
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 157

The Student Support (Scotland) Regulations 2022

PART 4

Student loans

Students eligible for student loans

11.—(1) The Scottish Ministers may pay a loan, in accordance with the provisions of section 73(f) (power of Secretary of State to make grants to education authorities and others) of the Act and this Part, to or in respect of an eligible student.

(2) Subject to and in accordance with this Part a person is eligible for a loan in connection with their undertaking a designated course if that person—

- (a) is a person mentioned in Part 1 of schedule 1 or in schedule 2,
- (b) is under the age of 61 on the relevant date,
- (c) is not eligible for a loan in relation to an academic year of the course under the Teaching and Higher Education Act 1998(1), the Education (Student Loans) (Northern Ireland) Order 1990(2), the Education (Student Support) (Northern Ireland) Order 1998(3) or any regulations made under any of those instruments,
- (d) is not eligible to receive in relation to the academic year—
 - (i) a bursary or award of similar description under section 63 (provision of instruction for officers of hospital authorities and other persons employed, or contemplating employment, in certain activities connected with health or welfare) of the Health Services and Public Health Act 1968(4), the amount of which is not calculated by reference to their income,
 - (ii) any allowance under Part 3 (paramedic science, nursing and midwifery student allowances),
 - (iii) such other allowances awarded under Part 2 (allowances) as the Scottish Ministers may determine,
 - (iv) any grant made by the Scottish Ministers under section 42 (grants in respect of activities relating to school education) of the Standards in Scotland's Schools etc. Act 2000(5) under the Educational Psychologist Training Grant, Scotland, or
 - (v) any allowance, bursary or award of a similar description paid by United Kingdom Research and Innovation(6), where that person is undertaking a research course leading to a postgraduate masters degree,

(1) 1998 c. 30.

(2) S.I. 1990/1506 (N.I.11).

(3) S.I. 1998 /1760 (N.I. 14).

(4) 1968 c. 46.

(5) 2000 asp 6.

(6) United Kingdom Research and Innovation, a body corporate, was established by section 91 of Part 3 of the Higher Education and Research Act 2017 (c. 29).

Changes to legislation: *The Student Support (Scotland) Regulations 2022, Section 11 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (e) is not in breach of any obligation to repay any loan, and
- (f) has not, in the opinion of the Scottish Ministers, shown themselves by their conduct to be unfit to receive a loan.

(3) Paragraph (2)(b) does not apply when assessing a person's eligibility for a loan falling within paragraph (b) of the definition of loan in regulation 2(1) (interpretation).

(4) For the purposes of paragraph (2)(e) "loan" means a loan made under the Act, the Education (Student Loans) (Northern Ireland) Order 1990, the Education (Student Support) (Northern Ireland) Order 1998 or under any regulations made under any of the foregoing.

(5) A person cannot, at any one time, be eligible for support for more than one designated course.

(6) For the purposes of this Part, and subject to paragraph (7), in assessing a person's eligibility under schedule 1 or schedule 2 for a loan in respect of a course, that course will be deemed to have started on the date that the first constituent part of any programme which contributes to the final award for that course commenced.

(7) In assessing a person's eligibility under Part 1 of schedule 1 or schedule 2 for a loan in respect of a course—

- (a) a programme leading to—
 - (i) a degree,
 - (ii) a Higher National Diploma, or
 - (iii) a Higher National Certificate, and
- (b) such other programmes as the Scottish Ministers may determine,

are to be treated as separate and distinct courses of education.

(8) Schedule 3 is to have effect as regards determining whether a person is to be treated, for the purposes of schedule 1 or schedule 2, as being, or having been, ordinarily resident in a place at, or for, a particular time.

Commencement Information

11 [Reg. 11](#) in force at 1.8.2022, see [reg. 1](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- reg. 11(2)(d) word omitted by [S.S.I. 2024/140 reg. 3\(3\)\(a\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 13B inserted by [S.S.I. 2024/140 reg. 3\(13\)](#)
- Sch. 1 para. 17A inserted by [S.S.I. 2024/140 reg. 3\(18\)](#)
- Sch. 4 para. 7A-7C inserted by [S.S.I. 2024/140 reg. 3\(22\)](#)
- reg. 11(2)(d)(vi) and word inserted by [S.S.I. 2024/140 reg. 3\(3\)\(b\)](#)