
STATUTORY INSTRUMENTS

2005 No. 52

The Education (Student Support) Regulations 2005

PART 9

SUPPORT FOR PART-TIME COURSES

Eligible part-time students

34.—(1) An eligible part-time student shall qualify for support in connection with his undertaking a designated part-time course subject to and in accordance with this Part.

(2) A person is an eligible part-time student in connection with a designated part-time course if—

- (a) the Secretary of State has determined in connection with that course that the person is mentioned in Schedule 2; and
- (b) the person is not excluded by paragraph (3).

(3) A person shall not be an eligible part-time student if—

- (a) there has been bestowed on him or paid to him in relation to his undertaking the part-time course—
 - (i) a healthcare bursary whether or not the amount of such bursary is calculated by reference to his income;
 - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 1992⁽¹⁾; or
 - (iii) a Scottish healthcare allowance whether or not the amount of such allowance is calculated by reference to his income;
- (b) he is in breach of any obligation to repay any loan;
- (c) he has reached the age of 18 and has not ratified any agreement for a loan made with him when he was under the age of 18;
- (d) he has, in the opinion of the Secretary of State, shown himself by his conduct to be unfitted to receive support; or
- (e) subject to paragraph (4), he is a prisoner serving a custodial sentence.

(4) Paragraph (3)(e) shall not apply in respect of an academic year during which the student enters prison to serve a custodial sentence or is released from prison having served such a sentence.

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

(6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (3)(c) shall only apply 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 he had no curator.

(7) An eligible part-time student shall not qualify for support under regulation 37(1)(b) or regulation 38 if the only paragraph from 1 to 7 of Schedule 2 into which he falls is paragraph 7.

(8) An eligible part-time student shall not qualify for support—

- (a) under regulation 37(1)(a) unless he undertakes the designated part-time course in England and Wales; or
- (b) under regulation 37(1)(b) or 38 unless he undertakes the designated part-time course in the United Kingdom.

(9) An eligible part-time student shall not qualify for support under regulation 37 if he has undertaken one or more part-time courses for eight academic years in aggregate and he has received in respect of each of those academic years a loan or a grant of the kind described in paragraph (10).

(10) The loans and grants referred to in paragraph (9) are—

- (a) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course pursuant to regulations made under section 22 of the Act;
- (b) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course by the Department for Employment and Learning (Northern Ireland) pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(2); or
- (c) a loan in respect of an academic year of a part-time course made pursuant to regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980(3).

(11) An eligible part-time student shall not qualify for support under regulation 37 if he holds a first degree from an educational institution in the United Kingdom.

(12) For the purposes of paragraph (11), a degree shall not be treated as a first degree where—

- (a) it is a degree (other than an honours degree) that has been awarded to an eligible part-time student who has completed the required modules, examinations or other forms of assessment for his first degree course;
- (b) the course was undertaken at an educational institution in the United Kingdom; and
- (c) the eligible part-time student is registered to continue the course at the same educational institution after the award of his degree so as to obtain an honours degree on completion of the required modules, examinations or other form of assessment.

(13) Where a student becomes an eligible part-time student during the course of an academic year as a result of one of the events listed in paragraph (14), he may qualify for support in accordance with this Part in respect of that academic year but he shall not qualify for support under this Part in respect of any academic year beginning before the academic year in which the relevant event occurred.

(14) The events referred to in paragraph (13) are—

- (a) the student's course becomes a designated part-time course; or
- (b) the student, his spouse, his civil partner or his parent is recognised as a refugee or is granted leave to enter or remain as mentioned in paragraph 3 of Schedule 2.

(15) Notwithstanding paragraph (2), a person shall be an eligible part-time student for the purposes of this Part if—

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

(3) 1980 c. 44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c. 30), section 29(1) and the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp6), section 3(2) and section 74 was amended by the Self Governing Schools etc. (Scotland) Act 1989 (c. 39), Schedule 10, paragraph 8(17). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

- (a) he qualified as an eligible part-time student in connection with an earlier academic year of the present designated part-time course pursuant to regulations made under section 22 of the Act and that status has not expired or been terminated; or
 - (b) the Secretary of State has previously determined that the person is—
 - (i) an eligible student in connection with a designated course; or
 - (ii) an eligible part-time student in connection with a designated part-time course other than the present courseand the student's status as an eligible student or as an eligible part-time student in connection with that course has been converted or transferred from that course to the present course as a result of one or more conversions or transfers in accordance with regulations made under section 22 of the Act.
- (16) An eligible part-time student shall not, at any one time, qualify for support for—
- (a) more than one designated part-time course;
 - (b) a designated part-time course and a designated course;
 - (c) a designated part-time course and a designated postgraduate course.