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STATUTORY INSTRUMENTS

2018 No. 599

EDUCATION

The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018

<i>Made</i>	- - - -	<i>15th May 2018</i>
<i>Laid before Parliament</i>		<i>21st May 2018</i>
<i>Coming into force</i>	- -	<i>11th June 2018</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 22 and 42(6) of the Teaching and Higher Education Act 1998 ^{M1}, and sections 5 and 6 of the Sale of Student Loans Act 2008 ^{M2}.

Marginal Citations

- M1** 1998 c.30; section 22 was amended by section 146(2) of, and Schedule 11 to, the [Learning Skills Act 2000 \(c.21\)](#), [paragraph 236](#) of Part 2 of Schedule 6 to the [Income Tax \(Earnings and Pensions\) Act 2003 \(c.1\)](#), [section 147\(3\)](#) of the [Finance Act 2003 \(c.14\)](#), [sections 42\(1\)](#) and 43(2) and (3) of, and Schedule 7 to, the [Higher Education Act 2004 \(c.8\)](#), [section 257\(2\)](#) of the [Apprenticeships, Skills, Children and Learning Act 2009 \(c.22\)](#), [section 76\(1\)](#) and (2)(a) of the [Education Act 2011 \(c.21\)](#), [S.I. 2013/1881](#), section 86(1) to (7) and section 88 (2) to (5) of the [Higher Education and Research Act 2017 \(c.29\)](#). Section 43(1) of the Teaching and Higher Education Act 1998 defines “prescribed” and “regulations”.
- M2** 2008 c.10.

PART 1

CHAPTER 1

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 and come into force on 11th June 2018.

(2) Part 1 of these Regulations applies in relation to England only.

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(3) Parts 1 and 2 of these Regulations apply in relation to the provision of a loan to students in relation to a postgraduate doctoral degree course which begins on or after 1st August 2018 whether anything done under these Regulations is done before, on or after 1st August 2018.

(4) Regulation 60(3) does not apply in relation to an applicant who, before the date on which these Regulations come into force, makes an application under the Education (Postgraduate Master's Degree Loans) Regulations 2016^{M3} for support in relation to an academic year which begins on or after 1st August 2018.

Marginal Citations

M3 [S.I. 2016/606](#), amended by [S.I. 2017/594](#), [S.I. 2017/831](#), [S.I. 2017/837](#), [S.I. 2018/137](#).

Interpretation

2.—(1) For the purposes of Part 1—

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

[^{F1}“the 2017 Act” means the Higher Education and Research Act 2017;]

“the 2016 Master's Degree Regulations” means the Education (Postgraduate Master's Degree Loans) Regulations 2016;

[^{F2}“the 2020 Citizens’ Rights Regulations” means the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020;]

“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;

“authority-funded” means—

- (a) ^{F3} ...
- (b) in relation to educational institutions in Wales, maintained or assisted by recurrent grants from the Higher Education Funding Council for Wales^{M4};
- (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 the Economy in Northern Ireland or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;

“course” means a taught programme of study, a programme of research, or a combination of both, and which may include one or more periods of work experience, and which leads, on successful completion, to the award of a postgraduate doctoral degree but not –

- (a) a higher doctorate; or
- (b) a doctorate by publication;

“designated course” means a course designated by or under regulation 4;

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“Directive 2004/38” means Directive 2004/38 of the European Parliament and of the Council of 29th April 2004 ^{M5} on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

“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;

“eligible prisoner” means a prisoner—

- (a) who is serving a sentence of imprisonment in the United Kingdom;
- (b) has been authorised by the prison Governor or Director or other appropriate authority to study the designated course; and
- (c) whose earliest release date is within 8 years of the first day of the first academic year of the designated course;

“eligible student” has the meaning given in regulation 3;

[^{F4}“English higher education provider” has the meaning given by section 83(1) of the 2017 Act;]

“equivalent or higher qualification” means a qualification determined in accordance with paragraph (2) to be an equivalent or higher qualification;

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

“fees” has the meaning given in [^{F5}section 85(2) of the 2017 Act]^{M6};

^{F6} ...

“healthcare bursary” means a bursary or award of similar description under section 63 of the Health Services and Public Health Act 1968 ^{M7} or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972 ^{M8};

“information” includes documents;

[^{F7}“institution” in relation to England includes an English higher education provider as defined by section 83(1) of the 2017 Act;]

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

[^{F8}“OfS” means the Office for Students, as established by section 1(1) of the 2017 Act;]

“period of eligibility” has the meaning given in regulation 5 in relation to an eligible student;

“periods of work experience” means—

- (a) periods of industrial, professional or commercial experience associated with the designated course at an institution, but at a place outside that institution;

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- (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 designated 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);

[^{F9}“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 [^{F10}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 ^{M9};
- (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 ^{M10}); 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;

[^{F11}“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;]

[^{F12}“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;]

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[^{F13cc}“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 of 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;]

[^{F14cc}“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 [^{F15}since the person was granted such leave];]

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

[^{F16cc}“person with protected rights” means—

- (1) (a) ^{F17}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) ^{F18}...
 - (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) [^{F19}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;]

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- (2) [^{F20}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;]

“postgraduate doctoral degree loan” means a loan made by the Secretary of State pursuant to these Regulations, and includes the interest accrued on the loan, and any penalties or charges incurred in connection with it, except for interest, penalties or charges payable under Part 3 or 4 of the Education (Student Loans) (Repayment) Regulations 2009 ^{M11};

“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;

“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 ^{M12} as extended by the Protocol thereto which entered into force on 4th October 1967 ^{M13};

[^{F21}“register” means the register established and maintained by the OfS under section 3 of the 2017 Act;]

[^{F22}“registered provider” in relation to an institution means an English higher education provider which is registered in the register and “unregistered provider” is to be construed accordingly;]

[^{F23}“relevant period” has the meaning given by regulation 4 of the 2020 Citizens’ Rights Regulations;]

[^{F23}“relevant person of Northern Ireland” has the meaning given by residence scheme immigration rules;]

[^{F23}“residence scheme immigration rules” has the meaning given by section 17(1) of the European Union (Withdrawal Agreement) Act 2020;]

^{F24}
...

“student loans legislation” means the 2016 Master’s Degree Regulations, the student support regulations, the Education (Student Loans) Act 1990 ^{M14}, the Education (Student Loans) (Northern Ireland) Order 1990 ^{M15}, the Education (Scotland) Act 1980 ^{M16} and regulations made under those Acts or that Order, the Education (Student Support) (Northern Ireland) Order 1998 ^{M17} and regulations made under that Order, or the 1998 Act and regulations made under that Act;

“student support regulations” means the Education (Student Support) Regulations 2011 ^{M18};

[^{F25}“Swiss citizens’ rights agreement” has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;]

“Turkish worker” means a Turkish national who—

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- (a) is ordinarily resident in the United Kingdom and Islands; and
- (b) is, or has been, lawfully employed in the United Kingdom;

“UKRI” means United Kingdom Research and Innovation;

[^{F26}“Welsh designated doctoral degree course” means a postgraduate doctoral degree course substantially provided in Wales and designated under regulation 4(5) of the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018 for the purposes of regulation 3 of those Regulations and section 22 of the 1998 Act.]

[^{F27}(1A) For the purpose of the meaning of “Welsh designated doctoral degree course”, a course is substantially provided in Wales if at least half of the teaching and supervision which comprise the course is provided in Wales.]

(2) The Secretary of State may determine that a qualification is an equivalent or higher 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 a postgraduate doctoral 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 designated course leads.

[^{F28}(3) 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.]

Textual Amendments

- F1** Words in reg. 2(1) inserted (21.2.2019) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **48(a)** (with reg. 1(2)(5))
- 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), **63(a)(i)**
- F3** Words in reg. 2(1) omitted (21.2.2019) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **48(b)** (with reg. 1(2)(5))
- F4** Words in reg. 2(1) inserted (21.2.2019) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **48(c)** (with reg. 1(2)(5))
- F5** Words in reg. 2(1) substituted (21.2.2019) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **48(d)** (with reg. 1(2)(5))
- F6** 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), **60(1)(a)**
- F7** Words in reg. 2(1) inserted (21.2.2019) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **48(e)** (with reg. 1(2)(5))
- F8** Words in reg. 2(1) inserted (21.2.2019) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **48(f)** (with reg. 1(2)(5))
- F9** Words in reg. 2(1) inserted (13.2.2020) (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(7)(a)**

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- F10** 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), **63(a)**
- F11** 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), **17(2)**
- F12** Words in reg. 2(1) inserted (13.2.2020) (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(7)(a)**
- F13** 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), **58(1)**
- F14** Words in reg. 2(1) inserted (21.2.2019) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **48(g)** (with reg. 1(2)(5))
- F15** 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), **63(b)**
- F16** 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), **63(a)(iii)**
- F17** 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), **31(a)**
- F18** 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), **60(1)(b)**
- F19** 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), **31(b)**
- F20** 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), **31(c)**
- F21** Words in reg. 2(1) inserted (21.2.2019) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **48(h)** (with reg. 1(2)(5))
- F22** Words in reg. 2(1) inserted (21.2.2019) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **48(i)** (with reg. 1(2)(5))
- F23** 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), **63(a)(iv)**
- F24** 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), **32**
- F25** 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), **63(a)(v)**
- F26** Words in reg. 2(1) inserted (13.2.2020) (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(3)(a)(i)**
- F27** Reg. 2(1A) inserted (13.2.2020) (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(3)(a)(ii)**
- F28** Reg. 2(3) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **63(b)**

Marginal Citations

- M4** Under section 65 of the Further and Higher Education Act 1992 (c.13) the Higher Education Funding Council for Wales (HEFCW) may provide grants to higher education institutions in Wales. Section 65 was amended by Schedule 11 to the Higher Education and Research Act 2017 (c. 29). HEFCW's funding functions were unaffected.
- M5** OJ No L158, 30.4.2004, p77-123.

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- M6** 2004 c.8; the definition of fees in section 41(1) was revoked by Schedule 11 to the [Higher Education and Research Act 2017 \(c.29\)](#), but saved by regulation 13 of [S.I. 2018/245](#) for the period beginning with the 1st of April 2018 and ending with the 31st of July 2019.
- M7** [1968 c.46](#); section 63 was amended by [1973 \(c.32\)](#), [1977 \(c.49\)](#), [1978 \(c.29\)](#), [1985 \(c.51\)](#), [1988 \(c.49\)](#), [1994 \(c.39\)](#), [1995 \(c.17\)](#), [1997 \(c.46\)](#), [1999 \(c.8\)](#), [2001 \(c.15\)](#), [2002 \(c.17\)](#), [2003 \(c.43\)](#), [2004 \(c.31\)](#), [2006 \(c.43\)](#), [S.I. 1996/1008](#), [S.I. 2002/2202](#), [S.I. 2002/2469](#), [S.I. 2004/288](#), [S.I. 2004/957](#), [S.I.2006/1056](#), [S.I. 2007/961](#).
- M8** [S.I. 1972/1265 \(N.I. 14\)](#), to which there have been amendments not relevant to these Regulations.
- M9** [1971 c.77](#).
- M10** [2002 c.41](#); section 104 was amended by the [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c.19\)](#), [sections 9, 26](#) and [Schedule 2](#) of the [Immigration, Asylum and Nationality Act 2006 \(c.13\)](#), [S.R & O 2010/21](#), section 9 of the [Immigration, Asylum and Nationality Act 2006 \(c.13\)](#), [Schedule 9\(4\)](#) to the [Immigration Act 2014 \(c.22\)](#).
- M11** [S.I. 2009/470](#), amended by [S.I. 2010/661](#), [S.I. 2010/1010](#), [S.I. 2011/784](#), [S.I. 2012/836](#), [S.I. 2012/1309](#), [S.I. 2013/388](#), [S.I. 2013/591](#), [S.I. 2013/607](#), [S.I. 2013/1881](#), [S.I. 2014/651](#), [S.I. 2017/831](#), [S.I. 2018/284](#).
- M12** [Cmnd. 9171](#).
- M13** [Cmnd. 3906](#) (out of print).
- M14** Repealed by the [Teaching and Higher Education Act 1998 \(c.30\)](#), [Schedule 4](#).
- M15** [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](#).
- M16** [1980 c.44](#).
- M17** [S.I. 1998/1760 \(N.I. 14\)](#), to which there have been amendments not relevant to these Regulations.
- M18** [S.I. 2011/1986](#), amended by [S.I. 2012/1653](#), [S.I. 2013/235](#), [S.I. 2013/630](#), [S.I. 2013/1728](#), [S.I. 2013/3106](#), [S.I. 2014/1766](#), [S.I. 2014/2013](#), [S.I. 2014/2765](#), [S.I. 2015/1951](#), [S.I. 2016/27](#), [S.I. 2016/584](#), [S.I. 2017/114](#), [S.I. 2018/136](#), [S.I. 2018/137](#), [S.I. 2018/434](#), [S.I. 2018/443](#).

CHAPTER 2

Eligible students

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

[^{F29}(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 a postgraduate doctoral degree loan the Secretary of State determines that the person falls within one of the categories set out—

- (a) in paragraphs 2, 2A, 3, 4, 5, 5A, 5B, 5C, 5D, 6, [^{F30}6A,] 7A, 8A, 9A, 10A, 10B, [^{F31}10BA,][^{F32}10BB,] 10C, 10D, 11A, 12A, 13A and 14 in Part 2 of Schedule 1; or
 - (b) in paragraphs 7, 8, 9, 10, 11, 12 and 13 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 a postgraduate doctoral degree loan by a person (“A”) determined that A fell within one of the categories set out in paragraphs 7, 8, 9, 10, 11, 12 and 13 in Part 2 of Schedule 1 in relation to an academic year of the course beginning before 1st August 2021; or

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- (ii) would have so determined had A made an application for a postgraduate doctoral degree loan in accordance with this Part in relation to an academic year of the course beginning before that date; and
 - (b) A applies for a postgraduate doctoral degree loan 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 9A [^{F33}, 10B, 10BA and 10D].]
- (3) A person ("A") is not an eligible student if—
- [^{F34}(za) A is excused from undertaking any part of the course due to—
 - (i) A's previous experience;
 - (ii) A having taken a module or other unit of work of another course; or
 - (iii) A having been awarded a credit, credit point or equivalent measurement of study in respect of any part of another course;]
 - (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 doctoral 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 regulation 5 (designated courses) or 139 (designated part-time courses) of the student support regulations ^{M19} or under regulation 4 (designated courses) of the 2016 Master's Degree Regulations, and is receiving support under either set of regulations for that course;
 - [^{F35}(fa) A is studying on a course as part of an apprenticeship;]
 - (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 doctoral degree loan under these Regulations for that course;
 - (i) subject to paragraph (9), A has previously received a postgraduate doctoral degree loan under these Regulations;
 - (j) A is, in connection with the course, in receipt of any allowance, bursary or award of similar description made by UKRI;
 - [^{F36}(k) 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; or
 - (iii) 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]

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[^{F37}(iv) in receipt of financial assistance provided under the Educational Psychology Funded Training scheme; or]

- (l) subject to paragraph (9), A has previously received a loan other than under these Regulations in respect of a course, where that loan was paid out of funds provided by a government authority within the United Kingdom.

[^{F38}(3A) Paragraph (3)(za) does not apply where—

- (a) A was so excused as a result of transferring to the course from a designated course; and
- (b) the Secretary of State considers A being so excused to be reasonable in the circumstances.]

(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 first academic year 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) For the purposes of paragraph (4), 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) 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.

(6) An eligible student ceases to be eligible for a postgraduate doctoral 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.

(7) Paragraphs (4) and (6) do not apply to a person who is treated as ordinarily resident in the United Kingdom by virtue of paragraph 1(5) of Schedule 1 on the basis of temporary employment falling within paragraph 1(6)(a) of Schedule 1.

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

(9) The Secretary of State may deem a person described in paragraph (3)(i) or (3)(l) to be an eligible student where the Secretary of State is of the view that the person had not been able to complete the course to which the previous loan related due to compelling personal reasons.

(10) The Secretary of State may only exercise the discretion under paragraph (9) once in respect of a particular student.

[^{F39}(11) In paragraph (3)(k)(iv), “Educational Psychology Funded Training scheme” means the scheme of the same name under section 14 of the Education Act 2002.]

[^{F40}(12) Where—

- (a) the Secretary of State has determined that, by virtue of—
 - (i) falling within [^{F41}paragraph (a)^{F42}... (iv) or (v)] of the definition of “person with protected rights”; or
 - (ii) meeting the conditions in paragraph 3(1)(a)^{F43}... (iv) in Part 2 of Schedule 1,a person (“A”) is an eligible student in connection with an application for a postgraduate doctoral degree loan for a designated course; and

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- (b) as at the day before the first day of the first academic year of that designated course, A is not a person with protected rights,

A's status as an eligible student terminates immediately before the first day of the first academic year of that designated course.]

Textual Amendments

- F29** Reg. 3(2)-(2B) substituted for reg. 3(2) (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **64(a)**
- F30** Word in reg. 3(2)(a) 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), **58(2)**
- F31** Word in reg. 3(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), **34(1)(a)**
- F32** Word in reg. 3(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), **61(1)**
- F33** Words in reg. 3(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), **34(1)(b)**
- F34** Reg. 3(3)(za) 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), **12(2)(a)(i)**
- F35** Reg. 3(3)(fa) inserted (23.12.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **57**
- F36** Reg. 3(3)(k) 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(3)**
- F37** Reg. 3(3)(k)(iv) inserted (13.2.2020) (with application in accordance with reg. 1(3)(d) 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), **16(a)**
- F38** Reg. 3(3A) 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), **12(2)(a)(ii)**
- F39** Reg. 3(11) inserted (13.2.2020) (with application in accordance with reg. 1(3)(d) 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), **16(b)**
- F40** Reg. 3(12) inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **64(b)**
- F41** Words in reg. 3(12)(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), **32**
- F42** Word in reg. 3(12)(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), **60(2)(a)**
- F43** Words in reg. 3(12)(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), **60(2)(b)**

Marginal Citations

- M19** Regulation 5 was amended by [S.I. 2013/1728](#), [S.I. 2013/3106](#), [S.I. 2014/2765](#), [S.I. 2015/1951](#), [S.I. 2017/114](#), [S.I. 2018/136](#), [S.I. 2018/137](#), [S.I. 2018/434](#), [S.I. 2018/443](#). Regulation 139 was amended by [S.I. 2013/1728](#), [S.I. 2013/3106](#), [S.I. 2014/2765](#), [S.I. 2018/137](#), [S.I. 2018/434](#), [S.I. 2018/443](#); [S.I. 2018/472](#).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018. 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)

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—

[^{F44}(a) is a full postgraduate doctoral degree course of at least three, but no more than eight, academic years' duration;]

[^{F45}(b) is one of the following—

(i) wholly provided by a registered provider, or provided by a registered provider or 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;

(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;]

(c) is substantially provided in the United Kingdom; and

(d) is a postgraduate doctoral degree course which –

(i) leads to an award granted or to be granted by a body falling within section 214(2) [^{F46}(za), (zb),] (a) or (b) of the Education Reform Act 1988 ^{M20}; and

(ii) the teaching and supervision which comprise the course has been approved by that body.

(2) 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 ^{M21}; 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 [^{F47} in Scotland, Northern Ireland or Wales, or by a private institution which is an unregistered provider in England].

[^{F48}(2A) For the purposes of section 22 of the 1998 Act and regulation 3, a course is a designated course if it is—

(a) a Welsh designated doctoral degree course;

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018*. 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)

(b) a full postgraduate doctoral degree course; and

[^{F49}(c) of at least three, but no more than eight, academic years' duration.]

(3) The designated course may, but need not, be a distance learning course.

[

^{F50}(3ZA) In paragraphs (1)(a) and (2A), “full postgraduate doctoral degree course” means a course which, independent of a student’s previous experience or any module or other unit of work, credit, credit point or equivalent measurement of study taken or awarded in respect of another course, leads to a doctoral degree.]

[

^{F51}(3A) A course is not a designated course if its designation has been revoked or is suspended under paragraph (6).]

(4) 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 (designated courses) or 139 (designated part-time courses) of the student support regulations or regulation 4 (designated courses) of the 2016 Master's Degree Regulations.

(5) For the purposes of section 22 of the 1998 Act and regulation 3(1), the Secretary of State may designate courses of higher education which are not designated under paragraph (1) [^{F52}or (2A)].

(6) The Secretary of State may revoke or suspend the designation of a course which is designated under [^{F53}this regulation].]

Textual Amendments

- F44** Reg. 4(1)(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), **28(a)**
- F45** Reg. 4(1)(b) substituted (21.2.2019) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **49(2)** (with reg. 1(2)(5))
- F46** Words in reg. 4(1)(d) inserted (21.2.2019) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **49(3)** (with reg. 1(2)(5))
- F47** Words in reg. 4(2)(e) inserted (21.2.2019) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **49(4)** (with reg. 1(2)(5))
- F48** Reg. 4(2A) inserted (13.2.2020) (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(3)(b)(i)**
- F49** Reg. 4(2A)(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), **28(b)**
- F50** Reg. 4(3ZA) 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), **12(2)(b)(ii)**
- F51** Reg. 4(3A) inserted (21.2.2019) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **49(5)** (with reg. 1(2)(5))
- F52** Words in reg. 4(5) inserted (13.2.2020) (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(3)(b)(ii)**
- F53** Words in reg. 4(6) substituted (21.2.2019) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **49(6)** (with reg. 1(2)(5))

Marginal Citations

- M20** 1988 c.40; section 214(2) was amended by Schedule 8 of the [Further and Higher Education Act 1992 \(c.13\)](#) and section 53(2) to (4) of the [Higher Education and Research Act 2017 \(c.29\)](#).

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to *The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018*. 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)

M21 1992 c.13; section 65(3A) was inserted by section 27 of the [Teaching and Higher Education Act 1998 \(c.30\)](#). It was then amended by section 122 of the [Higher Education and Research Act 2017 \(c.29\)](#), subject to consequential, transitional, transitory and saving provisions made by [S.I. 2018/245](#).

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 doctoral 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;

(b) determine that the student no longer qualifies for a postgraduate doctoral degree loan;

(c) treat any postgraduate doctoral 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) the Secretary of State receives a request from the eligible 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.

[^{F54}(1A) Paragraph (1) applies to a person who is an eligible student by virtue of regulation 3(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 3(2A)(a) to another designated course.]

(2) The grounds for transfer are that—

(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.

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018. 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)

(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 doctoral 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.

Textual Amendments

F54 Reg. 6(1A) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), 65

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 doctoral degree loan, provided the student complies with the application provisions set out in chapter 3 of Part 1.

Events

8. The events are—

- [^{F55}(a) the student's course becomes a designated course—
- (i) under regulation 4(5);
 - (ii) because the course is 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 Welsh designated doctoral degree 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;
- ^{F56}(c)
- [^{F57}(d) the student becomes a family member described in paragraph 10A(1)(a), 10B(1)(a), 10C(1)(a) [^{F58}, 10D(1)(a) or 10D(2)(a)] of Schedule 1;]
- [^{F59}(e) the student becomes a person described in paragraph 3(a) of Schedule 1;]
- ^{F60}(f)
- (g) the student becomes a person described in paragraph [^{F61}7A(1)(a)] of Schedule 1;
- [^{F62}(h) the student becomes a person described in paragraph 12A(a) of Schedule 1;]
- (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; ^{F63}...
- [^{F64}(j) the student becomes a person granted section 67 leave.]
- [^{F65}(k) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; ^{F66}...]
- [^{F67}(l) the student becomes a person granted Calais leave][^{F68}, ^{F69}...]
- (m) the student becomes a person granted indefinite leave to remain as a bereaved partner;][^{F69}or]
- [^{F70}(n) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.]

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018*. 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

- F55** Reg. 8(a) substituted (13.2.2020) (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(3)(c)**
- F56** Reg. 8(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), **66(a)**
- F57** Reg. 8(d) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021](#) (S.I. 2021/127), regs. 1(1), **66(b)**
- F58** Words in reg. 8(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), **61(2)**
- F59** Reg. 8(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), **33(b)**
- F60** Reg. 8(f) omitted (1.3.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021](#) (S.I. 2021/127), regs. 1(1), **66(c)**
- F61** Word in reg. 8(g) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021](#) (S.I. 2021/127), regs. 1(1), **66(d)**
- F62** Reg. 8(h) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021](#) (S.I. 2021/127), regs. 1(1), **66(e)**
- F63** Word in reg. 8(i) omitted (13.2.2020) (with application in accordance with reg. 1(3)(a) 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), **2(7)(b)(i)**
- F64** Reg. 8(j) inserted (21.2.2019) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019](#) (S.I. 2019/142), regs. 1(1), **50(d)** (with reg. 1(2)(3)(5))
- F65** Reg. 8(k) inserted (13.2.2020) (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(7)(b)(ii)**
- F66** Word in reg. 8(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), **17(3)(a)**
- F67** Reg. 8(l) inserted (13.2.2020) (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(7)(b)**
- F68** Reg. 8(m) and preceding 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), **17(3)(b)**
- F69** Word in reg. 8 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), **58(3)**
- F70** Reg. 8(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), **58(3)**

CHAPTER 3

Applications for a postgraduate doctoral degree loan

9.—(1) Where a person (the “applicant”) applies for a postgraduate doctoral degree loan in connection with a designated course, the applicant must complete and submit to the Secretary of State an application in such form and accompanied by such documentation as the Secretary of State may require.

Status: Point in time view as at 23/12/2021.

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(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.

(3) The Secretary of State must notify the applicant whether the applicant qualifies for a postgraduate doctoral degree loan.

Time Limit

10.—(1) An application for a postgraduate doctoral degree loan, or an application to amend the amount of loan applied for, must reach the Secretary of State no later than the end of the ninth month of the final academic year of the course.

(2) Paragraph (1) does not apply where the Secretary of State considers that having regard to the circumstances of the particular case the time limit is to be relaxed, in which case the application must reach the Secretary of State no later than such date as the Secretary of State specifies.

Requirement to enter into a contract for a postgraduate doctoral degree loan

11.—(1) To receive a postgraduate doctoral degree 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.

CHAPTER 4

Amount of the postgraduate doctoral degree loan

12.—(1) The Secretary of State must pay, in accordance with regulation 13, the amount of loan an eligible student has applied for, provided that –

- (a) the total amount of the loan does not exceed [^{F71}£27,892]; and
 - (b) the amount applied for is to cover the matters referred to in paragraph 2(a) or (b) as applicable.
- (2) Where the eligible student –
- (a) is not an eligible prisoner, the loan is to cover the whole or part of the costs of undertaking a designated course;
 - (b) is an eligible prisoner, the loan is to cover the whole or part of the fees of a designated course (but not other costs of undertaking a designated course).

Textual Amendments

F71 Sum in reg. 12(1)(a) substituted (with application in accordance with reg. 1(3)(i) 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), **64**

Payment of postgraduate doctoral degree loans

13.—(1) The Secretary of State may pay the postgraduate doctoral degree loan for which a student qualifies under this Part—

- (a) either as a lump sum or by instalments; and
- (b) at such times, and in such manner, as the Secretary of State considers appropriate.

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(2) The Secretary of State may make it a condition of entitlement to payment 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.

(3) In the case of an eligible prisoner, the Secretary of State must pay the postgraduate doctoral degree loan for which an eligible prisoner qualifies to the institution to which the eligible prisoner is liable to make payment for the fees or to such third party that the Secretary of State considers appropriate for the purpose of ensuring the payment of the fees to the relevant institution.

(4) The Secretary of State must not make a payment in excess of [^{F72}£11,836] in respect of a particular eligible student in connection with any one academic year.

(5) The Secretary of State must not, in any academic year, pay the whole or part of the postgraduate doctoral degree loan in respect of a particular student until the Secretary of State has received from the academic authority confirmation (in such form as may be required by the Secretary of State) in respect of that year—

- (a) that the student is in attendance or is undertaking the designated course; and
- (b) if it is able to do so, that the student is not, in connection to the designated course, in receipt of any allowance, bursary, or award of similar description made by UKRI.

(6) The academic authority must forthwith inform the Secretary of State and provide the Secretary of State with particulars if –

- (a) it becomes aware that the student is in receipt of any allowance, bursary, or award of similar description made by UKRI in connection with the designated course;
- [^{F73}(b) the student withdraws from or abandons their course;
- (ba) the student is expelled from their course;
- (bb) the student is absent from their course for more than 60 days due to illness;
- (bc) the student is suspended from their course (whether at the student's request or not); or]
- (c) the student is required to repeat a module or a similar unit of work.

Textual Amendments

F72 Sum in reg. 13(4) substituted (with application in accordance with reg. 1(3)(i) 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), **65**

F73 Reg. 13(6)(b)-(bc) substituted for reg. 13(6)(b) (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **10(2)**

Provision of United Kingdom national insurance number

14.—(1) The Secretary of State may make it a condition of entitlement to payment of the whole or part of the postgraduate doctoral degree loan that the eligible 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 payment of the whole or part of the postgraduate doctoral degree loan to the eligible 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 payment of the whole or part of the postgraduate doctoral degree loan to an eligible 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 student having complied with the condition imposed under paragraph (1).

Status: Point in time view as at 23/12/2021.

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Absence from, and repetition of, parts of the course

15.—(1) Subject to paragraphs (2) to (5), if the Secretary of State receives notice under regulation 13(6)(b) or (c), or paragraph (2)(a) to (c) of Schedule 2 of an eligible student's—

- (a) lack of attendance on the designated course; or
- (b) need to repeat a module or similar unit of work,

then the Secretary of State may not make any further payment of the postgraduate doctoral degree loan.

(2) Further payments may be made despite a notification referred to in paragraph (1) if, in the opinion of the Secretary of State, those payments would be appropriate in all the circumstances.

(3) If the eligible student recommences the course the student must inform the Secretary of State and give full details of the length and cause of the preceding absence.

(4) The academic authority must inform the Secretary of State if the eligible student –

- (a) completes the module or unit of work; or
- (b) is no longer required to complete the module or unit of work.

(5) After considering a notification given under paragraph (3), the Secretary of State must recommence further payments of the postgraduate doctoral degree loan under regulation 13 if, in the opinion of the Secretary of State, it would be appropriate in all the circumstances for such payment to be made.

(6) After considering a notification given under paragraph (4), the Secretary of State must recommence further payments of the postgraduate doctoral degree loan under regulation 13.

Effect of becoming, or ceasing to be, an eligible prisoner

16.—(1) Paragraph (2) applies where an eligible student who is in receipt of a postgraduate doctoral degree loan becomes an eligible prisoner and continues to undertake a designated course.

(2) The Secretary of State must—

- (a) adjust future payment of the postgraduate doctoral degree loan or future payments of instalments of the postgraduate doctoral degree loan, so that the total of the postgraduate doctoral degree loan awarded complies with the maximum postgraduate doctoral degree loan amount the student, as an eligible prisoner, is entitled to under regulation 12; and
- (b) pay any remaining sum of the postgraduate doctoral degree loan, or any future instalments of the postgraduate doctoral degree loan, in accordance with regulation 13(3).

(3) Paragraphs (4) to (6) apply where an eligible prisoner who is in receipt of a postgraduate doctoral degree loan ceases to be an eligible prisoner and remains an eligible student, and continues to undertake a designated course.

(4) The Secretary of State must pay the remaining sum of the postgraduate doctoral degree loan, or future instalments of the postgraduate doctoral degree loan, in accordance with regulation 13(1).

(5) Where an eligible student (“A”) ceases to be an eligible prisoner and would have qualified for a higher amount of postgraduate doctoral degree loan had A not been an eligible prisoner when A's loan application was originally determined in accordance with these Regulations, A may apply for the amount of loan to be increased.

(6) The maximum amount of the increase in A's postgraduate doctoral degree loan for which A may apply under paragraph (5) is the amount which is calculated by reference to the following formula —

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$$\frac{(F - R) \times T}{M}$$

Where—

F equals the amount which A would have qualified for if A had not been an eligible prisoner;

R equals the amount which A qualifies for as an eligible prisoner;

T is the number of days of the course which remain when A ceases to be an eligible prisoner beginning with the day after the day on which A ceases to be an eligible prisoner; and

M is the total number of days of the duration of the course.

Overpayments of a postgraduate doctoral degree loan

17.—(1) Any overpayment of a postgraduate doctoral degree loan is recoverable by the Secretary of State from—

- (a) the institution or third party which received the monies of the postgraduate doctoral degree loan where payment was made to such an institution or third party; or
- (b) the student who received the postgraduate doctoral degree loan.

(2) A student must, if so required by the Secretary of State, repay any amount of the postgraduate doctoral degree loan paid in respect of the student which for whatever reason exceeds the amount of loan to which the student is entitled.

(3) An overpayment of a postgraduate doctoral degree 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 postgraduate doctoral degree loan which remains to be paid;
- (b) 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;
- (c) by requiring the student to repay the postgraduate doctoral degree loan in accordance with regulations made under section 22 of the 1998 Act; or
- (d) by taking such other action for the recovery of an overpayment as is available to the Secretary of State.

CHAPTER 5

Information requirements

18.—(1) Schedule 2 makes further provision about the supply of information by applicants and eligible students.

(2) The Secretary of State may at any time request from an applicant or eligible student information that the Secretary of State considers is required to recover a postgraduate doctoral degree loan.

(3) The Secretary of State may at any time require an applicant or eligible student to enter into an agreement to repay a postgraduate doctoral degree loan by a particular method.

(4) The Secretary of State may at any time request from an applicant or eligible student sight of their valid national identity card, valid passport or their birth certificate.

Status: Point in time view as at 23/12/2021.

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(5) Where the Secretary of State has requested information under this regulation, the Secretary of State may withhold any payment of a postgraduate doctoral degree loan until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

(6) 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 postgraduate doctoral degree loan until the person provides what has been required.

PART 2

Amendment of the Education (Student Loans) (Repayment) Regulations 2009

19. The Education (Student Loans) (Repayment) Regulations 2009 are amended in accordance with this Part.

Amendment of regulation 3

20.—(1) Regulation 3 (interpretation) is amended as follows.

(2) In paragraph (1)—

- (a) for the definition of “the 2016 Postgraduate Regulations”^{M22}, substitute –
 ““the 2016 Master's Degree Regulations” means the Education (Postgraduate Master's Degree Loans) Regulations 2016”;
- (b) after the definition of “the 2017 Postgraduate Wales Regulations”^{M23}, insert—
 ““the 2018 Doctoral Degree Regulations” means the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018”;
- (c) in the definition of “the Authority”^{M24}, in paragraph (a) omit “master's”;
- (d) in the definition of “borrower”^{M25}, in paragraph (b) omit “master's”;
- (e) in the definition of “loan purchaser”^{M26}, omit “master's”;
- (f) for the definition of “postgraduate master's degree loan”^{M27}, substitute –
 ““postgraduate degree loan” means the total outstanding—
 - (a) principal owed by a person to the Authority in respect of –
 - (i) a postgraduate master's degree loan pursuant to Part 1 of the 2016 Master's Degree Regulations;
 - (ii) a postgraduate master's degree loan pursuant to Part 4 of the 2017 Postgraduate Wales Regulations; or
 - (iii) a postgraduate doctoral degree loan pursuant to Part 1 of the 2018 Doctoral Degree Regulations, and
 - (b) interest, penalties and charges owed by a person to the Authority pursuant to these Regulations in connection with the loan made pursuant to the 2016 Master's Degree Regulations, the 2017 Postgraduate Wales Regulations, or the 2018 Doctoral Degree Regulations,

excluding any interest, penalties or charges payable under Part 3 or 4, and also has the meaning given to it in regulation 7; ”;

(g) for the definition of “postgraduate master's degree loan borrower”^{M28}, substitute –

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““postgraduate degree loan borrower” means a person—

- (a) to whom the Authority has lent money in respect of a postgraduate degree loan; and
- (b) who has not received a notice from the Authority or the loan purchaser (as the case may be) that the loan has been repaid in full or cancelled;”;
- (h) in the definition of “repayment”^{M29}, omit “master's”;
- (i) in the definition of “repayment threshold”^{M30}, in paragraph (c) omit “master's”;
- (j) for the definition of “student loan”^{M31}, substitute —
““student loan” means the total outstanding principal, interest, penalties and charges owed by a person—
 - (a) to the Secretary of State, pursuant to—
 - (i) these Regulations, other than any interest, penalties and charges owed in connection with the 2016 Master's Degree Regulations or the 2018 Doctoral Degree Regulations; and
 - (ii) any other Regulations made under section 22 of the 1998 Act, other than the 2016 Master's Degree Regulations or the 2018 Doctoral Degree Regulations,
 - (b) to the Welsh Ministers, pursuant to—
 - (i) these Regulations, other than any interest, penalties and charges owed in connection with the 2017 Postgraduate Wales Regulations; and
 - (ii) any other Regulations made under section 22 of the 1998 Act, other than the 2017 Postgraduate Wales Regulations,

excluding any interest, penalties or charges payable under Part 3 or 4, and also has the meanings given to it in regulations 6 and 7; ”.

(3) In paragraph (2) ^{M32}, for “other than the 2016 Postgraduate Regulations or the 2017 Postgraduate Wales Regulations”, substitute –

“other than the 2016 Master's Degree Regulations, the 2017 Postgraduate Wales Regulations or the 2018 Doctoral Degree Regulations”.

Marginal Citations

- M22** The definition of “the 2016 Postgraduate Regulations” was inserted by [S.I. 2017/831](#).
- M23** The definition of “the 2017 Postgraduate Wales Regulations” was inserted by [S.I. 2017/831](#).
- M24** The definition of “the Authority” was amended by [S.I. 2017/831](#).
- M25** The definition of “borrower” was substituted by [S.I. 2017/831](#).
- M26** The definition of “loan purchaser” was amended by [S.I. 2017/831](#).
- M27** The definition of “postgraduate master's degree loan” was inserted by [S.I. 2017/831](#).
- M28** The definition of “postgraduate master's degree loan borrower” was inserted by [S.I. 2017/831](#).
- M29** The definition of “repayment” was amended by [S.I. 2017/831](#).
- M30** The definition of “repayment threshold” was inserted by [S.I. 2011/784](#) and was subsequently substituted by [S.I. 2012/1309](#) and then amended by [S.I. 2017/831](#) and [S.I. 2018/284](#).
- M31** The definition of “student loan” was substituted by [S.I. 2017/831](#).
- M32** Paragraph (2) was inserted by [S.I. 2012/1309](#) and was subsequently amended by [S.I. 2013/607](#) and [S.I. 2017/831](#).

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Amendment of regulation 4

21. In regulation 4 ^{M33} (application: general), omit “master’s”.

Marginal Citations

M33 Regulation 4 was amended by [S.I. 2017/831](#).

Amendment of regulation 7

22. In regulation 7(1) ^{M34} (application to transferred loans in England and Wales)—

- (a) for the definition of “postgraduate master’s degree loan”^{M35}, substitute —
 ““postgraduate degree loan” means, subject to any provisions of transfer arrangements, the total outstanding—
- (a) principal owed by a person to a loan purchaser in respect of—
- (i) a postgraduate master’s degree loan pursuant to the 2016 Master’s Degree Regulations;
- (ii) a postgraduate master’s degree loan pursuant to the 2017 Postgraduate Wales Regulations; or
- (iii) a postgraduate doctoral degree loan pursuant to the 2018 Doctoral Degree Regulations; and
- (b) interest, penalties and charges owed by a person to a loan purchaser pursuant to these Regulations in connection with the loan made pursuant to the 2016 Master’s Degree Regulations, the 2017 Postgraduate Wales Regulations or the 2018 Doctoral Degree Regulations; and”;
- (b) for the definition of “student loan”^{M36}, substitute —
 ““student loan” means, subject to any provisions of transfer arrangements, the total outstanding principal, interest, penalties and charges owed by a person to a loan purchaser pursuant to—
- (a) these Regulations, other than any interest, penalties and charges owed in connection with the 2016 Master’s Degree Regulations, the 2017 Postgraduate Wales Regulations or the 2018 Doctoral Degree Regulations; and
- (b) any other Regulations made under section 22 of the 1998 Act, other than the 2016 Master’s Degree Regulations, the 2017 Postgraduate Wales Regulations or the 2018 Doctoral Degree Regulations.”.

Marginal Citations

M34 Regulation 7(1) was amended by [S.I. 2017/831](#).

M35 The definition of “postgraduate master’s degree loan” was inserted by [S.I. 2017/831](#).

M36 The definition of “student loan” was amended by [S.I. 2017/831](#).

Amendment of regulation 15

- 23.—(1) Regulation 15 (timing of repayments: general) is amended as follows.
- (2) In paragraph (1) ^{M37}, omit “master’s”.
- (3) For paragraph (2ZA) ^{M38}, substitute —

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“(2ZA) Subject to paragraph (2C) a postgraduate degree loan borrower is not required to repay –

- (a) any part of a postgraduate master's degree loan, before the start of the following tax year commencing on 6 April after the borrower ceases to be eligible for a loan under Part 1 of the 2016 Master's Degree Regulations or Part 4 of the 2017 Postgraduate Wales Regulations, whether by reason of having completed that course or otherwise;
- (b) any part of a postgraduate doctoral degree loan, until the earlier of—
 - (i) the start of the following tax year commencing on 6 April after the borrower ceases to be eligible for a loan under Part 1 of the 2018 Doctoral Degree Regulations, whether by reason of having completed that course or otherwise; or
 - (ii) the start of the following tax year commencing on 6 April after the fourth anniversary of the course start date.”.

(4) For paragraph (2C) ^{M39}, substitute –

“A borrower is not required to repay any part of the postgraduate degree loan under paragraph (2ZA) before 6 April 2019.”.

(5) In paragraph (7) ^{M40}, omit “master's”.

Marginal Citations

- M37** Paragraph (1) was amended by [S.I. 2017/831](#).
- M38** Paragraph (ZA) was inserted by [S.I. 2017/831](#).
- M39** Paragraph (2C) was substituted by [S.I. 2017/831](#).
- M40** Paragraph (7) was amended by [S.I. 2017/831](#)

Amendment of regulation 18

24. In paragraph (1)(a) ^{M41} (direct debit repayment), omit “master's”.

Marginal Citations

- M41** [Paragraph 1\(a\)](#) was amended by [S.I. 2017/831](#).

Amendment of regulation 19

25. In regulation 19 ^{M42} (cancellation), omit “master's” each time it appears.

Marginal Citations

- M42** [Regulation 19](#) was amended by [S.I. 2013/607](#), [S.I. 2012/1309](#), [S.I. 2017/831](#).

Amendment of regulation 20

26. In regulation 20 ^{M43} (refunds), omit “master's” each time it appears.

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Marginal Citations

M43 Regulation 20 was amended by S.I. 2011/784, S.I. 2012/1309, S.I. 2013/607, S.I. 2017/831.

Amendment of regulation 20A

27. In regulation 20A ^{M44} (excess payments: more than one loan), in paragraph (1)(a)(i) and (ii), omit “master's”.

Marginal Citations

M44 Regulation 20A was inserted by S.I. 2017/831.

Amendment of regulation 21B

28.—(1) Regulation 21B ^{M45} (interest rate on postgraduate master's degree loans) is amended as follows.

(2) In the heading, omit “master's”.

(3) In paragraph 1, omit “master's”.

(4) For paragraph 2, substitute –

“Interest accrues as of the date that the first payment of the loan is paid out under –

(a) regulation 13 of the 2016 Master's Degree Regulations;

(b) regulation 13 of the 2017 Postgraduate Wales Regulations; or

(c) regulation 13 of the 2018 Doctoral Degree Regulations.”.

Marginal Citations

M45 Regulation 21B was inserted by S.I. 2017/831.

Amendment of regulation 25

29. In regulation 25(3) ^{M46} (costs and expenses), omit “master's”.

Marginal Citations

M46 Regulation 25(3) was amended by S.I. 2017/831.

Amendment of regulation 27

30. In regulation 27 ^{M47} (foreclosure), omit “master's”.

Marginal Citations

M47 Regulation 27 was amended by S.I. 2017/831.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018*. 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)

Amendment of regulation 28

31. In the heading of regulation 28 ^{M48} (repayments of student loans and postgraduate master's degree loan by persons required to submit a tax return), omit “master's”.

Marginal Citations

M48 The heading of regulation 28 was amended by [S.I. 2017/831](#).

Amendment of regulation 29

32. In regulation 29 ^{M49} (time for and amount of repayments), omit “master's” each time it appears.

Marginal Citations

M49 Regulation 29 was amended by [S.I. 2010/661](#), [S.I. 2011/784](#), [S.I. 2012/1309](#), [S.I. 2013/607](#), [S.I. 2014/651](#), [S.I. 2017/831](#), [S.I. 2018/284](#).

Amendment of regulation 33

33. In regulation 33 ^{M50} (other returns and information), in paragraph (3)(b) and (d)(i), omit “master's”.

Marginal Citations

M50 Regulation 33 was amended by [S.I. 2013/607](#), [S.I. 2017/831](#).

Amendment of regulation 41

34. In regulation 41 (interpretation), in the definition of “combined amount”^{M51} omit “master's”.

Marginal Citations

M51 The definition of “combined amount” was amended by [S.I. 2017/831](#).

Amendment of regulation 42

35. In the heading of regulation 42 ^{M52} (repayment of student loans or postgraduate master's degree loans by employees), omit “master's”.

Marginal Citations

M52 The heading of regulation 42 was amended by [S.I. 2017/831](#).

Amendment of regulation 43

36. In regulation 43(2) ^{M53} (commencement of employment with a non-Real Time Information employer), omit “master's”.

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Marginal Citations

M53 Regulation 43(2) was substituted by S.I. 2012/836 and then amended by S.I. 2013/607, S.I. 2017/831.

Amendment of regulation 43A

37. In regulation 43A ^{M54} (commencement of employment with a Real Time information employer), omit “master's”.

Marginal Citations

M54 Regulation 43A was inserted by S.I. 2012/836 and subsequently amended by S.I. 2013/607, S.I. 2017/831.

Amendment of regulation 44

38. In regulation 44 ^{M55} (amount of repayments), omit “master's” each time it appears.

Marginal Citations

M55 Regulation 44 was amended by S.I. 2011/784, S.I. 2013/607, S.I. 2017/831.

Amendment of regulation 50

39. In regulation 50 ^{M56} (deductions of repayments), omit “master's” each time it appears.

Marginal Citations

M56 Regulation 50 was amended by S.I. 2012/836, S.I. 2017/831.

Amendment of regulation 55

40. Regulation 55 ^{M57} (notice and certificate when repayments deducted not paid), omit “master's” each time it appears.

Marginal Citations

M57 Regulation 55 was amended by S.I. 2012/836, S.I. 2017/831.

Amendment of regulation 56

41. In regulation 56 ^{M58} (notice of specified amount and certificate when repayments not deducted), omit “master's” each time it appears.

Marginal Citations

M58 Regulation 56 was amended by S.I. 2012/836, S.I. 2017/831.

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Amendment of regulation 57

42. In regulation 57(2) ^{M59} (recovery of payments deducted through the income tax system), omit “master's”.

Marginal Citations

M59 [Regulation 57\(2\)](#) was amended by [S.I. 2017/831](#).

Amendment of regulation 59

43. In regulation 59(9) ^{M60} (returns by employers), omit “master's”.

Marginal Citations

M60 [Regulation 59\(9\)](#) was amended by [S.I. 2017/831](#).

Amendment of regulation 60

44. In regulation 60(4)(a) ^{M61} (inspection of employers' records), omit “master's”.

Marginal Citations

M61 [Regulation 60\(4\)\(a\)](#) was amended by [S.I. 2017/831](#).

Amendment of regulation 61

45. In regulation 61(2)(b) ^{M62} (powers to obtain information), omit “master's”.

Marginal Citations

M62 [Regulation 60\(1\)\(2\)\(b\)](#) was amended by [S.I. 2017/831](#).

Amendment of regulation 67

46. In regulation 67 ^{M63} (cessation of employment), in paragraphs (b) and (ba) omit “master's”.

Marginal Citations

M63 [Regulation 67](#) was amended by [S.I. 2012/836](#), [S.I. 2017/831](#).

Amendment of regulation 68

47. In regulation 68(3) ^{M64} (penalties), omit “master's”.

Marginal Citations

M64 [Regulation 68\(3\)](#) was amended by [S.I. 2017/831](#).

Status: Point in time view as at 23/12/2021.

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Amendment of regulation 73

48. In regulation 73 ^{M65} (notice of liability to make repayments), in paragraph (1) and (2) omit “master's”.

Marginal Citations

M65 Regulation 73 was amended by [S.I. 2017/831](#).

Amendment of regulation 75

49. In regulation 75 ^{M66} (repayment by income-related instalments), omit “master's” each time it appears.

Marginal Citations

M66 Regulation 75 was amended by [S.I. 2012/1309](#), [S.I. 2017/831](#).

Amendment of regulation 76

50. In regulation 76 ^{M67} (calculation of fixed instalment and applicable threshold), omit “master's” each time it appears in the third column of the table.

Marginal Citations

M67 The table in paragraph (1) was substituted by [S.I. 2012/1309](#) and subsequently amended by [S.I. 2017/831](#). The fourth table was inserted by [S.I. 2018/284](#).

Amendment of regulation 77

51. In regulation 77(1)(b) ^{M68} (application to cease repayment by instalments), omit “master's”.

Marginal Citations

M68 Regulation 77(1)(b) was amended by [S.I. 2017/831](#).

Amendment of regulation 80

52.—(1) Regulation 80 (effect of borrower insolvency on student loans and postgraduate master's degree loans), is amended as follows.

- (2) In the heading ^{M69}, omit “master's”.
- (3) In paragraph 2 ^{M70}, omit “master's” each time it appears.
- (4) In paragraph 3 ^{M71}, omit “master's” each time it appears.

Marginal Citations

M69 The heading of regulation 80 was amended by [S.I. 2017/831](#).

M70 Paragraph (2) was amended by [S.I. 2017/831](#).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018. 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)

M71 Paragraph (3) was amended by [S.I. 2017/831](#).

PART 3

Amendment of the Education (Student Support) Regulations 2011

53. The Education (Student Support) Regulations 2011 are amended in accordance with this Part.

54.—(1) Regulation 2(1) (interpretation) is amended as follows.

(2) Omit the definition of “Research Council”;

(3) After the definition of “Turkish worker”, insert –

““UKRI” means United Kingdom Research and Innovation;”.

55. In regulation 4(7A) ^{M72} (eligible students), for “and is receiving support under those Regulations for that course” substitute – “ 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. ”

Marginal Citations

M72 [Regulation 4\(7A\)](#) was inserted by [S.I. 2018/443](#).

56. In regulation 137 (eligible part-time students), after paragraph (3A) insert –

“(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.”.

57. In regulation 159(4)(a)(iii) (Eligible postgraduate students), for “a Research Council”, substitute “ UKRI ”.

PART 4

Amendment of the Education (Postgraduate Master's Degree Loans) Regulations 2016

58. The Education (Postgraduate Master's Degree Loans) Regulations 2016 are amended in accordance with this Part.

59. In regulation 2(1) (interpretation), for the definition of “postgraduate master's degree loan”, substitute—

“postgraduate master's degree loan” means a loan made by the Secretary of State pursuant to these Regulations, and includes the interest accrued on the loan, and any penalties or

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charges incurred in connection with it, except for any interest, penalties or charges payable under Part 3 or 4 of the Education (Student Loans) (Repayment) Regulations 2009;”.

60.—(1) Regulation 3 (eligible students) is amended as follows.

(2) For regulation 3(3)(f) ^{M73} substitute – “ A is enrolled on a course which is a designated course under regulation 5 (designated courses) or 139 (designated part-time courses) of the student support regulations ^{M74} or under regulation 4 (designated courses) 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; ”.

(3) In paragraph (4A) ^{M75}, omit sub-paragraph (c).

Marginal Citations

M73 Regulation 3(3)(f) was amended by S.I. 2018/137.

M74 Regulation 5 was amended by S.I. 2013/1728, S.I. 2013/3106, S.I. 2014/2765, S.I. 2015/1951, S.I. 2017/114, S.I. 2018/136, S.I. 2018/137, S.I. 2018/434, S.I. 2018/443. Regulation 139 was amended by S.I. 2013/1728, S.I. 2013/ 3106, S.I. 2014/2765, S.I. 2018/137, S.I. 2018/434, S.I. 2018/443; 2018/472.

M75 Paragraph (4A) was inserted by S.I. 2018/137.

61. For regulation 4(5) (designated courses), substitute – “ “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 (designated courses) or 139 (designated part-time courses) of the student support regulations or regulation 4 (designated courses) of the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018. ”.

62. For regulation 10 ^{M76} (time limit), substitute –

“**10.**—(1) An application for a postgraduate master's degree loan, or an application to amend the amount of loan applied for, must reach the Secretary of State no later than the end of the ninth month of the final academic year of the course.

(2) Paragraph (1) does not apply where the Secretary of State considers that having regard to the circumstances of the particular case the time limit is to be relaxed, in which case the application must reach the Secretary of State no later than such date as the Secretary of State specifies.”.

Marginal Citations

M76 Regulation 10 was substituted by S.I. 2017/594.

63. In regulation 12(3)(b) ^{M77}(amount of the postgraduate master's degree loan), for “regulation 10(2)”, substitute “ regulation 10(1) ”.

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Marginal Citations

M77 [Regulation 12\(3\)\(b\)](#) was amended by [S.I. 2017/594](#).

64. For regulation 13(4) (payment of postgraduate master's degree loans), substitute – “ The Secretary of State must not, in any academic year, pay the whole or part of the postgraduate master's degree loan in respect of a particular student until the Secretary of State has received from the academic authority confirmation (in such form as may be required by the Secretary of State) in respect of that academic year that the student is in attendance or is undertaking the designated course. ”.

65. In regulation 17(3)(c), for “with Part 2” substitute “ with regulations made under section 22 of the 1998 Act ”.

Department for Education

Sam Gyimah
Minister of State for Universities, Science,
Research and Innovation

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SCHEDULE 1

Regulations 3 and 8

ELIGIBLE STUDENTS

PART 1

Interpretation

1.—(1) For the purposes of this Schedule—

^{F74} ...

“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 ^{F75}... 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 ^{F75}... 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 ^{F75}...;

“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 [^{F76}, 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 7A(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) dependants 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 ^{F77} or, for the purposes of paragraph 10A, 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 ^{F78} or, for the purposes of paragraph 10A, 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 ^{F79} paragraphs 10, 10B and 10D, and for the purposes of paragraph 10C in relation to persons 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;

^{F80}“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;]

^{F74}
...

^{F74}
...

“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 ^{M78} ;

^{F81}“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^{M79} and which came into force on 1st June 2002;

F74 ...

“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^{F75}... 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^{F82}... 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;

[^{F83}“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.

[^{F84}(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” means a parent, guardian or any other person having parental responsibility and “child” is to be construed accordingly.

(3) 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.

(4) 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 designated course; or
- (b) a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated course,

is to be considered to be ordinarily resident in the place from which the person moved.

[^{F85}(5) 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; or
- (c) 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 outside the area in question.]

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[^{F86}(6) For the purposes of sub-paragraph (5), 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.]

(7) For the purposes of this Schedule an area [^{F87}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.

(8) 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

- F74** 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), **67(2)(a)(i)**
- F75** 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), **34(2)(a)(ii)**
- F76** 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), **67(2)(a)(ii)(aa)**
- F77** 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), **67(2)(a)(ii)(bb)**
- F78** 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), **67(2)(a)(ii)(cc)**
- F79** 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), **61(3)(a)(i)**
- F80** 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), **61(3)(a)(ii)**
- F81** 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), **61(3)(a)(iii)**

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- F82** 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), **34(2)(a)(iii)**
- F83** 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), **67(2)(a)(iii)**
- F84** 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), **67(2)(b)**
- F85** 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), **61(3)(b)**
- F86** Sch. 1 para. 1(6) 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), **61(3)(c)**
- F87** Words in Sch. 1 para. 1(7) 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), **34(2)(c)**

Marginal Citations

- M78** 1971 c.77; section 33(2A) was inserted by paragraph 7 to Schedule 4 to the *British Nationality Act 1981* (c.61).
- M79** Cm. 4904.

PART 2

Categories

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—
- [^{F88}(i) is settled in the United Kingdom and does not fall within paragraph 3;]
- (ii) is ordinarily resident in England; and
- (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(5).

Textual Amendments

- F88** 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), **67(3)**

[^{F89}2A.—(1) A person—

- (a) who is settled in the United Kingdom [^{F90}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 attending or undertaking a designated course in England;

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Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to *The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018*. 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)

(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 [^{F91}and who has been ordinarily resident in the Republic of Ireland for least part of that period]; ^{F92} ...

(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; [^{F93}and]

[who did not move to England from the Islands for the purpose of undertaking the ^{F94}(e) designated course or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated 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(5).]

Textual Amendments

- F89** 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), **67(4)**
- F90** 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), **33(a)(i)**
- F91** Word 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), **33(a)(ii)**
- F92** Word in Sch. 1 para. 2A(1)(c) omitted (1.9.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **33(a)(ii)**
- F93** Word in Sch. 1 para. 2A(1)(d) inserted (1.9.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **33(a)(ii)**
- F94** 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), **33(a)(iii)**

3.—^{F95}(1) A person who—

^{F96}(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;

(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;

^{F97}(iii)

(iv) the person—

(aa) is within the personal scope of the citizens’ rights provisions;

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- (bb) is an applicant for the purposes of regulation 4 of the 2020 Citizens' Rights Regulations [^{F98}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 [^{F99}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 ordinarily resident in the territory comprising [^{F100}the United Kingdom, ^{F101}...,] the European Economic Area [^{F102}, Switzerland and the overseas territories] immediately before the period of ordinary residence referred to in paragraph (c).

[^{F103}(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).]

[^{F104}(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

- F95** Sch. 1 para. 3 renumbered as Sch. 1 para. 3(1) (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **67(5)(a)**
- F96** 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), **67(5)(b)**
- F97** 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), **60(3)**
- F98** 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), **33(b)(i)**
- F99** 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), **33(b)(ii)**
- F100** Words in Sch. 1 para. 3(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), **34(3)(a)(ii)**

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- F101** Word in Sch. 1 para. 3(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), **61(3)(d)(i)**
- F102** 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), **61(3)(d)(ii)**
- F103** 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), **67(5)(c)**
- F104** 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), **33(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.

Persons granted stateless leave and their family members

5.—^{F105}(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
 - (ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave;
 - ^{F106}(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

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- (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;
- [^{F107}(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 the 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

- F105** 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), **24(2)(a)**
- F106** Sch. 1 para. 5(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), **24(2)(b)**
- F107** Sch. 1 para. 5(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), **24(2)(c)**

[^{F108}Persons granted section 67 leave

5A. 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

- F108** Sch. 1 para. 5A 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), **24(3)**

[^{F109}Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse

5B. 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.]

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Textual Amendments

F109 Sch. 1 para. 5B inserted (13.2.2020) (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(7)(c)**

[^{F110}Persons granted Calais leave

5C. 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

F110 Sch. 1 para. 5C 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), **24(4)**

[^{F111}Persons granted indefinite leave to remain as a bereaved partner

5D. 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

F111 Sch. 1 para. 5D 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), **17(4)**

Persons granted humanitarian protection and their family members

6.—[^{F112}(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”);

[^{F113}(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;
- (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;

[^{F114}(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

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(e) is ordinarily resident in England on the first day of the first academic year of the course.]

Textual Amendments

- F112** Sch. 1 para. 6(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), **24(5)(a)**
- F113** Sch. 1 para. 6(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), **24(5)(b)**
- F114** Sch. 1 para. 6(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), **24(5)(c)**

[^{F115}Persons granted leave under the Afghan Relocations and Assistance Scheme

6A. 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

- F115** Sch. 1 para. 6A 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), **58(4)**

Workers, employed persons, self-employed persons and their family members

7.—(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 [^{F116}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

- F116** Words in Sch. 1 para. 7(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), **34(3)(b)**

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^{F117}7A.—(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;
 - (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
- (c) has been ordinarily resident in the territory comprising the United Kingdom, ^{F118} ..., the European Economic Area [^{F119}, Switzerland and the overseas territories] 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).

(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

F117 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), **67(6)**

F118 Word in Sch. 1 para. 7A(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), **61(3)(e)(i)**

F119 Words in Sch. 1 para. 7A(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), **61(3)(e)(ii)**

8.—^{F120}(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 [^{F121}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 ^{M80}, as extended by the EEA Agreement.

^{F122}(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

F120 Sch. 1 para. 8(a)-(c) renumbered as Sch. 1 para. 8(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), **34(3)(c)(i)**

Status: Point in time view as at 23/12/2021.

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F121 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), **34(3)(c)(ii)**

F122 Sch. 1 para. 8(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), **34(3)(c)(iii)**

Marginal Citations

M80 OJ No L257, 19.10.1968, p2 (OJ/SE 1968 (II) p475).

[^{F123}8A.—(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;
- (b) has been ordinarily resident in the territory comprising the United Kingdom, ^{F124} ..., the European Economic Area [^{F125}, Switzerland and the overseas territories] 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 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

F123 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), **67(7)**

F124 Word in Sch. 1 para. 8A(1)(b) 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), **61(3)(f)(i)**

F125 Words in Sch. 1 para. 8A(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), **61(3)(f)(ii)**

Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere

9.—(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 [^{F126}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;

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- (d) has been ordinarily resident in the territory comprising [^{F127}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) 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 [^{F128}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 [^{F129}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 [^{F129}had the right] of permanent residence, if the person [^{F130}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.

[^{F131}(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

- F126** Words in Sch. 1 para. 9(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), **34(3)(d)(i)**
- F127** 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), **34(3)(d)(ii)**
- F128** Words in Sch. 1 para. 9(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), **34(3)(d)(ii)**
- F129** Words in Sch. 1 para. 9(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), **34(3)(d)(iii)(aa)**
- F130** Words in Sch. 1 para. 9(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), **34(3)(d)(iii)(bb)**
- F131** Sch. 1 para. 9(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), **34(3)(d)(iv)**

[^{F132}**9A.**—(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,

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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;

- (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

F132 Sch. 1 para. 9A inserted (1.3.2021) by *The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127)*, regs. 1(1), 67(8)

EU nationals [^{F133} etc.]

10.—(1) A person —

- (a) who 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) who is attending or undertaking a designated course in England;
- (c) who has been ordinarily resident in the territory comprising [^{F134}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 [^{F135}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 [^{F136}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland in accordance with paragraph 1(5).

(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.

[^{F137}(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

- F133** Word in Sch. 1 para. 10 cross-heading inserted (1.3.2021) by *The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021* (S.I. 2021/127), regs. 1(1), **67(9)**
- F134** Words in Sch. 1 para. 10(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), **34(3)(e)(i)**
- F135** 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), **34(3)(e)(i)**
- F136** Words in Sch. 1 para. 10(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), **34(3)(e)(i)**
- F137** Sch. 1 para. 10(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), **34(3)(e)(ii)**

[^{F138}**10A.**—(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 attending or undertaking a designated course in England;
- (c) who has been ordinarily resident in the territory comprising the United Kingdom, ^{F139}..., the European Economic Area [^{F140}, 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, ^{F141}..., the European Economic Area [^{F142}, 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.

(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, ^{F143}..., the European Economic Area [^{F144}, Switzerland and the overseas territories] in accordance with paragraph 1(5).

Textual Amendments

- F138** Sch. 1 paras. 10A-10D inserted (1.3.2021) by *The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021* (S.I. 2021/127), regs. 1(1), **67(10)**
- F139** Word in Sch. 1 para. 10A(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), **61(3)(g)(i)(aa)**

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- F140** Words in Sch. 1 para. 10A(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), **61(3)(g)(i)(bb)**
- F141** Word in Sch. 1 para. 10A(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), **61(3)(g)(ii)(aa)**
- F142** Words in Sch. 1 para. 10A(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), **61(3)(g)(ii)(bb)**
- F143** Word in Sch. 1 para. 10A(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), **61(3)(h)(i)**
- F144** Words in Sch. 1 para. 10A(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), **61(3)(h)(ii)**

United Kingdom nationals

10B.—(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 attending or undertaking a designated course in England;
- (d) 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
- (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(5).

(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).

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Textual Amendments

F138 Sch. 1 paras. 10A-10D inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **67(10)**

[
F145 **10BA.**—(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 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 attending or undertaking a designated course in England;
- (d) 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
- (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(5).]

Textual Amendments

F138 Sch. 1 paras. 10A-10D inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **67(10)**

F145 Sch. 1 para. 10BA inserted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **34(2)**

[
F146 **10BB.**—(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 attending or undertaking a designated 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;

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- (e) who did not move to England from the Islands for the purpose of undertaking the designated course or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated 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(5).]

Textual Amendments

F138 Sch. 1 paras. 10A-10D inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **67(10)**

F146 Sch. 1 para. 10BB 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), **61(3)(i)**

10C.—(1) A person—

- (a) who is a family member of a person who is [^{F147}settled in the United Kingdom] on the first day of the first academic year of the course;
- (b) who is attending or undertaking a designated 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; ^{F148} ...
- (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; [^{F149}and]
[who did not move to England from the Islands for the purpose of undertaking the
- ^{F150}(e) designated course or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated 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(5).

Textual Amendments

F138 Sch. 1 paras. 10A-10D inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **67(10)**

F147 Words in Sch. 1 para. 10C(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), **62**

F148 Word in Sch. 1 para. 10C(1)(c) omitted (1.9.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **33(e)**

F149 Word in Sch. 1 para. 10C(1)(d) inserted (1.9.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **33(e)**

F150 Sch. 1 para. 10C(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), **33(c)**

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Textual Amendments

- F138** Sch. 1 paras. 10A-10D inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **67(10)**
- F145** Sch. 1 para. 10BA inserted (1.9.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **34(2)**
- F146** Sch. 1 para. 10BB 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), **61(3)(i)**
- F147** Words in Sch. 1 para. 10C(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), **62**
- F148** Word in Sch. 1 para. 10C(1)(c) omitted (1.9.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **33(e)**
- F149** Word in Sch. 1 para. 10C(1)(d) inserted (1.9.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **33(e)**
- F150** Sch. 1 para. 10C(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), **33(c)**

Persons resident in Gibraltar

- [^{F151}**10D.**—(1) A person—
- (a) who is—
 - (i) a United Kingdom national who has resident status in Gibraltar granted by the Government of Gibraltar;
 - (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 attending or undertaking a designated 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 attending or undertaking a designated 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

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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(5).]]

Textual Amendments

F138 Sch. 1 paras. 10A-10D inserted (1.3.2021) by *The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021* (S.I. 2021/127), regs. 1(1), **67(10)**

F151 Sch. 1 para. 10D 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), **61(3)(j)**

[^{F152}EU nationals ordinarily resident in the United Kingdom and Islands]

11.—(1) A person who—

- (a) is an EU national ^{F153}... 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 higher education, was ordinarily resident in the territory comprising [^{F154}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 ^{F155}... on the first day of the first academic year of the course is treated as being satisfied.

Textual Amendments

F152 Sch. 1 para. 11 cross-heading inserted (1.3.2021) by *The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021* (S.I. 2021/127), regs. 1(1), **67(11)**

F153 Words in Sch. 1 para. 11(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), **34(3)(f)(i)**

F154 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), **34(3)(f)(ii)**

F155 Words in Sch. 1 para. 11(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), **34(3)(f)(i)**

[^{F156}11A. 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 ordinarily resident in

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the territory comprising the United Kingdom,^{F157} ..., the European Economic Area [^{F158}, Switzerland and the overseas territories] immediately prior to the period of ordinary residence referred to in paragraph (c).]

Textual Amendments

- F156** 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), **67(12)**
- F157** Word in Sch. 1 para. 11A(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), **61(3)(k)(i)**
- F158** Words in Sch. 1 para. 11A(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), **61(3)(k)(ii)**

Children of Swiss nationals

12.—^{F159}(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 [^{F160}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 [^{F161}the United Kingdom, Gibraltar,] the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

^{F162}(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

- F159** Sch. 1 para. 12(a)-(d) renumbered as Sch. 1 para. 12(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), **34(3)(g)(i)**
- F160** Words in Sch. 1 para. 12(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), **34(3)(g)(ii)**
- F161** Words in Sch. 1 para. 12(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), **34(3)(g)(ii)**
- F162** Sch. 1 para. 12(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), **34(3)(g)(iii)**

^{F163}12A. 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;

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018*. 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)

- (c) has been ordinarily resident in the territory comprising the United Kingdom,^{F164} ..., the European Economic Area [^{F165}, Switzerland and the overseas territories] 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 the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).]

Textual Amendments

- F163** 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), **67(13)**
- F164** Word in Sch. 1 para. 12A(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), **61(3)(l)(i)**
- F165** Words in Sch. 1 para. 12A(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), **61(3)(l)(ii)**

Children of Turkish workers

- 13.** 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 [^{F166}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

- F166** Words in Sch. 1 para. 13(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), **34(3)(h)**

- [^{F167}**13A.** 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
 - (d) has been ordinarily resident in the territory comprising the United Kingdom,^{F168} ..., the European Economic Area, Switzerland [^{F169}, Turkey and the overseas territories] throughout the three-year period preceding the first day of the first academic year of the course.]

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Textual Amendments

- F167** Sch. 1 para. 13A inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **67(14)**
- F168** Word in Sch. 1 para. 13A(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), **61(3)(m)(i)**
- F169** Words in Sch. 1 para. 13A(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), **61(3)(m)(ii)**

Long Residence

14.—(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 [^{F170}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(5).

Textual Amendments

- F170** Words in Sch. 1 para. 14(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), **59**

SCHEDULE 2

Regulations 15 and 18

INFORMATION

1. Every applicant and eligible 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. [^{F171}An applicant or] eligible student must forthwith inform the Secretary of State and provide the Secretary of State with particulars if any of the following occurs—

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- [^{F172}(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 the applicant's or student's 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;
- (h) they become, or cease to be, a prisoner or an eligible prisoner;
- (i) they start, in connection with their course, to receive any allowance, bursary or award of similar description made by UKRI.]

Textual Amendments

F171 Words in Sch. 2 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), **10(3)(a)**

F172 Sch. 2 para. 2(a)-(i) substituted for Sch. 2 para. 2(a)-(g) (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **10(3)(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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the making of loans to eligible students in connection with postgraduate doctoral degree courses that begin on or after 1st August 2018. These Regulations amend the Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), the Education (Student Support) Regulations 2011 (S.I. 2011/1986) and the Education (Postgraduate Master's Degree Loans) Regulations 2016 (S.I. 2016/606).

Part 1 of these Regulations sets out the loan terms. Regulation 3 sets out who can be considered an eligible student for the purposes of a postgraduate doctoral degree loan. Regulation 4 sets out which courses are deemed designated courses for which an eligible student can receive a loan. Regulation 5 sets out when a student ceases to be considered an eligible student. Regulation 6 recognises that an eligible student may transfer to another course in certain circumstances. Regulations 7 and 8 set out the circumstances in which a student may qualify for a postgraduate doctoral degree loan after the designated course has started. Regulations 9 to 11 deal with the formalities of how an eligible student applies for a loan, including the application deadlines. Regulation 12 provides that the maximum loan amount an eligible student can receive is £25,000, other than in the case of an eligible prisoner where the maximum amount is £25,000 or, if less, the value of the fees of the designated course. Regulation 13 gives the Secretary of State the power to pay any loan in instalments. The Secretary of State can make payments of up to £10,609 in

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respect of an eligible student in connection with an academic year and may require the student to provide details of a bank account into which payments can be transferred. In the case of an eligible prisoner, the payment is made to the institution to which the prisoner is liable to make payment for the fees or to a third party. Regulation 14 gives the Secretary of State the power to make payment of the loan conditional upon the student providing the Secretary of State with a national insurance number. Regulation 15 places an obligation on the Secretary of State to cease further loan payments if the Secretary of State receives notice of a student's need to repeat a module or a similar unit of work or of a student's lack of attendance on the course. The Secretary of State may continue to make payments if the Secretary of State considers it would be appropriate. The Secretary of State must recommence payments if the student completes the module or similar unit of work, or if the student is no longer required to complete the module or similar unit of work. If the student recommences the full course, the Secretary of State may decide to recommence further payments. Regulation 16 sets out how loan entitlement amounts change when an eligible student becomes an eligible prisoner and vice versa. Regulation 17 sets out how the Secretary of State can recover any overpayments of a postgraduate doctoral degree loan. Regulation 18 deals with information requirements.

Part 2 of these Regulations amends the Education (Student Loans) (Repayment) Regulations 2009 to make provision for the repayment of postgraduate doctoral degree loans on the same basis as postgraduate master's degree loans.

Part 3 of these Regulations amends the Education (Student Support) Regulations 2011 to prevent dual funding, and to update references to the Research Councils following their absorption into United Kingdom Research and Innovation.

Part 4 of these Regulations amends the Education (Postgraduate Master's Degree Loans) Regulations 2016 to prevent dual funding, and to bring those Regulations in line with these Regulations.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

Status:

Point in time view as at 23/12/2021.

Changes to legislation:

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