
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 200

The Education (Student Loans) (Scotland) Regulations 2000

PART II

ELIGIBILITY AND APPLICATIONS

Eligible students

4.—(1) The Scottish Ministers may pay a loan, in accordance with the provisions of section 73(f) of the Act and these Regulations, to or in respect of an eligible student.

(2) Subject to and in accordance with these Regulations a person shall be eligible for a loan in connection with his attendance at a designated course if—

- (a) he is a person mentioned in Schedule 1;
- (b) he is—
 - (i) under the age of 50 on the first day of the first academic year of the course; or
 - (ii) aged 50 or over and under the age of 55 on that day and the Scottish Ministers are satisfied that he intends to enter employment after he has completed the course;
- (c) he is not eligible for a loan in relation to an academic year of the course under the Education (Student Loans) Act 1990, the Education (Student Loans) (Northern Ireland) Order 1990, the Teaching and Higher Education Act 1998 or the Education (Student Support) (Northern Ireland) Order 1998, or any regulations made under any of the foregoing;
- (d) he is not eligible to receive in relation to the academic year—
 - (i) a bursary or award of similar description under section 63 of the Health Services and Public Health Act 1968(1) 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(2);
- (e) he is not in breach of any obligation to repay any loan;
- (f) where the designated course is a part-time course, he has already received fewer than eight loans in connection with his attendance at one or more part-time courses;
- (g) where the designated course is a part-time course, he has—
 - (i) attained the age of 25 years;

(1) 1968 c. 46; section 63 was amended by the National Health Services Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 124 and Schedule 5, the National Health Service Act 1977 (c. 49), Schedule 15, paragraph 45 and Schedule 16, the National Health Services (Scotland) Act 1978 (c. 29), Schedule 16, paragraph 26(2) and Schedule 17, the Health Services Act 1980 (c. 53), sections 1, 2 and Schedule 1, Part I, paragraph 19(3), the Local Government Act 1985 (c. 51), Schedule 17, the Family Practitioner Committees (Consequential Modifications) Order 1985 (S.I. 1985/39), article 6(1), the Health and Medicines Act 1988 (c. 49), section 20, section 25(2) and Schedule 3, the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 74(1) and (2), the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 95(1) and (2), the Local Government Reorganisation (Wales) Consequential amendments) (No. 2) Order 1996 (S.I. 1996/1008), the Schedule, paragraph 1, and the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 1(4).

(2) S.I. 1992/580.

- (ii) been married for at least 2 years;
 - (iii) no parent living; or
 - (iv) supported himself out of his earnings for periods aggregating not less than 3 years; and
- (h) subject to paragraph (5), he has ratified any agreement for a loan made with him when he was under the age of 18.
- (3) Notwithstanding that he satisfies the requirements specified in paragraph (2) a person shall not be eligible for a loan if—
- (a) he has, in the opinion of the Scottish Ministers, shown himself by his conduct to be unfitted to receive a loan; or
 - (b) the designated course is a part-time course and the person holds a first degree from an educational institution in the United Kingdom or a comparable qualification from an educational institution outside the United Kingdom.
- (4) For the purposes of paragraph (2)(e), (f) and (h) “loan” means a loan made under the Act, the Education (Student Loans) Act 1990, the Education (Student Loans) (Northern Ireland) Order 1990, the Teaching and Higher Education Act 1998, the Education (Student Support) (Northern Ireland) Order 1998 or under any regulations made under any of the foregoing.
- (5) Paragraph (2)(h) shall only apply, in a case where the agreement for a loan is subject to the law of Scotland, if it was made—
- (a) before 25th September 1991; and
 - (b) with the concurrence of the student’s curator, or at a time when he had no curator.
- (6) A person in respect of whom the first day of the first academic year of the course is on or after 1st August 2000 shall not, at any one time, be eligible for support for more than one designated course.