

SCHEDULE 1

Regulation 43

“PART 13

MASTER’S, ETC. FEE LOAN

Eligible Master’s, etc. Students

149.—(1) An eligible Master’s, etc. student qualifies for a Master’s, etc. fee loan in connection with a designated Master’s, etc. course subject to and in accordance with this Part.

(2) Subject to paragraphs (3) to (16), a person is an eligible Master’s, etc. student in connection with a designated Master’s, etc. course if in assessing that person’s application for a Master’s, etc. fee loan the Department determines that the person falls within one of the categories set out in Part 2 of Schedule 2.

(3) A person (“A”) is not an eligible Master’s, etc. student if—

- (a) A is in breach of any obligation to repay any loan;
- (b) A has reached the age of 18 and has not ratified any agreement for a loan A made when A was under the age of 18;
- (c) A has, in the opinion of the Department, shown by A’s conduct that A is unfitted to receive support;
- (d) subject to paragraph (7), A is a prisoner;
- (e) A is already enrolled on a designated Master’s, etc. course and is in receipt of a Master’s, etc. fee loan under this Part for such a course;
- (f) subject to paragraph (16), A has previously received a Master’s, etc. fee loan under this Part.

(4) A person (“A”) is not an eligible Master’s, etc. student if A is enrolled on a course which is—

- (a) a designated course under regulation 6,
- (b) a designated distance learning course under regulation 107, or
- (c) a designated part-time course under regulation 124,

and is receiving support under these Regulations for such a course.

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

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

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

(7) Paragraph (3)(d) does not apply in respect of an academic year during which the student enters prison or is released from prison.

(8) Subject to paragraphs (11) and (12), if a person satisfies the conditions in paragraph (9) or (10)—

- (a) paragraphs (2) and (3) do not apply to that person; and
- (b) the person is an eligible Master’s, etc. student for the purposes of this Part.

(9) The conditions in this paragraph are—

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- (a) the person qualified as an eligible Master's, etc. student in connection with an earlier academic year of the current designated Master's, etc. course pursuant to regulations made by the Department under Article 3 of the Order; and
 - (b) the person's status as an eligible Master's, etc. student has not terminated.
- (10) The conditions in this paragraph are—
- (a) the Department has previously determined that the person is an eligible Master's, etc. student in connection with a designated Master's, etc. course other than the current designated Master's, etc. course;
 - (b) the student's status as an eligible Master's, etc. student in connection with the course referred to in sub-paragraph (a) has been transferred from that course to the current designated Master's, etc. course as a result of one or more transfers in accordance with regulations made by the Department under Article 3 of the Order; and
 - (c) the person's status as an eligible Master's, etc. student has not terminated.

(11) Where—

- (a) the Department determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A") was an eligible Master's, etc. student in connection with an application for support for an earlier year of the current Master's, etc. course or an application for support in connection with another designated Master's, etc. course from which A's status as an eligible Master's, etc. student has been transferred to the current Master's, etc. course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the refugee status of A or of A's spouse, civil partner, parent or step-parent, as the case may be, has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

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

(12) Where—

- (a) the Department determined that, by virtue of being a person with leave to enter or remain or the spouse, civil partner, child or step-child of such a person, a person ("A") was an eligible Master's, etc. student in connection with an application for support for an earlier year of the current Master's, etc. course or an application for support in connection with another designated Master's, etc. course from which A's status as an eligible Master's, etc. student has been transferred to the current Master's, etc. course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person with leave to enter or remain is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

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

(13) Where the eligible Master's, etc. student is undertaking a designated Master's, etc. course which is a distance learning course, the student does not qualify for a Master's, etc. fee loan in respect of that course unless the Department considers that the student is undertaking the course in Northern Ireland on the first day of the designated Master's, etc. course, whether the course is a designated Master's, etc. course at that date or is designated on a later date during the academic school year.

(14) A student who is an eligible Master's, etc. student for a Master's, etc. fee loan in respect of a distance learning course will no longer be eligible for a Master's, etc. fee loan in respect of

that course, if the Department considers that the student is undertaking the course outside the United Kingdom.

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

(16) The Department may only exercise its discretion to award a subsequent Master's, etc. fee loan to a particular person under paragraph (15) once in respect of a particular student.

Students becoming eligible during the course of the academic year

150. Where one of the events listed in regulation 151 occurs in the course of an academic year—

- (a) a student may qualify for a Master's, etc. fee loan in respect of that academic year in accordance with this Part provided that the relevant event occurred within the first three months of the academic year; and
- (b) a Master's, etc. fee loan is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

Events

151. The events are—

- (a) the student's course becomes a designated Master's, etc. 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 and the student is a national of that state or a family member (as defined in Part 1 of Schedule 2) of a national of that state;
- (d) the student becomes a family member (as defined in Part 1 of Schedule 2) 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 2; or
- (h) the student becomes the child of a Swiss national.

Designated Master's, etc. courses

152.—(1) Subject to paragraph (7), a course is a designated Master's, etc. course for the purposes of Article 3(1) of the Order and regulation 149 if it is —

- (a) a course mentioned in Schedule 3B and which falls within paragraph (2);
- (b) a course entry to which a first degree (or equivalent qualification) or higher is normally required;
- (c) either—
 - (i) wholly provided by an authority-funded educational institution;
 - (ii) provided by a publicly funded institution in the United Kingdom on behalf of an authority-funded educational institution; or
 - (iii) provided by an authority-funded educational institution in conjunction with an institution outside the United Kingdom; and

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- (d) substantially provided in the United Kingdom.
- (2) For the purposes of paragraph (1)(a) the course must be either—
 - (a) of one academic year’s duration or where the course falls within paragraph 3, 4 or 5 of Schedule 3B less than one academic year’s duration; or
 - (b) completed within two academic years; or
 - (c) completed within three academic years.
- (3) For the purposes of paragraph (1)(c) and (d)—
 - (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;
 - (b) 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;
 - (c) 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(1);
 - (d) a course is not to be regarded as provided on behalf of an authority-funded educational institution where a part of the course is provided by a private institution; and
 - (e) 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.
- (4) A Master’s degree undertaken as an integral part of a Postgraduate Doctoral Degree is not a designated Master’s, etc. course for the purposes of Master’s, etc. fee loan.
- (5) A postgraduate doctoral degree is not a designated Master’s, etc. course for the purposes of the Master’s, etc. fee loan.
- (6) The designated Master’s, etc. course may, but need not, be a distance learning course.
- (7) A course cannot be a designated Master’s, etc. course if it is a designated course for the purposes of regulation 6.
- (8) For the purposes of Article 3 of the Order and regulation 149 the Department may designate courses of higher education which are not designated by paragraph (1).
- (9) The Department may revoke or suspend the designation of a course which is designated under paragraph (8).

Period of eligibility

- 153.—(1) A student’s status as an eligible Master’s, etc. student is retained in connection with a designated Master’s, etc. course until the status terminates in accordance with this regulation or regulation 149.
- (2) The period for which an eligible Master’s, etc. student’s status is retained is the “period of eligibility”.
 - (3) Subject to the following paragraphs and regulation 149, the period of eligibility terminates at the end of the academic year in which the eligible Master’s, etc. student completes the designated Master’s, etc. course.
 - (4) The period of eligibility terminates when the eligible Master’s, etc. student (“A”)—

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- (a) withdraws from A's designated Master's, etc. course in circumstances where the Department is not obliged under regulation 154 to transfer the student's status as an eligible Master's, etc. student to another course; or
 - (b) abandons or is expelled from the designated Master's, etc. course.
- (5) The Department may terminate the period of eligibility where the eligible Master's, etc. student ("A") has shown by A's conduct that A is unfitted to receive support.
- (6) If the Department is satisfied that an eligible Master's, etc. student has failed to comply with any requirement to provide information under this Part or has provided information which is inaccurate in a material particular, the Department may take such of the following actions as the Department considers appropriate in the circumstances—
- (a) terminate the period of eligibility;
 - (b) determine that the student no longer qualifies for a Master's, etc. fee loan;
 - (c) treat any Master's, etc. fee loan paid to the student as an overpayment which may be recovered under regulation 164 .
- (7) Where the period of eligibility terminates before the end of the academic year in which the eligible Master's, etc. student completes the designated Master's, etc. course the Department may, at any time, renew or extend the period of eligibility for such period as the Department determines.
- (8) A student who has lost the status of eligible Master's, etc. student remains liable to repay any instalment he or she has received and ceases to be eligible for further instalments of the Master's, etc. fee loan.

Transfer of status

154.—(1) Where an eligible Master's, etc. student, "A", transfers to another Master's, etc. course, the Department must transfer the student's status as an eligible Master's, etc. student to that course where—

- (a) the Department receives a request from A to do so;
 - (b) the Department is satisfied that one or more of the grounds for transfer in paragraph (2) applies; and
 - (c) the period of eligibility has not terminated.
- (2) The grounds for transfer are—
- (a) on the recommendation of the academic authority A ceases one designated Master's, etc. course and starts to study another designated Master's, etc. course at the same institution; or
 - (b) A starts to study a designated Master's, etc. course at another institution.
- (3) Subject to paragraph (4) , where A transfers under paragraph (1), A is entitled to receive in connection with the academic year of the course to which A transfers the remainder of Master's, etc. fee loan in respect of the academic year of the course from which A transfers.
- (4) The Department may re-assess the amount of Master's, etc. fee loan after the transfer.
- (5) Where A transfers under paragraph (1) after the Department has determined A's Master's, etc. fee loan in connection with the academic year of the course from which the student is transferring but before the student completes that year, A may not, in connection with the academic year of the course to which A transfers, apply for another loan of a kind that A has already applied for under this Part in connection with the academic year of the course to which A is transferring, unless otherwise provided.

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Availability of Master’s, etc. fee loan to eligible Master’s, etc. students

155.—(1) An eligible Master’s, etc. student (“A”) qualifies for a Master’s, etc. fee loan in connection with A’s undertaking a designated Master’s, etc. course in accordance with paragraph (2).

(2) Where the designated Master’s, etc. course falls within—

- (a) regulation 152(2)(a), a Master’s, etc. fee loan is available in respect of one academic year, in accordance with regulation 156(1).
- (b) regulation 152(2)(b), a Master’s, etc. fee loan is available in respect of the two academic years required to complete the course, in accordance with regulation 156(2).
- (c) regulation 152(2)(c), a Master’s, etc. fee loan is available in respect of the three academic years required to complete the course, in accordance with regulation 156(3).

Amount of Master’s, etc. fee loan

156.—(1) Where sub-paragraph (a) of regulation 155(2) applies, the amount of the Master’s, etc. fee loan in respect of the academic year of the designated Master’s, etc. course must not exceed the lesser of—

- (a) £5,500, (the yearly cap); and
- (b) the fees charged to the student in respect of the academic year of the designated Master’s, etc. course.

(2) Where sub-paragraph (b) of regulation 155(2) applies, the amount of the Master’s, etc. fee loan available in respect of each academic year of the designated Master’s, etc. course must not exceed the lesser of—

- (a) £2,750.00, (the yearly cap); and
- (b) the fees charged to the student in respect of each academic year of the designated Master’s, etc. course.

(3) Where sub-paragraph (c) of regulation 155(2) applies the amount of a Master’s, etc. fee loan in respect of each academic year of the designated Master’s, etc. must not exceed the lesser of —

- (a) £1,834, (the yearly cap); and
- (b) the fees charged to the student in respect of each academic year of the designated Master’s, etc. course.

(4) If a student’s status as an eligible Master’s, etc. student is transferred from one designated Master’s, etc. course to another under this Part and the circumstances in paragraph (5) apply, the student may apply to the Department to borrow an additional amount of Master’s etc. fee loan in respect of the designated Master’s, etc. course to which that student transfers.

(5) The circumstances are that the fees payable in respect of the designated Master’s, etc. course to which the eligible Master’s, etc. student transfers exceed the fees payable in respect of the designated Master’s, etc. course from which the student is transferring.

(6) Where the circumstances in paragraph (5) apply, the maximum additional amount that the Master’s, etc. student may borrow in respect of the academic year of the designated Master’s, etc. course to which that student transfers, provided that the student qualifies for a Master’s, etc. fee loan in respect of that year, is determined by deducting the amount of any Master’s, etc. fee loan the student has taken out under this Part in respect of the designated Master’s, etc. course from which the student is transferring from the lesser of—

- (a) £5,500.00; and
- (b) the fees charged to the student in respect of the academic year to which the student is transferring.

(7) If a student's status as eligible Master's etc. student is transferred from one designated Master's etc. course to another under this Part and the circumstances in paragraph (8) apply, the yearly cap set out at paragraph (2)(a) or (3)(a) (whichever is applicable), does not apply and any remaining Master's, etc. fee loan to which an eligible Master's, etc. student may be entitled in any subsequent academic years of the designated Master's, etc. course is determined in accordance with paragraph (9).

(8) The circumstances are the eligible Master's, etc. student transfers from a designated Master's, etc. course of a kind mentioned at—

- (a) regulation 152(2)(a) to a designated Master's, etc. course of a kind mentioned at regulation 152(2)(b) or (c); or
- (b) regulation 152(2)(b) to a designated Master's, etc. course of a kind mentioned at regulation 152(2)(c).

(9) Where the circumstances in paragraph (8) apply any remaining Master's, etc. fee loan to which an eligible Master's, etc. student may be entitled for any subsequent academic years of the designated Master's, etc. course is determined by—

- (a) deducting the amount of Master's, etc. fee loan the student has obtained under this Part from £5,500.00 and
- (b) dividing that amount by the number of remaining academic years of the designated Master's, etc. course.

(10) At no time can the amount of Master's, etc. fee loan in respect of the entire designated Master's, etc. course exceed £5,500.

(11) Where in respect of an academic year of a designated Master's, etc. course an eligible Master's, etc. student has obtained a Master's, etc. fee loan of less than the relevant maximum, 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.

(12) Where an eligible Master's, etc. student has not obtained a Master's, etc. fee loan in respect of an earlier academic year that student cannot request the unclaimed amount in a later academic year.

(13) For the purposes of paragraph (11) "relevant maximum" means the lesser of—

- (a) £5,500 and the fees charged to the student in respect of that academic year, where the designated Master's, etc. course falls within regulation 152(2)(a);
- (b) £2,750 and the fees charged to the student in respect of that academic year, where the designated Master's, etc. course falls within regulation 152(2)(b);
- (c) £1,834 and the fees charged to the student in respect of that academic year, where the designated Master's, etc. course falls within regulation 152(2)(c).

Applications for support

157.—(1) A person (the "applicant") must apply for a Master's, etc. fee loan in connection with each academic year of a designated Master's, etc. course by completing and submitting to the Department an application in such form and accompanied by such documentation as the Department may require.

(2) The application must be accompanied by—

- (a) a declaration under regulation 158 completed by the academic authority; and
- (b) such additional documentation as the Department may require.

(3) The Department may take such steps and make such inquiries as it considers necessary to determine whether the applicant is an eligible Master's, etc. student, whether the applicant qualifies for a Master's, etc. fee loan and the amount payable, if any.

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(4) The Department must notify the applicant of whether the applicant qualifies for a Master's etc. fee loan and, if the applicant does qualify, the amount payable in respect of the academic year, if any.

Declarations provided by academic authorities

158.—(1) Subject to paragraph (2), the academic authority must, on the request of the applicant, complete a declaration in such form as may be required by the Department to accompany the application for a Master's, etc. fee loan.

(2) An academic authority is not required to complete a declaration if it is unable to give the confirmation required.

(3) In this Part, "*declaration*" means—

(a) where the applicant is applying for a Master's, etc. fee loan in connection with the designated Master's, etc. course in respect of the first or only academic year, a statement that—

(i) provides the course information; and

(ii) confirms that the applicant has enrolled and has undertaken at least two weeks of the designated Master's, etc. course;

(b) in any other academic year, a statement that—

(i) provides the course information; and

(ii) confirms that the applicant remains enrolled and continues to undertake the remaining academic year of the designated Master's, etc. course in respect of which the applicant is applying for a Master's, etc. fee loan.

(4) In this regulation, "*course information*" means—

(a) the amount of fees being charged in respect of the academic year in respect of which the applicant is applying for a Master's, etc. fee loan;

(b) whether the course falls within sub-paragraph (a), (b) or (c) of regulation 152(2);

(c) certification by the academic authority that it considers—

(i) the course to be a designated Master's, etc. course;

(ii) that it will be possible for the applicant to complete the course within the period specified in regulation 152(2).

(iii) in the case of a designated Master's, etc. course which is a distance learning course, that the applicant is undertaking the course in Northern Ireland;

(5) For the purposes of paragraph (4)(c)(ii), the academic authority must have regard to—

(a) any increase in intensity of study that would be required for the applicant to complete the course within the period specified in regulation 152(2); and

(b) any parts of the course which the applicant has been required to repeat.

Time limits

159.—(1) The general rule is that the application must reach the Department no later than the end of the ninth month beginning with the first day of the academic year of the course in respect of which it is submitted.

(2) The general rule does not apply where—

(a) one of the events listed in regulation 151 occurs after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must

reach the Department not later than the end of the ninth month beginning with the day on which the relevant event occurred;

- (b) the applicant is applying for an additional amount of the Master's, etc. fee loan under regulation 156(4) or (11), in which case the application must reach the Department no later than one month before the end of the academic year of the designated Master's, etc. course to which the application relates;
- (c) the Department considers that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the Department not later than such date as it specifies.

Requirement to enter into a contract for a Master's, etc. fee loan

160.—(1) To receive a Master's, etc. fee loan a student must enter into a contact with the Department.

(2) Where the Department requires a contract to be signed by a student, an electronic signature in such form as the Department may specify satisfies such a requirement.

Provision of United Kingdom national insurance number

161.—(1) The Department may make it a condition of entitlement to payment of the Master's, etc. fee loan or any instalment of the Master's, etc. fee loan that the eligible Master's, etc. student must provide the Department with the student's United Kingdom national insurance number.

(2) Where the Department has imposed a condition under paragraph (1), the Department must not make any payment of the Master's, etc. fee loan or any instalment of the Master's, etc. fee loan to or in respect of the eligible Master's, etc. student before the Department is satisfied that the student has complied with that condition.

(3) Despite paragraph (2), the Department may make a payment of the Master's, etc. fee loan to an eligible Master's, etc. student if the Department is satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible Master's, etc. student having complied with the condition imposed under paragraph (1).

Information requirements

162.—(1) Schedule 4 deals with the provision of information.

(2) The Department may at any time request from an applicant or eligible Master's, etc. student information that the Department considers is required to recover a Master's, etc. fee loan.

(3) The Department may at any time require an applicant or eligible Master's, etc. student to enter into an agreement to repay a Master's, etc. fee loan by a particular method.

(4) The Department may at any time request from an applicant or eligible Master's, etc. student sight of their valid national identity card, valid passport issued by the state of which they are a national or their birth certificate.

(5) Where the Department has requested information under this regulation, the Department may withhold any payment of a Master's, etc. fee loan until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

(6) Where the Department has required an agreement as to the method of repayment under this regulation, the Department may withhold any payment of a Master's, etc. fee loan until the person provides what has been required.

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Payment of Master's, etc. fee loan

163.—(1) The Department must pay the Master's, etc. fee loan for which an eligible Master's, etc. student qualifies to an institution to which the student is liable to make payment.

(2) The Department may pay the Master's, etc. fee loan in instalments.

(3) The Department must not pay the Master's, etc. fee loan or instalment of Master's, etc. fee loan until the Department has received from the academic authority—

(a) a request for payment; and

(b) confirmation (in such form and at such times as may be required by the Department) of the student's attendance on the designated Master's, etc. course for the period to which the instalment relates.

(4) In this regulation, "*confirmation of the student's attendance*" means confirmation from the academic authority that the student—

(a) has enrolled for the academic year and has begun to attend (or in the case of a distance learning course undertake) the course for that academic year, where the confirmation relates to payment of the Master's, etc. fee loan or the first instalment of the Master's, etc. fee loan for the academic year; or

(b) remains enrolled and continues to attend (or in the case of a distance learning course undertake) the course, where the confirmation relates to payment of an instalment of the Master's, etc. fee loan other than the first instalment.

(5) The academic authority must forthwith inform the Department if a student withdraws, is suspended or is expelled from their course, or is otherwise absent.

Overpayments of Master's, etc. fee loan

164.—(1) Any overpayment of Master's, etc. fee loan is recoverable by the Department from—

(a) the academic authority; or

(b) the student in respect of whom the payment of Master's, etc. fee loan was made.

(2) A student must, if so required by the Department, repay any amount of Master's, etc. fee loan paid in respect of the student which for whatever reason exceeds the amount of Master's, etc. fee loan to which the student is entitled.

(3) An overpayment of a Master's, etc. fee loan may be recovered from a student under paragraph (1)(b) in whichever one or more of the following ways the Department considers appropriate in all the circumstances—

(a) by subtracting the overpayment from any amount on the Master's, etc. fee loan which remains to be paid;

(b) by subtracting the overpayment from any kind of grant or loan payable to or in respect of the student from time to time pursuant to regulations made by the Department under Article 3 of the Order;

(c) by requiring the student to repay the Master's, etc. fee loan in accordance with regulations made by the Department under Article 3 of the Order;

(d) by taking such other action for the recovery of an overpayment as is available to the Department.

Withdrawal, abandonment, expulsion, absence, etc. from course

165.—(1) If the Department receives notice under regulation 163(5) or paragraph (2)(a), (c) or (d) of Schedule 4 of an eligible Master's, etc. student's withdrawal, abandonment, expulsion, absence,

etc. from the designated Master's, etc. course, the Department may not make any further payment of the Master's, etc. fee loan.

(2) If the eligible Master's, etc. student recommences the course the student must inform the Department and give full details of the length and cause of the preceding absence.

(3) If the student resumes their studies on the course within two years of the absence period commencing, the Department may resume further payments of the Master's, etc. fee loan under regulation 163, if in the opinion of the Department, it would be appropriate in all the circumstances for such payment to be made.

(4) If the student resumes their studies on the course after two years of the absence period commencing, the Department may resume further payments of the Master's, etc. fee loan under regulation 163 only if the Department deems that there were compelling personal reasons for the student's absence from the course.”