l) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **17(g)**
- F986** Word in reg. 138(4)(m) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **17(h)**
- F987** Reg. 138(4)(n) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **17(i)**
- F988** Word in reg. 138(4)(n) repositioned (with application in accordance with reg. 1(3)(c) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **9(6)**
- F989** Reg. 138(4)(o) inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **9(6)**

#### **[<sup>F990</sup>Students becoming eligible for support under Part 11B in the course of an academic year**

**138A.**—(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—

- [<sup>F991</sup>(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; ]
- (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;
- [<sup>F992</sup>(c) . . . . .]
- [<sup>F993</sup>(d) the student becomes a person described in paragraph 3(1)(a) of Schedule 1;]
- [<sup>F994</sup>(e) where regulation 137(2A)(a) applies, the student becomes a person described in paragraph 12(a) of Schedule 1;]
- (f) the student becomes a person described in [<sup>F995</sup>paragraph 6A(1)(a) of Schedule 1 or, where regulation 137(2A)(a) applies, in] paragraph 6(1)(a) of Schedule 1; <sup>F996</sup> ...
- [<sup>F997</sup>(g) the student becomes a person described in paragraph 11A(a) of Schedule 1 or, where regulation 137(2A)(a) applies, in paragraph 11(1)(a) of Schedule 1;]
- [ the student becomes a person granted section 67 leave];
- [<sup>F998</sup>(h)



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[ the student becomes a person granted indefinite leave to remain as a victim of domestic  
F999 (i) violence or domestic abuse; F1000 ...]

[ the student becomes a person granted Calais leave.]]<sup>F1002; F1003</sup> ...  
F1001 (j)

(k) the student becomes a person granted indefinite leave to remain as a bereaved partner]]<sup>F1004;</sup>]

[ the student becomes a person described in paragraph 9B(1)(a)(ii) of Schedule 1]; [<sup>F1006</sup>or]  
F1005 (l)

[ the student becomes a person granted leave under the Afghan Relocations and Assistance  
F1007 (m) Scheme.]

(3) An eligible part-time 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.

(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) In this regulation, a “loan for living costs” means a loan for living costs under Part 11B.]

#### Textual Amendments

- F990** Reg. 138A inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **12**
- F991** Reg. 138A(2)(a) substituted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **4(1)(f)**
- F992** Reg. 138A(2)(c) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **18(a)**
- F993** Reg. 138A(2)(d) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **9**
- F994** Reg. 138A(2)(e) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **18(b)**
- F995** Words in reg. 138A(2)(f) inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **18(c)**
- F996** Word in reg. 138A(2)(f) omitted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **36(7)(a)**
- F997** Reg. 138A(2)(g) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **18(d)**
- F998** Reg. 138A(2)(h) inserted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **36(7)(c)**
- F999** Reg. 138A(2)(i) inserted (with application in accordance with reg. 1(3)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **2(3)(e)(ii)**



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- F1000** Word in reg. 138A(2)(i) omitted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **13(6)(a)**
- F1001** Reg. 138A(2)(j) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **3(3)(g)**
- F1002** Reg. 138A(2)(k) and word inserted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **13(6)(b)**
- F1003** Word in reg. 138A(2)(j) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **18(e)**
- F1004** Word in reg. 138A(2)(k) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **18(f)**
- F1005** Reg. 138A(2)(l) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **18(g)**
- F1006** Word in reg. 138A(2) repositioned (with application in accordance with reg. 1(3)(c) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **9(7)**
- F1007** Reg. 138A(2)(m) inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **9(7)**

### Designated part-time courses

**139.**—(1) Subject to paragraphs [<sup>F1008</sup>(2A),] (3), (4) [<sup>F1009</sup>, (5), (5A) and (5B)], a part-time course is designated for the purposes of section 22(1) of the 1998 Act and regulation 137 if—

- (a) it is a course mentioned in Schedule 2 <sup>F1010</sup>... [<sup>F1011</sup>, other than a graduate entry accelerated programme or a graduate entry veterinary course].
- (b) it is of at least one academic year's duration;
- [<sup>F1012</sup>(c) it is ordinarily possible to complete the course in not more than four times the period ordinarily required to complete the full-time equivalent;]
- [<sup>F1013</sup>(d) [<sup>F1014</sup>it is either—
  - (i) wholly provided by a registered provider, or provided by a registered or an unregistered provider on behalf of a registered provider in England;
  - (ii) wholly provided by an authority-funded institution in Scotland, Northern Ireland or Wales;
  - (iii) provided by a registered provider on behalf of an authority-funded institution in Scotland, Northern Ireland or Wales;
  - (iv) provided by an institution situated in Scotland, Northern Ireland or Wales on behalf of a registered provider in England, or by a publicly funded institution situated in Scotland, Northern Ireland or Wales on behalf of an authority-funded institution in Scotland, Northern Ireland or Wales;
  - (v) provided by a registered provider in England in conjunction with an institution which is situated outside the United Kingdom; or
  - (vi) provided by an authority-funded institution in Scotland, Northern Ireland or Wales, in conjunction with an institution which is situated outside the United Kingdom;]
 (da) it is substantially provided in the United Kingdom;]

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- (e) for a course beginning on or after 1st September 2012 which falls within paragraph 1, 2, 4,<sup>F1015</sup> ... 7 or 8 of Schedule 2<sup>F1016</sup>—
  - (i) it is a course which leads to an award granted or to be granted by a body falling within section 214(2) <sup>F1017</sup>(za), (zb),] (a) or (b) of the Education Reform Act 1988; and
  - (ii) the teaching and supervision which comprise the course has been approved by that body];<sup>F1018</sup>and]
- (f) it is not designated by or under regulation 5,<sup>F1019</sup>...

<sup>F1019</sup>(g) .....

(2) In paragraph (1)(e), “award” means any degree, diploma, certificate or other academic award or distinction.

<sup>F1020</sup>(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.]

<sup>F1021</sup>(2AA) A course is not a designated part-time course if its designation has been revoked or is suspended under paragraph (8).]

<sup>F1022</sup>(2A) A course mentioned in Schedule 2 is not a designated part-time course for the purposes of support under Part 11B unless it is—

- (a) a course which leads to an honours degree or an ordinary degree;
- (b) a course which leads to a graduate diploma at an equivalent level to an honours degree or an ordinary degree;
- (c) a course which leads to a graduate certificate at an equivalent level to an honours degree or an ordinary degree;
- (d) a course which leads to a diploma in respect of a course in—
  - (i) a dental profession subject; or
  - (ii) operating department practice;
- (e) a course which leads to a foundation degree in respect of a course in a dental profession subject;
- (f) a course which leads to a Postgraduate Certificate in Education;
- (g) a course which leads to a Professional Graduate Certificate in Education; or

<sup>F1023</sup>(h) any other course not within sub-paragraphs (f) or (g) which—

- (i) is a course of initial teacher training at an accredited institution; and
- (ii) leads to a qualification at an equivalent level to—
  - (aa) a course within sub-paragraphs (f) or (g);
  - (bb) an honours degree; or
  - (cc) an ordinary degree.]

<sup>F1024</sup>(2B) .....

(3) A course falling within paragraph 7 or 8 of Schedule 2 is not a designated part-time course where the governing body of a maintained school or Academy has arranged for the provision of such a course to a pupil of the school or Academy.

(4) A course that is taken as part of an employment-based teacher training scheme is not a designated part-time course.

(5) A first degree course is not a designated part-time course where—

- (a) it leads to the award of a professional qualification;
  - (b) a first degree (or equivalent qualification) would normally be required for entry to a course leading to the award of that professional qualification; and
  - (c) the current course begins on or after 1st September 2009.
- [<sup>F1025</sup>(5A) A postgraduate pre-registration course is not a designated part-time course.]
- [<sup>F1026</sup>(5B) A UK dual degree programme is not a designated part-time course.]
- (6) For the purposes of paragraph (1)—
- (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;
- [<sup>F1027</sup>(aa) 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;]
- (b) a university and any constituent college or institution in the nature of a college of a university is to be regarded as [<sup>F1028</sup>authority-funded] if either the university or the constituent college or institution is [<sup>F1028</sup>authority-funded];<sup>F1029</sup> ...
  - (c) an institution is not to be regarded as publicly funded [<sup>F1030</sup>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<sup>M55</sup> [<sup>F1031</sup>, and]
- [<sup>F1032</sup>(d) 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 [<sup>F1033</sup>in Scotland, Northern Ireland or Wales, or by a private institution which is an unregistered provider in England].]
- (7) For the purposes of section 22 of the 1998 Act and regulation 137(1) the Secretary of State may designate courses of higher education which are not designated by paragraph (1) [<sup>F1034</sup>or (2ZAA)].
- [<sup>F1035</sup>(8) The Secretary of State may revoke or suspend the designation of a course which is designated under [<sup>F1036</sup>this regulation].]

### Textual Amendments

- F1008** Word in reg. 139(1) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **13(a)**
- F1009** Words in reg. 139(1) substituted (with application in accordance with reg. 1(3)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **5(3)(a)**
- F1010** Words in reg. 139(1)(a) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(3)(c)(i)**
- F1011** Words in reg. 139(1)(a) inserted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **5(4)**
- F1012** Reg. 139(1)(c) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(3)(c)(ii)**
- F1013** Reg. 139(1)(d)(da) substituted for reg. 139(1)(d) (7.11.2014) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(2), **15(a)**
- F1014** Reg. 139(1)(d) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **25(2)(a)**

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- F1015** Word in reg. 139(1)(e) omitted (7.11.2014) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(2), **15(b)(i)**
- F1016** Words in reg. 139(1)(e) substituted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **15(b)(ii)**
- F1017** Words in reg. 139(1)(e)(i) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **25(2)(b)**
- F1018** Word in reg. 139(1)(e) inserted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **6(7)(a)**
- F1019** Reg. 139(1)(g) and word omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **6(7)(b)**
- F1020** Reg. 139(2ZAA) inserted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **4(1)(g)(i)**
- F1021** Reg. 139(2AA) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **25(3)**
- F1022** Reg. 139(2A)(2B) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **13(b)**
- F1023** Reg. 139(2A)(h) substituted (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **9**
- F1024** Reg. 139(2B) omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **25(4)**
- F1025** Reg. 139(5A) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/443\)](#), regs. 1(2)(a), **11**
- F1026** Reg. 139(5B) inserted (with application in accordance with reg. 1(3)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **5(3)(b)**
- F1027** Reg. 139(6)(aa) inserted (7.11.2014) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(2), **15(c)**
- F1028** Words in reg. 139(6)(b) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **18(b)(i)**
- F1029** Word in reg. 139(6)(b) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **18(b)(ii)**
- F1030** Words in reg. 139(6)(c) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **18(b)(iii)**
- F1031** Word in reg. 139(6)(c) substituted for full stop (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **18(b)(iv)**
- F1032** Reg. 139(6)(d) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **18(b)(v)**

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- F1033** Words in reg. 139(6)(d) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **25(5)**
- F1034** Words in reg. 139(7) inserted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **4(1)(g)(ii)**
- F1035** Reg. 139(8) inserted (15.1.2014) by [The Education \(Fees and Student Support\) \(Amendment\) Regulations 2013 \(S.I. 2013/3106\)](#), regs. 1(2), **8**
- F1036** Words in reg. 139(8) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **25(6)**

**Marginal Citations**

**M55** 1992 c.13; section 65(3A) was inserted by the [Teaching and Higher Education Act 1998 \(c.30\)](#), [section 27](#).

**[<sup>F1037</sup>Transfer of status**

**139A.**—(1) Where an eligible part-time student transfers to another part-time course, the Secretary of State must transfer the student’s status as an eligible part-time student to that course where—

- (a) the Secretary of State receives a request from the eligible part-time 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.

[<sup>F1038</sup>(1A) Paragraph (1) applies to a person who is an eligible part-time student by virtue of regulation 137(2)(b) only where that person’s status as an eligible part-time student has not been transferred on or after 1st August 2021 from the designated part-time course referred to in regulation 137(2A)(a) to another designated part-time course.]

(2) The grounds for transfer are—

- (a) the eligible part-time student starts to undertake another designated part-time course at the institution;
- (b) the eligible part-time student starts to undertake a designated part-time course at another institution; or
- (c) after beginning a designated part-time course for a first degree (other than an honours degree) the eligible part-time student is, before the completion of that course, admitted to a designated part-time course for an honours degree in the same subject or subjects at the institution.

<sup>F1039</sup>(3) .....

<sup>F1040</sup>(4) .....

(5) An eligible student who transfers under paragraph (1) after the Secretary of State has determined the student’s support in connection with the academic year of the course from which the student is transferring but before the student completes that year may not apply for [<sup>F1041</sup>another grant under regulation 147 in connection with the academic year of the course to which the student transfers,]

<sup>F1042</sup>(6) .....

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### Textual Amendments

**F1037** Regs. 139A-139D inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 3) Regulations 2018 (S.I. 2018/472), regs. 1(2)(a), **14**

**F1038** Reg. 139A(1A) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **19**

**F1039** Reg. 139A(3) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(3)(d)(i)**

**F1040** Reg. 139A(4) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(3)(d)(i)**

**F1041** Words in reg. 139A(5) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(3)(d)(ii)**

**F1042** Reg. 139A(6) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(3)(d)(iii)**

### <sup>F1037</sup> Conversion of status from eligible student to eligible part-time student

**139B.**—(1) Where an eligible student ceases to undertake a designated course and transfers to a designated part-time course at the same or at another institution, the Secretary of State must convert the student's status as an eligible student to that of an eligible part-time student in connection with the course to which the student is transferring where—

- (a) the Secretary of State receives a request from the eligible student to do so; and
- (b) the period of eligibility has not terminated.

(2) Where, before completing the designated course, the student transfers to a part-time course in the same subject or subjects leading to the same qualification at the same institution, the part-time course is to be treated as satisfying regulation 139(1)(b) and (c) if the period of part-time study to be undertaken by the student is of at least one academic year's duration and <sup>F1043</sup> does not exceed four times the period ordinarily required to complete the remainder of the designated course from which the student transfers.]

(3) The following applies to a student ("A") who transfers under paragraph (1)—

- (a) where the Secretary of State has determined to pay an amount of disabled students' allowance to A under Chapter 3 of Part 5 in instalments, no payment in respect of that amount of grant must be made in respect of any instalment period beginning after the date on which A becomes an eligible part-time student;
- (b) the maximum amount of disabled part-time students' allowance to which A would, apart from this regulation, be entitled in connection with A undertaking a designated part-time course in respect of that academic year is reduced by one third where A became an eligible part-time student during the second quarter of the academic year and by two thirds where A became such a student in a later quarter of that year;
- (c) where an amount of disabled students' allowance has been paid to A under Chapter 3 of Part 5 ("the first amount") in a single payment, the maximum amount of disabled part-time students' allowance payable for that purpose is reduced (or, where sub-paragraph (b) applies, further reduced) by the first amount, and where the resulting amount is nil or a negative amount that amount is nil; and
- (d) where immediately before A became an eligible part-time student A was eligible to apply, but had not applied, for a loan for living costs under Part 6 in respect of that academic year, or had not applied for the maximum amount or increased maximum to which A was

entitled under that Part, A may apply for such a loan, or such additional amount of loan, as if A had continued to be an eligible student.

- (4) Except where paragraph (5) applies, where a transfer under paragraph (1) is made—
- (a) the maximum amount of any loan under Part 6 to which the student would, apart from this regulation, be entitled in connection with a designated course in respect of that academic year is reduced—
    - (i) by two thirds, where the student transfers to a designated part-time course at the beginning of the second quarter of that academic year;
    - (ii) by one third, where the student transfers to a designated part-time course at the beginning of the third quarter of that academic year; and
  - (b) the maximum amount of any loan under Part 11B to which the student would be entitled in connection with the designated part-time course in respect of that academic year if the student had been an eligible part-time student throughout that year is reduced—
    - (i) by one third, where the student transfers to a designated part-time course at the beginning of the second quarter of that academic year;
    - (ii) by two thirds, where the student transfers to a designated part-time course at the beginning of the third quarter of that academic year.
- (5) This paragraph applies where an eligible student—
- (a) transfers under paragraph (1); and
  - (b) ceases to undertake the designated course and starts to undertake the designated part-time course in the same quarter of an academic year (“the conversion year”).
- (6) Where paragraph (5) applies—
- (a) the amount of loan under Part 6 to which the student is entitled for the conversion year in respect of the designated course is—
$$(A/B) \times C$$
where—
    - A is the number of days of the designated course which the student undertakes in the conversion year;
    - B is the length of the designated course, in days, in the conversion year;
    - C is the maximum amount of loan to which the student would be entitled in the conversion year under Part 6 were it not for the transfer; and
  - (b) the amount of loan under Part 11B to which the student is entitled for the conversion year in respect of the designated part-time course is—
$$(D/E) \times F$$
where—
    - D is the number of days of the designated part-time course which the student undertakes in the conversion year;
    - E is the length of the designated part-time course, in days, in the conversion year;
    - F is the maximum amount of loan to which the student would be entitled in the conversion year under Part 11B if the student had been an eligible part-time student throughout that year.]



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### Textual Amendments

**F1037** Regs. 139A-139D inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 3) Regulations 2018 (S.I. 2018/472), regs. 1(2)(a), 14

**F1043** Words in reg. 139B(2) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), 4(3)(e)

### [<sup>F1037</sup> Conversion of status from eligible part-time student to eligible student

**139C.**—(1) Where an eligible part-time student ceases to undertake a designated part-time course and transfers to a designated course at the same or at another institution, the Secretary of State must convert that student's status as an eligible part-time student to that of an eligible student in connection with the course to which the student is transferring where—

- (a) the Secretary of State receives a request from the eligible part-time student to do so; and
  - (b) the period of eligibility has not terminated.
- (2) The following applies to a student who transfers under paragraph (1)—
- (a) where the Secretary of State has determined to pay an amount of disabled part-time students' allowance to the student in instalments no payment in respect of that amount of grant must be made in respect of any instalment period beginning after the date on which the student became an eligible student;
  - (b) any support to which the student is entitled under Part 11A in respect of the academic year in which the student transfers is ignored in determining the amount of support to which the student may be entitled in respect of that year under Parts 4 to 6;
  - (c) where an amount of disabled part-time students' allowance has been paid to the student in a single payment, the maximum amount of disabled students' allowance ("the first amount") payable to the student under Chapter 3 of Part 5 for that purpose is reduced (or, where paragraph (3) applies, further reduced) by the first amount, and where the resulting amount is nil or a negative amount that amount is nil;
  - (d) where immediately before A became an eligible student A was eligible to apply, but had not applied, for a loan for living costs under Part 11B in respect of that academic year, or had not applied for the maximum amount or increased maximum to which A was entitled under that Part, A may apply for such a loan, or such additional amount of loan, as if A had continued to be an eligible part-time student.
- (3) Except where paragraph (4) applies, where a transfer under paragraph (1) is made—
- (a) the maximum amount of any loan under Part 11B to which the student would, apart from this regulation, be entitled in connection with a part-time designated course in respect of that academic year is reduced—
    - (i) by two thirds, where the student transfers to the designated course at the beginning of the second quarter of that academic year;
    - (ii) by one third, where the student transfers to the designated course at the beginning of the third quarter of that academic year; and
  - (b) the maximum amount of any loan under Part 6 to which the student would be entitled in connection with a designated course in respect of that academic year if the student had been an eligible student throughout that year is reduced—
    - (i) by one third, where the student transfers to the designated course at the beginning of the second quarter of that academic year;

- (ii) by two thirds where the student transfers to the designated course at the beginning of the third quarter of that academic year.
- (4) This paragraph applies where an eligible part-time student—
- (a) transfers under paragraph (1); and
  - (b) ceases to undertake the designated part-time course and starts to undertake the designated course in the same quarter of an academic year (“the conversion year”).
- (5) Where paragraph (4) applies—
- (a) the maximum amount of loan under Part 11B to which the student is entitled for the conversion year in respect of the designated part-time course is—  
$$(A/B) \times C$$
where—
    - A is the number of days of the designated part-time course which the student undertakes in the conversion year;
    - B is the length of the designated part-time course, in days, in the conversion year;
    - C is the maximum amount of loan to which the student would be entitled in the conversion year under Part 11B were it not for the transfer; and
  - (b) the maximum amount of loan under Part 6 to which the student is entitled for the conversion year in respect of the designated course is—  
$$(D/E) \times F$$
where—
    - D is the number of days of the designated course which the student undertakes in the conversion year;
    - E is the length of the designated course, in days, in the conversion year;
    - F is the maximum amount of loan to which the student would be entitled in the conversion year under Part 6 if the student had been an eligible student throughout the conversion year.]

**Textual Amendments**

**F1037**Regs. 139A-139D inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), 14

**[<sup>F1037</sup>Transfers from courses which are designated to courses which are not designated**

- 139D.**—(1) This paragraph applies where an eligible student—
- (a) transfers from a designated course to a course (including a part-time course) which is not designated; and
  - (b) immediately before the transfer, that student was eligible to apply, but had not applied, for a loan under Part 6 in respect of the academic year (“the transfer year”) in which the transfer occurs.
- (2) Where paragraph (1) applies—
- (a) the student may apply for a loan under Part 6 in respect of the transfer year;

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- (b) for the purposes of such an application, the student is to be treated as if the student were still an eligible student undertaking the designated course; and
- (c) the amount of loan under Part 6 to which the student is entitled in respect of the transfer year is—

$$(A/B) \times C$$

where—

A is the number of days of the designated course which the student undertakes as an eligible student in the transfer year;

B is the length of the designated course, in days, in that year; and

C is the maximum amount of loan to which the student would be entitled under Part 6 for the transfer year, were it not for the transfer.

- (3) This paragraph applies where an eligible part-time student—
  - (a) transfers from a designated part-time course to a course (including a full-time course) which is not designated; and
  - (b) immediately before the transfer the eligible part-time student was eligible to apply, but had not applied, for a loan under Part 11B in respect of the academic year (“the transfer year”) in which the transfer occurs.

(4) Where paragraph (3) applies—

- (a) the student may apply for a loan under Part 11B in respect of the transfer year;
- (b) for the purposes of such an application, the student is to be treated as if the student were still an eligible part-time student undertaking the designated part-time course; and
- (c) the amount of loan under Part 11B to which that student is entitled in respect of the transfer year is—

$$(D/E) \times F$$

where—

D is the number of days of the designated part-time course which the student undertakes as an eligible part-time student in the transfer year;

E is the length of the designated part-time course, in days, in that year; and

F is the maximum amount of loan to which the student would be entitled under Part 11B for the transfer year, were it not for the transfer.]

#### Textual Amendments

**F1037** Regs. 139A-139D inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), 14

#### Period of eligibility

**140.**—(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 137.

(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 137, 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 [F1044]139A to 139C]; 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 relevant period specified in regulation 139(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 139(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 [F1045] and Parts 11A and 11B] 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 156 [F1046] or 157R].
- (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.

#### Textual Amendments

**F1044** Words in [reg. 140\(4\)](#) substituted (with application in accordance with [reg. 1\(2\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), [regs. 1\(2\)\(a\)](#), [15\(a\)](#)

**F1045** Words in [reg. 140\(8\)](#) inserted (with application in accordance with [reg. 1\(2\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), [regs. 1\(2\)\(a\)](#), [15\(b\)\(i\)](#)

**F1046** Words in [reg. 140\(8\)\(c\)](#) inserted (with application in accordance with [reg. 1\(2\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), [regs. 1\(2\)\(a\)](#), [15\(b\)\(ii\)](#)

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## [<sup>F1047</sup>PART 11A

### Fee [<sup>F1048</sup>Loans] and allowances for designated part-time courses

#### Textual Amendments

**F1047**Pt. 11A heading and ss. 140A, 140B inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **16**

**F1048**Word in Pt. 11A heading substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(4)(a)**

#### Interpretation of Part 11A

**140A.**—<sup>F1049</sup>(1) .....

(2) In this Part, the intensity of study is calculated as follows and expressed as a percentage—  
(PT/FT)×100

where—

*PT* is the number of modules, credits, credit points, points or other unit to be awarded to the eligible part-time student by the academic authority if the student successfully completes the academic year in connection with which that student is applying for support;

*FT* is—

- (a) where the course is provided by or on behalf of the Open University, 120;
- (b) where the course is provided by or on behalf of any other institution, the number of modules, credits, credit points, points or other unit that a standard full-time student would be required to obtain in each academic year in order to complete the full-time equivalent within the period ordinarily required to complete that course.

(3) In paragraph (2)—

(a) the reference to the period ordinarily required to complete the full-time equivalent means—

- (i) where the course is provided by or on behalf of the Open University, the period that a standard full-time student would require to complete the full-time equivalent if that student were awarded 120 credit points in each academic year;
- (ii) where the course is provided by or on behalf of any other institution, the period in which a standard full-time student would complete the full-time equivalent;

(b) “standard full-time student” is a student who is to be taken—

- (i) to have begun the full-time equivalent course on the same date as the eligible part-time student began the part-time course in question;
- (ii) not to have been excused any part of the full-time equivalent course;
- (iii) not to have repeated any part of the full-time equivalent course; and
- (iv) not to be absent from the full-time equivalent course other than during vacations.

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**Textual Amendments**

**F1049**Reg. 140A(1) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(4)(b)**

**Availability of support to prisoners**

**140B.** An eligible part-time student who is a prisoner qualifies for support under this Part only—

- (a) if the student is an eligible prisoner; or
- (b) in respect of an academic year during which the student enters prison or is released from prison.

**Assistance for part-time courses in respect of courses beginning before 1st September 2012**

**F1050** **141.** . . . . .

**Textual Amendments**

**F1050**Regs. 141-143 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(4)(c)**

**Amount of assistance in respect of courses beginning before 1st September 2012**

**F1050** **142.** . . . . .

**Textual Amendments**

**F1050**Regs. 141-143 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(4)(c)**

**Interpretation of regulation 142**

**F1050** **143.** . . . . .

**Textual Amendments**

**F1050**Regs. 141-143 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(4)(c)**

**Fee [<sup>F1051</sup>loans] for designated part-time courses beginning on or after 1st September 2012**

**144.—**(1) An eligible part-time student (“A”) qualifies for a fee loan in respect of the fees payable by A in connection with A’s undertaking a designated part-time course beginning on or after 1st September 2012.

(2) A part-time student does not qualify for a fee loan if the intensity of study during the academic year for which support is claimed is less than 25% [<sup>F1052</sup>of an equivalent full-time course].

[<sup>F1053</sup>(3) An eligible part-time student qualifies for a fee loan under paragraph (1) if the Secretary of State considers that—

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- (a) the student is attending the course in the United Kingdom, or
- (b) where the course is a part-time distance learning course, the student is undertaking the course in England on the first day of the first academic year.]

[<sup>F1054</sup>(3ZA) For the purposes of paragraph (3)(b), 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) A’s parent, or
- (d) 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.]

[<sup>F1055</sup>(3A) A student qualifying for a fee loan in respect of a part-time distance learning course under paragraph (3) will no longer qualify for a fee loan in respect of that course if the Secretary of State considers that the student is undertaking the course outside the United Kingdom.]

[<sup>F1056</sup>(3B) Paragraphs (3)(b) and (3A) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.]

(4) [<sup>F1057</sup>Subject to [<sup>F1058</sup>paragraphs (6) to (12)]] an eligible part-time student does not qualify for support under this regulation if the current part-time course leads to an equivalent or lower qualification.

- (5) An eligible part-time student does not qualify for support under this regulation if—
  - (a) the student has undertaken one or more part-time courses for sixteen academic years in aggregate; and
  - (b) the student was eligible to apply for a fee loan under this regulation or a loan or grant of the kind described in [<sup>F1059</sup>paragraph (5A)] in respect of each of those academic years.

[<sup>F1060</sup>(5A) The loans and grants are—

- (a) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course pursuant to regulations made under section 22 of the 1998 Act;
- (b) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course by the Department for the Economy pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998; or
- (c) a loan in respect of an academic year of a part-time course made pursuant to regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980.]
- (6) [<sup>F1061</sup>Paragraph (4) does not apply]if—
  - (a) the current part-time course is a course for the initial training of teachers <sup>F1062</sup>...;
  - (b) the duration of the current course does not exceed four years; and
  - (c) the student is not a qualified teacher.



- [<sup>F1063</sup>(6A) Paragraph (6) does not apply where—
- (a) the current course is a course for the initial training of teachers in further education which has content equivalent to a Diploma in Education and Training, a Professional Graduate Certificate in Education or a Postgraduate Certificate in Education; and
  - (b) the student already holds qualified teacher learning and skills status.]

- [<sup>F1064</sup>(7) Paragraph (4) does not apply if—
- (a) the current part-time course—
    - (i) is a course in [<sup>F1065</sup>engineering and technology or computing] (or a combination of those subjects);
    - (ii) leads to an honours degree; and
  - (b) the student begins the current part-time course on or after 1st August 2015.

- [<sup>F1066</sup>(7A) Paragraph (4) does not apply if—
- (a) the current part-time course—
    - [<sup>F1067</sup>(i) is a course in agriculture, food and related studies, biological and sport sciences,<sup>F1068</sup> ... [<sup>F1069</sup>geography, earth] and environmental studies, mathematical sciences, medicine and dentistry, physical sciences, psychology, subjects allied to medicine or veterinary sciences (or a combination of those subjects);]
    - (ii) leads to an honours degree; and
  - (b) the student begins the current part-time course on or after 1st August 2017.

- (7B) Paragraph (4) does not apply if—
- (a) the current part-time course—
    - (i) is a pre-registration course in an allied health profession subject, midwifery, nursing, nursing and social work or operating department practice;
    - [<sup>F1070</sup>(ii) leads to—
      - (aa) an ordinary degree or an honours degree;
      - (bb) in respect of a course in a dental profession subject, an ordinary degree, an honours degree, a diploma or a foundation degree; or
      - (cc) in respect of a course in operating department practice, an ordinary degree, an honours degree or a diploma;]
  - (b) the student begins the current part-time course on or after 1st August 2017<sup>F1071</sup>...[<sup>F1072</sup>or, in the case of a course in a dental profession subject, begins on or after 1st August 2018]]

- (8) Paragraph (4) does not apply where the Secretary of State determines that the following conditions are satisfied—
- (a) the student has provided all information required by the Secretary of State in relation to qualifications held by the student;
  - (b) that information is accurate; and
  - (c) the Secretary of State has provided written notification that the student qualifies for support under this regulation in respect of [<sup>F1073</sup>—
- (i) the first academic year of the current course, where the determination by the Secretary of State is made before the first day of the first academic year of the current course;

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- (ii) the academic year of the current course during which the determination by the Secretary of State is made; or
- (iii) an academic year of the current course in respect of which the determination of the Secretary of State is made, which the student has completed before the making of that determination].

(9) Where paragraph (8) applies, the student qualifies for support under this regulation in accordance with paragraphs (10) to<sup>F1074</sup>(12A)].

(10) If the Secretary of State makes the determination before the first day of the first academic year of the current part-time course then the student qualifies for support under this regulation in respect of the first academic year of the current part-time course.

(11) If the Secretary of State makes the determination on or after the first day of the first academic year of the current part-time course then the student qualifies for support under this regulation in respect of—

- (a) the academic year of the current part-time course during which the Secretary of State makes the determination; and
- (b) an academic year of the current part-time course which the student has completed prior to the Secretary of State making the determination.

<sup>F1075</sup>(12) Paragraphs (10) and (11) do not apply if the Secretary of State considers that there are exceptional circumstances.]]

[<sup>F1076</sup>(12A) Where the Secretary of State considers that there are exceptional circumstances, the Secretary of State may determine that the student should qualify for support under this regulation in respect of one or more academic years of the current part-time course, as appropriate, whether or not the student has completed those academic years prior to the Secretary of State making the determination.]

#### Textual Amendments

- F1051** Word in reg. 144 heading substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(4)(d)(i)**
- F1052** Words in reg. 144(2) inserted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **30(a)**
- F1053** Reg. 144(3) substituted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **30(b)**
- F1054** Reg. 144(3ZA) inserted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **3(3)**
- F1055** Reg. 144(3A) inserted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **30(c)**
- F1056** Reg. 144(3B) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **20(a)**
- F1057** Words in reg. 144(4) inserted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **30(d)**
- F1058** Words in reg. 144(4) substituted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **17(a)**
- F1059** Words in reg. 144(5) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(4)(d)(ii)**

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- F1060**Reg. 144(5A) inserted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(4)(d)(iii)**
- F1061**Words in reg. 144(6) substituted (1.8.2012) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(3), **30(e)**
- F1062**Words in reg. 144(6)(a) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **7(4)(a)**
- F1063**Reg. 144(6A) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **7(4)(b)**
- F1064**Reg. 144(7)-(12) inserted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(4)(a), **17(b)**
- F1065**Words in reg. 144(7) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **26(2)**
- F1066**Reg. 144(7A)(7B) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **20(b)**
- F1067**Reg. 144(7A)(a)(i) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **26(3)**
- F1068**Words in reg. 144(7A)(a)(i) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **8(1)(a)(i)**
- F1069**Words in reg. 144(7A)(a)(i) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **8(1)(a)(ii)**
- F1070**Reg. 144(7B)(a)(ii) substituted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **12(2)(a)**
- F1071**Words in reg. 144(7B)(b) omitted (28.3.2018) by virtue of The Education (Student Support) (Revocation, Amendment and Saving Provision) Regulations 2018 (S.I. 2018/434), regs. 1(2), **14(2)(b)** (with reg. 3)
- F1072**Words in reg. 144(7B)(b) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **12(2)(b)**
- F1073**Reg. 144(8)(c)(i)-(iii) substituted for words in reg. 144(8)(c) (23.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **8(1)**
- F1074**Word in reg. 144(9) substituted (27.2.2018) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **4(4)(a)**
- F1075**Reg. 144(12) substituted (27.2.2018) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **4(4)(b)**
- F1076**Reg. 144(12A) inserted (27.2.2018) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **4(4)(c)**

### Amount of the fee loan - courses beginning on or after 1st September 2012

**145.**—(1) The amount of a fee loan in respect of an academic year of a designated part-time course must not exceed the lesser of—

- (a) the fees payable by the student in connection with that year; and
- (b) the maximum amount.

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- (2) For the purposes of this regulation, the “maximum amount” means-
- (a) [<sup>F1077</sup>£6,935] where the current part-time course is provided by or on behalf of [<sup>F1078</sup>an approved (fee cap) provider or] a publicly funded institution [<sup>F1079</sup>or the current part-time course is a course for the initial training of teachers provided by an accredited institution which is an unregistered provider];
- [<sup>F1080</sup>(b) £4,500, where the current part-time course is provided by
- [<sup>F1081</sup>(i) an approved provider in England (other than on behalf of an approved (fee cap) provider or a publicly funded institution);
- (ii) an unregistered provider or a private institution on behalf of an approved provider;
- (iii) an unregistered provider in England (other than on behalf of an approved or an approved (fee cap) provider) where the course began before 1st August 2019; or
- (iv) a private institution in Scotland, Northern Ireland or Wales (other than on behalf of an approved (fee cap) provider or a publicly funded institution);
- and the provider of the course does not have a high level quality rating in a case specified in paragraph (i), (ii) or (iv), or did not have a high level quality rating in the academic year starting before 1st August 2019 in a case specified in paragraph (iii)]];
- [ £4,625, where the current part-time course is provided by
- [<sup>F1082</sup>(c) [<sup>F1083</sup>(i) an approved provider in England (other than on behalf of an approved (fee cap) provider or a publicly funded institution);
- (ii) an unregistered provider or a private institution on behalf of an approved provider;
- (iii) an unregistered provider in England (other than on behalf of an approved or an approved (fee cap) provider) where the course began before 1st August 2019; or
- (iv) a private institution in Scotland, Northern Ireland or Wales (other than on behalf of an approved (fee cap) provider or a publicly funded institution);
- and the provider of the course has a high level quality rating in a case specified in paragraph (i), (ii) or (iv), or had a high level quality rating in the academic year starting before 1st August 2019 in a case specified in paragraph (iii)]]].
- (3) If a student's status as an eligible part-time student is transferred from one designated part-time course to another under regulation [<sup>F1084</sup>139A] and the circumstances in paragraph (4) apply, the student may apply to the Secretary of State to borrow an additional amount by way of a fee loan in respect of the academic year of the course to which that student transfers.
- (4) The circumstances are—
- (a) the fees payable in respect of the academic year of the course to which the student transfers exceed the fees payable in respect of the academic year of the course from which the student is transferring; and
- (b) the academic year of the course to which the student transfers does not begin on a later date than the academic year of the course from which the student is transferring.
- (5) If a student's status as an eligible part-time student is transferred from one designated part-time course to another under these Regulations and the circumstances in paragraph (6) apply, the student may apply to the Secretary of State for another fee loan in respect of the academic year of the course to which the student transfers.
- (6) The circumstances are that the academic year of the course to which the current system student transfers begins on a later date than the academic year of the course from which that student is transferring.
- (7) Where paragraph (3) applies, the maximum additional amount that the student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for

a fee loan in respect of that year, is determined by deducting the amount of any fee loan the student has taken out under these Regulations in respect of the academic year from which the student is transferring from the lesser of—

- (a) the amount specified in paragraph (2) applicable in the student's case; and
- (b) the fees payable by the student in respect of the academic year to which the student is transferring.

(8) Where paragraph (5) applies, the maximum amount of fee loan that a student may borrow in respect of the academic year to which that student transfers provided that the student qualifies for a fee loan in respect of that year is the lesser of—

- (a) the amount specified in paragraph (2) applicable in the student's case; and
- (b) the fees payable by the student in connection with that year.

(9) Where a student has applied for a fee loan of less than the maximum amount available in relation to an academic year, that 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 that student's case.

(10) If a student's status as an eligible part-time student is transferred from one course to another under regulation [F<sup>1085</sup>139A] and the circumstances in paragraph (11) apply, the student may apply to the Secretary of State to reduce the amount of fee loan borrowed in respect of the remainder of the academic year.

(11) The circumstances are—

- (a) the fees payable in respect of the academic year of the course to which the eligible part-time student transfers are lower than the fees payable in respect of the academic year of the course from which the student is transferring;
- (b) the academic year of the course to which the eligible part-time student transfers does not begin on a later date than the academic year of the course from which the student is transferring.

(12) For the purposes of paragraph (11), the “remainder of the academic year” means the period of the academic year in respect of which the academic authority has not made a request to the Secretary of State for payment of the fee loan or fee loan instalment.

(13) A student may apply to the Secretary of State to reduce the amount of fee loan for which the student has applied in respect of a period of the academic year for which the academic authority has not made a request to the Secretary of State for payment of the fee loan or fee loan instalment under regulation 155.

#### Textual Amendments

**F1077** Sum in reg. 145(2)(a) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), reg. 1(3), **Sch. 2**

**F1078** Words in reg. 145(2)(a) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **27(2)(i)**

**F1079** Words in reg. 145(2)(a) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **27(2)(ii)**

**F1080** Reg. 145(2)(b) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **21(a)**

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- F1081** Reg. 145(2)(b)(i)-(iv) and words substituted for words in reg. 145(2)(b) (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **27(3)**
- F1082** Reg. 145(2)(c) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **21(b)**
- F1083** Reg. 145(2)(c)(i)-(iv) and words substituted for words in reg. 145(2)(c) (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **27(4)**
- F1084** Word in reg. 145(3) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 3) Regulations 2018 (S.I. 2018/472), regs. 1(2)(a), **19**
- F1085** Word in reg. 145(10) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 3) Regulations 2018 (S.I. 2018/472), regs. 1(2)(a), **19**

## Assistance with fees in respect of attendance on a course in Wales, Northern Ireland or Scotland

**F1086** 146. ....

### Textual Amendments

**F1086** Reg. 146 omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(4)(e)**

## Disabled part-time students' allowance

- 147.**—<sup>F1087</sup>(1) A student qualifies for a grant under this regulation if the student—
- (a) is an eligible part-time student; and
  - (b) has a disability.]
- (2) An eligible part-time student does not qualify for the grant under this regulation—
- <sup>F1088</sup>(a) if the only paragraph or paragraphs in Part 2 of Schedule 1 into which the student falls is one or more of <sup>F1089</sup>paragraphs 2A, 3(1)(d)(ii), 6A(1)(c)(ii), 7A(1)(b)(ii), 9, 9A, 9BA, 9BB, 9C, 9D, 10, 10ZA, 11A(c)(ii) and 12A(d)(ii).]
- (b) unless the Secretary of State considers that the student is undertaking the designated part-time course in the United Kingdom; or
  - (c) subject to <sup>F1090</sup>paragraph (3)], where the student is a prisoner.
- <sup>F1091</sup>(2A) Paragraph (2)(b) does not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.]
- (3) Paragraph (2)(c) does not apply in respect of an academic year during which the student enters prison or is released from prison.
- (4) Where the current part-time course begins on or after 1st September 2012, an eligible part-time student does not qualify for grant under this regulation if the intensity of study during the academic year for which support is claimed is less than 25% <sup>F1092</sup>of an equivalent full-time course].

[<sup>F1093</sup>(4A) The Secretary of State is authorised to pay a grant under this regulation to an eligible part-time student (“A”) who qualifies for that grant for the purpose of assisting with the additional expenditure which A is obliged to incur by reason of A’s disability in respect of undertaking a designated part-time course.]

[<sup>F1094</sup>(4B) The expenditure for which the grant may be paid includes, in particular—

- (a) expenditure on a non-medical personal helper;
- (b) expenditure on major items of specialist equipment;
- (c) travel expenditure.]

(5) Subject to the following paragraphs, the amount of grant under this regulation is the amount that the Secretary of State considers appropriate in accordance with the student's circumstances.

[<sup>F1095</sup>(5A) Subject to paragraph (6), the amount of the grant under this regulation in respect of additional expenditure on a computer must not exceed an amount equal to the additional expenditure incurred less £200.]

[<sup>F1096</sup>(6) The amount of the grant under this regulation in respect of an academic year—

- (a) for expenditure other than travel expenditure, must not exceed [<sup>F1097</sup>£25,575];
- (b) for travel expenditure, must not exceed an amount equal to that expenditure.]

[<sup>F1098</sup>(7) Subject to paragraph (8), the grant under this regulation is payable in respect of the four quarters of the academic year <sup>F1099</sup>....

(8) Where one of the events listed in regulation 138(4)(a), (b), <sup>F1100</sup>... (f), (g), (h) [<sup>F1101</sup>, (i), (j), (k), (l) [<sup>F1102</sup>, (m) or (n)]] occurs in the course of an academic year, a student may qualify for the grant under this regulation [<sup>F1103</sup>in respect of—

- (a) the quarter in which the relevant event occurs, and
- (b) if relevant, such quarters as begin after the relevant event occurs.]]]

### Textual Amendments

**F1087**Reg. 147(1) substituted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(4)(a), **18(a)**

**F1088**Reg. 147(2)(a) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **20(a)**

**F1089**Words in reg. 147(2)(a) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(7)**

**F1090**Words in reg. 147(2)(c) substituted (7.11.2014) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **18(b)**

**F1091**Reg. 147(2A) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(3), **22**

**F1092**Words in reg. 147(4) inserted (1.8.2012) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(3), **31(a)**

**F1093**Reg. 147(4A) inserted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(4)(a), **18(c)**

**F1094**Reg. 147(4B) inserted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **25(5)(a)**



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- F1095** Reg. 147(5A) inserted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(4)(a), **18(d)**
- F1096** Reg. 147(6) substituted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **25(5)(b)**
- F1097** Sum in reg. 147(6)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F1098** Reg. 147(7)(8) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(2)(a), **31(b)**
- F1099** Words in reg. 147(7) omitted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **25(5)(c)**
- F1100** Word in reg. 147(8) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **20(b)(i)**
- F1101** Words in reg. 147(8) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **26(6)**
- F1102** Words in reg. 147(8) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **20(b)(ii)**
- F1103** Words in reg. 147(8) substituted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **25(5)(d)**

## Applications for support

**148.**—(1) A person (the “applicant”) must apply for support [<sup>F1104</sup>under this Part] in connection with each academic year of a designated part-time course by completing and submitting to the Secretary of State an application in such form as the Secretary of State may require.

[<sup>F1105</sup>(2) The application must be accompanied by such documentation as the Secretary of State may require.]

(3) 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 part-time student, whether the applicant qualifies for support and the amount of support payable, if any.

(4) The Secretary of State must notify the applicant of whether the applicant qualifies for support and, if the applicant does qualify, the amount of support payable in respect of the academic year, if any.

(5) The general rule is that the application must reach the Secretary of State no later than the end of the ninth month of the academic year in respect of which it is submitted.

(6) The general rule does not apply where—

- (a) one of the events listed in paragraph [<sup>F1106</sup>(4)] of regulation 138 occurs after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the Secretary of State within a period of nine months beginning with the day on which the relevant event occurred;
- (b) the applicant is applying for the disabled part-time students' allowance, in which case the application must reach the Secretary of State as soon as is reasonably practicable; or

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- (c) the Secretary of State considers that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the Secretary of State not later than such date as the Secretary of State specifies;
- (d) the applicant is applying to borrow an additional amount of fee loan, in which case the application must reach the Secretary of State not later than one month before the end of the academic year to which the application relates.

**Textual Amendments**

**F1104** Words in reg. 148(1) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **20**

**F1105** Reg. 148(2) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(4)(f)**

**F1106** Word in reg. 148(6)(a) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **27(b)**

**Declarations provided by academic authorities**

149.—(1) Subject to paragraph (2), the academic authority must complete a declaration in such form as may be required by the Secretary of State.

(2) An academic authority is not required to complete a declaration if it is unable to give the confirmation required.

<sup>F1107</sup>(3) .....

<sup>F1108</sup>(4) .....

[<sup>F1109</sup>(5) In this Part, “declaration” <sup>F1110</sup>... means a statement that—

- (a) provides the course information; and
- (b) confirms that the applicant has undertaken at least two weeks of the designated part-time course in respect of which the applicant is applying for support [<sup>F1111</sup>under this Part].]

(6) In this regulation, “course information” means—

- (a) the amount of fees being charged in respect of the academic year in respect of which the applicant is applying for support;
- (b) <sup>F1112</sup>... the intensity of study;
- (c) certification by the academic authority that it considers—
  - (i) the course to be a designated part-time course;
  - (ii) that it will be possible for the applicant to complete the course within the period specified in regulation 139(1)(c).

(7) <sup>F1113</sup>... The “intensity of study” in paragraph (6)(b) means confirmation by the academic authority that the intensity of study during the academic year for which support is claimed is not less than 25% [<sup>F1114</sup>of an equivalent full-time course].

(8) For the purposes of paragraph (6)(c)(ii), the academic authority must have regard to—

- (a) any increase in intensity of study that would be required for the applicant to complete the course within the period specified in regulation 139(1)(c);
- (b) any parts of the course which the applicant has been required to repeat.

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**Textual Amendments**

- F1107** Reg. 149(3) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(4)(g)(i)**
- F1108** Reg. 149(4) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(4)(g)(i)**
- F1109** Reg. 149(5) substituted (1.8.2012) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(3), **32(b)**
- F1110** Words in reg. 149(5) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(4)(g)(ii)**
- F1111** Words in reg. 149(5) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 3) Regulations 2018 (S.I. 2018/472), regs. 1(2)(a), **21**
- F1112** Words in reg. 149(6)(b) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(4)(g)(iii)**
- F1113** Words in reg. 149(7) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(4)(g)(iv)**
- F1114** Words in reg. 149(7) inserted (1.8.2012) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(3), **32(c)**

**Information**

**150.** Schedule 3 deals with the provision of information.

**Transfer of status**

<sup>F1115</sup>**151.** . . . . .

**Textual Amendments**

**F1115** Reg. 151 omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) (No. 3) Regulations 2018 (S.I. 2018/472), regs. 1(2)(a), **22**

**Conversion of status**

<sup>F1116</sup>**152.** . . . . .

**Textual Amendments**

**F1116** Reg. 152 omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of The Education (Student Support) (Amendment) (No. 3) Regulations 2018 (S.I. 2018/472), regs. 1(2)(a), **22**

**Payment of [<sup>F1117</sup>disabled part-time students' allowances]**

**153.—(1)** Payments of <sup>F1118</sup>... the disabled part-time students' allowance may be made in such manner as the Secretary of State considers appropriate and the Secretary of State may make it a condition of entitlement to payment that the eligible part-time 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.

(2) Where the Secretary of State cannot make a final assessment on the basis of the information provided by the student, the Secretary of State may make a provisional assessment and payment of <sup>F1119</sup>... the disabled part-time students' allowance.

(3) The Secretary of State may pay <sup>F1120</sup>... the disabled part-time students' allowance in instalments.

(4) Subject to paragraph (5), the Secretary of State may pay <sup>F1121</sup>... the disabled part-time students' allowance at such times as the Secretary of State considers appropriate.

(5) The Secretary of State must not pay the first instalment or, where it has been determined not to pay support in instalments, make any payment of <sup>F1122</sup>... the disabled part-time students' allowance before the Secretary of State has received a declaration under regulation 149 unless an exception applies.

(6) An exception applies if—

- (a) a disabled part-time students' allowance is payable in which case that particular grant may be paid before the Secretary of State has received a declaration;
- (b) the Secretary of State has determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving a declaration.

**Textual Amendments**

- F1117** Words in reg. 153 heading substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(4)(h)(i)**
- F1118** Words in reg. 153(1) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(4)(h)(ii)**
- F1119** Words in reg. 153(2) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(4)(h)(ii)**
- F1120** Words in reg. 153(3) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(4)(h)(ii)**
- F1121** Words in reg. 153(4) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(4)(h)(ii)**
- F1122** Words in reg. 153(5) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(4)(h)(iii)**

**Payment of grants for fees**

<sup>F1123</sup>**154.** .....

**Textual Amendments**

- F1123** Reg. 154 omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **4(4)(i)**

**Payment of loans for fees**

**155.**—(1) The Secretary of State must pay the fee loan for which an eligible part-time student qualifies to an institution to which the student is liable to make payment.

(2) The Secretary of State may pay the fee loan in instalments.

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(3) The Secretary of State must not pay the fee loan or [<sup>F1124</sup>any] instalment of the fee loan before the Secretary of State has received from the academic authority—

- (a) a request for payment; <sup>F1125</sup> ...
- (b) a declaration under regulation 149 [<sup>F1126</sup>; and]

[ confirmation (in such form as may be required by the Secretary of State) of the eligible <sup>F1127</sup>(c) part-time student’s attendance on the course for the period to which the instalment relates].

[<sup>F1128</sup>(3A) For a student beginning the current course on or after 1st August 2016, the academic authority must not complete a declaration under regulation 149—

- (a) in the case of an institution with degree awarding powers pursuant to section 76 of the Further and Higher Education Act 1992 [<sup>F1129</sup>or sections 42 to 49 of the 2017 Act], until the student is registered on the course at the institution;
- (b) in the case of a course validated by an institution with degree awarding powers pursuant to section 76 of the Further and Higher Education Act 1992 [<sup>F1130</sup>or sections 42 to 49 of the 2017 Act], until the validating institution has been notified by the institution teaching the student that the student is studying on the course covered by the validation agreement; or
- (c) where neither sub-paragraph (a) or (b) applies, until the student has been registered with the relevant awarding body.]

(4) The academic authority must inform the Secretary of State when a student ceases to attend or undertake the designated part-time course during the academic year.

(5) No payment of fee loan or instalment of fee loan can be made in respect of a designated part time course once the academic authority has informed the Secretary of State that the student has ceased to attend or undertake the course during the academic year.

#### Textual Amendments

**F1124** Word in reg. 155(3) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **23(a)**

**F1125** Word in reg. 155(3) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **23(b)**

**F1126** Word in reg. 155(3)(b) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **23(c)**

**F1127** Reg. 155(3)(c) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **23(d)**

**F1128** Reg. 155(3A) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **51**

**F1129** Words in reg. 155(3A)(a) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **28(2)**

**F1130** Words in reg. 155(3A)(b) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **28(2)**

## Overpayments [<sup>F1131</sup>of disabled part-time students' allowances]

156.—<sup>F1132</sup>(1) .....

(2) [<sup>F1133</sup>A] part-time student must, if so required by the Secretary of State, repay any amount paid to the student under this Part which for whatever reason exceeds the amount of [<sup>F1134</sup>disabled part-time students' allowance to which the student is entitled.]

(3) The Secretary of State must recover an overpayment of <sup>F1135</sup>... disabled part-time students' allowance unless the Secretary of State considers that it is not appropriate to do so.

(4) The methods of recovery are—

- (a) subtracting the overpayment from any kind of grant [<sup>F1136</sup>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;
- (b) taking such other action for the recovery of an overpayment as is available to the Secretary of State.

(5) A payment of the disabled part-time students' allowance made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the Secretary of State decides otherwise.

(6) In this regulation, the “relevant date” is the date on which the first term of the academic year in question actually begins.

(7) In the circumstances set out in paragraph (8) or (9), there is an overpayment of the disabled part-time students' allowance unless the Secretary of State decides otherwise.

(8) The circumstances are—

- (a) the Secretary of State applies all or part of the disabled part-time students' allowance to the purchase of specialist equipment on behalf of the <sup>F1137</sup>... part-time student;
- (b) the student's period of eligibility terminates after the relevant date; and
- (c) the equipment has not been delivered to the student before the period of eligibility terminated.

(9) The circumstances are—

- (a) the <sup>F1138</sup>... part-time student's period of eligibility terminates after the relevant date; and
- (b) a payment of the disabled part-time students' allowance in respect of specialist equipment is made to the student after the period of eligibility terminated.

(10) Where there is an overpayment of the disabled part-time students' allowance, the Secretary of State may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if the Secretary of State considers it is appropriate to do so.

### Textual Amendments

**F1131** Words in [reg. 156](#) heading substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), [regs. 1\(2\)](#), [4\(4\)\(j\)\(i\)](#)

**F1132** [Reg. 156\(1\)](#) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), [regs. 1\(2\)](#), [4\(4\)\(j\)\(ii\)](#)

**F1133** Word in [reg. 156\(2\)](#) substituted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), [regs. 1\(2\)](#), [52\(a\)](#)

**F1134** Words in [reg. 156\(2\)](#) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), [regs. 1\(2\)](#), [4\(4\)\(j\)\(iii\)](#)

**F1135** Words in [reg. 156\(3\)](#) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), [regs. 1\(2\)](#), [4\(4\)\(j\)\(iv\)](#)



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**F1136** Words in reg. 156(4)(a) inserted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **52(b)**

**F1137** Word in reg. 156(8)(a) omitted (23.12.2015) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **52(b)**

**F1138** Word in reg. 156(9)(a) omitted (23.12.2015) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **52(b)**

### Overpayments of [<sup>F1139</sup>fee loans]

**157.**—(1) Any overpayment of [<sup>F1140</sup>a fee loan] is recoverable by the Secretary of State from—

- (a) the academic authority; or
- (b) the student in respect of whom the payment of [<sup>F1140</sup>a fee loan] was made.

[<sup>F1141</sup>(1A) A student must, if so required by the Secretary of State, repay any amount of [<sup>F1142</sup>a fee loan] paid in respect of the student which for whatever reason exceeds the amount of [<sup>F1140</sup>a fee loan] to which the student is entitled.]

(2) An overpayment of a fee 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 fee loan which remains to be paid;
  - [ by subtracting the overpayment from any kind of grant or loan payable to the student from
  - <sup>F1143</sup>(aa) time to time pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act.]
- (b) by requiring the student to repay the fee loan in accordance with regulations made under section 22 of the 1998 Act;
- (c) by taking such other action for the recovery of an overpayment as is available to the Secretary of State.]

### Textual Amendments

**F1139** Words in reg. 157 heading substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(4)(k)(i)**

**F1140** Words in reg. 157(1) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(4)(k)(ii)**

**F1141** Reg. 157(1A) inserted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **53(a)**

**F1142** Words in reg. 157(1A) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(4)(k)(ii)**

**F1143** Reg. 157(2)(aa) inserted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **53(b)**



## [<sup>F1144</sup>PART 11B

### LOANS FOR LIVING COSTS IN CONNECTION WITH DESIGNATED PART-TIME COURSES

#### Textual Amendments

**F1144**Pt. 11B inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), reg. 1(2)(a), [Sch. 1](#)

#### CHAPTER 1

#### Qualifying and applying for the loan for living costs

#### Interpretation of Part 11B

**157A.**—(1) In this Part,

- (a) “eligible part-time student with full entitlement” is an eligible part-time student other than an eligible part-time student with reduced entitlement;
- (b) “eligible part-time student with reduced entitlement” has the meaning given in regulation 157F(3);
- (c) “special support loan” is a loan to defray the costs of books, equipment, travel or childcare incurred for the purpose of attending a designated part-time course;
- (d) “standard full-time student” is a student who is to be taken—
  - (i) to have begun the full-time equivalent on the same date as the eligible part-time student began the part-time course in question;
  - (ii) not to have been excused any part of the full-time equivalent;
  - (iii) not to have repeated any part of the full-time equivalent; and
  - (iv) not to be absent from the full-time equivalent other than during vacations.

(2) In this Part, the intensity of study is calculated as follows and expressed as a percentage—

$(PT/FT) \times 100$

where—

PT is the number of modules, credits, credit points, points or other unit to be awarded to the eligible part-time student by the academic authority if the student successfully completes the academic year in connection with which that student is applying for a loan for living costs;

FT is—

- (a) where the course is provided by or on behalf of the Open University, 120;
- (b) where the course is provided by or on behalf of any other institution, the number of modules, credits, credit points, points or other unit that a standard full-time student would be required to obtain in each academic year in order to complete the full-time equivalent within the period ordinarily required to complete that course.

(3) In this Part, a reference to the period ordinarily required to complete the full-time equivalent means—

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- (a) where the course is provided by or on behalf of the Open University, the period that a standard full-time student would require to complete the full-time equivalent if that student were awarded 120 credit points in each academic year;
- (b) where the course is provided by or on behalf of any other institution, the period in which a standard full-time student would complete the full-time equivalent.

### **Qualifying conditions for the loan for living costs**

**157B.**—(1) Subject to the provisions of this regulation, an eligible part-time student qualifies for a loan for living costs in connection with the student’s attendance on a designated part-time course (“the relevant course”) if—

- (a) the student—
  - (i) begins the relevant course on or after 1st August 2018;
  - (ii) transfers on or after 1st August 2018 from a designated course to the relevant course; or
  - (iii) transfers to the relevant course from a designated part-time course which the eligible part-time student started on or after 1st August 2018; and
- (b) the student—
  - (i) is under the age of 60 on the relevant date; or
  - (ii) where the student transfers to the relevant course from a course described in subparagraph (a)(ii) or (iii) (“the first course”), was under the age of 60 on the first day of the first academic year of the first course.

(2) An eligible part-time student does not qualify for a loan for living costs in connection with a designated part-time course if—

- [<sup>F1145</sup>(a) the only paragraph or paragraphs in Part 2 of Schedule 1 into which the student falls is one or more of [<sup>F1146</sup>paragraphs 2A, 3(1)(d)(ii), 6A(1)(c)(ii), 7A(1)(b)(ii), 9, 9A, 9BA, 9BB, 9C, 9D, 10, 10ZA, 11A(c)(ii) and 12A(d)(ii).]
- (b) the student is a prisoner; or
- (c) the course is a distance learning course unless the student is treated as being in attendance on the designated part-time course under regulation 157M.

(3) An eligible part-time student does not qualify for a loan for living costs in respect of a designated part-time course if the intensity of study during the academic year for which the loan is claimed is less than 25 per cent of the course’s full-time equivalent.

- (4) An eligible part-time student does not qualify for a loan for living costs if the student—
  - (a) has undertaken one or more part-time courses for sixteen academic years in aggregate; and
  - (b) was eligible to apply for a fee loan under regulation 144 or a loan or grant of the kind described in regulation [<sup>F1147</sup>144(5A)] in respect of each of those academic years.

(5) Subject to paragraphs (6) to (13) an eligible part-time student does not qualify for a loan for living costs in connection with a current part-time course which leads to an equivalent or lower qualification.

- (6) Paragraph (5) does not apply if—
  - (a) the current part-time course—
    - (i) is a course in—
      - (aa) [<sup>F1148</sup>engineering and technology or computing] (or a combination of those subjects); or

- [<sup>F1149</sup>(ab) agriculture, food and related studies, biological and sport sciences, <sup>F1150</sup>... [<sup>F1151</sup>geography, earth] and environmental studies, mathematical sciences, medicine and dentistry, physical sciences, psychology, subjects allied to medicine or veterinary sciences (or a combination of those subjects); and]
- (ii) leads to an honours degree; and
- (b) the student begins the current part-time course on or after 1st August 2018.
- [<sup>F1152</sup>(6A) Paragraph 5 does not apply in respect of an academic year of the current part-time course which begins on or after 1st August 2019, where—
- (a) the course—
- (i) is a course for the initial training of teachers;
- (ii) leads to an award mentioned in sub-paragraphs (a), (f), (g) or (h) of paragraph (2A) of regulation 139; and
- (b) the student begins the course on or after 1st August 2018.]
- (7) Paragraph (5) does not apply if—
- (a) the current part-time course—
- (i) is a pre-registration course in an allied health profession subject, midwifery, nursing, nursing and social work or operating department practice;
- (ii) leads to—
- (aa) an ordinary degree or an honours degree;
- (ab) in respect of a course in a dental profession subject, an ordinary degree, an honours degree, a diploma or a foundation degree; or
- (ac) in respect of a course in operating department practice, an ordinary degree, an honours degree or a diploma; and
- (b) the student begins the current part-time course on or after 1st August 2018.
- (8) Paragraph (5) does not apply where the Secretary of State determines that the following conditions are satisfied—
- (a) the student has provided all information required by the Secretary of State in relation to qualifications held by the student;
- (b) that information is accurate; and
- (c) the Secretary of State has provided written notification that the student qualifies for a loan for living costs in connection with [<sup>F1153</sup>—
- (i) the first academic year of the current course, where the determination by the Secretary of State is made before the first day of the first academic year of the current course;
- (ii) the academic year of the current course during which the determination by the Secretary of State is made; or
- (iii) an academic year of the current course in respect of which the determination of the Secretary of State is made, which the student has completed before the making of that determination].
- (9) Where paragraph (8) applies, the student qualifies for a loan for living costs in accordance with paragraphs (10) to (13).
- (10) If the Secretary of State makes the determination before the first day of the first academic year of the current part-time course, then the student qualifies for a loan for living costs in respect of the first academic year of the current part-time course.

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(11) If the Secretary of State makes the determination on or after the first day of the first academic year of the current part-time course, then the student qualifies for a loan for living costs in respect of—

- (a) the academic year of the current part-time course during which the Secretary of State makes the determination; and
- (b) any academic year of the current part-time course which the student has completed prior to the Secretary of State making the determination.

(12) Paragraphs (10) and (11) do not apply if the Secretary of State considers that there are exceptional circumstances.

(13) Where the Secretary of State considers that there are exceptional circumstances, the Secretary of State may determine that the student should qualify for a loan for living costs in respect of one or more academic years of the current part-time course, as appropriate, whether or not the student has completed those academic years prior to the Secretary of State making the determination.

(14) In paragraph (1)(b)(i), the “relevant date” means the first day of the first academic year of the relevant course.]

#### Textual Amendments

- F1145** Reg. 157B(2)(a) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **21**
- F1146** Words in reg. 157B(2)(a) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **11(8)**
- F1147** Word in reg. 157B(4)(b) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **4(5)**
- F1148** Words in reg. 157B(6)(a)(i)(aa) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **29(2)(a)**
- F1149** Reg. 157B(6)(a)(i)(ab) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **29(2)(b)**
- F1150** Words in reg. 157B(6)(a)(i)(ab) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **8(1)(b)(i)**
- F1151** Words in reg. 157B(6)(a)(i)(ab) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **8(1)(b)(ii)**
- F1152** Reg. 157B(6A) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **29(3)**
- F1153** Reg. 157B(8)(c)(i)-(iii) substituted for words in reg. 157B(8)(c) (23.12.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **8(1)**

#### Applications for a loan for living costs

**157C.**—(1) A person (the “applicant”) must apply for a loan for living costs in connection with each academic year of a designated part-time course by completing and submitting to the Secretary of State an application in such form as the Secretary of State may require.

(2) The application must be accompanied by such additional documentation as the Secretary of State may require.

(3) The Secretary of State may take such steps and make such inquiries as the Secretary of State considers necessary to determine—

- (a) whether the applicant is an eligible part-time student;
- (b) whether the applicant qualifies for a loan for living costs; and
- (c) the amount of the loan payable, if any.

(4) The Secretary of State must notify the applicant of whether the applicant qualifies for a loan for living costs and, if the applicant does qualify, the amount payable in respect of the academic year.

(5) The general rule is that the application must reach the Secretary of State no later than the end of the ninth month of the academic year in respect of which it is submitted.

(6) The general rule does not apply where—

- (a) one of the events listed in paragraph (2) of regulation 138A occurs after the first day of the academic year in respect of which the applicant is applying for a loan for living costs, in which case the application must reach the Secretary of State within a period of nine months beginning with the day on which the relevant event occurred;
- (b) the Secretary of State considers that, having regard to the circumstances of the particular case, the time limit should be relaxed, in which case the application must reach the Secretary of State not later than such date as the Secretary of State specifies;
- (c) the applicant is applying to borrow an additional amount of loan for living costs, in which case the application must reach the Secretary of State not later than one month before the end of the academic year to which the application relates.

### **Declarations provided by academic authorities**

**157D.**—(1) Subject to paragraph (2), the academic authority must complete a declaration in such form as may be required by the Secretary of State.

(2) An academic authority is not required to complete a declaration if it is unable to give the confirmation required.

(3) In this regulation, “declaration” means a statement that provides, for the purposes of this Part—

- (a) confirmation by the academic authority of—
  - (i) the period ordinarily required to complete the part-time course;
  - (ii) the number of modules, credits, credit points, points or other unit which the eligible part-time student is likely to obtain in each academic year of the part-time course;
  - (iii) the period ordinarily required to complete the full-time equivalent;
  - (iv) the number of modules, credits, credit points, points or other unit which a standard full-time student would be likely to obtain within the period ordinarily required to complete that course;
- (b) certification by the academic authority that it considers—
  - (i) the course to be a designated part-time course;
  - (ii) that it will be possible for the applicant to complete the course within the period specified in regulation 139(1)(c).

(4) For the purposes of paragraph (3)(b), the academic authority must have regard to—

- (a) any increase in intensity of study that would be required for the applicant to complete the course within the period specified in regulation 139(1)(c)(ii);

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- (b) any parts of the course which the applicant has been required to repeat.

### Information in connection with loans for living costs

**157E.** Schedule 3 deals with the provision of information.

#### CHAPTER 2

#### Amount of loan for living costs

### Maximum amount of loans for living costs: general

**157F.**—(1) The maximum amount of a loan for living costs in connection with a designated part-time course is calculated as follows in respect of an academic year—

- (a) where the student is an eligible part-time student with full entitlement, in accordance with regulation 157G;
- (b) where the student is an eligible part-time student with reduced entitlement, in accordance with regulation 157H.

(2) For the purposes of regulations 157G and 157H, the “relevant intensity of study” is calculated as follows—

- (a) where the intensity of study is less than 25 per cent, the relevant intensity of study is nil;
- (b) where the intensity of study is 25 per cent or more, but less than 33.3 per cent, the relevant intensity of study is 25 per cent;
- (c) where the intensity of study is 33.3 per cent or more, but less than 50 per cent, the relevant intensity of study is 33.3 per cent;
- (d) where the intensity of study is 50 per cent or more, but less than 66.6 per cent, the relevant intensity of study is 50 per cent;
- (e) where the intensity of study is 66.6 per cent or more, but less than 75 per cent, the relevant intensity of study is 66.6 per cent;
- (f) where the intensity of study is 75 per cent or more, but less than 100 per cent, the relevant intensity of study is 75 per cent;
- (g) where the intensity of study is 100 per cent or higher, the relevant intensity of study is 100 per cent.

(3) An eligible part-time student with reduced entitlement is an eligible part-time student who opts, when applying for a loan for living costs, not to provide the information needed to calculate the household income.

(4) <sup>F1154</sup> ... In this Part—

- (a) an eligible part-time student (“X”) is in category A if X resides at X’s parents’ home while attending the designated part-time course;
- (b) an eligible part-time 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; or
  - (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;
- (c) an eligible part-time 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;

- (ii) attends the Institute; or
- (iii) attends an overseas work placement in an Erasmus year;
- (d) an eligible part-time student is in category D if the student is not in categories A to C.

#### Textual Amendments

**F1154** Words in reg. 157F(4) omitted (23.12.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **15(4)**

#### Application of category A in quarters ending on 30th June 2021 and 31st August 2021

<sup>F1155</sup>**157FA.** . . . . .

#### Textual Amendments

**F1155** Reg. 157FA omitted (23.12.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **15(5)**

#### Maximum amount of loans for living costs: eligible part-time students with full entitlement

**157G.**—(1) Subject to Chapters 3 and 4 of this Part and paragraph (5), the maximum amount of loan for living costs for which an eligible part-time student with full entitlement qualifies in respect of an academic year of a designated part-time course is equal to—

$A \times (X - Y)$

where—

A is the relevant intensity of study; and

X is—

- (a) for a student in category A, [<sup>F1156</sup>£8,171];
- (b) for a student in category B, [<sup>F1157</sup>£12,667];
- (c) for a student in category C, [<sup>F1158</sup>£11,116];
- (d) for a student in category D, [<sup>F1159</sup>£9,706]; and

Y is—

- (a) for a student in category A, £1 for every complete [<sup>F1156</sup>£7.27] by which the student's household income exceeds £25,000;
- (b) for a student in category B, £1 for every complete [<sup>F1157</sup>£7.08] by which the student's household income exceeds £25,000;
- (c) for a student in category C, £1 for every complete [<sup>F1159</sup>£7.13] by which the student's household income exceeds £25,000;
- (d) for a student in category D, £1 for every complete [<sup>F1159</sup>£7.20] by which the student's household income exceeds £25,000.

(2) Subject to paragraph (4), the maximum amount of loan for living costs calculated in accordance with paragraph (1) is made up of—

- (a) a special support loan calculated in accordance with paragraph (3); and
- (b) a maintenance loan.



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(3) The amount of special support loan is—

$A \times Z$

where—

A is the relevant intensity of study; and

Z is [<sup>F1160</sup>£4,106].

(4) Where the amount of special support loan calculated in accordance with paragraph (3) is equal to or higher than the amount calculated in accordance with paragraph (1)—

(a) the maximum amount of loan for living costs is made up of a special support loan only; and

(b) the maximum amount of loan for living costs is equal to the amount calculated in accordance with paragraph (1).

(5) Where the maximum amount of loan for living costs is calculated in accordance with paragraph (1) and is less than the minimum level for the academic year specified in regulation 157J, the minimum level for the academic year is payable.

#### Textual Amendments

**F1156** Sums in reg. 157G(1)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**

**F1157** Sums in reg. 157G(1)(b) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**

**F1158** Sums in reg. 157G(1)(c) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**

**F1159** Sums in reg. 157G(1)(d) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**

**F1160** Sum in reg. 157G(3) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**

#### Maximum amount of loans for living costs: eligible part-time students with reduced entitlement

**157H.**—(1) Subject to Chapters 3 and 4 of this Part, the maximum amount of loan for living costs for which an eligible part-time student with reduced entitlement qualifies in respect of an academic year of a designated part-time course is equal to—

$(A \times B)$

where—

A is the relevant intensity of study; and

B is —

(a) for a student in category A, the amount in regulation 80(1)(f)(i);

(b) for a student in category B, the amount in regulation 80(1)(f)(ii);

(c) for a student in category C, the amount in regulation 80(1)(f)(iii);

(d) for a student in category D, the amount in regulation 80(1)(f)(iv).

(2) Subject to paragraph (4), the maximum amount of loan for living costs which is calculated in accordance with paragraph (1) is made up of—

- (a) a special support loan calculated in accordance with paragraph (3); and
- (b) a maintenance loan.

(3) The amount of special support loan is—

$(A \times Z)$

where—

A is the relevant intensity of study; and

Z is [<sup>F1161</sup>£4,106].

(4) Where the amount of special support loan calculated in accordance with paragraph (3) is equal to or higher than the amount calculated in accordance with paragraph (1)—

- (a) the maximum amount of loan for living costs is made up of a special support loan only; and
- (b) the maximum amount of loan for living costs is equal to the amount calculated in accordance with paragraph (1).

#### Textual Amendments

**F1161** Sum in [reg. 157H\(3\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), [Sch.](#)

#### Calculation of household income and residual income

**157I.**—(1) For the purposes of regulation 157G, an eligible part-time student’s household income is assessed in accordance with Schedule 6.

(2) The Secretary of State may require an eligible part-time student to provide from time to time such information as the Secretary of State considers necessary as to the income of any person whose means are relevant to the assessment of the student’s household income.

#### Minimum level of loan for living costs for part-time courses

**157J.**—(1) Subject to paragraph (2), for an eligible part-time student with full entitlement, the “minimum level for the academic year” in regulation 157G is equal to—

$(A \times B)$

where—

A is the relevant intensity of study; and

B is

- (a) [<sup>F1162</sup>£3,597] in the case of a student in category A;
- (b) [<sup>F1163</sup>£6,308] in the case of a student in category B;
- (c) [<sup>F1164</sup>£5,374] in the case of a student in category C;
- (d) [<sup>F1165</sup>£4,524] in the case of a student in category D.

(2) Where different categories apply for different quarters of the academic year, the minimum level in paragraph (1) is the aggregate of the amounts determined under paragraph (3) for each of the quarters in respect of which a loan is payable.

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(3) The amount determined for each quarter is one third of the amount in paragraph (1) which corresponds to the rate applicable for the quarter.

(4) The rate applicable for a quarter is determined in accordance with regulation 157L.

#### Textual Amendments

**F1162** Sum in [reg. 157J\(1\)\(a\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**

**F1163** Sum in [reg. 157J\(1\)\(b\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**

**F1164** Sum in [reg. 157J\(1\)\(c\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**

**F1165** Sum in [reg. 157J\(1\)\(d\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)\(4\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), [reg. 1\(1\)](#), **Sch.**

## CHAPTER 3

### Miscellaneous

#### Quarters in respect of which the loan for living costs is payable to eligible part-time students

**157K.**—(1) Subject to regulation 138A, the loan for living costs is payable in respect of three quarters of the academic year.

(2) The loan for living costs is not payable in respect of the quarter in which, in the opinion of the Secretary of State, the longest of any vacation occurs.

#### Part-time students falling into more than one category

**157L.** Where an eligible part-time student falls into more than one of the categories set out in regulation 157F(4) 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; and
- (c) 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 the highest rate of loan for living costs for the academic year.

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

**157M.**—(1) A student to whom this regulation applies is treated as being in attendance on the designated part-time course for the purpose of qualifying for the loan for living costs.

(2) This regulation applies to—

- (a) a student on a period of study or period of work placement in an Erasmus year;
- (b) a disabled student who is undertaking a designated part-time 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.

### **Applying for an additional amount of loan for living costs**

**157N.**—(1) An eligible part-time student may apply to borrow an additional amount of loan for living costs where—

- (a) the Secretary of State determines that the maximum amount of loan for living costs in relation to an academic year should be increased (including an increase from nil); and
- (b) the Secretary of State considers that the increase in the maximum amount of the loan does not result from the eligible part-time student—

- (i) failing to provide information promptly which might affect the student's ability to qualify for the loan in question or the amount of loan 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 which the student has already applied for under regulation 157C, does not exceed the maximum amount of loan after it has been increased pursuant to paragraph (1)(a).

(3) Where an eligible part-time student has applied for a loan for living costs 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.

## **CHAPTER 4**

### **Payments in connection with loans for living costs**

#### **Provision of United Kingdom national insurance number**

**157O.**—(1) The Secretary of State may make it a condition of entitlement to payment of any loan under this Part that the eligible part-time 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 any payment of the loan to the eligible part-time 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 a payment of loan to an eligible part-time 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 part-time student having complied with the condition imposed under paragraph (1).

#### **Information requirements and agreements to repay loans for living costs**

**157P.**—(1) The Secretary of State may at any time request from an eligible part-time student information that the Secretary of State considers is required to recover a loan for living costs.

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(2) The Secretary of State may at any time require an eligible part-time student to enter into an agreement to repay a loan for living costs by a particular method.

(3) The Secretary of State may at any time request from an eligible part-time student sight of their valid national identity card, valid passport issued by the state of which they are a national or their birth certificate.

(4) Where the Secretary of State has requested information under this regulation, the Secretary of State may withhold any payment of a loan for living costs until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

(5) 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 loan for living costs until the person provides what has been required.

### **Payment of loans for living costs**

**157Q.**—(1) The Secretary of State may pay loans for living costs under this Part in instalments.

(2) Subject to paragraph (4), the Secretary of State may pay loans for living costs at such times as the Secretary of State considers appropriate.

(3) An academic authority is required to send an attendance confirmation to the Secretary of State.

(4) The Secretary of State must not pay the first instalment under this Part or, where it has been determined not to pay the loan for living costs by instalments, make any payment of loans for living costs to the eligible part-time student before the Secretary of State has received an attendance confirmation from the relevant academic authority, unless an exception applies.

(5) An exception applies if the Secretary of State has determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.

(6) Where a final assessment cannot be made on the basis of the information provided by the student, the Secretary of State may make a provisional assessment and payment of support under this Part.

(7) Payments of loans for living costs are to be made in such manner as the Secretary of State considers appropriate and the Secretary of State may make it a condition of entitlement to payment that the eligible part-time 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.

(8) Where the Secretary of State has made any payment of a loan for living costs under this Part and a student who qualifies for a loan for living costs under this Part applies for such a loan or applies for an additional amount of loan in respect of an academic year, the Secretary of State may pay that loan or that additional amount of loan in such instalments (if any) and at such times as the Secretary of State considers appropriate as soon as is reasonably practicable after a satisfactory application has been received.

(9) Subject to paragraph (10), no loan for living costs under this Part is due in respect of any day of an academic year on which the eligible student is a prisoner, unless in the opinion of the Secretary of State it would be appropriate in all the circumstances for a loan for living costs to be paid in respect of that day.

(10) In deciding whether it would be appropriate for a loan for living costs to be due under paragraph (9) the circumstances to which the Secretary of State must have regard include the financial hardship which not paying the loan would cause and whether not paying the support would affect the student's ability to continue the course.

(11) No loan for living costs under this Part in respect of the current course is due in respect of any payment period beginning after an eligible part-time student's period of eligibility terminates.

(12) No loan for living costs under this Part is due in respect of a payment period during part of which an eligible part-time student is absent from the course, unless in the opinion of the Secretary of State it would be appropriate in all the circumstances for a loan for living costs to be paid in respect of the period of absence.

(13) In deciding whether it would be appropriate for a loan for living costs to be due under paragraph (12) the circumstances to which the Secretary of State must have regard include the reasons for the student's absence, the length of the absence and the financial hardship which not paying the loan would cause.

(14) An eligible part-time student is not to be considered absent from the student's course if the student is unable to attend due to illness and the student's absence has not exceeded 60 days.

(15) Where, after the Secretary of State has made any payment of a loan for living costs under this Part for which a student qualifies in respect of an academic year, the Secretary of State makes a determination that the amount of loan for living costs for which the student qualifies is less than the amount previously determined either by way of a revision of a provisional assessment or otherwise—

- (a) the Secretary of State must subtract from any amount of loan which remains to be paid under this Part such amount as is necessary to ensure that the student does not borrow an amount of loan under this Part which is greater than that for which the student qualifies;
- (b) if the amount to be subtracted is greater than the amount of loan remaining to be paid under this Part, the amount of that loan remaining to be paid is reduced to nil;
- (c) any remaining overpayment is recoverable in accordance with regulation 157R.

(16) In this regulation—

(a) “attendance confirmation” means—

- (i) confirmation from the academic authority that the student has enrolled for the academic year where—
  - (aa) the student is applying for support in connection with a designated part-time course for the first time;
  - (bb) the student has a disability; and
  - (cc) the student is undertaking the course but not attending (regardless of whether the reason for not attending relates to the student's disability);
- (ii) confirmation from the academic authority that the student has been present at the institution and begun to attend the course where—
  - (aa) the student is applying for support in connection with a designated part-time course for the first time;
  - (bb) the student's status as an eligible part-time student has not been transferred to the course from another designated part-time course at the same institution;
  - (cc) the student's status has not been converted to that of an eligible part-time student after the student has transferred from a designated course to a designated part-time course at the same institution; and
  - (dd) sub-paragraph (i)(cc) does not apply; or
- (iii) confirmation from the academic authority that the student has enrolled for the academic year where—
  - (aa) the student is applying for support in connection with a designated part-time course other than for the first time;
  - (bb) the student is applying for support in connection with a designated part-time course for the first time after the student's status as an eligible part-time

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student has been transferred to that course from another designated part-time course at the same institution; or

- (cc) the student is applying for support in connection with a designated part-time course for the first time after the student's status as an eligible student has been converted to that of an eligible part-time student after the student has transferred from a designated course to a designated part-time course at the same institution;
- (b) "payment period" means a period in respect of which the Secretary of State pays loans for living costs or would have paid such support if the eligible part-time student's period of eligibility had not terminated.

### **Overpayments of loans for living costs**

**157R.**—(1) A part-time student must, if so required by the Secretary of State, repay any amount paid to the student under this Part which for whatever reason exceeds the amount of loans for living costs to which the student is entitled under this Part.

(2) Any overpayment of a loan for living costs in respect of any academic year is recoverable by the Secretary of State from the student to whom the payment was made.

(3) The methods of recovery are—

- (a) 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;
- (b) requiring the student to repay the loan in accordance with regulations made under section 22 of the 1998 Act;
- (c) taking such other action for the recovery of an overpayment as is available to the Secretary of State.]

## **PART 12**

### **SUPPORT FOR POSTGRADUATE STUDENTS WITH DISABILITIES**

#### **Interpretation**

**158.**—(1) In this Part, —

- (a) "period ordinarily required to complete the full-time equivalent" means the period that a standard full-time student would require to complete the full-time equivalent;
- (b) "standard full-time student" means a student who is to be taken—
  - (i) to have begun the full-time equivalent on the same date as the eligible postgraduate student began the part-time postgraduate course in question;
  - (ii) not to have been excused any part of the full-time equivalent;
  - (iii) not to have repeated any part of the full-time equivalent; and
  - (iv) not to be absent from the full-time equivalent other than during vacations.
- (2) In this Part, the intensity of study is calculated as follows and expressed as a percentage—



$$\frac{PT}{FT} \times 100$$

where

*PT* is the number of modules, credits, credit points, points or other unit to be awarded to the eligible part-time student by the academic authority if the student successfully completes the academic year in connection with which that student is applying for support; *FT* is the number of modules, credits, credit points, points or other unit that a standard full-time student would be required to obtain in each academic year in order to complete the full-time equivalent within the period ordinarily required to complete that course.

### Eligible postgraduate students

159.—<sup>F1166</sup>(1) .....

(2) Subject to [<sup>F1167</sup>the following provisions of this regulation], a person is an eligible postgraduate student in connection with a designated postgraduate course if in assessing the student's application for support the Secretary of State determines that the student satisfies the conditions in paragraph (3).

<sup>F1168</sup>(3) The conditions are—

- (a) the person falls within one of the categories set out—
  - (i) in paragraphs 2, 2A, 3, 4, 4A, 4B, 4C, 4D, 4E, 5, 6A, 7A, 8A, 9A, 9B, [<sup>F1169</sup>9BA,] 9C, 9D, 10ZA, 11A, 12A [<sup>F1170</sup>, 13 and 14] in Part 2 of Schedule 1; or
  - (ii) in paragraphs 6, 7, 8, 9, 10, 10A, 11 and 12 in Part 2 of Schedule 1, where paragraph (3A) applies; and
- (b) the person has a disability.

(3A) This paragraph applies where—

- (a) in connection with a designated postgraduate course beginning before 1st August 2021, the Secretary of State—
  - (i) in assessing an application for support by a person (“A”) determined that A fell within one of the categories set out in paragraphs 6, 7, 8, 9, 10, 10A, 11 and 12 in Part 2 of Schedule 1 in relation to an academic year of the course beginning before 1st August 2021; or
  - (ii) would have so determined had A made an application for support in accordance with this Part in relation to an academic year of the course beginning before that date; and
- (b) A applies for support in connection with that course, or a designated postgraduate course to which A’s status as an eligible postgraduate student is transferred from that course in accordance with this Part.

(3B) In connection with a designated postgraduate course beginning on or after 1st January 2028, paragraph (3)(a) has effect as if it did not mention paragraphs 8A [<sup>F1171</sup>, 9B, 9BA and 9D].

(4) A person (“A”) is not an eligible postgraduate student if—

- <sup>F1172</sup>(a) A is, in connection with the course—
  - (i) eligible to apply for a healthcare bursary;
  - (ii) eligible to apply for any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007;
  - (iii) eligible to apply for any allowance, bursary or award of a similar description made by UKRI;

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- (iv) eligible to apply for any allowance, bursary or award of a similar description made by A's institution which includes any payment for the purpose of meeting additional expenditure incurred by A by reason of A's disability;
- (v) in receipt of any allowance, bursary or award of a similar description made under section 67(4)(a) of the Care Standards Act 2000, or under section 46 of the Children and Social Work Act 2017, which includes payment for meeting additional expenditure incurred by A by reason of A's disability, save to the extent that A is in receipt of such an allowance, bursary or award in respect of travel expenses; or
- (vi) in receipt of any allowance, bursary or award of a similar description made under section 116(2)(a) of the Regulation and Inspection of Social Care (Wales) Act 2016 which includes payment for meeting additional expenditure incurred by A by reason of A's disability;]

[<sup>F1173</sup>(aa) A is eligible for a healthcare tuition payment;]

[<sup>F1174</sup>(ab) A is studying on a course as part of an apprenticeship;]

- (b) A is in breach of an 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;
- (d) A has, in the opinion of the Secretary of State, shown by A's conduct that A is unfitted to receive support; or
- (e) subject to paragraph (5), A is a prisoner.

(5) Paragraph (4)(e) does not apply-

- (a) in respect of an academic year during which the student enters prison or is released from prison; or
- (b) where the current course began before 1st September 2012.

(6) For the purposes of paragraphs (4)(b) and (4)(c), "loan" means a loan made under any provision of the student loans legislation.

(7) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (4)(c) only applies if the agreement was made—

- (a) before 25th September 1991; and
- (b) with the concurrence of the borrower's curator or at a time when the borrower had no curator.

(8) An eligible postgraduate student does not qualify for a grant under this Part if the only paragraph [<sup>F1175</sup>or paragraphs in Part 2 of Schedule 1 into which the student falls is one or more of [<sup>F1176</sup>paragraphs 2A, 3(1)(d)(ii), 6A(1)(c)(ii), 7A(1)(b)(ii), 9, 9A, 9BA, 9BB, 9C, 9D, 10ZA(d)(ii), 11A(c)(ii) and 12A(d)(ii).]

(9) Subject to paragraph (10), where the current post graduate course begins on or after 1st September 2012, an eligible postgraduate student does not qualify for a grant under this regulation if the intensity of study during the academic year for which support is claimed is less than 25% [<sup>F1177</sup>of an equivalent full-time course].

(10) Regulation (9) does not apply where the student transfers to the current postgraduate course pursuant to regulation 163 from a course beginning before 1st September 2012.

(11) An eligible postgraduate student does not qualify for a grant under this Part unless the Secretary of State considers that the student is undertaking the course in the United Kingdom.

<sup>F1178</sup>(12) .....

<sup>F1179</sup>(13) .....

<sup>F1180</sup>(14) .....

(15) Where—

- (a) the Secretary of State determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person (“A”) was an eligible postgraduate student in connection with an application for support for an earlier year of the current postgraduate course or an application for support in connection with another designated postgraduate course from which A's status as an eligible postgraduate student has been transferred to the current postgraduate course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the refugee status of A or of A's spouse, civil partner, parent or step-parent has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.

<sup>F1181</sup>(15A) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of a person granted stateless leave, a person (“A”) was an eligible postgraduate student in connection with—
  - (i) an application for support for an earlier year of the current postgraduate course, or
  - (ii) an application for support in connection with another designated postgraduate course from which A's status as an eligible postgraduate student has been transferred to the current postgraduate course, and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.]

<sup>F1182</sup>(15B) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted section 67 leave, a person (“A”) was an eligible postgraduate student in connection with—
  - (i) an application for support for an earlier year of the current postgraduate course, or
  - (ii) an application for support in connection with another designated postgraduate course from which A's status as an eligible postgraduate student has been transferred to the current postgraduate course, and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted section 67 leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.]

<sup>F1183</sup>(15C) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted Calais leave, a person (“A”) was an eligible postgraduate student in connection with—
  - (i) an application for support for an earlier year of the current postgraduate course; or
  - (ii) an application for support in connection with another designated postgraduate course from which A's status as an eligible postgraduate student has been transferred to the current postgraduate course; and

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- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which A is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.]

(16) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible postgraduate student in connection with an application for support for an earlier year of the current postgraduate course or an application for support in connection with another designated postgraduate course from which A's status as an eligible postgraduate student has been transferred to the current postgraduate course; and
- (b) as at the day before the academic year in respect of which A is applying for support, the period for which the person granted humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.

[<sup>F1184</sup>(16A) Where—

- (a) the Secretary of State determined that, by virtue of being a person with protected rights with limited leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, a person (“A”) was an eligible postgraduate student in connection with—
  - (i) an application for support for an earlier year of the current postgraduate course; or
  - (ii) an application for support in connection with another designated postgraduate course from which A's status as an eligible postgraduate student has been transferred to the current postgraduate course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, A no longer has extant limited leave to enter or remain granted by virtue of residence scheme immigration rules and no further leave to enter or remain has been granted under those rules,

A's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(16B) Where—

- (a) the Secretary of State has determined, that by virtue of—
  - (i) falling within [<sup>F1185</sup>paragraph (1)(a) <sup>F1186</sup>... (iv) or (v)] of the definition of “person with protected rights”; or
  - (ii) meeting the conditions in paragraph 3(1)(a) <sup>F1187</sup>... (iv) in Part 2 of Schedule 1,
 a person (“A”) is an eligible postgraduate student in connection with an application for support for an academic year of a designated postgraduate course; and
- (c) as at the day before the academic year begins A is not a person with protected rights,

A's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.]

[<sup>F1188</sup>(16C) Where—

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- (a) the Secretary of State determined that, by virtue of being a person granted leave under the Afghan Relocations and Assistance Scheme, a person (“A”) was an eligible postgraduate student in connection with—
  - (i) an application for support for an earlier year of the current postgraduate course; or
  - (ii) an application for support in connection with another designated postgraduate course from which A’s status as an eligible postgraduate student has been transferred to the current postgraduate course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted leave under the Afghan Relocations and Assistance Scheme is allowed to stay in the United Kingdom has expired,

A’s status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.]

(17) Paragraphs (15) and (16) do not apply where A began the course in connection with which the Secretary of State determined that A was an eligible postgraduate student before 1st September 2007.

- (18) An eligible postgraduate student may not, at any one time, qualify for support for—
  - (a) more than one designated postgraduate course;
  - <sup>F1189</sup>(b) . . . . .
  - (c) a designated postgraduate course and a designated course;
  - (d) a designated postgraduate course and a designated part-time course.]

**Textual Amendments**

- F1166** Reg. 159(1) omitted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **19(a)**
- F1167** Words in reg. 159(2) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **22(a)**
- F1168** Reg. 159(3)-(3B) substituted for reg. 159(3) (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **22(b)**
- F1169** Word in reg. 159(3)(a)(i) inserted (1.9.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **8(7)(a)**
- F1170** Words in reg. 159(3)(a) substituted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **9(8)(a)**
- F1171** Words in reg. 159(3B) substituted (1.9.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **8(7)(b)**
- F1172** Reg. 159(4)(a) substituted (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **13(1)**
- F1173** Reg. 159(4)(aa) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **23**
- F1174** Reg. 159(4)(ab) inserted (23.12.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **6(3)**
- F1175** Words in reg. 159(8) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **22(c)**
- F1176** Words in reg. 159(8) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **11(9)**

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- F1177** Words in reg. 159(9) inserted (1.8.2012) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(3), **34**
- F1178** Reg. 159(12) omitted (23.12.2015) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **54**
- F1179** Reg. 159(13) omitted (23.12.2015) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **54**
- F1180** Reg. 159(14) omitted (23.12.2015) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **54**
- F1181** Reg. 159(15A) inserted (with application in accordance with reg. 1(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **7(7)**
- F1182** Reg. 159(15B) inserted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **36(8)**
- F1183** Reg. 159(15C) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **3(3)(h)**
- F1184** Reg. 159(16A)(16B) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **22(d)**
- F1185** Words in reg. 159(16B)(a)(i) substituted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **6**
- F1186** Word in reg. 159(16B)(a)(i) omitted (with application in accordance with reg. 1(3)(e) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **12(2)(a)**
- F1187** Words in reg. 159(16B)(a)(ii) omitted (with application in accordance with reg. 1(3)(e) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **12(2)(b)**
- F1188** Reg. 159(16C) inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **9(8)(b)**
- F1189** Reg. 159(18)(b) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **6(9)**

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

**160.**—(1) Where one of the events listed in paragraph (2) occurs in the course of an academic year—

- (a) a student may qualify for a grant under this Part in respect of that academic year in accordance with this Part; and
- (b) a grant of the kind available under this Part is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(2) The events are—

- [<sup>F1190</sup>(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;]

- (b) the student or the student's spouse, civil partner or parent is recognised as a refugee or becomes [<sup>F1191</sup>a person granted stateless leave or] a person granted humanitarian protection;
- <sup>F1192</sup>(c) .....
- [<sup>F1193</sup>(d) the student becomes a person described in paragraph 3(1)(a) of Schedule 1;]
- [<sup>F1194</sup>(e) where regulation 159(3A)(a) applies, the person becomes a person described in paragraph 12(a) of Schedule 1;]
- (f) the student becomes a person described in [<sup>F1195</sup>paragraph 6A(1)(a) of Schedule 1 or, where regulation 159(3A)(a) applies, in] paragraph 6(1)(a) of Schedule 1; <sup>F1196</sup>...
- [<sup>F1197</sup>(g) the student becomes a person described in paragraph 11A(a) of Schedule 1 or, where regulation 159(3A)(a) applies, in paragraph 11(1)(a) of Schedule 1;]
- [<sup>F1198</sup>(h) the student becomes a person granted section 67 leave];
- [<sup>F1199</sup>(i) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; <sup>F1200</sup>...]
- [<sup>F1201</sup>(j) the student becomes a person granted Calais leave][<sup>F1202</sup>, <sup>F1203</sup> ...
- (k) the student becomes a person granted indefinite leave to remain as a bereaved partner][<sup>F1204</sup>, ]
- [<sup>F1205</sup>(l) the student becomes a person described in paragraph 9B(1)(a)(ii) of Schedule 1]; [<sup>F1206</sup>or]
- [<sup>F1207</sup>(m) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.]

### Textual Amendments

- F1190** Reg. 160(2)(a) substituted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **4(1)(h)**
- F1191** Words in reg. 160(2)(b) inserted (with application in accordance with reg. 1(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **7(8)**
- F1192** Reg. 160(2)(c) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **23(a)**
- F1193** Reg. 160(2)(d) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **10**
- F1194** Reg. 160(2)(e) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **23(b)**
- F1195** Words in reg. 160(2)(f) inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **23(c)**
- F1196** Word in reg. 160(2)(f) omitted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **36(9)(a)**
- F1197** Reg. 160(2)(g) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **23(d)**
- F1198** Reg. 160(2)(h) inserted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **36(9)(c)**



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- F1199** Reg. 160(2)(i) inserted (with application in accordance with reg. 1(3)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **2(3)(f)(ii)**
- F1200** Word in reg. 160(2)(i) omitted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **13(7)(a)**
- F1201** Reg. 160(2)(j) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **3(3)(i)**
- F1202** Reg. 160(2)(k) and word inserted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **13(7)(b)**
- F1203** Word in reg. 160(2)(j) omitted (1.3.2021) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **23(e)**
- F1204** Word in reg. 160(2)(k) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **23(f)**
- F1205** Reg. 160(2)(l) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **23(g)**
- F1206** Word in reg. 160(2) repositioned (with application in accordance with reg. 1(3)(c) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **9(9)**
- F1207** Reg. 160(2)(m) inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **9(9)**

### Designated postgraduate courses

**161.**—(1) A postgraduate course is designated for the purposes of section 22(1) of the 1998 Act and regulation 159 if—

- (a) it is a course for entry to which a first degree (or equivalent qualification) or higher is normally required;
- (b) it is a course—
  - (i) of at least one academic year's duration; and
  - (ii) in the case of a part-time course, it is ordinarily possible to complete the course in not more than—
    - (aa) twice the period ordinarily required to complete the full-time equivalent where the course begins before 1st September 2012 or the student transfers to the current course pursuant to regulation 163 from a course beginning before 1st September 2012; or
    - (bb) four times the period ordinarily required to complete the full-time equivalent where the course begins on or after 1st September 2012;

<sup>F1208</sup>(c) it is either—

- (i) wholly provided by a registered provider, or provided by a registered or an unregistered provider on behalf of a registered provider in England;
- (ii) wholly provided by an authority-funded institution in Scotland, Northern Ireland or Wales;
- (iii) provided by a registered provider on behalf of an authority-funded institution in Scotland, Northern Ireland or Wales;

- (iv) provided by an institution situated in Scotland, Northern Ireland or Wales on behalf of a registered provider in England, or by a publicly funded institution situated in Scotland, Northern Ireland or Wales on behalf of an authority-funded institution in Scotland, Northern Ireland or Wales;
  - (v) provided by a registered provider in England in conjunction with an institution which is situated outside the United Kingdom; or
  - (vi) provided by an authority-funded institution in Scotland, Northern Ireland or Wales in conjunction with an institution which is situated outside the United Kingdom;]
- (ca) it is substantially provided in the United Kingdom; and
- (d) it is not a course for the initial training of teachers or a course taken as part of an employment-based teacher training scheme.
- (2) For the purposes of paragraph (1)—
- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not it has entered an agreement with the student to provide the course;
  - [<sup>F1209</sup>(aa) 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;]
  - (b) a university and any constituent college or institution in the nature of a college of a university is to be regarded as [<sup>F1210</sup>authority-funded] if either the university or the constituent college or institution is [<sup>F1210</sup>authority-funded]; <sup>F1211</sup> ...
  - (c) an institution is not to be regarded as publicly funded [<sup>F1212</sup>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 <sup>M56</sup>[<sup>F1213</sup>; and]
  - [<sup>F1214</sup>(d) 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 [<sup>F1215</sup>in Scotland, Northern Ireland or Wales, or by a private institution which is an unregistered provider in England].]
- (3) For the purposes of paragraph (1)(b)(ii)—
- (a) “full-time equivalent” means a full-time postgraduate course leading to the same qualification as the part-time postgraduate course in question;
  - (b) “period ordinarily required to complete the full-time equivalent” means the period that a standard full-time student would require to complete the full-time equivalent;
  - (c) “standard full-time student” means a student who is to be taken—
    - (i) to have begun the full-time equivalent on the same date as the eligible postgraduate student began the part-time postgraduate course in question;
    - (ii) not to have been excused any part of the full-time equivalent;
    - (iii) not to have repeated any part of the full-time equivalent; and
    - (iv) not to be absent from the full-time equivalent other than during vacations.
- [<sup>F1216</sup>(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.]
- [<sup>F1217</sup>(3AA) A course is not a designated postgraduate course if its designation has been revoked or is suspended under paragraph (5).]

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(3A) <sup>F1218</sup>A postgraduate pre-registration course is not a designated postgraduate course.]

(4) For the purposes of section 22 of the 1998 Act and regulation 159, the Secretary of State may designate courses of higher education which are not designated under paragraph (1) <sup>F1219</sup>or (3ZAA)].

<sup>F1220</sup>(5) The Secretary of State may revoke or suspend the designation of a course which is designated under <sup>F1221</sup>this regulation].]

### Textual Amendments

- F1208**Reg. 161(1)(c) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **31(2)**
- F1209**Reg. 161(2)(aa) inserted (7.11.2014) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **20(b)**
- F1210**Words in reg. 161(2)(b) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **20(b)(i)**
- F1211**Word in reg. 161(2)(b) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **20(b)(ii)**
- F1212**Words in reg. 161(2)(c) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **20(b)(iii)**
- F1213**Word in reg. 161(2)(c) substituted for full stop (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **20(b)(iv)**
- F1214**Reg. 161(2)(d) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **20(b)(v)**
- F1215**Words in reg. 161(2)(d) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **31(3)**
- F1216**Reg. 161(3ZAA) inserted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **4(1)(i)(i)**
- F1217**Reg. 161(3AA) inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **31(4)**
- F1218**Reg. 161(3A) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **13**
- F1219**Words in reg. 161(4) inserted (with application in accordance with reg. 1(2)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **4(1)(i)(ii)**
- F1220**Reg. 161(5) inserted (15.1.2014) by The Education (Fees and Student Support) (Amendment) Regulations 2013 (S.I. 2013/3106), regs. 1(2), **9**
- F1221**Words in reg. 161(5) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **31(5)**

### Marginal Citations

**M56** 1992 c.13; section 65(3A) was inserted by the [Teaching and Higher Education Act 1998 \(c.30\)](#), [section 27](#).

### Period of eligibility

**162.**—(1) A student’s status as an eligible postgraduate student is retained in connection with a designated postgraduate course until the status is terminated in accordance with this regulation and regulation 159.

(2) The period for which an eligible postgraduate student retains the status is the “period of eligibility”.

(3) Subject to the following paragraphs and regulation 159, the period of eligibility terminates at the end of the period ordinarily required for the completion of the designated postgraduate course.

(4) The period of eligibility terminates when the eligible postgraduate student—

- (a) withdraws from the designated postgraduate course in circumstances where the Secretary of State has not transferred or will not transfer the student's status as an eligible postgraduate student to another course under regulation 163; or
- (b) abandons or is expelled from the designated postgraduate course.

(5) Where the eligible postgraduate student is undertaking a designated postgraduate course that is a part-time course, the period of eligibility terminates at the end of the relevant academic year where the student cannot complete the course within the period specified in regulation 161(1)(b)(ii).

(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 161(1)(b)(ii).

(7) The Secretary of State may terminate the period of eligibility where the eligible postgraduate 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 postgraduate 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 a grant or any particular amount of grant;
- (c) treat any support paid to the student as an overpayment which may be recovered under regulation 168.

(9) Where the period of eligibility terminates—

- (a) before the end of the academic year in which the eligible postgraduate student completes the designated postgraduate 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.

### Transfer of status

**163.**—(1) Where an eligible postgraduate student transfers to another postgraduate course, the Secretary of State must transfer the student's status as an eligible postgraduate student to that course where—

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- (a) the Secretary of State receives a request from the eligible postgraduate 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.

[<sup>F1222</sup>(1A) Paragraph (1) applies to a person who is an eligible postgraduate student by virtue of regulation 159(3)(a)(ii) only where that person's status as an eligible postgraduate student has not been transferred on or after 1st August 2021 from the designated postgraduate course referred to in regulation 159(3A)(a) to another designated postgraduate course.]

(2) The grounds for transfer are—

- (a) on the recommendation of the academic authority the eligible postgraduate student starts to undertake another designated postgraduate course at the institution; or
- (b) the eligible postgraduate student starts to undertake a designated postgraduate course at another institution.

(3) Subject to paragraph (4), an eligible postgraduate student who transfers under paragraph (1) is entitled to receive in connection with the academic year of the course to which the student transfers the remainder of the support for which the Secretary of State has determined the student qualifies in respect of the academic year of the course from which the student transfers.

(4) The Secretary of State may re-assess the amount of support payable after the transfer.

(5) An eligible student who transfers under paragraph (1) after the Secretary of State has determined the student's support in connection with the academic year of the course from which the student is transferring but before the student completes that year may not apply for another grant under this Part in connection with the academic year of the course to which the student transfers.

#### Textual Amendments

**F1222**Reg. 163(1A) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), 24

#### Applications for support

**164.**—(1) A person (the “applicant”) must apply for a grant under this Part in connection with each academic year of a designated postgraduate course by completing and submitting to the Secretary of State an application in such form and accompanied by such documentation as the Secretary of State may require.

(2) The application must reach the Secretary of State as soon as is reasonably practicable.

(3) 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 postgraduate student, whether the applicant qualifies for a grant and the amount of grant payable, if any.

(4) The Secretary of State must notify the applicant—

- (a) whether the applicant qualifies for a grant;
- (b) if the applicant does qualify, the amount payable in respect of the academic year, if any; and
- (c) how that amount is allocated between the types of eligible expenditure.

#### Information

**165.** Schedule 3 deals with the provision of information.

**[<sup>F1223</sup> Authority to pay grant**

**165A.—[**

<sup>F1224</sup>(1)] The Secretary of State is authorised to pay a grant to an eligible postgraduate student (“A”) for the purpose of assisting with the additional expenditure which A is obliged to incur in connection with A’s attendance on or undertaking of a designated postgraduate course by reason of A’s disability.

[  
<sup>F1225</sup>(2) The expenditure for which the grant may be paid includes, in particular—

- (a) expenditure on a non-medical personal helper;
- (b) expenditure on major items of specialist equipment;
- (c) travel expenditure.]]

**Textual Amendments**

**F1223**Reg. 165A inserted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **21**

**F1224**Reg. 165A renumbered as reg. 165A(1) (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **25(6)(a)**

**F1225**Reg. 165A(2) inserted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **25(6)(b)**

**Amount of grant**

**166.—**[<sup>F1226</sup>(1) Subject to paragraph (2), the grant under this Part is the amount that the Secretary of State considers appropriate in accordance with the student’s circumstances.]

[<sup>F1227</sup>(1A) Subject to paragraph (2), the amount of the grant under this Part for additional expenditure on a computer is an amount equal to the expenditure the student is obliged to incur less £200.]

[<sup>F1228</sup>(2) The amount of the grant in respect of an academic year—

- (a) for expenditure other than travel expenditure, must not exceed [<sup>F1229</sup>£25,575];
- (b) for travel expenditure, must not exceed an amount equal to that expenditure.]

<sup>F1230</sup>(3) .....

[<sup>F1231</sup>(4) Subject to paragraph (5), the grant under this Part is payable in respect of the four quarters of the academic year <sup>F1232</sup>...

(5) Where one of the events listed in regulation 160(2) occurs in the course of an academic year, a student may qualify for a grant under this Part [<sup>F1233</sup>in respect of—

- (a) the quarter in which the relevant event occurs, and
- (b) if relevant, such quarters as begin after the relevant event occurs.]]

**Textual Amendments**

**F1226**Reg. 166(1) substituted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **25(7)(a)**



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- F1227**Reg. 166(1A) inserted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(4)(a), **22**
- F1228**Reg. 166(2) substituted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **25(7)(b)**
- F1229**Sum in reg. 166(2)(a) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), reg. 1(1), **Sch.**
- F1230**Reg. 166(3) omitted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **25(7)(c)**
- F1231**Reg. 166(4)(5) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(2)(a), **35**
- F1232**Words in reg. 166(4) omitted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **25(7)(d)**
- F1233**Words in reg. 166(5) substituted (with application in accordance with reg. 1(3)(b)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **25(7)(e)**

### Payment of grant

**167.**—(1) The Secretary of State may pay a grant for which a student qualifies under this Part in such instalments (if any) and at such times as the Secretary of State considers appropriate and in the exercise of the Secretary of State's functions under this Part the Secretary of State may make provisional payments pending the final calculation of the amount of grant for which the student qualifies.

(2) Payments are made in such manner as the Secretary of State considers appropriate and the Secretary of State may make it a condition of entitlement to payment that the eligible postgraduate 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.

### Overpayments

**168.**—(1) [<sup>F1234</sup>A] postgraduate student must, if so required by the Secretary of State, repay any amount paid to the student under this Part which for whatever reason exceeds the amount of grant to which the student is entitled under this Part.

(2) The Secretary of State must recover an overpayment of grant under this Part unless the Secretary of State considers it is not appropriate to do so.

(3) The methods of recovery are—

- (a) subtracting the overpayment from any kind of grant [<sup>F1235</sup>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;
- (b) taking such other action for the recovery of an overpayment as is available to the Secretary of State.

(4) A payment of grant under this Part made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the Secretary of State decides otherwise.



(5) In this regulation, the “relevant date” is the date on which the first term of the academic year in question actually begins.

(6) In the circumstances in paragraphs (7) and (8), there is an overpayment of grant under this Part unless the Secretary of State decides otherwise.

(7) The circumstances are—

- (a) the Secretary of State applies all or part of the grant under this Part to the purchase of specialist equipment on behalf of the <sup>F1236</sup>... postgraduate student;
- (b) the student's period of eligibility terminates after the relevant date; and
- (c) the equipment has not been delivered to the student before the period of eligibility terminated.

(8) The circumstances are—

- (a) the <sup>F1237</sup>... postgraduate student's period of eligibility terminates; and
- (b) a payment of grant under this Part in respect of specialist equipment is made to the student after the period of eligibility terminated.

(9) Where there is an overpayment of the grant under this Part, the Secretary of State may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if the Secretary of State considers it is appropriate to do so.

#### **Textual Amendments**

**F1234**Word in reg. 168(1) substituted (23.12.2015) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **55(a)**

**F1235**Words in reg. 168(3)(a) inserted (23.12.2015) by The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **55(b)**

**F1236**Word in reg. 168(7)(a) omitted (23.12.2015) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **55(c)**

**F1237**Word in reg. 168(8)(a) omitted (23.12.2015) by virtue of The Education (Student Support) (Amendment) Regulations 2015 (S.I. 2015/1951), regs. 1(2), **55(c)**

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## SCHEDULE 1

Regulations 4, 120, 137 and 159

### ELIGIBLE STUDENTS

## PART 1

### Interpretation

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

<sup>F1238</sup>  
...

“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 <sup>F1239</sup>... 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 <sup>F1239</sup>... 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 <sup>F1239</sup>...;

“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 [<sup>F1240</sup>, an EEA self-employed person, or a relevant person of Northern Ireland who is treated as an EEA migrant worker or an EEA self-employed person by virtue of paragraph 6A(3)]—
  - (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) dependents 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;

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- (c) in relation to an EU national who falls within article 7(1)(c) of Directive 2004/38 <sup>F1241</sup> or, for the purposes of paragraph 9A, in relation to a relevant person of Northern Ireland who would fall within article 7(1)(c) of Directive 2004/38 if that person were an EU national or solely an EU national]—
  - (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 <sup>F1242</sup> or, for the purposes of paragraph 9A, in relation to a relevant person of Northern Ireland who would fall within article 7(1)(b) of Directive 2004/38 if that person were an EU national or solely an EU national]—
  - (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 <sup>F1243</sup> paragraphs 9, 9B, 9D or for the purposes of paragraph 9C in relation to a person settled in the United Kingdom] —
  - (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;

<sup>F1244</sup>“overseas territories” means Anguilla; Aruba; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; Gibraltar; Mayotte; Greenland; Montserrat; Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten); Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia and the South Sandwich Islands; St Barthélemy; St Helena and Dependencies (Ascension Island and Tristan da Cunha); St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; Turks and Caicos Islands; and Wallis and Futuna;]

F1238  
...

F1238  
...

“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 <sup>M57</sup>;

<sup>F1245</sup>“specified British overseas territories” means Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia

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and the South Sandwich Islands; St Helena and Dependencies (Ascension Island and Tristan da Cunha); and Turks and Caicos Islands;]

“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<sup>M58</sup> and which came into force on 1st June 2002;

<sup>F1238</sup> ...

“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<sup>F1239</sup> ... 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<sup>F1246</sup> ... 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

[<sup>F1247</sup>“United Kingdom national” has the meaning given by Article 2(d) of the EU withdrawal agreement;]

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

[<sup>F1248</sup>(1A) For the purposes of this Schedule, a reference to a “Member State” or “State” in Article 7 of Directive 2004/38 is to be read as including the United Kingdom.]

(2) For the purposes of this Schedule, “parent” [<sup>F1249</sup>means a parent, guardian or] any other person having parental responsibility and “child” is to be construed accordingly.

[<sup>F1250</sup>(2A) 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.]

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

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

[<sup>F1251</sup>(4) For the purposes of this Schedule, a person (“A”) is to be treated as ordinarily resident in an area if A would have been so resident but for the fact that—

- (a) A;
- (b) A’s spouse or civil partner;
- (c) A’s parent; or,
- (d) in the case of a dependent direct relative in the ascending line, A’s child or child’s spouse or civil partner,

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is or was temporarily employed outside the area in question.]

[<sup>F1252</sup>(5) For the purposes of sub-paragraph (4), temporary employment outside the area in question 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;
- (b) in the case of members of the regular armed forces of a specified British overseas territory, any period which they serve outside the territory comprising the United Kingdom and the specified British overseas territories as members of such forces;
- (c) in the case of members of the regular armed forces of the Republic of Ireland, any period which they serve outside the territory comprising the United Kingdom, the Islands and the Republic of Ireland as members of such forces;
- (d) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland as members of such forces;
- (e) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey as members of such forces; and
- (f) in the case of members of the regular armed forces of an EU overseas territory, any period which they serve outside the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories.]

(6) For the purposes of this Schedule an area [<sup>F1253</sup>other than the United Kingdom or Gibraltar] 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.

(7) 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.

### Textual Amendments

**F1238** Words in Sch. 1 para. 1(1) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **25(2)(a)(i)**

**F1239** Words in Sch. 1 para. 1(1) omitted (31.12.2020) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **11(2)(a)(i)**

**F1240** Words in Sch. 1 para. 1(1) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **25(2)(a)(ii)(aa)**

**F1241** Words in Sch. 1 para. 1(1) inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **25(2)(a)(ii)(bb)**

**F1242** Words in Sch. 1 para. 1(1) inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **25(2)(a)(ii)(cc)**

**F1243** Words in Sch. 1 para. 1(1) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **11(10)(a)(i)**

**F1244** Words in Sch. 1 para. 1(1) inserted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **11(10)(a)(ii)**

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- F1245** Words in Sch. 1 para. 1(1) inserted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(a)(iii)**
- F1246** Words in Sch. 1 para. 1(1) omitted (31.12.2020) by virtue of The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(2)(a)(iii)**
- F1247** Words in Sch. 1 para. 1(1) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **25(2)(a)(iii)**
- F1248** Sch. 1 para. 1(1A) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **25(2)(b)**
- F1249** Words in Sch. 1 para. 1(2) substituted (1.8.2012) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(3), **36(a)**
- F1250** Sch. 1 para. 1(2A) inserted (1.8.2012) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(3), **36(b)**
- F1251** Sch. 1 para. 1(4) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(b)**
- F1252** Sch. 1 para. 1(5) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(c)**
- F1253** Words in Sch. 1 para. 1(6) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(2)(c)**

#### Marginal Citations

- M57** 1971 c. 77; section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c.61).
- M58** Cm. 4904.

## PART 2

### Categories

#### [<sup>F1254</sup>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—
    - [<sup>F1255</sup>(i) is settled in the United Kingdom and does not fall within paragraph 3;]
    - (ii) is ordinarily resident in England;
    - (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(4).]

#### Textual Amendments

- F1254** Sch. 1 para. 2 substituted (3.3.2017) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(2), **24(a)**

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**F1255**Sch. 1 para. 2(1)(a)(i) substituted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **25(3)**

**[<sup>F1256</sup>2A.—(1) A person—**

- (a) who is settled in the United Kingdom [<sup>F1257</sup>on the day on which the first term of the first academic year actually begins] and does not fall within paragraph 3;
- (b) who is —
  - (i) attending or undertaking a designated course in England; or
  - (ii) undertaking an intensive course, designated part-time course or a designated postgraduate course in England;
- (c) who has been ordinarily resident in the territory comprising the United Kingdom, the Islands and the Republic of Ireland throughout the three-year period preceding the first day of the first academic year of the course [<sup>F1258</sup>and who has been ordinarily resident in the Republic of Ireland for least part of that period];
- (d) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, the Islands and the Republic of Ireland 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; [<sup>F1259</sup>and]

**[<sup>F1260</sup>(e) who did not move to England from the Islands for the purpose of undertaking the current course, or a course which, disregarding any intervening vacation, the person undertook immediately before the current course.]**

(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 United Kingdom, the Islands and the Republic of Ireland in accordance with paragraph 1(4).]

#### Textual Amendments

**F1256**Sch. 1 para. 2A inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **25(4)**

**F1257**Words in Sch. 1 para. 2A(1)(a) substituted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **7(a)(i)**

**F1258**Words in Sch. 1 para. 2A(1)(c) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **7(a)(ii)**

**F1259**Word moved from Sch. 1 para. 2A(1)(c) to Sch. 1 para. 2A(1)(d) (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **7(a)(ii)**

**F1260**Sch. 1 para. 2A(1)(e) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **7(a)(iii)**

**3.—(1) A person who—**

**[<sup>F1261</sup>(a) meets one of the following conditions—**

- (i) the person is within the personal scope of the citizens' rights provisions and is settled in the United Kingdom by virtue of the grant of indefinite leave to enter or remain under residence scheme immigration rules;
- (ii) the person—
  - (aa) is within the personal scope of the citizens' rights provisions;



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- (bb) is an Irish citizen settled in the United Kingdom who, pursuant to section 3ZA of the Immigration Act 1971, does not require leave to enter or remain in the United Kingdom; and
  - (cc) would meet the eligibility requirements for indefinite leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules if that person were to make an application for such leave;
- <sup>F1262</sup>(iii) . . . . .
- (iv) the person—
    - (aa) is within the personal scope of the citizens’ rights provisions;
    - (bb) is an applicant for the purposes of regulation 4 of the 2020 Citizens’ Rights Regulations [<sup>F1263</sup>or otherwise has rights deemed to apply by virtue of any of the citizens’ rights provisions specified in paragraph (3)]; and
    - (cc) has, or is treated as having, a right of permanent residence for the purposes of the Immigration (European Economic Area) Regulations 2016, as those Regulations continue to have effect by virtue of the 2020 Citizens’ Rights Regulations in relation to that person during the relevant period [<sup>F1264</sup>or otherwise has a deemed right of permanent residence by virtue of any of the citizens’ rights provisions specified in paragraph (3)]; or
  - (v) the person is a family member of a relevant person of Northern Ireland for the purposes of residence scheme immigration rules, where that family member is settled in the United Kingdom by virtue of the grant of indefinite leave to enter or remain under residence scheme immigration rules;]
  - (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 [<sup>F1265</sup>ordinarily resident immediately before the period of ordinary residence referred to in paragraph (c) in the territory comprising—
    - (i) the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
    - (ii) the overseas territories.]

<sup>F1266</sup>(2) For the purposes of sub-paragraph (1)(a)(ii)(cc), “eligibility requirements for indefinite leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules” means the eligibility requirements for such leave in accordance with paragraph EU11 of Appendix EU to the immigration rules (as defined in section 33(1) of the Immigration Act 1971).]

<sup>F1267</sup>(3) For the purposes of sub-paragraph (1)(a)(iv), the citizens’ rights provisions referred to are—

- (a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement;
- (b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (c) Article 16(3) (issuance of residence documents) of the Swiss citizens’ rights agreement.]

**Textual Amendments**

**F1261**Sch. 1 para. 3(1)(a) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **25(5)(a)**

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- F1262**Sch. 1 para. 3(1)(a)(iii) omitted (with application in accordance with reg. 1(3)(e) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **12(3)**
- F1263**Words in Sch. 1 para. 3(1)(a)(iv)(bb) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **7(b)(i)**
- F1264**Words in Sch. 1 para. 3(1)(a)(iv)(cc) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **7(b)(ii)**
- F1265**Words in Sch. 1 para. 3(1)(d) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(d)**
- F1266**Sch. 1 para. 3(2) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **25(5)(b)**
- F1267**Sch. 1 para. 3(3) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **7(b)(iii)**

## 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.

## <sup>F1268</sup>Persons granted stateless leave and their family members

**4A.**—<sup>F1269</sup>(1) A person granted stateless leave, who is ordinarily resident in England on 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

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- (ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave;
- [<sup>F1270</sup>(b) who 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
- (c) who is ordinarily resident in England on 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;
  - [<sup>F1271</sup>(c) who 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) who is ordinarily resident in England on the first day of the first academic year of the course.]
- (4) In this paragraph, “leave application date” means the date on which a 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).]

#### Textual Amendments

**F1268**Sch. 1 para. 4A inserted (with application in accordance with reg. 1(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **7(9)**

**F1269**Sch. 1 para. 4A(1) substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **20(2)(a)**

**F1270**Sch. 1 para. 4A(2)(b)(c) substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **20(2)(b)**

**F1271**Sch. 1 para. 4A(3)(c)(d) substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **20(3)**

#### [<sup>F1272</sup>Persons granted section 67 leave

**4B.** A person granted section 67 leave, who is ordinarily resident in England on the first day of the first academic year of the course.]

#### Textual Amendments

**F1272**Sch. 1 para. 4B substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **20(4)**

## **[<sup>F1273</sup>Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse**

**4C.** A person granted indefinite leave to remain as a victim of domestic violence or domestic abuse, who is ordinarily resident in England on the first day of the first academic year of the course.]

### **Textual Amendments**

**F1273**Sch. 1 para. 4C inserted (with application in accordance with reg. 1(3)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **2(3)(g)**

## **[<sup>F1274</sup>Persons granted Calais leave**

**4D.** A person granted Calais leave, who is ordinarily resident in England on the first day of the first academic year of the course.]

### **Textual Amendments**

**F1274**Sch. 1 para. 4D substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **20(5)**

## **[<sup>F1275</sup>Persons granted indefinite leave to remain as a bereaved partner**

**4E.** A person granted indefinite leave to remain as a bereaved partner, who is ordinarily resident in England on the first day of the first academic year of the course.]

### **Textual Amendments**

**F1275**Sch. 1 para. 4E inserted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **13(8)**

## **Persons granted humanitarian protection and their family members**

**5.**—<sup>F1276</sup>(1) A person granted humanitarian protection, who 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 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”);

<sup>F1277</sup>(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 person granted humanitarian protection or the child of the spouse or civil partner of a person granted humanitarian protection;

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- (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;
- [<sup>F1278</sup>(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.]

#### Textual Amendments

**F1276**Sch. 1 para. 5(1) substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **20(6)(a)**

**F1277**Sch. 1 para. 5(2)(c)(d) substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **20(6)(b)**

**F1278**Sch. 1 para. 5(3)(d)(e) substituted (with application in accordance with reg. 1(3)(a)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **20(6)(c)**

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

6.—(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 [<sup>F1279</sup>the United Kingdom, Gibraltar,] 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).

#### Textual Amendments

**F1279**Words in Sch. 1 para. 6(1)(c) inserted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **11(3)(b)**

[<sup>F1280</sup>**6A.**—(1) A person with protected rights, or a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020, who—

- (a) is—
  - (i) an EEA migrant worker or an EEA self-employed person;

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- (ii) a Swiss employed person or a Swiss self-employed person;
  - (iii) a family member of a person mentioned in sub-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 sub-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
- <sup>F1281</sup>(c) has been ordinarily resident throughout the three-year period preceding the first day of the first academic year of the course either—
- (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
  - (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories, where at least part of that ordinary residence was in the overseas territories.]

(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).

(3) In this paragraph, a description of a person in sub-paragraph(1)(a)(i) is to be read as if it includes a relevant person of Northern Ireland who would, if that person were an EEA national or solely an EEA national, be an EEA migrant worker or an EEA self-employed person.]

#### Textual Amendments

**F1280**Sch. 1 para. 6A inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **25(6)**

**F1281**Sch. 1 para. 6A(1)(c) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **11(10)(e)**

7.—<sup>F1282</sup>(1) 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 <sup>F1283</sup>the United Kingdom, Gibraltar,] 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 <sup>M59</sup>, as extended by the EEA Agreement.

<sup>F1284</sup>(2) Any description of person who would have been eligible under this paragraph immediately before IP completion day is to be eligible on and after IP completion day.]

#### Textual Amendments

**F1282**Sch. 1 para. 7(a)-(c) renumbered as Sch. 1 para. 7(1)(a)-(c) (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **11(3)(c)(i)**

**F1283**Words in Sch. 1 para. 7(1)(b) inserted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **11(3)(c)(ii)**



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**F1284**Sch. 1 para. 7(2) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(c)(iii)**

#### Marginal Citations

**M59** OJ No L257, 19.10.1968, p2 (OJ/SE 1968 (II) p475).

[<sup>F1285</sup>7A.—(1) A person with protected rights who—

- (a) is ordinarily resident in England on the first day of the first academic year of the course;
  - [<sup>F1286</sup>(b) has been ordinarily resident throughout the three-year period preceding the first academic year of the course either—
    - (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
    - (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories where at least part of that ordinary residence was in the overseas territories;]
  - (c) is entitled to support by virtue of Article 10 of Regulation (EU) No. 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (“the Workers Regulation”), as it had effect immediately before IP completion day, as extended by the EEA Agreement, as it had effect immediately before IP completion day.
- (2) For the purposes of sub-paragraph (1)(c), in Article 10 of the Workers Regulation—
- (a) the reference to a “national of a Member State” is to be read as including a relevant person of Northern Ireland; and
  - (b) the reference to “another Member State” is to be read as including the United Kingdom, and the references to “that State” construed accordingly.]

#### Textual Amendments

**F1285**Sch. 1 para. 7A inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **25(7)**

**F1286**Sch. 1 para. 7A(1)(b) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(f)**

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

**8.—(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 [<sup>F1287</sup>before IP completion day];
- (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 [<sup>F1288</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and



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- (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 [<sup>F1289</sup>the United Kingdom, Gibraltar,] 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 [<sup>F1290</sup>had the 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 [<sup>F1291</sup>has gone] to the 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.

[<sup>F1292</sup>(3) For the purposes of sub-paragraph (2), a person had the right of permanent residence if they had a right which arose under Directive 2004/38 to reside permanently in the United Kingdom without restriction.]

#### Textual Amendments

**F1287** Words in Sch. 1 para. 8(1)(b) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(d)(i)**

**F1288** Words in Sch. 1 para. 8(1)(d) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(d)(ii)**

**F1289** Words in Sch. 1 para. 8(1)(e) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(d)(ii)**

**F1290** Words in Sch. 1 para. 8(2) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(d)(iii)(aa)**

**F1291** Words in Sch. 1 para. 8(2) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(d)(iii)(bb)**

**F1292** Sch. 1 para. 8(3) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(d)(iv)**

[<sup>F1293</sup>**8A.**—(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 before IP completion day;
- (c) was ordinarily resident immediately before IP completion day—
  - (i) in the territory comprising Gibraltar, the European Economic Area and Switzerland;  
or
  - (ii) in the United Kingdom, where that ordinary residence began after 31st December 2017 immediately following a period of ordinary residence in the territory comprising Gibraltar, the European Economic Area and Switzerland,
 and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course;

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

(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 had the 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 had the right of permanent residence, if the person has gone to the 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.

(3) For the purposes of sub-paragraph (2), a person had the right of permanent residence if they had a right which arose under Directive 2004/38 to reside permanently in the United Kingdom without restriction.]

#### Textual Amendments

**F1293**Sch. 1 para. 8A inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **25(8)**

#### EU nationals [<sup>F1294</sup>etc.]

9.—(1) A person who—

- (a) 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) is—
  - (i) attending or undertaking a designated course <sup>F1295</sup>... in England; or
  - (ii) undertaking [<sup>F1296</sup>an intensive course], designated part-time course or a designated postgraduate course in England;
- (c) has been ordinarily resident in the territory comprising [<sup>F1297</sup>the United Kingdom, Gibraltar,] 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 [<sup>F1298</sup>the United Kingdom, Gibraltar,] 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.

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(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising [<sup>F1299</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland in accordance with paragraph 1(4).

(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.

[<sup>F1300</sup>(4) Any description of person who would have been eligible under this paragraph immediately before IP completion day is to be eligible on and after IP completion day.]

### Textual Amendments

**F1294** Word in Sch. 1 para. 9 heading inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **25(9)**

**F1295** Words in Sch. 1 para. 9(1)(b)(i) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **6(10)**

**F1296** Words in Sch. 1 para. 9(1)(b) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **32(2)**

**F1297** Words in Sch. 1 para. 9(1)(c) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(e)(i)**

**F1298** Words in Sch. 1 para. 9(1)(d) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(e)(i)**

**F1299** Words in Sch. 1 para. 9(2) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(e)(i)**

**F1300** Sch. 1 para. 9(4) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(e)(ii)**

[<sup>F1301</sup>9A.—(1) A person with protected rights—

(a) who is —

- (i) an EU national on the first day of the first academic year of the course;
- (ii) a family member of a person mentioned in sub-paragraph (i); or
- (iii) a family member of a relevant person of Northern Ireland;

(b) who is—

- (i) attending or undertaking a designated course in England; or
- (ii) undertaking an intensive course, designated part-time course or a designated postgraduate course in England;

(c) who has been ordinarily resident in the territory comprising the United Kingdom, <sup>F1302</sup>... the European Economic Area [<sup>F1303</sup>, Switzerland and the overseas territories] 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 United Kingdom, <sup>F1304</sup>... the European Economic Area [<sup>F1305</sup>, Switzerland and the overseas territories] 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.

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(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 United Kingdom,<sup>F1306</sup> ... the European Economic Area [<sup>F1307</sup>, Switzerland and the overseas territories] in accordance with paragraph 1(4).]

#### Textual Amendments

- F1301**Sch. 1 paras. 9A-9D inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **25(10)**
- F1302**Word in Sch. 1 para. 9A(1)(c) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(g)(i)(aa)**
- F1303**Words in Sch. 1 para. 9A(1)(c) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(g)(i)(bb)**
- F1304**Word in Sch. 1 para. 9A(1)(d) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(g)(ii)(aa)**
- F1305**Words in Sch. 1 para. 9A(1)(d) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(g)(ii)(bb)**
- F1306**Word in Sch. 1 para. 9A(2) omitted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(h)(i)**
- F1307**Words in Sch. 1 para. 9A(2) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(h)(ii)**

#### <sup>F1301</sup>United Kingdom nationals

**9B.**—(1) A person—

- (a) who is—
- (i) a United Kingdom national on the first day of the first academic year of the course; or
  - (ii) a family member of a person mentioned in sub-paragraph (i);
- (b) who was ordinarily resident immediately before IP completion day—
- (i) in the territory comprising the European Economic Area and Switzerland; or
  - (ii) in the United Kingdom, where that ordinary residence began after 31st December 2017 immediately following a period of ordinary residence in the territory comprising the European Economic Area and Switzerland,
- and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course;
- (c) who is —
- (i) attending or undertaking a designated course in England; or
  - (ii) undertaking an intensive course, designated part-time course or a designated postgraduate course in England;

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- (d) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, 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) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (e) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland in accordance with paragraph 1(4).

(3) Where a person (“P”) falls within sub-paragraph (1)(a)(ii), the person in relation to whom P is a family member must also meet the requirements of sub-paragraph (1)(b) and (d).]

#### Textual Amendments

**F1301**Sch. 1 paras. 9A-9D inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **25(10)**

**[<sup>F1308</sup>9BA.**—(1) A person—

- (a) who is an Irish citizen on the first day of the first academic year of the course;
- (b) who was ordinarily resident before IP completion day—
  - (i) in the territory comprising the European Economic Area and Switzerland; or
  - (ii) in the United Kingdom, where that ordinary residence began after 31st December 2017 immediately following a period of ordinary residence in the territory comprising the European Economic Area and Switzerland,and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course;
- (c) who is—
  - (i) attending or undertaking a designated course in England; or
  - (ii) undertaking an intensive course, designated part-time course or a designated postgraduate course in England;
- (d) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, 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) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (e) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland in accordance with paragraph 1(4).]

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### Textual Amendments

**F1308**Sch. 1 para. 9BA inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **8(8)(a)**

**[<sup>F1309</sup>9BB.**—(1) A person—

- (a) who is settled in the United Kingdom on the first day of the first academic year of the course;
- (b) who is—
  - (i) attending or undertaking a designated course in England; or
  - (ii) undertaking an intensive course, designated part-time course or a designated postgraduate course in England;
- (c) who has been ordinarily resident in the specified British overseas territories for at least part of the three-year period preceding the first day of the first academic year of the course;
- (d) who has been ordinarily resident in the territory comprising the United Kingdom, the Islands and the specified British overseas territories throughout the three-year period preceding the first day of the first academic year of the course;
- (e) who did not move to England from the Islands for the purpose of undertaking the current course or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the current course; and
- (f) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, the Islands and the specified British overseas territories has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (f) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, the Islands and the specified British overseas territories in accordance with paragraph 1(4).]

### Textual Amendments

**F1309**Sch. 1 para. 9BB inserted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(i)**

**[<sup>F1301</sup>9C.**—(1) A person—

- (a) who is a family member of a person who is [<sup>F1310</sup>settled in the United Kingdom] on the first day of the first academic year of the course;
- (b) who is—
  - (i) attending or undertaking a designated course in England; or
  - (ii) undertaking an intensive course, designated part-time course or a designated postgraduate course 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;



(d) subject to sub-paragraph (2), whose ordinary 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; [<sup>F1311</sup>and]

[ who did not move to England from the Islands for the purpose of undertaking the current <sup>F1312</sup>(e) course or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the current course.]

(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(4).]

#### Textual Amendments

**F1301**Sch. 1 paras. 9A-9D inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **25(10)**

**F1310**Words in Sch. 1 para. 9C(1)(a) substituted (with application in accordance with reg. 1(3)(f) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **14**

**F1311**Word in Sch. 1 para. 9C(1)(d) moved from Sch. 1 para. 9C(1)(c) (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **7(c)**

**F1312**Sch. 1 para. 9C(1)(e) inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **7(c)**

#### [<sup>F1301</sup>Persons resident in Gibraltar

[<sup>F1313</sup>9D.—(1) A person—

(a) who is—

(i) a United Kingdom national who has resident status in Gibraltar granted by the Government of Gibraltar; or

(ii) a family member of a United Kingdom national where that family member has resident status in Gibraltar granted by the Government of Gibraltar;

(b) who is —

(i) attending or undertaking a designated course in England; or

(ii) undertaking an intensive course, designated part-time course or a designated postgraduate course in England;

(c) who has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, 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 (3), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, 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) A person—

(a) who is—

(i) an EU national who has a right of residence in Gibraltar arising under the EU withdrawal agreement; or

(ii) a family member of an EU national, where that family member has a right of residence in Gibraltar arising under the EU withdrawal agreement;

(b) who is —



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- (i) attending or undertaking a designated course in England; or
  - (ii) undertaking an intensive course, designated part-time course or a designated postgraduate course in England;
  - (c) who has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and
  - (d) subject to sub-paragraph (3), whose ordinary residence in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories 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.
- (3) Paragraph (d) of sub-paragraphs (1) and (2) does not apply to a person treated as being ordinarily resident in the territory referred to in paragraph (c) of those sub-paragraphs in accordance with paragraph 1(4).]]

#### Textual Amendments

**F1301**Sch. 1 paras. 9A-9D inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **25(10)**

**F1313**Sch. 1 para. 9D substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(j)**

#### [<sup>F1314</sup>EU nationals ordinarily resident in the United Kingdom and Islands]

**10.**—(1) A person who—

- (a) is an EU national <sup>F1315</sup>... 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 full-time education, was ordinarily resident in the territory comprising [<sup>F1316</sup>the United Kingdom, Gibraltar,] 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 [<sup>F1317</sup>EU national]<sup>F1318</sup>... on the first day of the first academic year of the course is treated as being satisfied.

#### Textual Amendments

**F1314**Sch. 1 para. 10 heading inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **25(11)**

**F1315**Words in Sch. 1 para. 10(1)(a) omitted (31.12.2020) by virtue of The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(f)(i)**

**F1316**Words in Sch. 1 para. 10(1)(d) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(f)(ii)**

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**F1317** Words in Sch. 1 para. 10(2) substituted (1.8.2012) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(3), **37**

**F1318** Words in Sch. 1 para. 10(2) omitted (31.12.2020) by virtue of The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(f)(i)**

[<sup>F1319</sup>**10ZA.** A person with protected rights who—

- (a) is an EU 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 full-time education, was [<sup>F1320</sup>ordinarily resident immediately before the period of ordinary residence referred to in paragraph (c) in the territory comprising—
  - (i) the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
  - (ii) the overseas territories.]]

#### Textual Amendments

**F1319** Sch. 1 para. 10ZA inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **25(12)**

**F1320** Words in Sch. 1 para. 10ZA(d) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(k)**

[<sup>F1321</sup>**10A.**—(1) A person who—

- (a) is an EU national <sup>F1322</sup>... 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 five-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 full-time education, was ordinarily resident in the territory comprising [<sup>F1323</sup>the United Kingdom, Gibraltar,] 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 <sup>F1324</sup>... on the first day of the first academic year of the course is treated as being satisfied.]

#### Textual Amendments

**F1321** Sch. 1 para. 10A inserted (with application in accordance with reg. 1(3)(4) of the amending S.I.) by The Education (Student Support) (Amendment) Regulations 2016 (S.I. 2016/270), regs. 1(1), **6**

**F1322** Words in Sch. 1 para. 10A(1)(a) omitted (31.12.2020) by virtue of The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(g)(i)**

**F1323** Words in Sch. 1 para. 10A(1)(d) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(g)(ii)**

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**F1324** Words in Sch. 1 para. 10A(2) omitted (31.12.2020) by virtue of The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(g)(i)**

## Children of Swiss nationals

**11.**—<sup>[F1325]</sup>(1) 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 <sup>[F1326]</sup>the United Kingdom, Gibraltar,] 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 <sup>[F1327]</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

<sup>[F1328]</sup>(2) Any description of person who would have been eligible under this paragraph immediately before IP completion day is to be eligible on and after IP completion day.]

### Textual Amendments

**F1325** Sch. 1 para. 11(a)-(d) renumbered as Sch. 1 para. 11(1)(a)-(d) (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(h)(i)**

**F1326** Words in Sch. 1 para. 11(1)(c) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(h)(ii)**

**F1327** Words in Sch. 1 para. 11(1)(d) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(h)(ii)**

**F1328** Sch. 1 para. 11(2) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(h)(iii)**

<sup>[F1329]</sup>**11A.** A person with protected rights who—

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 18(2) of the Swiss citizens' rights agreement;
- (b) is ordinarily resident in England on the first day of the first academic year of the course;
- <sup>[F1330]</sup>(c) has been ordinarily resident throughout the three-year period preceding the first day of the first academic year of the course either—
  - (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
  - (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories where at least part of that ordinary residence was in the overseas territories;]
- (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 United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).]

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#### Textual Amendments

**F1329**Sch. 1 para. 11A inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **25(13)**

**F1330**Sch. 1 para. 11A(c) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(i)**

### Children of Turkish workers

**12.** 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 [<sup>F1331</sup>the United Kingdom, Gibraltar,] the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.

#### Textual Amendments

**F1331**Words in Sch. 1 para. 12(c) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **11(3)(i)**

[<sup>F1332</sup>**12A.** A person who—

- (a) is the child of a Turkish worker (“T”), where T was ordinarily resident in the United Kingdom immediately before IP completion day;
- (b) immediately before IP completion day—
  - (i) was the child of T; and
  - (ii) was ordinarily resident in the United Kingdom;
- (c) is ordinarily resident in England on the first day of the first academic year of the course; and
- [<sup>F1333</sup>(d) has been ordinarily resident throughout the three-year period preceding the first day of the first academic year of the course either—
  - (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey; or
  - (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland, Turkey and the overseas territories where at least part of that ordinary residence was in the overseas territories.]]

#### Textual Amendments

**F1332**Sch. 1 para. 12A inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **25(14)**

**F1333**Sch. 1 para. 12A(d) substituted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **11(10)(m)**

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### <sup>F1334</sup>Long Residence

13.—(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 [<sup>F1335</sup>on the first day of the first academic year of the course];
- (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(4).]

#### Textual Amendments

**F1334**Sch. 1 para. 13 substituted (3.3.2017) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(2), **24(c)**

**F1335**Words in Sch. 1 para. 13(1)(b) inserted (23.12.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **10**

### <sup>F1336</sup>Persons granted leave under the Afghan Relocations and Assistance Scheme

14. A person granted leave under the Afghan Relocations and Assistance Scheme, who is ordinarily resident in England on the first day of the first academic year of the course.]

#### Textual Amendments

**F1336**Sch. 1 para. 14 inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **9(10)**

## SCHEDULE 2

Regulations 5, 122 and 139

### DESIGNATED COURSES

1. A first degree course.
2. A course for the Diploma of Higher Education.
3. A course for the Higher National Diploma or Higher National Certificate of—

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- (a) the Business & Technician Education Council; or
  - (b) the Scottish Qualifications Authority.
4. A course for the Certificate of Higher Education.
5. A course for the initial training of teachers.

<sup>F1337</sup>6. ....

**Textual Amendments**

**F1337**Sch. 2 para. 6 omitted (1.8.2013) by virtue of [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(3), **21**

7. A course in preparation for a professional examination of a standard higher than that of—
- (a) examination at advanced level for the General Certificate of Education or the examination at higher level for the Scottish Certificate of Education; or
  - (b) the examination for the National Certificate or the National Diploma of either of the bodies mentioned in paragraph 3,
- not being a course for entry to which a first degree (or equivalent qualification) is normally required.

8. A course—
- (a) providing education (whether or not in preparation for an examination) the standard of which is higher than that of courses providing education in preparation for any of the examinations mentioned in paragraph 7(a) or (b) but not higher than that of a first degree course; and
  - (b) for entry to which a first degree (or equivalent qualification) is not normally required.
9. [<sup>F1338</sup>A postgraduate pre-registration course.]

**Textual Amendments**

**F1338**Sch. 2 para. 9 inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/443\)](#), regs. 1(2)(a), **14**

[<sup>F1339</sup>10. A graduate entry accelerated programme.

**Textual Amendments**

**F1339**Sch. 2 paras. 10, 11 inserted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **5(5)**

11. A graduate entry veterinary course.]

**Textual Amendments**

**F1339**Sch. 2 paras. 10, 11 inserted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **5(5)**

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## SCHEDULE 3

Regulations 10, 130, <sup>F1340</sup>150, 157E] and

165

## INFORMATION

### Textual Amendments

**F1340** Words in Sch. 3 shoulder note substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **25**

1. Every applicant, eligible student, eligible part-time student and eligible postgraduate 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. <sup>F1341</sup>An] applicant, eligible student, eligible part-time student [<sup>F1342</sup>or eligible] postgraduate student must forthwith inform the Secretary of State and provide the Secretary of State with particulars if any of the following occurs—

- <sup>F1343</sup>(a) they withdraw from or abandon their course;
- (b) they are expelled from their course;
- (c) they transfer to another course (whether at the same institution or not);
- (d) they are absent from their course for more than 60 days due to illness;
- (e) they are suspended from their course (whether at their request or not);
- (f) the month for the start or completion of their course changes;
- (g) their home or term-time address or telephone number changes.]

### Textual Amendments

**F1341** Word in Sch. 3 para. 2 substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **7(a)(i)(aa)**

**F1342** Words in Sch. 3 para. 2 substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **7(a)(i)(bb)**

**F1343** Sch. 3 para. 2(a)-(g) substituted for Sch. 3 para. 2(a)-(f) (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **7(a)(ii)**

<sup>F1344</sup>**2A.**—(1) An academic authority must forthwith inform the Secretary of State and provide the Secretary of State with particulars if an applicant, eligible student, eligible part-time student or eligible postgraduate student—

- (a) withdraws from or abandons their course;
- (b) is expelled from their course;
- (c) is absent from their course for more than 60 days due to illness;
- (d) is suspended from their course (whether at the applicant's or student's request or not).

(2) An academic authority is not required to provide under sub-paragraph (1) any information which it has already provided to the Secretary of State under regulation 113(5) or 155(4).]



### Textual Amendments

**F1344**Sch. 3 para. 2A inserted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), 7(b)

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.

## SCHEDULE 4

Regulation 99

### FINANCIAL ASSESSMENT

#### Definitions

1.—(1) In this Schedule:—

- (a) “existing student” means an eligible student who is not a new eligible student;
- (b) “financial year” means the period of twelve months in respect of which the income of a person whose residual income is calculated under the provisions of this Schedule is computed for the purposes of the income tax legislation which applies to it;
- (c) “household income” has the meaning given in paragraph 3;
- (d) “independent eligible student” has the meaning given in paragraph 2;
- (e) “Member State” means a Member State of the EU;
- (f) “new eligible student” means an eligible student who begins a specified designated course on or after 1st September 2004;
- (g) “parent” means a natural or adoptive parent and “child”, “mother” and “father” are to be construed accordingly;
- (h) “parent student” means an eligible student who is the parent of an eligible student;
- (i) “partner” in relation to an eligible student means any of the following—
  - (i) the spouse of an eligible student;
  - (ii) the civil partner of an eligible student;
  - (iii) a person ordinarily living with an eligible student as if the person were the student's spouse where an eligible student falls within paragraph 2(1)(a) <sup>F1345</sup> ...;
  - (iv) a person ordinarily living with an eligible student as if that person were the student's civil partner where an eligible student falls within paragraph 2(1)(a) <sup>F1346</sup> ...;
- (j) “partner” in relation to the parent of an eligible student means any of the following other than another parent of the eligible student—
  - (i) the spouse of an eligible student's parent;
  - (ii) the civil partner of an eligible student's parent;
  - (iii) a person ordinarily living with the parent of an eligible student as if the person were the parent's spouse;
  - (iv) a person ordinarily living with the parent of an eligible student as if the person were the parent's civil partner;

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- (k) “preceding financial year” means the financial year immediately preceding the relevant year;
- (l) “prior financial year” means the financial year immediately preceding the preceding financial year;
- (m) “relevant year” means the academic year of the course in respect of which the household income falls to be assessed;
- (n) “residual income” means taxable income after the application of paragraph 4 (in the case of an eligible student), paragraph 5 (in the case of an eligible student's parent), paragraph 6 (in the case of an eligible student's partner) or paragraph 7 (in the case of the partner of a new eligible student's parent) and income referred to in sub-paragraph (2) received net of income tax;
- (o) <sup>F1347</sup>“taxable income” means, in relation to paragraph 4, in respect of the academic year for which an application has been made under regulation <sup>F1348</sup>[8], in relation to paragraph 5, in respect (subject to sub-paragraphs <sup>F1349</sup>(3) to (5A)] of paragraph 5) of the prior financial year <sup>F1350</sup>and in relation to paragraph 7, in respect (subject to sub-paragraphs (2) to (5) of paragraph 7) of the prior financial year—
- (i) the total income on which a person (“A”) is charged to income tax as determined at Step 1 of the calculation in section 23 of the Income Tax Act 2007, together with any payments and other benefits mentioned in section 401(1) of the Income Tax (Earnings and Pensions) Act 2003 (ignoring section 401(2) of that Act), received or treated as received by A, to the extent that they are not a component of the total income on which A is charged to income tax;
- (ii) A’s total income from all sources as determined for the purposes of the income tax legislation of <sup>F1351</sup>[a Member State] which applies to A’s income; or
- (iii) <sup>F1352</sup>[where the legislation of—
- (aa) the United Kingdom and one or more Member States; or
- (bb) more than one Member State
- applies to the period, A’s total income from all sources as determined for the purposes of the income tax legislation under which the Secretary of State considers that A’s total income in that period is greatest (except as otherwise provided in paragraph 5),]
- <sup>F1353</sup>[except that] no account is taken of income referred to in sub-paragraph (2) paid to another party].
- (2) The income referred to in this sub-paragraph is any benefits under a pension arrangement pursuant to an order made under section 23 of the Matrimonial Causes Act 1973 <sup>M60</sup> which includes provision made by virtue of sections 25B(4) and 25E(3) of that Act or pension benefits under Part 1 of Schedule 5 to the Civil Partnership Act 2004 <sup>M61</sup> which includes provision made by virtue of Parts 6 and 7 of that Schedule.

#### Textual Amendments

**F1345** Words in Sch. 4 para. 1(1)(i)(iii) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(10)(a)(i)**

**F1346** Words in Sch. 4 para. 1(1)(i)(iv) omitted (26.11.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(10)(a)(ii)**

**F1347** Sch. 4 para. 1(1)(o) substituted (1.8.2014) by The Further and Higher Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/1766), regs. 1, **11(a)**

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**F1348** Word in Sch. 4 para. 1(1)(o) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **10(3)(a)(i)**

**F1349** Words in Sch. 4 para. 1(1)(o) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **10(3)(a)(ii)**

**F1350** Words in Sch. 4 para. 1(1)(o) inserted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **10(3)(a)(iii)**

**F1351** Words in Sch. 4 para. 1(1)(o)(ii) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **12(2)(a)**

**F1352** Sch. 4 para. 1(1)(o)(iii) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **12(2)(b)**

**F1353** Words in Sch. 4 para. 1(1)(o) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **12(2)(c)**

### Marginal Citations

**M60** 1973 c.18; section 23 was amended by the Administration of Justice Act 1982 (c.53), section 18. Section 25B was inserted by the Pensions Act 1995(c.26), section 166(1) and was amended by the Welfare Reform and Pensions Act 1999 (c.30), Schedule 4, Section 25E was inserted by the Pensions Act 2004(c.35), section 319(1), Schedule 12, paragraph 3.

**M61** 2004 c.33; paragraph 25 of Schedule 5 was modified by S.I.2006/1934,

### Independent eligible student

- 2.—(1) An independent eligible student is an eligible student where—
- (a) the student is aged 25 or over on the first day of the relevant year;
  - (b) the student is married or is in a civil partnership before the beginning of the relevant year, whether or not the marriage or civil partnership is still subsisting;
  - (c) the student has no parent living;
  - (d) the Secretary of State is satisfied that neither of the student's parents can be found or that it is not reasonably practicable to get in touch with either of them;
  - (e) the student has communicated with neither of the student's parents for the period of one year before the beginning of the relevant year or, in the opinion of the Secretary of State, the student can demonstrate on other grounds that the student is irreconcilably estranged from the student's parents;
  - (f) the student was looked after by a local authority (within the meaning of section 22 of the Children Act 1989 <sup>M62</sup>) [<sup>F1354</sup> or, as the case may be, section 74 of the Social Services and Well-being (Wales) Act 2014] throughout any three-month period ending on or after the date on which the student reached the age of 16 and before the first day of the first academic year of the course (“the relevant period”) provided that the student has not in fact at any time during the relevant period been under the charge or control of the student's parents;
  - (g) the student's parents are residing outside [<sup>F1355</sup> the United Kingdom, Gibraltar and] the EU and the Secretary of State is satisfied that either—
    - (i) the assessment of the household income by reference to their residual income would place those parents in jeopardy; or
    - (ii) it would not be reasonably practicable for those parents as a result of the calculation of any contribution under paragraph <sup>F1356</sup> [<sup>F1357</sup> ... 9 or 9A] to send any relevant funds to the United Kingdom;

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- (h) paragraph [F1358 5(10)] applies and the parent whom the Secretary of State considered the more appropriate for the purposes of that paragraph has died (irrespective of whether the parent in question had a partner);
- (i) in the case of a student who began the current course before 1st September 2009, the student is a member of a religious order who resides in a house of that order;
- (j) as at the first day of the relevant year, the student has the care of a person under the age of 18; or
- (k) the student (“A”) has supported A out of A's earnings for any period or periods ending before the first academic year of the course which periods together aggregate not less than three years, and for the purposes of this sub-paragraph A is to be treated as supporting A out of A's earnings during any period in which—
- (i) A was participating in arrangements for training for the unemployed under any scheme operated by, sponsored or funded by any state authority or agency, whether national, regional or local (“a relevant authority”);
  - (ii) A was in receipt of benefit payable by any relevant authority in respect of a person who is available for employment but who is unemployed;
  - (iii) A was available for employment and had complied with any requirement of registration imposed by a relevant authority as a condition of entitlement for participation in arrangements for training or receipt of benefit;
  - (iv) A held a state studentship or comparable award; or
  - (v) A received any pension, allowance or other benefit paid by any person by reason of a disability to which A is subject, or by reason of confinement, injury or sickness.
- (2) An eligible student who qualifies as an independent eligible student under sub-paragraph (1) (j) in respect of an academic year of a designated course retains that status for the duration of the period of eligibility.

#### Textual Amendments

**F1354** Words in Sch. 4 para. 2(1)(f) inserted (6.4.2016) by *The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) Regulations 2016* (S.I. 2016/211), reg. 1(2), **Sch. 3 para. 125**

**F1355** Words in Sch. 4 para. 2(1)(g) inserted (31.12.2020) by *The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020* (S.I. 2020/1181), regs. 1(3), **12(3)**

**F1356** Word in Sch. 4 para. 2(1)(g)(ii) omitted (26.11.2020) by virtue of *The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020* (S.I. 2020/1203), regs. 1(2), **3(10)(b)**

**F1357** Words in Sch. 4 para. 2(1)(g)(ii) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by *The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019* (S.I. 2019/142), regs. 1(1), **33(2)(i)**

**F1358** Words in Sch. 4 para. 2(1)(h) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by *The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019* (S.I. 2019/142), regs. 1(1), **33(2)(ii)**

#### Marginal Citations

**M62** 1989 c.41; section 22 has been amended by the *Children (Leaving Care) Act 2000* (c.35) section 2, *Local Government Act 2000* (c.41), **Schedule 5**, paragraph 19, the *Adoption and Children Act 2002* (c.38), **section 116(2)**, the *Children Act 2004* (c. 31), **section 52** and the *Children and Young Persons Act 2008* (c.23), **section 39** and Schedule 3.

## Household income

- 3.—(1) The amount of an eligible student's contribution depends on the household income.
- (2) The household income is—
- (a) in the case of an eligible student who is not an independent eligible student, the residual income of the eligible student aggregated with the residual income of the eligible student's parents (subject to <sup>F1359</sup>paragraph 5(10)) and—
- (i) in the case of a new eligible student who began the specified designated course before 1st September 2005, the residual income of the partner (other than a partner within the meaning of paragraph 1(j)(iv)) of the student's parent (provided that the Secretary of State has selected that parent under <sup>F1359</sup>paragraph 5(10)); or
- (ii) in the case of a new eligible student who began the specified designated course on or after 1st September 2005, the residual income of the partner of the student's parent (provided that the Secretary of State has selected that parent under <sup>F1359</sup>paragraph 5(10));
- (b) in the case of an independent eligible student who has a partner, the residual income of the eligible student aggregated with the residual income of the eligible student's partner (subject to sub-paragraph (4)); or
- (c) in the case of an independent eligible student who does not have a partner, the residual income of the eligible student.
- (3) In determining the household income under sub-paragraph (2), there is deducted the sum of £1,130—
- (a) for each child wholly or mainly financially dependent on the eligible student or the eligible student's partner; or
- (b) for each child other than the eligible student wholly or mainly financially dependent on the eligible student's parent or the eligible student's parent's partner whose residual income is being taken into account.
- (4) For the purpose of calculating the contribution payable in respect of a parent student, the residual income of the parent student's partner must not be aggregated under paragraph (b) of sub-paragraph (2) in the case of a parent student whose child or whose partner's child holds an award in respect of which the household income is calculated with reference to the residual income of the parent student or of the parent student's partner or of both.

### Textual Amendments

**F1359**Words in Sch. 4 para. 3(2)(a) substituted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **38**

## Calculation of eligible student's residual income

- 4.—(1) For the purpose of determining the residual income of an eligible student, there is deducted from the student's taxable income (unless already deducted in determining taxable income) the aggregate of any amounts falling within any of the following sub-paragraphs—
- (a) any remuneration for work done during any academic year of the eligible student's course, provided that such remuneration does not include any sums paid in respect of any period for which the student has leave of absence or is relieved of the student's normal duties for the purpose of attending that course;

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- (b) the gross amount of any premium or other sum paid by the eligible student in relation to a pension (not being a pension payable under a policy of life insurance) in respect of which relief is given <sup>F1360</sup>... under section 188 of the Finance Act 2004 <sup>M63</sup>, or where the eligible student's income is computed for the purposes of the income tax legislation of [<sup>F1361</sup>a Member State], the gross amount of any such premium or sum in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

<sup>F1362</sup>(2) .....

- (3) Where the eligible student receives income in a currency other than sterling, the value of that income for the purpose of this paragraph is—

- (a) if the student purchases sterling with the income, the amount of sterling the student so receives;

- [<sup>F1363</sup>(b) otherwise the value of the sterling which the income would purchase using the average rate published by Her Majesty's Revenue and Customs for the calendar year which ends before the start of the relevant year.]

**Textual Amendments**

**F1360** Words in Sch. 4 para. 4(1)(b) omitted (1.8.2014) by virtue of [The Further and Higher Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/1766\)](#), regs. 1, **11(b)**

**F1361** Words in Sch. 4 para. 4(1)(b) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **12(4)(a)**

**F1362** Sch. 4 para. 4(2) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(10)(c)**

**F1363** Sch. 4 para. 4(3)(b) substituted (3.3.2017) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(2), **25(a)**

**Marginal Citations**

**M63** 2004 c.12; section 188 was amended by the [Finance Act 2007 \(c.11\)](#), **sections 68, 69** and 114 and Schedules 18, 19 and 27.

**Calculation of parent's residual income**

5.—<sup>F1364</sup>(1) .....

- (2) [<sup>F1365</sup>For the purposes of determining the residual income of an eligible student's parent ("A" in this paragraph) there is deducted from the taxable income of A the aggregate of any amounts falling within any of the following sub-paragraphs (unless already deducted in determining a person's taxable income)]—

- (a) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given <sup>F1366</sup>... under section 188 of the Finance Act 2004, or where the income is computed for the purposes of the income tax legislation of [<sup>F1367</sup>a Member State], the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

- (b) in any case where income is computed for the purposes of the Income Tax Acts by virtue of sub-paragraph (7) any sums equivalent to the deduction mentioned in paragraph (a) of this sub-paragraph, provided that any sums so deducted do not exceed the deductions which would be made if the whole of A's income were in fact income for the purposes of the Income Tax Acts;



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(c) where A is a parent student or A holds a statutory award, £1,130.

[<sup>F1368</sup>(3) The Secretary of State may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain A's residual income for the financial year beginning immediately before the relevant year ("the current financial year") if the Secretary of State is satisfied that—

- (a) where the eligible student's household income is determined by reference to the residual income of A alone, the residual income of A in the current financial year is likely to be not more than 85% of the sterling value of A's residual income in the prior financial year;
- (b) where the eligible student's household income is determined by reference to the residual income of both parents, the aggregate of the residual incomes of A and the other parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of A and the other parent in the prior financial year; or
- (c) where the eligible student's household income is determined by reference to the residual income of A and A's partner, the aggregate of the residual incomes of A and A's partner in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of—
  - (i) the residual income of A in the prior financial year applicable to A; and
  - (ii) the residual income of A's partner in the prior financial year applicable to A's partner.

(4) In the event that sub-paragraph (3) or this paragraph was applied in the previous academic year of the current course, the Secretary of State may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain A's residual income for the current financial year if the Secretary of State is satisfied that—

- (a) where the eligible student's household income is determined by reference to the residual income of A alone, the residual income of A in the current financial year is likely to be not more than 85% of the sterling value of A's residual income in the previous financial year;
- (b) where the eligible student's household income is determined by reference to the residual income of both parents, the aggregate of the residual incomes of A and the other parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of A and the other parent in the previous financial year; or
- (c) where the eligible student's household income is determined by reference to the residual income of A and A's partner, the aggregate of the residual incomes of A and A's partner in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of A and A's partner in the previous financial year.

(5) In an academic year immediately following one in which the Secretary of State has ascertained A's residual income for the current financial year under sub-paragraph (3) or, where applicable, under sub-paragraph (4), the Secretary of State must ascertain A's residual income in the preceding financial year.

(5A) In an academic year immediately following one in which the Secretary of State has ascertained A's residual income for the previous financial year under sub-paragraph (5), the Secretary of State must ascertain A's residual income in the prior financial year.]

(6) Where A satisfies the Secretary of State that A's income is wholly or mainly derived from the profits of a business or profession carried on by A, then any reference in this Schedule to a prior financial year means the earliest period of twelve months which ends after the start of the [<sup>F1369</sup>financial year immediately preceding the preceding financial year] and in respect of which accounts are kept relating to that business or profession.

(7) Where A is in receipt of any income which does not form part of A's income for the purposes of the Income Tax Acts or the income tax legislation of [<sup>F1370</sup>a Member State] by reason only that—



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- (a) A is not resident <sup>F1371</sup>... or domiciled in the United Kingdom, or where A's income is computed as for the purposes of the income tax legislation of [<sup>F1370</sup>a Member State], not so resident <sup>F1371</sup>... or domiciled in that Member State;
- (b) the income does not arise in the United Kingdom, or where A's income is computed as for the purposes of the income tax legislation of [<sup>F1370</sup>a Member State], does not arise in that Member State; or
- (c) the income arises from an office, service or employment, income from which is exempt from tax in pursuance of any legislation,

A's taxable income for the purposes of this Schedule is computed as though the income under this sub-paragraph were part of A's income for the purposes of the Income Tax Acts or the income tax legislation of [<sup>F1370</sup>a Member State], as the case may be.

<sup>F1372</sup>(8) Where A's income is computed as for the purposes of the income tax legislation of [<sup>F1373</sup>a Member State], it is computed under the provisions of this Schedule in the currency of that Member State and A's income for the purposes of this Schedule is the sterling value of that income determined in accordance with the average rate published by Her Majesty's Revenue and Customs for the calendar year which ends before the end of the prior financial year.]

(9) Where one of the eligible student's parents dies either before or during the relevant year and that parent's income has been or would be taken into account for the purpose of determining the household income, the household income is—

- (a) where the parent dies before the relevant year, determined by reference to the income of the surviving parent; or
- (b) where the parent dies during the relevant year, the aggregate of—
  - (i) the appropriate proportion of the household income determined by reference to the income of both parents, being the proportion in respect of that part of the relevant year during which both parents were alive; and
  - (ii) the appropriate proportion of the household income determined by reference to the income of the surviving parent, being the proportion in respect of that part of the relevant year remaining after the death of the other parent.

(10) Where the Secretary of State determines that the parents are separated for the duration of the relevant year, the household income is determined by reference to the income of whichever parent the Secretary of State considers the more appropriate under the circumstances.

(11) Where the Secretary of State determines that the parents have separated in the course of the relevant year, the household income is determined by reference to the aggregate of—

- (a) the appropriate proportion of the household income determined in accordance with sub-paragraph (10), being the proportion in respect of that part of the relevant year during which the parents are separated; and
- (b) the appropriate proportion of the household income determined otherwise in respect of the remainder of the relevant year.

#### Textual Amendments

**F1364**Sch. 4 para. 5(1) omitted (1.8.2014) by virtue of [The Further and Higher Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/1766\)](#), regs. 1, **11(c)(i)**

**F1365**Words in Sch. 4 para. 5(2) substituted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **56(a)**

**F1366**Words in Sch. 4 para. 5(2)(a) omitted (1.8.2014) by virtue of [The Further and Higher Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/1766\)](#), regs. 1, **11(c)(iii)**

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<b>F1367</b> Words in Sch. 4 para. 5(2)(a) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), <b>12(4)(b)(i)</b>
<b>F1368</b> Sch. 4 para. 5(3)-(5A) substituted for Sch. 4 para. 5(3)-(5) (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), <b>10(3)(b)(i)</b>
<b>F1369</b> Words in Sch. 4 para. 5(6) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), <b>10(3)(b)(ii)</b>
<b>F1370</b> Words in Sch. 4 para. 5(7) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), <b>12(4)(b)(ii)</b>
<b>F1371</b> Words in Sch. 4 para. 5(7)(a) omitted (1.8.2013) by virtue of The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(3), <b>22</b>
<b>F1372</b> Sch. 4 para. 5(8) substituted (3.3.2017) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2017 (S.I. 2017/114), regs. 1(2), <b>25(b)</b>
<b>F1373</b> Words in Sch. 4 para. 5(8) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), <b>12(4)(b)(iii)</b>

**Calculation of eligible student's partner's residual income**

6.—(1) Subject to sub-paragraphs [<sup>F1374</sup>(2) and (3)] of this paragraph, an eligible student's partner's [<sup>F1375</sup>residual] income is determined in accordance with paragraph 5 (other than sub-paragraphs [<sup>F1376</sup>(3)(b) and (c), (4)(b) and (c), (9), (10) and (11)] of paragraph 5), references to the parent being construed as references to the eligible student's partner.

(2) Where the Secretary of State determines that the eligible student and the student's partner are separated for the duration of the relevant year, the partner's [<sup>F1377</sup>residual] income is not taken into account in determining the household income.

(3) Where the Secretary of State determines that the eligible student and the student's partner have separated in the course of the relevant year, the partner's [<sup>F1378</sup>residual] income is determined by reference to the partner's [<sup>F1378</sup>residual] income under sub-paragraph (1) divided by fifty-two and multiplied by the number of complete weeks in the relevant year for which the Secretary of State determines that the eligible student and the student's partner are not separated.

<sup>F1379</sup>(4) .....

<b>Textual Amendments</b>
<b>F1374</b> Words in Sch. 4 para. 6(1) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), <b>10(3)(c)(i)(aa)</b>
<b>F1375</b> Word in Sch. 4 para. 6(1) inserted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), <b>10(3)(c)(i)(bb)</b>
<b>F1376</b> Words in Sch. 4 para. 6(1) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), <b>10(3)(c)(i)(cc)</b>
<b>F1377</b> Word in Sch. 4 para. 6(2) inserted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), <b>10(3)(c)(ii)</b>
<b>F1378</b> Word in Sch. 4 para. 6(3) inserted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), <b>10(3)(c)(iii)</b>
<b>F1379</b> Sch. 4 para. 6(4) omitted (13.2.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), <b>10(3)(c)(iv)</b>

**[<sup>F1380</sup>Calculation of parent's partner's residual income**

7.—(1) For the purposes of determining the residual income of an eligible student's parent's partner ("P"), there is deducted from the taxable income of P the aggregate of any amounts falling

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within any of the following sub-paragraphs (unless already deducted in determining a person's taxable income)—

- (a) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given under section 188 of the Finance Act 2004, or where the income is computed for the purposes of the income tax legislation of [<sup>F1381</sup>a Member State], the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;
- (b) in any case where income is computed for the purposes of the Income Tax Acts by virtue of sub-paragraph (7), any sums equivalent to the deduction mentioned in paragraph (a) of this sub-paragraph, provided that any sums deducted do not exceed the deductions which would be made if the whole of P's income were in fact income for the purposes of the Income Tax Acts;
- (c) where P is a parent student or P holds a statutory award, £1,130.

(2) The Secretary of State may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain P's residual income for the financial year beginning immediately before the relevant year ("the current financial year") if the Secretary of State is satisfied that the aggregate of the residual incomes of P and the eligible student's parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of—

- (a) the residual income of P in the prior financial year applicable to P; and
- (b) the residual income of the eligible student's parent in the prior financial year applicable to the parent.

(3) In the event that sub-paragraph (2) or this paragraph was applied in the previous academic year of the current course, the Secretary of State may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain P's residual income for the current financial year if the Secretary of State is satisfied that the aggregate of the residual incomes of P and the eligible student's parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of P and the eligible student's parent in the previous financial year.

(4) In an academic year immediately following one in which the Secretary of State has ascertained P's residual income for the current financial year under sub-paragraph (2) or, where applicable, under sub-paragraph (3), the Secretary of State must ascertain P's residual income in the preceding financial year.

(5) In an academic year immediately following one in which the Secretary of State has ascertained P's residual income for the previous financial year under sub-paragraph (4), the Secretary of State must ascertain P's residual income in the prior financial year.

(6) Where P satisfies the Secretary of State that P's income is wholly or mainly derived from the profits of a business or profession carried on by P then any reference in this Schedule to a prior financial year in relation to P means the earliest period of twelve months which ends after the start of the financial year immediately preceding the preceding financial year and in respect of which accounts are kept relating to that business or profession.

(7) Where P is in receipt of any income which does not form part of P's income for the purpose of the Income Tax Acts or the income tax legislation of [<sup>F1382</sup>a Member State] by reason only that—

- (a) P is not resident or domiciled in the United Kingdom, or where P's income is computed as for the purposes of the income tax legislation of [<sup>F1382</sup>a Member State], not so resident or domiciled in that Member State;

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- (b) the income does not arise in the United Kingdom, or where P's income is computed for the purposes of the income tax legislation of [<sup>F1382</sup>a Member State], does not arise in that Member State; or
- (c) the income arises from an office, service or employment, income for which is exempt from tax in pursuance of any legislation,

P's taxable income for the purposes of this Schedule is computed as though the income under this sub-paragraph were part of P's income for the purpose of the Income Tax Acts or the income tax legislation of [<sup>F1382</sup>a Member State], as the case may be.

(8) Where P's income is computed as for the purposes of the income tax legislation of [<sup>F1383</sup>a Member State], it is computed under the provisions of this Schedule in the currency of that Member State and P's income for the purposes of this Schedule is the sterling value of that income determined in accordance with the average rate published by Her Majesty's Revenue and Customs for the calendar year which ends before the end of the prior financial year.

(9) Where the Secretary of State determines that P and the eligible student's parent are separated for the duration of the relevant year, P's residual income is not taken into account in determining the household income.

(10) Where the Secretary of State determines that P and the eligible student's parent have separated in the course of the relevant year, P's residual income is determined by reference to P's residual income under sub-paragraph (1) divided by 52 and multiplied by the number of complete weeks in the relevant year for which the Secretary of State determines that P and the eligible student's parent are not separated.]

#### Textual Amendments

- F1380**Sch. 4 para. 7 substituted (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **10(3)(d)**
- F1381**Words in Sch. 4 para. 7(1)(a) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **12(4)(c)(i)**
- F1382**Words in Sch. 4 para. 7(7) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **12(4)(c)(ii)**
- F1383**Words in Sch. 4 para. 7(8) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **12(4)(c)(iii)**

#### Calculation of contribution – old system students

<sup>F1384</sup>8. ....

#### Textual Amendments

- F1384**Sch. 4 para. 8 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(10)(d)**

#### Calculation of contribution – current system students

9.—(1) In relation to an eligible student who is a current system student, the contribution payable is—

- (a) in any case where the household income exceeds £39,796, £1 for every complete [<sup>F1385</sup>£8.73] by which the household income exceeds £39,796; and

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(b) in any case where the household income is £39,796 or less, nil.

<sup>F1386</sup>(1A) In relation to a <sup>F1387</sup>... 2009 or 2012 cohort student, the contribution calculated at paragraph 9(1) of this Schedule is added to the reduction in entitlement calculated for the loan for living costs in accordance with Chapter 2 of Part 6, for the purposes of paragraph 9(2) and (3) of this Schedule.

(1B) In relation to a 2016 cohort student, the contribution calculated at paragraph 9(1) of this Schedule is added to the contribution calculated for the loan for living costs at paragraph 9A for the purposes of paragraph 9(2) and (3) of this Schedule.]

(2) The contribution must not in any case exceed £6,210.

(3) The contribution may be adjusted in accordance with paragraph 10.

(4) Where sub-paragraph (5) applies, the aggregate contributions must not exceed £6,210.

(5) This sub-paragraph applies where—

(a) a contribution is payable in relation to two or more eligible students <sup>F1388</sup>... in respect of the same income under paragraph 5 or, where the relevant parent's partner's residual income is taken into account, under paragraphs 5 and 7; or

(b) the household income consists of the residual income of an independent eligible student and the student's partner where both hold a statutory award.

#### Textual Amendments

**F1385** Sum in Sch. 4 para. 9(1)(a) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), reg. 1(3), **Sch. 2**

**F1386** Sch. 4 para. 9(1A)(1B) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **56(b)**

**F1387** Word in Sch. 4 para. 9(1A) omitted (with application in accordance with reg. 1(2)(b)(4) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **4(15)**

**F1388** Words in Sch. 4 para. 9(5)(a) omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(10)(e)**

#### <sup>F1389</sup>Calculation of contribution for loans for living costs – 2016 cohort students

**9A.**—(1) In relation to a 2016 cohort student who satisfies all the conditions in regulation 71(1)(g) or 71(1)(h), there is a contribution payable for the loan for living costs.

(2) In relation to a 2016 cohort student who satisfies all the conditions in regulation 71(1)(g), the contribution payable, subject to paragraph 10, in any case where—

(a) the household income exceeds £42,875 is equal to X – Y and—

(i) for a student in category A, X is £1 for every complete <sup>F1390</sup>£7.27] by which the student's household income exceeds £25,000 and Y is <sup>F1390</sup>£2,458]

(ii) for a student in category B, X is £1 for every complete <sup>F1391</sup>£7.08] by which the student's household income exceeds £25,000 and Y is <sup>F1391</sup>£2,524];

(iii) for a student in category C, X is £1 for every complete <sup>F1392</sup>£7.13] by which the student's household income exceeds £25,000 and Y is <sup>F1392</sup>£2,507];

(iv) for a student in category D, X is £1 for every complete <sup>F1393</sup>£7.20] which the student's household income exceeds £25,000 and Y is <sup>F1393</sup>£2,482];

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- (b) the household income does not exceed £42,875 is nil.
- (3) In relation to a 2016 cohort student who satisfies all the conditions in regulation 71(1)(h), the contribution, subject to paragraph 10, in any case where—
- (a) the household income exceeds £42,875 is equal to—
- (i) for a student in category A, £1 for every complete [<sup>F1394</sup>£7.27] by which the student's household income exceeds £42,875;
- (ii) for a student in category B, £1 for every complete [<sup>F1395</sup>£7.08] by which the student's household income exceeds £42,875;
- (iii) for a student in category C, £1 for every complete [<sup>F1396</sup>£7.13] by which the student's household income exceeds £42,875;
- (iv) for a student in category D, £1 for every complete [<sup>F1397</sup>£7.20] by which the student's household income exceeds £42,875;
- (b) the household income does not exceed £42,875 is nil.
- (4) In relation to a 2016 cohort student who satisfies both the conditions in regulation 71(1)(i), no contribution is payable.
- (5) Categories A to D have the meaning given in regulation 90.]

#### Textual Amendments

- F1389**Sch. 4 para. 9A inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **56(c)**
- F1390**Sums in [Sch. 4 para. 9A\(2\)\(a\)\(i\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F1391**Sums in [Sch. 4 para. 9A\(2\)\(a\)\(ii\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F1392**Sums in [Sch. 4 para. 9A\(2\)\(a\)\(iii\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F1393**Sums in [Sch. 4 para. 9A\(2\)\(a\)\(iv\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F1394**Sum in [Sch. 4 para. 9A\(3\)\(a\)\(i\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F1395**Sum in [Sch. 4 para. 9A\(3\)\(a\)\(ii\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F1396**Sum in [Sch. 4 para. 9A\(3\)\(a\)\(iii\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**
- F1397**Sum in [Sch. 4 para. 9A\(3\)\(a\)\(iv\)](#) substituted (with application in accordance with reg. 1(2)(c)(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), reg. 1(1), **Sch.**



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## Split contributions

**10.** Where the same household income is used to assess the amount of a statutory award for which two or more [<sup>F1398</sup>eligible students] qualify [<sup>F1399</sup>for support in connection with a designated course], the contribution payable in respect of the eligible student is divided by the number of [<sup>F1400</sup>those students].

### Textual Amendments

**F1398** Words in Sch. 4 para. 10 substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **33(3)(i)**

**F1399** Words in Sch. 4 para. 10 inserted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **33(3)(ii)**

**F1400** Words in Sch. 4 para. 10 substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **33(3)(iii)**

## <sup>F1401</sup>SCHEDULE 5

Regulations 23 and 145

Institutions to whom regulations 23(4A) and 145(2)(c) of the Education (Student Support) Regulations 2011 apply

### Textual Amendments

**F1401** Sch. 5 omitted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **34**

## <sup>F1402</sup>SCHEDULE 6

Regulation 157I

Assessment of eligible part-time student's household income

### Textual Amendments

**F1402** Sch. 6 inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 3) Regulations 2018 (S.I. 2018/472), reg. 1(2)(a), **Sch. 2**

## Definitions

**1.—(1)** In this Schedule—

- (a) “financial year” means the period of twelve months in respect of which the income of a person whose residual income is calculated under the provisions of this Schedule is computed for the purposes of the income tax legislation which applies to it;



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- (b) “independent eligible part-time student” has the meaning given in paragraph 2;
- (c) “Member State” means a Member State of the EU;
- (d) “parent” means a natural or adoptive parent and “child”, “mother” and “father” are to be construed accordingly;
- (e) “parent student” means an eligible part-time student who is the parent of an eligible student or an eligible part-time student;
- (f) “partner” in relation to an eligible part-time student means any of the following—
  - (i) the spouse of an eligible part-time student;
  - (ii) the civil partner of an eligible part-time student;
  - (iii) a person ordinarily living with an eligible part-time student as if the person were the student’s spouse or civil partner where the student falls within paragraph 2(1)(a);
- (g) “partner” in relation to the parent of an eligible part-time student means any of the following other than another parent of the eligible part-time student—
  - (i) the spouse of an eligible part-time student’s parent;
  - (ii) the civil partner of an eligible part-time student’s parent;
  - (iii) a person ordinarily living with the parent of an eligible part-time student as if the person were the parent’s spouse or civil partner;
- (h) “preceding financial year” means the financial year immediately preceding the relevant year;
- (i) “prior financial year” means the financial year immediately preceding the preceding financial year;
- (j) “relevant year” means the academic year of the course in respect of which the household income falls to be assessed;
- (k) “residual income” means taxable income after the application of paragraph 4 (in the case of an eligible part-time student), paragraph 5 (in the case of an eligible part-time student’s parent), paragraph 6 (in the case of an eligible part-time student’s partner) or paragraph 7 (in the case of the partner of a an eligible part-time student’s parent) and income referred to in sub-paragraph (2) received net of income tax;
- (l) “taxable income” means, in relation to paragraph 4, in respect of the academic year for which an application has been made under regulation 157C <sup>F1403</sup> ..., in relation to paragraph 5, in respect (subject to <sup>F1404</sup>(2) to (4A)] of paragraph 5) of the prior financial year <sup>F1405</sup> and, in relation to paragraph 7, in respect (subject to sub-paragraphs (2) to (5) of paragraph 7) of the prior financial year]—
  - (i) the total income on which a person (“A”) is charged to income tax as determined at Step 1 of the calculation in section 23 of the Income Tax Act 2007, together with any payments and other benefits mentioned in section 401(1) of the Income Tax (Earnings and Pensions) Act 2003 (ignoring section 401(2) of that Act), received or treated as received by A, to the extent that they are not a component of the total income on which A is charged to income tax,
  - (ii) A’s total income from all sources as determined for the purposes of the income tax legislation of <sup>F1406</sup> a Member State] which applies to A’s income, or <sup>F1407</sup>(iii) where the legislation of—
    - (aa) the United Kingdom and one or more Member States; or
    - (bb) more than one Member State

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applies to the period, A's total income from all sources as determined for the purposes of the income tax legislation under which the Secretary of State considers that A's total income in that period is greatest (except as otherwise provided in paragraph 5),]

[<sup>F1408</sup>except that] no account is taken of income referred to in sub-paragraph (2) paid to another party.

(2) The income referred to in this sub-paragraph is any benefits under a pension arrangement pursuant to an order made under section 23 of the Matrimonial Causes Act 1973 which includes provision made by virtue of sections 25B(4) and 25E(3) of that Act or pension benefits under Part 1 of Schedule 5 to the Civil Partnership Act 2004 which includes provision made by virtue of Parts 6 and 7 of that Schedule.

#### Textual Amendments

- F1403** Word in Sch. 6 para. 1(1)(l) omitted (13.2.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **10(4)(a)(i)**
- F1404** Words in Sch. 6 para. 1(1)(l) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **10(4)(a)(ii)**
- F1405** Words in Sch. 6 para. 1(1)(l) inserted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **10(4)(a)(iii)**
- F1406** Words in Sch. 6 para. 1(1)(i)(ii) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **13(2)(a)**
- F1407** Sch. 6 para. 1(1)(i)(iii) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **13(2)(b)**
- F1408** Words in Sch. 6 para. 1(1)(l) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **13(2)(c)**

#### Independent eligible part-time student

- 2.—(1) An independent eligible part-time student is an eligible part-time student where—
- (a) the student is aged 25 or over on the first day of the relevant year;
  - (b) the student is married or is in a civil partnership before the beginning of the relevant year, whether or not the marriage or civil partnership is still subsisting;
  - (c) the student has no parent living;
  - (d) the Secretary of State is satisfied that neither of the student's parents can be found or that it is not reasonably practicable to get in touch with either of them;
  - (e) the student has communicated with neither of the student's parents for the period of one year before the beginning of the relevant year or, in the opinion of the Secretary of State, the student can demonstrate on other grounds that the student is irreconcilably estranged from the student's parents;
  - (f) the student was looked after by a local authority (within the meaning of section 22 of the Children Act 1989) or, as the case may be, section 74 of the Social Services and Well-being (Wales) Act 2014 throughout any three-month period ending on or after the date on which the student reached the age of 16 and before the first day of the first academic year of the course ("the relevant period") provided that the student has not in fact at any time during the relevant period been under the charge or control of the student's parents;
  - (g) the student's parents are residing outside [<sup>F1409</sup>the United Kingdom, Gibraltar and] the EU and the Secretary of State is satisfied that the assessment of the household income by reference to their residual income would place those parents in jeopardy;

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- (h) paragraph 5(8) applies and the parent whom the Secretary of State considered the more appropriate for the purposes of that paragraph has died (irrespective of whether the parent in question had a partner);
- (i) as at the first day of the relevant year, the student has the care of a person under the age of 18; or
- (j) the student (“A”) has supported A out of A’s earnings for any period or periods ending before the first academic year of the course which periods together aggregate not less than three years, and for the purposes of this sub-paragraph A is to be treated as supporting A out of A’s earnings during any period in which—
  - (i) A was participating in arrangements for training for the unemployed under any scheme operated by, sponsored or funded by any state authority or agency, whether national, regional or local (“a relevant authority”);
  - (ii) A was in receipt of benefit payable by any relevant authority in respect of a person who is available for employment but who is unemployed;
  - (iii) A was available for employment and had complied with any requirement of registration imposed by a relevant authority as a condition of entitlement for participation in arrangements for training or receipt of benefit;
  - (iv) A held a state studentship or comparable award; or
  - (v) A received any pension, allowance or other benefit paid by any person by reason of a disability to which A is subject, or by reason of confinement, injury or sickness.

(2) An eligible part-time student who qualifies as an independent eligible part-time student under sub-paragraph (1)(i) in respect of an academic year of a designated part-time course retains that status for the duration of the period of eligibility.

#### Textual Amendments

**F1409** Words in Sch. 6 para. 2(1)(g) inserted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **13(3)**

### Household income

- 3.—(1) The amount of an eligible part-time student’s household income is—
- (a) in the case of an eligible part-time student who is not an independent eligible part-time student, the residual income of the eligible part-time student aggregated with the residual income of the eligible part-time student’s parents (subject to paragraph 5(9)) and the residual income of the partner of the student’s parent (provided that the Secretary of State has selected that parent under paragraph 5(9));
  - (b) in the case of an independent eligible part-time student who has a partner, the residual income of the eligible part-time student aggregated with the residual income of the eligible part-time student’s partner [<sup>F1410</sup>(subject to sub-paragraph (3))]; or
  - (c) in the case of an independent eligible part-time student who does not have a partner, the residual income of the eligible part-time student.
- (2) In determining the household income under sub-paragraph (1), there is deducted the sum of £1,130—
- (a) for each child wholly or mainly financially dependent on the eligible part-time student or the eligible part-time student’s partner; or

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- (b) for each child other than the eligible part-time student wholly or mainly financially dependent on the eligible part-time student's parent or the eligible part-time student's parent's partner whose residual income is being taken into account.

[<sup>F1411</sup>(3) For the purpose of calculating the contribution payable in respect of a parent student, the residual income of the parent student's partner must not be aggregated under paragraph (b) of subparagraph (1) in the case of a parent student whose child or whose partner's child holds an award in respect of which the household income is calculated with reference to the residual income of the parent student or of the parent student's partner or of both.]

#### Textual Amendments

**F1410** Words in Sch. 6 para. 3(1)(b) inserted (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **10(4)(b)(i)**

**F1411** Sch. 6 para. 3(3) inserted (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **10(4)(b)(ii)**

#### Calculation of eligible part-time student's residual income

4.—(1) For the purpose of determining the residual income of an eligible part-time student, there is deducted from the student's taxable income (unless already deducted in determining taxable income) the aggregate of any amounts falling within any of the following sub-paragraphs—

- (a) any remuneration for work done during any academic year of the eligible part-time student's course, provided that such remuneration does not include any sums paid in respect of any period for which the student has leave of absence or is relieved of the student's normal duties for the purpose of attending that course;
- (b) the gross amount of any premium or other sum paid by the eligible part-time student in relation to a pension (not being a pension payable under a policy of life insurance) in respect of which relief is given under section 188 of the Finance Act 2004, or where the eligible part-time student's income is computed for the purposes of the income tax legislation of [<sup>F1412</sup>a Member State], the gross amount of any such premium or sum in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

(2) Where the eligible part-time student receives income in a currency other than sterling, the value of that income for the purpose of this paragraph is—

- (a) if the student purchases sterling with the income, the amount of sterling the student so receives;
- (b) otherwise the value of the sterling which the income would purchase using the average rate published by Her Majesty's Revenue and Customs for the calendar year which ends before the start of the relevant year.

#### Textual Amendments

**F1412** Words in Sch. 6 para. 4(1)(b) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **13(4)(a)**

## Calculation of parent's residual income

5.—(1) For the purposes of determining the residual income of an eligible part-time student's parent ("A" in this paragraph) there is deducted from the taxable income of A the aggregate of any amounts falling within any of the following sub-paragraphs (unless already deducted in determining a person's taxable income)—

- (a) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given under section 188 of the Finance Act 2004, or where the income is computed for the purposes of the income tax legislation of [<sup>F1413</sup>a Member State], the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;
- (b) in any case where income is computed for the purposes of the Income Tax Acts by virtue of sub-paragraph (6) any sums equivalent to the deduction mentioned in paragraph (a) of this sub-paragraph, provided that any sums so deducted do not exceed the deductions which would be made if the whole of A's income were in fact income for the purposes of the Income Tax Acts;
- (c) where A is a parent student or A holds a statutory award, £1,130.

[<sup>F1414</sup>(2) The Secretary of State may, for the purpose of enabling the eligible part-time student to attend the course without hardship, ascertain A's residual income for the financial year beginning immediately before the relevant year ("the current financial year") if the Secretary of State is satisfied that—

- (a) where the eligible part-time student's household income is determined by reference to A alone, the residual income of A in the current financial year is likely to be not more than 85% of the sterling value of A's residual income in the prior financial year;
- (b) where the eligible part-time student's household income is determined by reference to the residual income of both parents, the aggregate of the residual incomes of A and the other parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of A and the other parent in the prior financial year; or
- (c) where the eligible part-time student's household income is determined by reference to the residual income of A and A's partner, the aggregate of the residual incomes of A and A's partner in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of—
  - (i) the residual income of A in the prior financial year applicable to A; and
  - (ii) the residual income of A's partner in the prior financial year applicable to A's partner.

(3) In the event that sub-paragraph (2) or this paragraph was applied in the previous academic year of the current course, the Secretary of State may, for the purpose of enabling the eligible part-time student to attend the course without hardship, ascertain A's residual income for the current financial year if the Secretary of State is satisfied that—

- (a) where the eligible part-time student's household income is determined by reference to A alone, the residual income of A in the current financial year is likely to be not more than 85% of the sterling value of A's residual income in the previous financial year;
- (b) where the eligible part-time student's household income is determined by reference to the residual income of both parents, the aggregate of the residual incomes of A and the other parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of A and the other parent in the previous financial year; or

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- (c) where the eligible part-time student's household income is determined by reference to the residual income of A and A's partner, the aggregate of the residual incomes of A and A's partner in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of A and A's partner in the previous financial year.

(4) In an academic year immediately following one in which the Secretary of State has ascertained A's residual income for the current financial year under sub-paragraph (2) or, where applicable, under sub-paragraph (3), the Secretary of State must ascertain A's residual income in the preceding financial year.

(4A) In an academic year immediately following one in which the Secretary of State has ascertained A's residual income for the previous financial year under sub-paragraph (4), the Secretary of State must ascertain A's residual income in the prior financial year.]

(5) Where A satisfies the Secretary of State that A's income is wholly or mainly derived from the profits of a business or profession carried on by A, then any reference in this Schedule to a prior financial year means the earliest period of twelve months which ends after the start of the [F1415 financial year immediately preceding the preceding financial year] and in respect of which accounts are kept relating to that business or profession.

(6) Where A is in receipt of any income which does not form part of A's income for the purposes of the Income Tax Acts or the income tax legislation of [F1416a Member State] by reason only that—

- (a) A is not resident or domiciled in the United Kingdom, or where A's income is computed as for the purposes of the income tax legislation of [F1416a Member State], not so resident or domiciled in that Member State,
- (b) the income does not arise in the United Kingdom, or where A's income is computed as for the purposes of the income tax legislation of [F1416a Member State], does not arise in that Member State, or
- (c) the income arises from an office, service or employment, income from which is exempt from tax in pursuance of any legislation,

A's taxable income for the purposes of this Schedule is computed as though the income under this sub-paragraph were part of A's income for the purposes of the Income Tax Acts or the income tax legislation of [F1416a Member State], as the case may be.

(7) Where A's income is computed as for the purposes of the income tax legislation of [F1417a Member State], it is computed under the provisions of this Schedule in the currency of that Member State and A's income for the purposes of this Schedule is the sterling value of that income determined in accordance with the average rate published by Her Majesty's Revenue and Customs for the calendar year which ends before the end of the prior financial year.

(8) Where one of the eligible part-time student's parents dies either before or during the relevant year and that parent's income has been or would be taken into account for the purpose of determining the household income, the household income is—

- (a) where the parent dies before the relevant year, determined by reference to the income of the surviving parent; or
- (b) where the parent dies during the relevant year, the aggregate of—
  - (i) the appropriate proportion of the household income determined by reference to the income of both parents, being the proportion in respect of that part of the relevant year during which both parents were alive; and
  - (ii) the appropriate proportion of the household income determined by reference to the income of the surviving parent, being the proportion in respect of that part of the relevant year remaining after the death of the other parent.

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(9) Where the Secretary of State determines that the parents are separated for the duration of the relevant year, the household income is determined by reference to the income of whichever parent the Secretary of State considers the more appropriate under the circumstances.

(10) Where the Secretary of State determines that the parents have separated in the course of the relevant year, the household income is determined by reference to the aggregate of—

- (a) the appropriate proportion of the household income determined in accordance with sub-paragraph (9), being the proportion in respect of that part of the relevant year during which the parents are separated; and
- (b) the appropriate proportion of the household income determined otherwise in respect of the remainder of the relevant year.

**Textual Amendments**

**F1413** Words in Sch. 6 para. 5(1)(a) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **13(4)(b)(i)**

**F1414** Sch. 6 para. 5(2)-(4A) substituted for Sch. 6 para. 5(2)-(4) (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **10(4)(c)(i)**

**F1415** Words in Sch. 6 para. 5(5) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **10(4)(c)(ii)**

**F1416** Words in Sch. 6 para. 5(6) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **13(4)(b)(ii)**

**F1417** Words in Sch. 6 para. 5(7) substituted (31.12.2020) by The Education (Student Fees, Awards and Support) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1181), regs. 1(3), **13(4)(b)(iii)**

**Calculation of eligible part-time student’s partner’s residual income**

6.—(1) Subject to sub-paragraphs [<sup>F1418</sup>(2) and (3)] of this paragraph, an eligible part-time student’s partner’s [<sup>F1419</sup>residual] income is determined in accordance with paragraph 5 (other than sub-paragraphs [<sup>F1420</sup>(2)(b) and (c), (3)(b) and (c), (8), (9) and (10)] of paragraph 5), references to the parent being construed as references to the eligible part-time student’s partner.

(2) Where the Secretary of State determines that the eligible part-time student and the student’s partner are separated for the duration of the relevant year, the partner’s [<sup>F1421</sup>residual] income is not taken into account in determining the household income.

(3) Where the Secretary of State determines that the eligible part-time student and the eligible part-time student’s partner have separated in the course of the relevant year, the partner’s [<sup>F1422</sup>residual] income is determined by reference to the partner’s [<sup>F1422</sup>residual] income under sub-paragraph (1) divided by fifty-two and multiplied by the number of complete weeks in the relevant year for which the Secretary of State determines that the eligible part-time student and the eligible part-time student’s partner are not separated.

<sup>F1423</sup>(4) .....

**Textual Amendments**

**F1418** Words in Sch. 6 para. 6(1) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **10(4)(d)(i)(aa)**

**F1419** Word in Sch. 6 para. 6(1) inserted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **10(4)(d)(i)(bb)**

**F1420** Words in Sch. 6 para. 6(1) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **10(4)(d)(i)(cc)**



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**F1421** Word in Sch. 6 para. 6(2) inserted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **10(4)(d)(ii)**

**F1422** Word in Sch. 6 para. 6(3) inserted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **10(4)(d)(iii)**

**F1423** Sch. 6 para. 6(4) omitted (13.2.2020) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **10(4)(d)(iv)**

## **[<sup>F1424</sup>Calculation of parent’s partner’s residual income**

7.—(1) For the purposes of determining the residual income of an eligible part-time student’s parent’s partner (“P”), there is deducted from the taxable income of P the aggregate of any amounts falling within any of the following sub-paragraphs (unless already deducted in determining a person’s taxable income)—

- (a) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given under section 188 of the Finance Act 2004, or where the income is computed for the purposes of the income tax legislation of [<sup>F1425</sup>a Member State], the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;
- (b) in any case where income is computed for the purposes of the Income Tax Acts by virtue of sub-paragraph (7), any sums equivalent to the deduction mentioned in paragraph (a) of this sub-paragraph, provided that any sums deducted do not exceed the deductions which would be made if the whole of P’s income were in fact income for the purposes of the Income Tax Acts;
- (c) where P is a parent student or P holds a statutory award, £1,130.

(2) The Secretary of State may, for the purpose of enabling the eligible part-time student to attend the course without hardship, ascertain P’s residual income for the financial year beginning immediately before the relevant year (“the current financial year”) if the Secretary of State is satisfied that the aggregate of the residual incomes of P and the eligible part-time student’s parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of—

- (a) the residual income of P in the prior financial year applicable to P; and
- (b) the residual income of the eligible part-time student’s parent in the prior financial year applicable to the parent.

(3) In the event that sub-paragraph (2) or this paragraph was applied in the previous academic year of the current course, the Secretary of State may, for the purpose of enabling the eligible part-time student to attend the course without hardship, ascertain P’s residual income for the current financial year if the Secretary of State is satisfied that the aggregate of the residual incomes of P and the eligible part-time student’s parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of P and the eligible part-time student’s parent in the previous financial year.

(4) In an academic year immediately following one in which the Secretary of State has ascertained P’s residual income for the current financial year under sub-paragraph (2) or, where applicable, under sub-paragraph (3), the Secretary of State must ascertain P’s residual income in the preceding financial year.

(5) In an academic year immediately following one in which the Secretary of State has ascertained P’s residual income for the previous financial year under sub-paragraph (4), the Secretary of State must ascertain P’s residual income in the prior financial year.

(6) Where P satisfies the Secretary of State that P’s income is wholly or mainly derived from the profits of a business or profession carried on by P, then any reference in this Schedule to a prior

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financial year in relation to P means the earliest period of twelve months which ends after the start of the financial year immediately preceding the preceding financial year and in respect of which accounts are kept relating to that business or profession.

(7) Where P is in receipt of any income which does not form part of P's income for the purpose of the Income Tax Acts or the income tax legislation of [F<sup>1426</sup>a Member State] by reason only that—

- (a) P is not resident or domiciled in the United Kingdom, or where P's income is computed as for the purposes of the income tax legislation of [F<sup>1426</sup>a Member State], not so resident or domiciled in that Member State;
- (b) the income does not arise in the United Kingdom, or where P's income is computed for the purposes of the income tax legislation of [F<sup>1426</sup>a Member State], does not arise in that Member State; or
- (c) the income arises from an office, service or employment, income for which is exempt from tax in pursuance of any legislation,

P's taxable income for the purposes of this Schedule is computed as though the income under this sub-paragraph were part of P's income for the purpose of the Income Tax Acts or the income tax legislation of [F<sup>1426</sup>a Member State], as the case may be.

(8) Where P's income is computed as for the purposes of the income tax legislation of [F<sup>1427</sup>a Member State], it is computed under the provisions of this Schedule in the currency of that Member State and P's income for the purposes of this Schedule is the sterling value of that income determined in accordance with the average rate published by Her Majesty's Revenue and Customs for the calendar year which ends before the end of the prior financial year.

(9) Where the Secretary of State determines that P and the eligible part-time student's parent are separated for the duration of the relevant year, P's residual income is not taken into account in determining the household income.

(10) Where the Secretary of State determines that P and the eligible part-time student's parent have separated in the course of the relevant year, P's residual income is determined by reference to P's residual income under sub-paragraph (1) divided by 52 and multiplied by the number of complete weeks in the relevant year for which the Secretary of State determines that P and the eligible student's parent are not separated.]]

#### Textual Amendments

**F1424**Sch. 6 para. 7 substituted (13.2.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **10(4)(e)**

**F1425**Words in Sch. 6 para. 7(1)(a) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **13(4)(c)(i)**

**F1426**Words in Sch. 6 para. 7(7) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **13(4)(c)(ii)**

**F1427**Words in Sch. 6 para. 7(8) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **13(4)(c)(iii)**

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for support for students taking designated higher education courses in respect of an academic year beginning on or after 1st September 2012.

The Regulations are based on the Education (Student Support) Regulations 2009 (as amended) (the “2009 Regulations”) which they revoke from 1st September 2012 (with the exception of regulations 113 and 114 (overpayment of fee loans and college loans) which are revoked on 1st September 2011).

These Regulations also revoke the following regulations from 1st September 2012 the Education (Student Support) Regulations 2009 (Amendment) Regulations 2010; regulation 5 and regulations 10 to 12 of the Education (Student Fees, Awards and Support) (Amendment) Regulations 2011; the Education (Student Support) (Dance and Drama) Regulations 1999; and the Education (Student Support) (Dance and Drama) (Amendment) Regulations 2001.

Parts 2 to 9 of the Regulations contain the support arrangements for full-time courses. Part 2 makes provision about which students are eligible for support (regulation 4) and about which types of full-time courses are designated for purposes of student support (regulation 5 and Schedule 2). Part 3 makes provision for the application process.

Part 4 contains provision on the type of fee support available for full-time students. Students starting full-time courses (including distance learning courses) on or after 1st September 2012 and continuing students who started their course on or after 1st September 2006 qualify for fee loans. These students are known as “current system students”. Old system students, i.e. those who mainly started their course before 1st September 2006, continue to be eligible for fee grants. Regulation 23 sets out the maximum amount of fee loan available to current system students to meet the costs of their tuition. The maximum amount varies depending on when the course begins and where it is taken. Transitional provision is included in regulation 23 for students (a) who transfer under regulation 7 from one designated course which started before 1st September 2012 to another on or after 1st September 2012 or (b) who start an end-on course (defined in regulation 2(1)) immediately after finishing an earlier course which started before 1st September 2012. Such students are treated as continuing students for fee support purposes in Part 4.

Parts 5 and 6 contain provision on support for living and other costs for full time courses. (With the exception of the disabled students' allowance, this support is not available in respect of distance learning courses (regulation 38(2) and regulation 69(3)). Part 5 provides for grants for living costs (maintenance and special support) and grants for other costs such as travel grants, grants for dependants and disabled students' allowance. The maintenance grant and special support grants provided for in regulations 56 to 65 are calculated by reference to the student's annual household income (Part 8 and Schedule 4) and students with a household income over specified amounts will not qualify for a maintenance or special support grant. The level of grant also varies depending on the type of course and when the student started the course. Part 6 provides for loans for living costs. The rate of loan depends on whether the student lives with their parents while studying, the location of the institution and the student's annual household income.

Part 7 provides for college fee loans and Part 8 contains provision on how a student's contribution is assessed and the minimum level of loan for living costs.

Part 9 contains provision about the payment of support to the student and in the case of fee loans to the relevant academic authority. Regulations 117 and 118, which provide for recovery of overpayment of fee loans and college fee loans, apply (exceptionally) from 1st September 2011 (the provision on overpayment of fee loans and college fee loans in the 2009 Regulations (regulations 113 and 114) being revoked from that date).

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Part 10 contains provision on support for designated distance learning courses. This Part applies in respect of full-time distance learning courses beginning before 1st September 2012 except where the student transfers from one designated distance learning course to another in accordance with regulation 131 or starts an end-on course. Such students are treated as students continuing on designated distance learning courses. Regulation 120 defines an eligible distance learning student and regulation 122 defines a designated distance learning course. Regulations 124 and 125 provide for the types of grant support available in respect of designated distance learning courses and regulation 127 provides for the disabled students' allowance in respect of such courses. Regulations 133 and 134 provide for the payment of grant support.

Part 11 provides for support for part-time courses. Regulation 137 defines an eligible part-time student and regulation 139 a designated part-time course. Continuing students (and those who transfer from one part-time course starting before 1st September 2012 to another on or after 1st September 2012 or start part-time end-on courses) qualify for grant support (regulations 141 and 142) whereas students starting designated part-time courses on or after 1st September 2012 qualify for fee loans to meet the costs of their tuition. Regulation 144 sets out the maximum amount of fee loan available to part-time students to meet the costs of their tuition. The level of fee loan will vary according to where the student undertakes the course. Regulation 147 provides for disabled students' allowance for part-time students. Regulation 153 provides for payment of grant support to the part-time student and regulations 154 and 155 provide for payments of grants and loans for fees to the relevant academic authority. Regulations 156 and 157 make provisions for recovery of overpayments. Part-time courses starting on or after 1st September 2012 must be able to be completed in not more than four times the period it would normally take for the a student to complete the equivalent full-time course (regulation 139(1)(c)) in order to be designated under these Regulations. In addition, new students starting their courses on or after 1st September 2012 must study at a minimum 25% intensity of study rate in each academic year of their course compared with the equivalent full-time course to qualify for fee loans (regulation 144(2)) and disabled students' allowance (regulation 147(4)).

Part 12 makes provision for support in respect of postgraduate students with disabilities. Part-time postgraduate courses starting on or after 1st September 2012 must be able to be completed in not more than four times the period it would normally take for the a student to complete the equivalent full-time course (regulation 161(1)(b)) in order to be designated under these Regulations. In addition, new students starting part-time postgraduate courses on or after 1<sup>st</sup> September 2012 must study at a minimum 25% intensity of study rate compared with the equivalent full-time course to qualify for disabled students' allowance (regulation 159(9)).

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