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STATUTORY INSTRUMENTS

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**2007 No. 176**

**The Education (Student Support) Regulations 2007**

**PART 11**

**SUPPORT FOR PART-TIME COURSES**

**Eligible part-time students**

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

(2) Subject to paragraph (3), a person is an eligible part-time student in connection with a designated part-time course if in assessing his application for support the Secretary of State determines that the person falls within one of the categories set out in Part 2 of Schedule 2.

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

(a) there has been bestowed on him or paid to him in connection with 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<sup>(1)</sup>; 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) does 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) 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.

(7) Despite paragraphs (2) and (3) and subject to paragraphs (10) to (12), a person is an eligible part-time student for the purposes of this Part if he satisfies the conditions in paragraph (8) or (9).

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<sup>(1)</sup> S.I. 1992/580, amended by S.S.I. 2002/423, S.S.I. 2003/401 and S.S.I 2006/323.

- (8) The conditions in this paragraph are—
- (a) the person qualified as an eligible part-time student in connection with an earlier academic year of the current designated part-time 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 current designated part-time course; and
  - (c) the person’s status as an eligible part-time student has not terminated.
- (9) The conditions in this paragraph are—
- (a) 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 current designated part-time course;
  - (b) the person’s status as an eligible student or as an eligible part-time student in connection with the course referred to in sub-paragraph (a) has been converted or transferred from that course to the current designated part-time 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 part-time student has not terminated.
- (10) Where—
- (a) the Secretary of State determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person (“A”) was an eligible part-time student in connection with an application for support for an earlier year of the current part-time course or an application for support in connection with a designated course or other designated part-time course from which his status as an eligible part-time student or eligible student has been transferred to the current part-time course; and
  - (b) as at the day before the academic year in respect of which A is applying for support begins, the refugee status of A or of his spouse, civil partner, parent or step-parent, as the case may be, has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),
- A’s status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which he is applying for support.
- (11) Where—
- (a) the Secretary of State determined that, by virtue of being a person with leave to enter or remain or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible part-time student in connection with an application for support for an earlier year of the current part-time course or an application for support in connection with a designated course or other designated part-time course from which his status as an eligible part-time student or eligible student has been transferred to the current part-time course; and
  - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person with leave to enter or remain is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which he is applying for support.

(12) Paragraphs (10) and (11) do not apply where the student began the course in connection with which the Secretary of State determined that he was an eligible part-time student or eligible student, as the case may be, before 1st September 2007.

(13) An eligible part-time student may 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.