
STATUTORY INSTRUMENTS

2008 No. 1582

The Education (Student Support) (No.2) Regulations 2008

PART 5

GRANTS FOR LIVING AND OTHER COSTS

CHAPTER 2

GENERAL PROVISIONS

General qualifying conditions for grants for living and other costs

- 38.**—(1) An eligible student qualifies for a grant under this Part provided that the student—
- (a) is not excluded from qualification by any of the following paragraphs; and
 - (b) satisfies the qualifying conditions for the particular grant for which the student is applying.
- (2) An eligible student does not qualify for a grant under this Part if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.
- (3) An eligible student does not qualify for a grant under this Part in respect of—
- (a) an academic year which is a bursary year;
 - (b) an academic year of a course for the initial training of teachers during which the periods of full-time attendance, including attendance for the purpose of teaching practice, are in aggregate less than 6 weeks; or
 - (c) a flexible postgraduate course for the initial training of teachers which is of less than one academic year's duration.
- (4) Paragraph (3)(b) does not apply for the purposes of the disabled students' allowance.
- (5) An eligible student does not qualify for a grant under this Part in respect of any academic year of a sandwich course where the periods of full-time study are in aggregate less than 10 weeks unless the periods of work experience constitute unpaid service.
- (6) For the purposes of paragraph (5), "unpaid service" means—
- (a) unpaid service in a hospital or in a public health service laboratory or with a primary care trust in the United Kingdom;
 - (b) unpaid service with a local authority in the United Kingdom acting in the exercise of its functions relating to the care of children and young persons, health or welfare or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom;
 - (c) unpaid service in the prison or probation and aftercare service in the United Kingdom;
 - (d) unpaid research in an institution in the United Kingdom or, in the case of a student attending an overseas institution as part of the student's course, in an overseas institution; or
 - (e) unpaid service with—

- (i) a Strategic Health Authority established pursuant to section 13 of the National Health Service Act 2006 or a Special Health Authority established pursuant to section 28 of that Act **(1)**;
- (ii) a Local Health Board established pursuant to section 11 of the National Health Service (Wales) Act 2006 or a Special Health Authority established pursuant to section 22 of that Act **(2)**;
- (iii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978**(3)**; or
- (iv) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972**(4)**.

(7) Subject to paragraph (8), where one of the events listed in regulation 18 (a), (b), (c), (e), (f), (g) or (h) occurs in the course of an academic year, a student may qualify for a particular grant in accordance with this Part in respect of all or part of that academic year but a student does not qualify for such a grant in respect of any academic year beginning before the academic year in which the relevant event occurred.

(8) Where the state of which the student is a national accedes to the European Community the student may qualify for a grant under this Part only if the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course.

(9) Subject to paragraph (10), an eligible student does not qualify for a grant under this Part if the student is a prisoner.

(10) Paragraph (9) does not apply in respect of disabled students' allowance.

Students who are treated as in attendance

39.—(1) A student to whom this regulation applies is treated as being in attendance on the designated course for the purpose of qualifying for the following grants—

- (a) grant for dependants;
 - (b) disabled students' allowance;
 - (c) maintenance grant or special support grant;
 - (d) higher education grant.
- (2) This regulation applies to—
- (a) a compressed degree student;
 - (b) a disabled student who—
 - (i) is not a compressed degree student; and
 - (ii) is undertaking a designated course in the United Kingdom but is not in attendance because the student is unable to attend for a reason which relates to the student's disability.

(1) 2006 c.41.

(2) 2006 c.42.

(3) 1978 c. 29.

(4) S.I. 1972/1265 (N.I. 14), to which there have been amendments not relevant to these regulations.