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STATUTORY INSTRUMENTS

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**2005 No. 52**

**The Education (Student Support) Regulations 2005**

**PART 2**

**ELIGIBILITY**

**Eligible students**

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

(2) A person is an eligible student in connection with a designated course if—

- (a) the Secretary of State has determined in connection with that course that the person is mentioned in Schedule 2; and
- (b) the person is not excluded by paragraph (3).

(3) A person shall not be an eligible student if—

- (a) an old award has been bestowed on him in respect of his attendance on the course;
- (b) he is eligible for a loan in relation to an academic year of the course under the Education (Student Loans) Act 1990 or the Education (Student Loans) (Northern Ireland) Order 1990;
- (c) there has been bestowed on him or paid to him in relation to his attendance on the course—
  - (i) a healthcare bursary the amount of which is not calculated by reference to his income; or
  - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 1992(1);
- (d) he is in breach of any obligation to repay any loan;
- (e) he has reached the age of 18 and has not ratified any agreement for a loan made with him when he was under the age of 18; or
- (f) he has, in the opinion of the Secretary of State, shown himself by his conduct to be unfitted to receive support.

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

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

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

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

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (a) more than one designated course;
  - (b) a designated course and a designated part-time course;
  - (c) a designated course and a designated postgraduate course.
- (7) Notwithstanding paragraph (2), a person shall be an eligible student for the purposes of these Regulations if—
- (a) he qualified as an eligible student in connection with an earlier academic year of the present designated course pursuant to regulations made under section 22 of the Act and that status has not expired or been terminated; or
  - (b) the Secretary of State has previously determined that the person is—
    - (i) an eligible part-time student in connection with a designated part-time course; or
    - (ii) an eligible student in connection with a designated course other than the present course
- and the student's status as an eligible part-time student or as an eligible student in connection with that course has been converted or transferred from that course to the present course as a result of one or more conversions or transfers in accordance with regulations made under section 22 of the Act.