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STATUTORY INSTRUMENTS

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**2016 No. 606**

The Education (Postgraduate Master's  
Degree Loans) Regulations 2016

PART 1

CHAPTER 2

**Eligible students**

**3.**—(1) An eligible student qualifies for a postgraduate master's degree loan in connection with a designated course subject to and in accordance with these Regulations.

(2) Subject to paragraphs (3) to (7), a person is an eligible student in connection with a designated course if in assessing that person's application for a postgraduate master's degree loan the Secretary of State determines that the person falls within one of the categories set out in Part 2 of Schedule 1.

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

- (a) A has reached the age of 60 on the first day of the academic year in which the designated course starts;
- (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 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 a postgraduate master's degree loan;
- (e) A is a prisoner, unless A is an eligible prisoner;
- (f) A is enrolled on a course which is a designated course under regulations 5 (designated course), 122 (designated distance learning course) and 139 (designated part-time course) of the student support regulations and is receiving support under the student support regulations for that course;
- (g) A has already obtained an equivalent or higher qualification;
- (h) A is already enrolled on a designated course and is in receipt of a postgraduate master's degree loan under these Regulations for that course;
- (i) Subject to paragraph (7), A has previously received a postgraduate master's degree loan under these Regulations; or
- (j) A is eligible to apply for, in connection with the course,—
  - (i) a healthcare bursary;
  - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007(1); or

- (iii) any allowance, bursary or award of similar description made under section 67(4)(a) of the Care Standards Act 2000(2) which includes payment for meeting additional expenditure incurred by A by reason of A's disability.

(4) 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 on the first day of the course, whether the course is a designated course at that date or is designated on a later date during the academic year.

(5) An eligible student ceases to be eligible for a postgraduate master's degree loan in respect of a distance learning course, if the Secretary of State considers that the student is undertaking the course outside the United Kingdom notwithstanding whether that student has previously been considered by the Secretary of State to be undertaking their course within the United Kingdom.

(6) For the purposes of paragraphs (3)(b) and (3)(c), "loan" means a loan made under any provision of the student loans legislation.

(7) The Secretary of State may deem a person who has previously received a postgraduate master's degree loan under these Regulations in relation to a designated course, to be an eligible student where the Secretary of State is of the view that the person had not been able to complete the designated course to which the previous postgraduate master's degree loan related due to compelling personal reasons.

(8) The Secretary of State may only exercise his discretion to award a subsequent postgraduate master's degree loan to a particular person under paragraph (7) once in respect of a particular student.

### Designated courses

4.—(1) Subject to paragraphs (5) and (6), a course is a designated course for the purposes of section 22(1) of the 1998 Act and regulation 3 if it is—

- (a) a postgraduate master's degree course which falls within paragraph (2);
- (b) one of the following—
  - (i) wholly provided by an authority-funded institution;
  - (ii) provided by a publicly funded institution situated in the United Kingdom on behalf of an authority-funded institution; or
  - (iii) provided by an authority-funded institution in conjunction with an institution which is situated outside the United Kingdom;
- (c) substantially provided in the United Kingdom; and
- (d) a postgraduate master's degree course which—
  - (i) leads to an award granted or to be granted by a body falling within section 214(2) (a) or (b) of the Education Reform Act 1988(3); and
  - (ii) the teaching and supervision which comprise the course has been approved by that body.

(2) For the purpose of paragraph 1(a), the postgraduate master's degree course must be one of the following—

- (a) a full-time course of one or two academic year's duration;
- (b) a part-time course which it is ordinarily possible to complete in no more than twice the period ordinarily required to complete its one or two academic year full-time equivalent; or

(2) 2000 c.14.

(3) 1988 c.40; s214(2)(a) was amended by 1992 (c.13).

- (c) a part-time course that does not have a full-time equivalent and which it is ordinarily possible to complete in up to three academic years.
- (3) For the purposes of paragraph (1)(b) and (c)—
  - (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;
  - (b) 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;
  - (c) a university and any constituent college or institution in the nature of a college of a university is to be regarded as authority-funded if either the university or the constituent college or institution is authority-funded;
  - (d) an institution is not to be regarded as publicly funded 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>(4)</sup>; and
  - (e) 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.
- (4) The designated course may, but need not, be a distance learning course.
- (5) A course cannot be a designated course for the purposes of regulation 3 if it is recognised as a designated course for the purposes of regulation 5 of the student support regulations<sup>(5)</sup>.
- (6) For the purposes of section 22 of the 1998 Act<sup>(6)</sup> and regulation 3(1), the Secretary of State may designate courses of higher education which are not designated under paragraph (1).
- (7) The Secretary of State may revoke or suspend the designation of a course which is designated under paragraph (6).

### **Period of eligibility**

- 5.—**(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 3.
- (2) The period for which an eligible student retains that status is the “period of eligibility”.
- (3) Subject to the following paragraphs and regulation 3, 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—
  - (a) the eligible student (“A”) withdraws from A’s designated course in circumstances where the Secretary of State is not obliged under regulation 6 to transfer A’s status as an eligible student to another course; or
  - (b) A 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 a postgraduate master’s degree loan.
- (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;

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<sup>(4)</sup> 1992 c.13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c.30), section 27.

<sup>(5)</sup> S.I. 2011/1986; regulation 5 was amended by S.I. 2013/1728, S.I. 2013/3106, S.I.2014/2765.

<sup>(6)</sup> 1998 c.30.

- (b) determine that the student no longer qualifies for a postgraduate master's degree loan;
- (c) treat any postgraduate master's degree loan paid to the student as an overpayment which may be recovered under regulation 17.

(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.

### **Transfer of status**

6.—(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.
- (2) The grounds for transfer are—
- (a) on the recommendation of the academic authority A ceases one designated course and starts to undertake another designated course at the same institution; or
  - (b) A starts to undertake a designated course at another institution.

(3) 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 postgraduate master's degree loan in accordance with regulation 13 and, where relevant, regulation 16, in respect of the academic year of the course from which A transfers.

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

7. Where one of the events listed in regulation 8 occurs during the currency of a student's course, a student may qualify for a postgraduate master's degree loan, provided the student complies with the application provisions set out in chapter 3 of Part 1.

### **Events**

8. The events are—
- (a) the student's course becomes a designated course;
  - (b) the student or the student's spouse, civil partner or parent is recognised as a refugee or becomes a person granted humanitarian protection;
  - (c) a state accedes to the EU where the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;
  - (d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EU national;
  - (e) the student acquires the right of permanent residence;
  - (f) the student becomes the child of a Turkish worker;
  - (g) the student becomes a person described in paragraph 6(1)(a) of Schedule 1;
  - (h) the student becomes the child of a Swiss national; or
  - (i) the student commences a designated course after the start date of the designated course as the relevant academic authority has permitted the student to commence the course at this later start date.

