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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 157**

**The Student Support (Scotland) Regulations 2022**

**PART 4**

**Student loans**

**Transfers of eligibility**

**16.**—(1) An eligible student may request that the Scottish Ministers transfer their eligibility in any case where—

- (a) on the recommendation of the academic authority of the institution concerned the eligible student starts to undertake another course at the institution,
- (b) with the written consent of the academic authorities of both institutions concerned, given on educational grounds, the eligible student starts to undertake a course at another institution,
- (c) after commencing a course for the Certificate in Education, the eligible student is, on or before the completion of that course, admitted to a course for the degree of Bachelor of Education,
- (d) after commencing a course for the degree (other than an honours degree) of Bachelor of Education the eligible student is, on or before the completion of that course, admitted to a course for the honours degree of Bachelor of Education, or
- (e) after commencing a course for a first degree (other than an honours degree) the eligible student is, before the completion of that course, admitted to a course for an honours degree in the same subject or subjects at the institution.

(2) Subject to paragraph (3) the Scottish Ministers, on being satisfied of the matters in paragraph (1) and that the second course is a designated course, are to transfer the eligible student's eligibility, and the eligible student will then for all purposes be an eligible student in connection with undertaking the second course, whether or not they might have been eligible for a loan if they had applied under regulation 15 (applications for loans).

(3) In relation to loans issued under regulation 11 (students eligible for student loans), the Scottish Ministers may, after consulting the academic authority concerned, refuse to transfer eligibility where paragraph (1)(a) or (b) applies if they are satisfied that when the student applied for a loan they did not intend to complete the course to which their application related.

(4) For the purposes of the duty of the Scottish Ministers to transfer eligibility where paragraph (1) (c) or (d) applies it is immaterial whether or not the two courses are provided by the same institution.

(5) In relation to loans issued under regulation 11, the Scottish Ministers will notify the eligible student of any change in the maximum amount of loan applicable in their case as a result of the transfer of their eligibility.

(6) An eligible student's eligibility for a loan may not be transferred after it has expired or been terminated under regulation 17 (termination of eligibility).

**Changes to legislation:** *The Student Support (Scotland) Regulations 2022, Section 16 is up to date with all changes known to be in force on or before 26 July 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*

(7) In relation to loans issued under regulation 12 (loans for tuition fees for RUK institutions), an eligible student who transfers their eligibility after the Scottish Ministers have assessed that person's loan in connection with the academic year of the course from which they are transferring but before they complete that year may not, in connection with the academic year of the course to which they transfer, apply for another loan of a kind that they have already applied for under this Part in connection with the academic year of the course from which they are transferring.

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**Commencement Information**

**II** [Reg. 16](#) in force at 1.8.2022, see [reg. 1](#)

**Changes to legislation:**

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**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\(3\)\(b\)](#)