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STATUTORY INSTRUMENTS

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**2008 No. 1582**

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

PART 4

FEE SUPPORT

CHAPTER 1

GENERAL

**Previous course**

- 13.—**(1) Subject to the exceptions in paragraphs (4), (5) and (6), a “previous course” is—
- (a) where the current course began before 1st September 2009, any full-time higher education course, part-time course for the initial training of teachers or a course designated under regulation 6(9), which the student attended or, in the case of a compressed degree course or a designated distance learning course, undertook before the current course and which meets one or both of the conditions in paragraph (2).
  - (b) where the current course begins on or after 1st September 2009—
    - (i) a lower level qualification achieved following a full-time or part-time higher education course, a part-time course for the initial training of teachers or a course designated under regulation 6(9), which the student attended or, in the case of a compressed degree course or a designated distance learning course, undertook before the current course; or
    - (ii) a full-time higher education course, part-time course for the initial training of teachers or a course designated under regulation 6(9), which the student attended, or in the case of a compressed degree course or a designated distance learning course, undertook before the current course where the student studied but did not achieve a qualification and which meets one or both of the conditions in paragraph (3).
- (2) The conditions are—
- (a) the course was provided by an institution in the United Kingdom which was publicly funded for some or all of the academic years during which the student attended or undertook the course; or
  - (b) any scholarship, exhibition, bursary, grant, allowance or award of any description which was paid in respect of the student’s attending or, in the case of a compressed degree course or a designated distance learning course, undertaking the course to defray fees was from public funds or funds attributable to public funds.
- (3) The conditions are—
- (a) the course was provided at a publicly funded institution whether or not in the United Kingdom for some or all of the academic years during which the student attended or undertook the course; or

- (b) any scholarship, exhibition, bursary, grant, allowance or award of any description which was paid in respect of the student's attending or, in the case of a compressed degree course or a designated distance learning course, undertaking the course to defray fees was from public funds or funds attributable to public funds.
- (4) A course which would otherwise be a previous course will not be treated as such if—
  - (a) the current course is a course for the initial training of teachers;
  - (b) the duration of the current course does not exceed two years (the duration of a part-time course being expressed as its full-time equivalent); and
  - (c) the student is not a qualified teacher.
- (5) A course for the Certificate in Education which would otherwise be a previous course will not be treated as such if—
  - (a) the current course is a course for the degree (including an honours degree) of Bachelor of Education; and
  - (b) the student transferred to the current course from the course for the Certificate in Education before the completion of that course or began the current course on completion of the course for the Certificate in Education.
- (6) A course for the degree (other than an honours degree) of Bachelor of Education will not be treated as a previous course if—
  - (a) the current course is a course for the honours degree of Bachelor of Education; and
  - (b) the student transferred to the current course from the course for the degree (other than an honours degree) of Bachelor of Education before the completion of that course or began the current course on completion of the course for the degree (other than an honours degree) of Bachelor of Education.
- (7) Subject to paragraphs (8), (9) and (10), for the purpose of determining PC in the formulae in regulations 22 and 29—
  - (a) each academic year that the student completed on a previous course is counted; and
  - (b) an academic year of a previous course that the student began or ceased to attend part of the way through the year is counted as one academic year on a previous course.
- (8) For the purpose of determining PC in the formulae in regulations 22 and 29, an academic year of a previous course is not to be counted as a year spent on a previous course if—
  - (a) the student did not qualify for fee support for that year other than because the academic year was a bursary year or an Erasmus year; and
  - (b) the student qualified for fee support for some but not all of the other academic years of that previous course.
- (9) For the purpose of determining PC in the formulae in regulations 22 and 29, an academic year of a previous course is not to be counted as a year spent on a previous course if it was a year of repeat study that the student was taking for compelling personal reasons or a year in relation to which the student qualified for fee support because the student had failed to complete a previous course for compelling personal reasons.
- (10) For the purpose of determining PC in the formulae in regulations 22 and 29, where a student ("A") transfers from an academic year of one designated course to an academic year of another designated course before the Secretary of State considers that A has completed the year from which A is transferring, the time spent by A during the academic year in which the transfer takes place on the course from which A is transferring is not counted as a year spent on a previous course.
- (11) A student ("A") who undertook a previous course but was not in attendance because A was unable to attend for a reason which related to A's disability is only treated as having been in

attendance on the previous course in respect of periods of study beginning on or after 1st September 2006.

### **Miscellaneous**

**14.**—(1) Where paragraph (2) applies, an eligible student is not prevented from qualifying for fee support under this Part because—

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

(2) This paragraph applies where—

- (a) the current course is a course for the initial training of teachers;
- (b) the duration of the current course does not exceed two years (the duration of a part-time course being expressed as its full-time equivalent); and
- (c) the student is not a qualified teacher.

(3) Where the current course is considered to be a single course because of regulation 6(7) and (8) and it leads to a honours degree from an institution in the United Kingdom being conferred on the eligible student before the final degree or equivalent qualification, the eligible student is not prevented from qualifying for fee support under this Part in respect of any part of the single course by virtue of having that honours degree.

(4) For the purposes of calculating the amount of fee support, an institution that provides courses designated by regulation 4 of the Education (Student Support) (Dance and Drama) Regulations 1999<sup>(1)</sup> is not to be regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992<sup>(2)</sup>.

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

## **CHAPTER 2**

### **TYPES OF FEE SUPPORT AVAILABLE**

#### **Current system students**

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

#### **Old system students**

**16.**—(1) An old system student (“A”) qualifies for a grant for fees in respect of the fees payable by A in connection with A’s attendance on a designated course in accordance with Chapter 4 of this Part.

(2) A qualifies for a fee contribution loan in respect of the fees payable by A in connection with A’s attendance on a designated course in accordance with Chapter 5 of this Part.

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(1) [S.I. 1999/2263](#), amended by [S.I. 2001/2893](#).

(2) [1992 c. 13](#); section 65(3A) was inserted by the Teaching and Higher Education Act [1998 \(c. 30\)](#), section 27.

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

17. Where one of the events listed in regulation 18 occurs in the course of an academic year—
- (a) a student may qualify for fee support in accordance with this Part in respect of that academic year provided that the relevant event occurred within the first three months of the academic year; and
  - (b) fee support is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

### **Events**

18. The events are—
- (a) the student's course becomes a designated course;
  - (b) the student or the student's spouse, civil partner or parent is recognised as a refugee or becomes a person with leave to enter or remain;
  - (c) a state accedes to the European Community where the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;
  - (d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EC national;
  - (e) the student acquires the right of permanent residence;
  - (f) the student becomes the child of a Turkish worker;
  - (g) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
  - (h) the student becomes the child of a Swiss national.

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

- 19.—(1) A student to whom this regulation applies is treated as if the student were in attendance on the designated course for the purpose of qualifying for fee support.
- (2) This regulation applies to—
- (a) a compressed degree student; or
  - (b) a disabled student who—
    - (i) is not a compressed degree student; and
    - (ii) is undertaking a designated course in the United Kingdom but is not in attendance because the student is unable to attend for a reason which relates to the student's disability.

## **CHAPTER 3**

### **FEE LOANS FOR CURRENT SYSTEM STUDENTS**

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

- 20.—(1) A current system student does not qualify for a fee loan in respect of a designated course if—
- (a) the designated course leads to an equivalent or lower qualification, the exemption in regulation 14(1), (2) or (3) does not apply and the student begins the course on or after 1st September 2009,

- (b) the student has an honours degree from an institution in the United Kingdom, the exemption in regulation 14(1), (2) or (3) does not apply and the student began the course before 1st September 2009; or
  - (c) the designated course is an old flexible postgraduate course for the initial training of teachers.
- (2) A current system student does not qualify for a fee loan in respect of an academic year of a designated course that is a bursary year or an Erasmus year.
- (3) When assessing an application for support in respect of an academic year of a designated course, the Secretary of State must determine the “standard entitlement”.
- (4) The standard entitlement is calculated in accordance with regulation 21, 22 or 23.
- (5) When assessing an application for support in respect of an academic year of a designated course, the Secretary of State must allocate a fee loan from the standard entitlement first to the final standard academic year of the course and then to each preceding standard academic year in turn until the standard entitlement is exhausted or a fee loan has been allocated to each standard academic year of the course.
- (6) A current system student qualifies for a fee loan in respect of a standard academic year of the designated course if the Secretary of State allocates a fee loan to that year when assessing the application for support for that year.
- (7) In addition to the standard entitlement, a current system student who falls within regulation 22 qualifies for a fee loan in respect of the first academic year that the student takes of the designated course that is not a bursary year or an Erasmus year if the student failed to complete the most recent previous course because of compelling personal reasons.
- (8) Where a current system student qualifies for a fee loan under paragraph (7), the Secretary of State must not allocate a fee loan under paragraph (5) to the first academic year that the student takes of the designated course that is not a bursary year or an Erasmus year.
- (9) In addition to the standard entitlement, if the Secretary of State determines that the student is repeating an academic year of the designated course because of compelling personal reasons, a current system student qualifies for a fee loan in respect of the year of repeat study provided that the academic year that the student is repeating was a qualifying year of study and the year of repeat study is not a bursary year.
- (10) A current system student qualifies for a fee loan in respect of an academic year of a designated course that is a year of repeat study which the student is taking other than for compelling personal reasons if—
- (a) the academic year which the student is repeating was a qualifying year of study;
  - (b) the academic year of repeat study is not a bursary year; and
  - (c) when the academic year of repeat study is added to the number of any other academic years of repeat study that the student has already taken on the current course other than for compelling personal reasons, it does not exceed the number of additional years of support.
- (11) In this regulation, the “number of additional years of support” is the number of years which make up the standard entitlement less the number of standard academic years (plus one where the student qualifies for a fee loan under paragraph (7)).
- (12) The amount of the fee loan in respect of an academic year is determined in accordance with regulation 24 and may be nil.

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

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

$OD+1$

where

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

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

22.—(1) The standard entitlement of a current system student who has studied on a previous course and who does not fall within regulation 23 is calculated as follows—

$$(OD+1) - PC$$

where

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

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

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

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

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

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

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

(2) Where the current course begins on or after 1st September 2009, this regulation applies to—

- (a) a current system student who is on an end-on course of the kind described in paragraph (d) of the definition of “end-on course” in regulation 2;
- (b) a current system student who—

- (i) has completed a full-time, part-time, full-time distance learning or compressed degree course and achieved a lower level qualification;
  - (ii) is on a full-time first degree course (other than a first degree course for the initial training of teachers) that the student did not begin immediately after the course referred to in paragraph (i); and
  - (iii) has not taken a full-time first degree course after the course referred to in paragraph (i) and before the current course.
- (3) Regulations 21 and 22 do not apply to students to whom this regulation applies.

- (4) The standard entitlement of a student to whom paragraph (1) applies is calculated as follows—
- $$(D + X) - Pr C$$

where

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

*X* is 1 where the ordinary duration of the preliminary course was less than three years and 2 where the ordinary duration of the preliminary course was three years

*PrC* is the number of academic years that the student spent on the preliminary course excluding any years of repeat study for compelling personal reasons.

- (5) The standard entitlement of a student to whom paragraph (2) applies is calculated as follows—
- $$(D + X) - Pr C$$

where

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

*X* is –

- 1 where the ordinary duration of the preliminary course was less than three years,
- 2 where the ordinary duration of the preliminary course was three years,
- 3 where the ordinary duration of the preliminary course was four years,
- 4 where the ordinary duration of the preliminary course was five years, and
- 5 where the ordinary duration of the preliminary course was six years

*PrC* is the number of academic years that the student spent on the preliminary course excluding any years of repeat study for compelling personal reasons.

### **Amount of the fee loan**

**24.**—(1) Unless one of the cases set out in paragraph (3) applies, the amount of a fee loan in respect of an academic year of a designated course must not exceed the lesser of—

- (a) £3,225; and
- (b) the fees payable by the student in connection with that year.

(2) In the cases set out in paragraph (3), the amount of a fee loan in respect of an academic year of a designated course must not exceed the lesser of—

- (a) £1,610; and
- (b) the fees payable by the student in connection with that year.

- (3) The cases are—

- (a) the final academic year of a designated course where that academic year is normally required to be completed after less than 15 weeks' attendance;
  - (b) in respect of a sandwich course, an academic year—
    - (i) during which any periods of full-time study are in aggregate less than 10 weeks; or
    - (ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution (disregarding intervening vacations) exceeds 30 weeks;
  - (c) in respect of a course for the initial training of teachers, an academic year during which any periods of full-time study are in aggregate less than 10 weeks;
  - (d) in respect of a course provided in conjunction with an overseas institution, an academic year—
    - (i) during which any periods of full-time study at the institution in the United Kingdom are in aggregate less than 10 weeks; or
    - (ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks.
- (4) If a student's status as an eligible student is transferred from one designated course to another under these Regulations and the circumstances in paragraph (5) apply, the student may apply to the Secretary of State to borrow an additional amount by way of a fee loan in respect of the academic year of the course to which that student transfers.
- (5) The circumstances are—
- (a) the fees payable in respect of the academic year of the course to which the current system student transfers exceed the fees payable in respect of the academic year of the course from which the student is transferring; and
  - (b) the academic year of the course to which the current system student transfers does not begin on a later date than the academic year of the course from which the student is transferring.
- (6) If a student's status as an eligible student is transferred from one designated course to another under these Regulations and the circumstances in paragraph (7) apply, the student may apply to the Secretary of State for another fee loan in respect of the academic year of the course to which the student transfers.
- (7) The circumstances are that the academic year of the course to which the current system student transfers begins on a later date than the academic year of the course from which that student is transferring.
- (8) Where the circumstances in paragraph (5) apply, the maximum additional amount that the current system student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for a fee loan in respect of that year, is determined by deducting the amount of any fee loan the student has taken out under these Regulations in respect of the academic year from which the student is transferring from the lesser of—
- (a) £3,225 or, where one of the cases set out in paragraph (3) applies, £1,610; and
  - (b) the fees payable by the student in respect of the academic year to which the student is transferring.
- (9) Where the circumstances in paragraph (7) apply, the maximum amount of fee loan that a current system student may borrow in respect of the academic year to which that student transfers provided that the student qualifies for a fee loan in respect of that year is the lesser of—
- (a) £3,225 or, where one of the cases set out in paragraph (3) applies, £1,610; and



(b) the fees payable by the student in connection with that year.

(10) Where a current system student has applied for a fee loan of less than the maximum amount available in relation to an academic year, that student may apply to borrow an additional amount which when added to the amount already applied for does not exceed the relevant maximum applicable in that student's case.

## CHAPTER 4

### GRANTS FOR FEES FOR OLD SYSTEM STUDENTS

#### **Old system students who are continuing students**

**25.**—(1) This regulation applies to an old system student who began a designated course before 1st September 2006 and is continuing on that course after 31st August 2009 (a “continuing student”).

(2) A continuing student does not qualify for a grant for fees in respect of any academic year of the course that begins on or after 1st September 2009 where in the course of assessing an application for support in respect of an academic year of the designated course that began before 1st September 2006 the Secretary of State determined in accordance with regulations made by the Secretary of State under section 22 of the 1998 Act that the student did not qualify for fee support in respect of the designated course.

(3) A continuing student does not qualify for a grant for fees in respect of a designated course if the designated course is a flexible postgraduate course for the initial training of teachers.

(4) A continuing student does not qualify for a grant for fees in respect of an academic year of a designated course that is a bursary year or an Erasmus year.

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

(6) The standard entitlement is calculated as follows—

$$(SAY - X) + 1$$

where

*SAY* is the number of standard academic years of the designated course that begin after 31st August 2006,

*X* is the number of academic years of the designated course that begin after 31st August 2006 in respect of which the Secretary of State determined in accordance with regulations made by the Secretary of State under section 22 of the 1998 Act that the student did not qualify for a grant for fees in the course of assessing an application for support in respect of an academic year of the designated course that began before 1st September 2006.

(7) When assessing an application for support in respect of an academic year of the designated course, the Secretary of State must allocate a grant for fees from the standard entitlement first to the final standard academic year of the course and then to each preceding standard academic year in turn until the standard entitlement is exhausted or a grant for fees has been allocated to each standard academic year of the course.

(8) A continuing student qualifies for a grant for fees in respect of a standard academic year of the designated course if the Secretary of State allocates a grant for fees to that year when assessing the application for support for that year.

(9) The amount of the grant for fees in respect of an academic year is determined in accordance with regulation 31, 32 or 33 and may be nil.

### Old system students who are transferring students

26.—(1) Subject to paragraph (2), this regulation applies to an old system student who—

- (a) began a designated course on or after 1st September 2006 and is continuing on that course after 31st August 2009; or
- (b) begins a designated course on or after 1st September 2009,

and whose status as an eligible student has been transferred to the course as a result of one or more transfers of that status by the Secretary of State pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act from a designated course that the student began before 1st September 2006 (a “transferring student”).

(2) This regulation does not apply where an eligible student has transferred from a course in relation to which that student was a gap year student to another designated course in accordance with regulations made by the Secretary of State under section 22 of the 1998 Act.

(3) Where in the course of assessing an application for support in respect of an academic year of the relevant course, the Secretary of State determined in accordance with regulations made by the Secretary of State under section 22 of the 1998 Act that the student did not qualify for fee support in respect of that course, a transferring student does not qualify for a grant for fees in respect of any academic year of the current course.

(4) In this regulation, the “relevant course” is the designated course that the student was taking as at 31st August 2006.

(5) A transferring student does not qualify for a grant for fees in respect of a designated course if the designated course is an old flexible postgraduate course for the initial training of teachers.

(6) A transferring student does not qualify for a grant for fees in respect of an academic year of a designated course that is a bursary year or an Erasmus year.

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

(8) The standard entitlement is calculated as follows where the course began before 1st September 2007 and is not a course listed in paragraph (11)—

$$(RAY - X) + 1$$

where

*RAY* is the number of standard academic years of the relevant course that remain after 31st August 2006,

*X* is the number of academic years of the relevant course that remain after 31st August 2006 in respect of which the Secretary of State determined in accordance with regulations made by the Secretary of State under section 22 of the 1998 Act that the student did not qualify for a grant for fees in the course of assessing an application for support in respect of an academic year of the relevant course where that year began before 1st September 2006.

(9) The standard entitlement is calculated as follows where the course begins on or after 1st September 2007 and is not a course listed in paragraph (11)—

$$(RAY - X - SS) + 1$$

where

*RAY* is the number of standard academic years of the relevant course that remain after 31st August 2006,

*X* is the number of academic years of the relevant course that remain after 31st August 2006 in respect of which the Secretary of State determined in accordance with regulations made by the Secretary of State under section 22 of the 1998 Act that the student did not qualify for a

grant for fees in the course of assessing an application for support in respect of an academic year of the relevant course where that year began before 1st September 2006,

$SS$  is the number of academic years of study that the student has taken from and including 1st September 2006 in respect of which the student qualified for fee support (excluding any years of repeat study for compelling personal reasons) or which were bursary years or Erasmus years.

(10) The standard entitlement is calculated as follows where the course is one listed in paragraph (11)—

$$OD+1$$

where

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

(11) The courses are—

- (a) a course for the degree (including an honours degree) of Bachelor of Education where the student has transferred to that course from a course for the Certificate in Education on or before the completion of the latter course;
- (b) a course for the honours degree of Bachelor of Education where the student has transferred to that course from a course for the degree (other than an honours degree) of Bachelor of Education on or before the completion of the latter course.

(12) When assessing an application for support in respect of an academic year of a designated course, the Secretary of State must allocate a grant for fees from the standard entitlement first to the final standard academic year of the course and then to each preceding standard academic year in turn until the standard entitlement is exhausted or a grant for fees has been allocated to each standard academic year of the course.

(13) A transferring student qualifies for a grant for fees in respect of a standard academic year of the designated course if the Secretary of State allocates a grant for fees to that year when assessing the application for support for that year.

(14) The amount of the grant for fees in respect of an academic year is determined in accordance with regulation 31, 32 or 33 and may be nil.

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

**27.**—(1) An old system student who is on an end-on course of the kind described in paragraph (a) of the definition of “end-on course” in regulation 2 that the student began before 1st September 2006 qualifies for a grant for fees in respect of that course in accordance with regulation 25.

(2) An old system student who is on an end-on course of the kind described in paragraph (c) of the definition of “end-on course” in regulation 2 qualifies for a grant for fees in respect of that course in accordance with regulation 25.

(3) Paragraphs (4) to (10) apply to—

- (a) an old system student in respect of an end-on course of the kind described in paragraph (a) of the definition of “end-on course” in regulation 2 that the student—
  - (i) began on or after 1st September 2006 and is continuing on after 31st August 2009; or
  - (ii) begins on or after 1st September 2009;
- (b) an old system student in respect of an end-on course of the kind described in paragraph (b) of the definition of “end-on course” in regulation 2.

(4) An old system student to whom this paragraph applies does not qualify for fee support in respect of a course mentioned in paragraph (3) if the student has an honours degree from an institution in the United Kingdom and the exemption in regulation 14(1), (2) or (3) does not apply.

(5) An old system student to whom this paragraph applies does not qualify for a grant for fees in respect of an academic year of a course mentioned in paragraph (3) that is a bursary year or an Erasmus year.

(6) When assessing an application for support in respect of an academic year of a course mentioned in paragraph (3), the Secretary of State must determine the “standard entitlement”.

(7) The standard entitlement is calculated as follows—

$$(D + X) - PrC$$

where

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

*X* is 1 where the ordinary duration of the preliminary course was less than three years and 2 where the ordinary duration of the preliminary course was three years,

*PrC* is the number of academic years that the student spent on the preliminary course excluding any years of repeat study for compelling personal reasons.

(8) When assessing an application for support in respect of an academic year of a course to which this paragraph applies, the Secretary of State must allocate a grant for fees from the standard entitlement first to the final standard academic year of the course and then to each preceding standard academic year in turn until the standard entitlement is exhausted or a grant for fees has been allocated to each standard academic year of the course.

(9) An old system student to whom this paragraph applies qualifies for a grant for fees in respect of a standard academic year of a course to which this paragraph applies if the Secretary of State allocates a grant for fees to that year when assessing the application for support for that year.

(10) The amount of the grant for fees in respect of an academic year of a course to which this paragraph applies is determined in accordance with regulation 31, 32 or 33 and may be nil.

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

**28.**—(1) This regulation applies to an old system student who is a gap year student who has not studied on a previous course.

(2) A gap year student does not qualify for fee support in respect of a designated course if—

(a) the student has an honours degree from an institution in the United Kingdom and the exemption in regulation 14(1), (2) or (3) does not apply; or

(b) the designated course is an old flexible postgraduate course for the initial training of teachers.

(3) A gap year student does not qualify for a grant for fees in respect of an academic year of a designated course that is a bursary year or an Erasmus year.

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

(5) The standard entitlement is calculated as follows—

$$OD + 1$$

where

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

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

until the standard entitlement is exhausted or a grant for fees has been allocated to each standard academic year of the course.

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

(8) The amount of the grant for fees in respect of an academic year is determined in accordance with regulation 31 or 32 and may be nil.

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

29.—(1) This regulation applies where—

- (a) an old system student is a gap year student who has studied on a previous course;
- (b) an old system student has transferred from a course in relation to which that student was a gap year student to another designated course in accordance with regulations made by the Secretary of State under section 22 of the 1998 Act.

(2) An old system student to whom this regulation applies does not qualify for fee support in respect of a designated course if—

- (a) the student has an honours degree from an institution in the United Kingdom and the exemption in regulation 14(1), (2) or (3) does not apply; or
- (b) the designated course is an old flexible postgraduate course for the initial training of teachers.

(3) An old system student to whom this regulation applies does not qualify for a grant for fees in respect of an academic year of a designated course that is a bursary year or an Erasmus year.

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

(5) The standard entitlement is calculated as follows—

$$(OD + 1) - PC$$

where

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

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

(6) When assessing an application for support in connection with an academic year of a designated course, the Secretary of State must allocate a grant for fees from the standard entitlement first to the final standard academic year of the course and then to each preceding standard academic year in turn until the standard entitlement is exhausted or a grant for fees has been allocated to each standard academic year of the course.

(7) An old system student to whom this regulation applies qualifies for a grant for fees in respect of a standard academic year of the designated course if the Secretary of State allocates a grant for fees to that year when assessing the application for support for that year.

(8) In addition to the standard entitlement, an old system student to whom this regulation applies qualifies for a grant for fees in respect of the first academic year that the student takes of the designated course that is not a bursary year or an Erasmus year if the student failed to complete the most recent previous course because of compelling personal reasons.

(9) Where an old system student to whom this regulation applies qualifies for a grant for fees under paragraph (8), the Secretary of State must not allocate a grant for fees under paragraph (6) to the first academic year that the student takes of the designated course that is not a bursary year or an Erasmus year.

(10) The amount of the grant for fees in respect of an academic year is determined in accordance with regulation 31 or 32 where the eligible student falls within paragraph (1)(a) and in accordance with regulation 31, 32 or 33 where the eligible student falls within paragraph (1)(b) and in either case the amount may be nil.

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

**30.**—(1) In addition to the standard entitlement, if the Secretary of State determines that the student is repeating an academic year of the designated course because of compelling personal reasons, an old system student qualifies for a grant for fees in respect of the year of repeat study provided that the academic year that the student is repeating was a qualifying year of study and the year of repeat study is not a bursary year.

(2) An old system student qualifies for a grant for fees in respect of an academic year of a designated course that is a year of repeat study which the student is taking other than for compelling personal reasons if—

- (a) the academic year which the student is repeating was a qualifying year of study;
- (b) the academic year of repeat study is not a bursary year; and
- (c) when the academic year of repeat study is added to the number of any other academic years of repeat study that the student has already taken (after 31<sup>st</sup> August 2006) on the current course other than for compelling personal reasons, it does not exceed the number of additional years of support.

(3) In this regulation, the “number of additional years of support” is the number of years which make up the standard entitlement less the number of standard academic years (plus one where the student qualifies for a grant for fees under regulation 29(8)).

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

**31.**—(1) Unless one of the cases set out in regulation 24(3) applies, the basic amount of the grant for fees in respect of an academic year of a designated course at a publicly funded institution is the lesser of—

- (a) £1,285; and
- (b) the fees payable by the student in connection with that year.

(2) In the cases set out in regulation 24(3), the basic amount of the grant for fees in respect of an academic year is the lesser of—

- (a) £640; and
- (b) the fees payable by the student in connection with that year.

(3) Where a contribution exceeding nil is calculated under Schedule 4, a deduction will be made from the basic amount of the grant for fees determined under paragraph (1) or (2) in accordance with regulation 98.

(4) Paragraphs (1) to (3) do not apply to designated courses at Heythrop College or at Guildhall School of Music and Drama.

(5) In the case of a designated course at Heythrop College, the amount of grant for fees in respect of an academic year is the lesser of—

- (a) £2,300; and
- (b) the fees payable by the student in connection with that year.

(6) In the case of a designated course at Guildhall School of Music and Drama, the amount of grant for fees in respect of an academic year is the lesser of—

- (a) £4,680; and
- (b) the fees payable by the student in connection with that year.

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

**32.**—(1) The basic amount of the grant for fees in respect of an academic year at a private institution is the lesser of £1,285 and the fees payable by the student in connection with that year if—

- (a) the designated course began on or after 1st September 2001;
- (b) the designated course is provided on behalf of a publicly funded institution; and
- (c) none of the cases in regulation 24(3) applies.

(2) The amount of the grant for fees in respect of an academic year at a private institution is the lesser of £640 and the fees payable by the student in connection with that year if—

- (a) the designated course began on or after 1st September 2001;
- (b) the designated course is provided on behalf of a publicly funded institution; and
- (c) one or more of the cases in regulation 24(3) applies.

(3) Where a contribution exceeding nil is calculated under Schedule 4, a deduction will be made from the basic amount of the grant for fees determined under paragraph (1) or (2) in accordance with regulation 98.

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

**33.**—(1) Subject to paragraph (2), the amount of the grant for fees in respect of an academic year of a designated course at a private institution where regulation 32 does not apply is the lesser of—

- (a) £1,205; and
- (b) the fees payable by the student in connection with that year.

(2) In the case of a designated course at the University of Buckingham, the amount of the grant for fees in respect of an academic year is £3,050.

CHAPTER 5

FEE CONTRIBUTION LOANS FOR OLD SYSTEM STUDENTS

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

**34.** An old system student qualifies for a fee contribution loan in respect of an academic year of a designated course if—

- (a) the student qualifies for a grant for fees in respect of that year or would have qualified if the student had applied for the grant (even if the amount is or would have been nil); and
- (b) the designated course is provided by or on behalf of an institution that was publicly funded as at 1st August 2005.

**Amount of the fee contribution loan**

**35.**—(1) Where an old system student applies for a grant for fees and a fee contribution loan, the amount of the fee contribution loan in respect of an academic year of the designated course is the amount for which the student applies not exceeding the difference between the basic amount of the grant determined under regulation 31 or 32 and the amount of the grant that is payable after the application of the contribution in accordance with regulation 98.

(2) Where the only fee support for which an old system student applies is a fee contribution loan, the maximum amount for which the student may apply in respect of an academic year is the lesser of—

- (a) £1,285 or, if any of the cases set out in regulation 24(3) apply, £640; and
- (b) the fees payable by the student in connection with the academic year.

(3) An old system student may apply to borrow an additional amount of fee contribution loan where—

- (a) the Secretary of State determines that the maximum amount of fee contribution loan should be increased (including an increase from nil) as a result of a reassessment of the student's contribution or otherwise; and
- (b) the Secretary of State considers that the increase in the maximum amount does not result from the old system student—
  - (i) failing to provide information promptly which might affect the student's ability to qualify for a grant for fees or fee contribution loan or the amount of grant for fees or fee contribution loan for which the student qualifies; or
  - (ii) providing information which is inaccurate in any material particular.

(4) The additional amount under paragraph (3) is an amount which when added to the amount already applied for does not exceed the increased maximum.

(5) Where an old system student ("A") has applied for a fee contribution loan of less than the maximum amount to which A is entitled, A may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the relevant maximum applicable in A's case.