

SCHEDULE 2

Regulation 36

“SCHEDULE 3A

Regulation 70A

COLLEGE FEE LOANS

Interpretation

1. In this Schedule—

- (a) “qualifying course” means a full-time designated course that is provided by the University of Oxford or the University of Cambridge and—
 - (i) is listed in regulation 5(6);
 - (ii) leads to qualification as a social worker; or
 - (iii) in respect of any academic year of which the student is eligible to receive a payment under a healthcare bursary the amount of which is calculated by reference to his income or a Scottish healthcare bursary the amount of which is calculated by reference to his income;
- (b) “qualifying student” means a person who meets the conditions in paragraph 3;
- (c) “standard academic year” means an academic year of the qualifying course that would be taken by a person who does not repeat any part of the course and who enters the course at the same point as the qualifying student.

Availability of college fee loans

2. A person qualifies for a college fee loan in connection with his attendance on a qualifying course in accordance with this Schedule.

3. A person qualifies for a college fee loan if he meets the following conditions—

- (a) he is an eligible student who is not excluded from qualifying by paragraph 4 or 5 or he is treated as an eligible student by virtue of paragraph 6;
- (b) he has an honours degree from an institution in the United Kingdom;
- (c) he is taking a qualifying course which he begins on or after 1st September 2006;
- (d) he is a member of a college or a permanent private hall of the University of Oxford or a member of a college of the University of Cambridge; and
- (e) he is under the age of 60 on the first day of the first academic year of the qualifying course.

4. An eligible student who falls within paragraph 9 of Schedule 1 does not qualify for a college fee loan under these Regulations if he is ordinarily resident in Wales or Northern Ireland.

5. An eligible student who falls within paragraph 9 of Schedule 1 and who is ordinarily resident in Scotland does not qualify for a college fee loan if he is settled in the United Kingdom other than by reason of having acquired the right of permanent residence or if he is the family member of such a person.

6. A person is treated as an eligible student for the purposes of the college fee loan if none of the circumstances listed in regulation 4(3) applies and—

- (a) he would have fallen within paragraph 3, 6, 7, 10 or 11 of Schedule 1 if any requirement in those paragraphs to be ordinarily resident in England at a particular time had been a requirement to be ordinarily resident in Scotland at that time or if any requirement to be working or self-employed in England had been a requirement to be working or self-employed in Scotland; or

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- (b) he is settled in the United Kingdom by virtue of a right of permanent residence and would have fallen within paragraph 8 of Schedule 1 if the requirement in that paragraph to be ordinarily resident in England at a particular time had been a requirement to be ordinarily resident in Scotland.
7. For the purposes of the college fee loan, references to an eligible student in regulations 6, 7, 8, 72, 80 and Schedule 3 include a person who falls within paragraph 6.
8. To receive a college fee loan, a qualifying student must enter into a contract with the Secretary of State.
9. A disabled student who is undertaking a qualifying course in the United Kingdom but who is not in attendance because he is unable to attend for a reason which relates to his disability is treated as if he were in attendance on the qualifying course for the purpose of qualifying for the college fee loan.
10. Where one of the events listed in paragraph 11 occurs in the course of an academic year—
- (a) a student may qualify for a college fee loan in accordance with this Schedule in respect of that academic year provided that the relevant event occurred within the first three months of the academic year; and
 - (b) a college fee loan is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.
11. The events are—
- (a) the student, his spouse, his civil partner or his parent is recognised as a refugee or becomes a person with leave to enter or remain (as defined in Part 1 of Schedule 1);
 - (b) a state accedes to the European Community where the student is a national of that state or is the family member (as defined in Part 1 of Schedule 1) of a national of that state or would have been a family member of a national of that state if the requirement to be working or self-employed in England had been a requirement to be working or self-employed in Scotland;
 - (c) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EC national or would have become a family member of an EC national if the requirement to be working or self-employed in England had been a requirement to be working or self-employed in Scotland;
 - (d) the student acquires a right of permanent residence (as defined in Part 1 of Schedule 1);
 - (e) the student becomes a person described in paragraph 6(1)(a) of Schedule 1 or would have become such a person if the requirement to be ordinarily resident in England and the requirement to be working or self-employed in England in paragraph 6 of Schedule 1 had been requirements to be ordinarily resident in Scotland or working or self-employed in Scotland;
 - (f) the student becomes the child of a Swiss national.
12. A college fee loan is available in respect of each standard academic year of the qualifying course and in respect of one academic year of the qualifying course that is not a standard academic year.
13. Where a qualifying student is allowed to study the content of one standard academic year of the qualifying course over two or more academic years, for the purpose of determining whether the student qualifies for a college fee loan for those years, the first of such years of study is to be treated as a standard academic year and the following years of that kind are to be treated as academic years that are not standard academic years.

Amount of the college fee loan

14.—(1) The amount of the college fee loan in respect of an academic year of a qualifying course must not exceed the amount equal to the college fees payable by the student to his college or permanent private hall in connection with that year.

(2) Where a qualifying student has applied for a college fee loan of less than the maximum amount available in relation to the academic year, he may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the maximum amount available.

Transfers

15. Despite regulation 7, where a qualifying student transfers from one qualifying course to another—

- (a) the Secretary of State must transfer the student's status as a qualifying student to the other course on the request of the student unless the period of eligibility has terminated;
- (b) if the student transfers before the end of the academic year after applying for a college fee loan, the amount applied for is paid to the relevant college or permanent private hall in respect of the qualifying course to which the student transfers provided that the conditions in paragraph 17 are met and he cannot qualify for another college fee loan in respect of that academic year;
- (c) if the student transfers after the college fee loan is paid and before the end of the academic year, he cannot apply for another college fee loan in connection with the academic year of the qualifying course to which he transfers.

Contribution

16. Where the only support that a qualifying student is applying for is the college fee loan, no contribution is calculated.

Payment

17.—(1) The Secretary of State must pay the college fee loan for which a qualifying student qualifies to the college or permanent private hall to which the student is liable to make payment.

(2) The Secretary of State must pay the college fee loan in one lump sum.

(3) The Secretary of State must not pay the college fee loan before—

- (a) she has received a valid request for payment from the college or permanent private hall; and
- (b) a period of three months beginning with the first day of the academic year has expired.

(4) The college or permanent private hall is required to send an attendance confirmation (as defined in regulation 81(6)) to the Secretary of State and the Secretary of State must not pay the college fee loan in respect of the academic year until she has received that confirmation unless she determines that owing to exceptional circumstances, it would be appropriate to make a payment without receiving an attendance confirmation.

(5) The Secretary of State must not make a payment of college fee loan in respect of a qualifying course if—

- (a) before the expiry of a period of three months beginning with the first day of the academic year the qualifying student ceases to attend the course; and
- (b) the college or permanent private hall has determined or agreed that the student will not commence attending again during the academic year in respect of which the college fees are payable or at all.

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Overpayment

18. Any overpayment of college fee loan is recoverable by the Secretary of State from the college or permanent private hall.”