STATUTORY INSTRUMENTS

2006 No. 119

The Education (Student Support) Regulations 2006

PROSPECTIVE

PART 2

ELIGIBILITY

Eligible students

4.—(1) An eligible student qualifies for support in connection with a designated course subject to and in accordance with these Regulations.

(2) Subject to paragraph (3), a person is an eligible student in connection with a designated course if the Secretary of State has determined in connection with that course that the person falls within one of the categories set out in Part 2 of Schedule 1.

(3) A person is not an eligible student if—

(a) an old award has been bestowed on him in respect of his attendance on the course;

(b) he is eligible for a loan in relation to an academic year of the course under the Education (Student Loans) Act 1990 or the Education (Student Loans) (Northern Ireland) Order 1990;

(c) there has been bestowed on him or paid to him in connection with the course—

(i) a healthcare bursary 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(**1**);

(d) he is in breach of any obligation to repay any loan;

(e) 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; or

(f) he has, in the opinion of the Secretary of State, shown himself by his conduct to be unfitted to receive support.

(4) For the purposes of paragraphs (3)(d) and (3)(e), "loan" means a loan made under the student loans legislation.

(5) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (3)(e) 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 he had no curator.

(**1**) S.I.1992/580, amended by S.S.I. 2002/423 and S.S.I. 2003/401.

(6) An eligible student in respect of whom the first academic year of the specified designated course begins on or after 1st September 2000 may not, at any one time, qualify for support for—

(a) more than one designated course;

(b) a designated course and a designated part-time course;

(c) a designated course and a designated postgraduate course.

(7) Despite paragraphs (2) and (3), a person is an eligible student for the purposes of these Regulations if he satisfies the conditions in paragraph (8), (9) or (10).

(8) The conditions are—

(a) the person qualified as an eligible student in connection with an earlier academic year of the current course pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act;

(b) the person was not ordinarily resident in Wales on the first day of the first academic year of the current course; and

(c) the person's status as an eligible student has not terminated.

(9) The conditions are—

(a) the current course is an end-on course (other than one of the kind referred to in paragraph (c) of the definition of "end-on course" in regulation 2) that the person begins on or after 1st September 2006;

(b) the person qualified as an eligible student in connection with the course in relation to which the current course is an end-on course;

(c) the period of eligibility in respect of the course referred to in sub-paragraph (b) only ceased on the grounds that the student had completed the course; and

(d) the person was not ordinarily resident in Wales on the first day of the first academic year of the course referred to in sub-paragraph (b).

(10) The conditions are—

(a) the Secretary of State has previously determined that the person is—

(i) an eligible part-time student in connection with a designated part-time course; or

(ii) an eligible student in connection with a designated course other than the current course;

(b) the person's status as an eligible part-time student or as an eligible student in connection with the course referred to in sub-paragraph (a) has been converted or transferred from that course to the current course as a result of one or more conversions or transfers in accordance with regulations made by the Secretary of State under section 22 of the 1998 Act;

(c) the person was not ordinarily resident in Wales on the first day of the first academic year of the course referred to in sub-paragraph (a); and

(d) the person's status as an eligible student has not terminated.

Commencement Information

I1 Reg. 4 in force at 1.3.2006, see **reg. 1(1)**

Status:
This version of this provision is prospective.

Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Student Support) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

- Regulations revoked (with savings) by S.I. 2007/176 reg. 4(1)
- reg. 4 coming into force by S.I. 2006/119 reg. 1(1)

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):

- Pt. 6A inserted by S.I. 2006/955 reg. 36
- sch 3A am by S.I. 2007/1336 reg 21
- Sch. 3A inserted by S.I. 2006/955 Sch. 2
- reg. 2(1A) inserted by S.I. 2007/176 Sch. 1 para. 2
- reg. 27(6) inserted by S.I. 2006/1745 reg. 4(2)
- reg. 37(9)(10) substituted for reg. 37(9) by S.I. 2007/176 Sch. 1 para. 6