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STATUTORY INSTRUMENTS

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**2010 No. 447**

**The Education (Student Support) (European  
University Institute) Regulations 2010**

**PART 2**

**APPLYING FOR SUPPORT AND ELIGIBILITY**

**Eligible students**

**9.—(1)** An eligible student qualifies for support in connection with the student's attendance on a designated course subject to and in accordance with these Regulations.

(2) Subject to paragraphs [<sup>F1</sup>(2B),] (3) and (7), a person is an eligible student in connection with a designated course if—

(a) the academic authority notifies the Secretary of State in writing that the person has a reasonable chance of being offered a place on a designated course by the academic authority; and

[<sup>F2</sup>(b) the Secretary of State determines in connection with an application for support under these Regulations that the person falls within one of the categories set out—

(i) in paragraphs 2, 2A, 3, 4, 4A, 4B, 4C, 4D, 4E, 5 [<sup>F3</sup>, 5A][<sup>F4</sup>, 5B, 5C,] 6A, 7A, 8A, 9A, 9B, [<sup>F5</sup>9BA,][<sup>F6</sup>9BB,] 9C, 9D, 10ZA, 11A, 12A and 13 in Part 2 of Schedule 1; or

(ii) in paragraphs 6, 7, 8, 9, 10, 10A, 11 and 12 in Part 2 of Schedule 1, where paragraph (2A) applies.

(2A) This paragraph applies where—

(a) in connection with a designated course beginning before 1st August 2021, the Secretary of State, in assessing an application for support by a person (“A”), determined that A fell within one of the categories set out in paragraphs 6, 7, 8, 9, 10, 10A, 11 and 12 in Part 2 of Schedule 1 in relation to an academic year of the course beginning before 1st August 2021; and

(b) A applies for support in connection with that course, or a designated course to which A's status as an eligible student is transferred from that course in accordance with this Part.

(2B) In connection with a designated course beginning on or after 1st January 2028, paragraph (2)

(b) has effect as if it did not mention paragraphs 8A [<sup>F7</sup>, 9B, 9BA and 9D].]

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

(a) subject to paragraph (4), A has attended a qualifying course;

(b) A is in breach of an obligation to repay any loan;

(c) A has reached the age of 18 and not ratified any agreement for a loan made with A when A was under the age of 18; or

(d) A has, in the opinion of the Secretary of State, shown by A's conduct to be unfitted to receive support.

(4) Paragraph (3)(a) does not apply where the person has attended a qualifying course but the Secretary of State has determined that having regard to the particular circumstances of that person's case it is appropriate to pay that person support in connection with the current course.

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

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

(7) The number of eligible students shall not exceed 20.

(8) An eligible student in respect of whom the first academic year of the course begins on or after 1st September 2000 shall not, at any one time, qualify for support for more than one designated course.

(9) Despite paragraphs (2) and (3) and subject to paragraphs [F8(2B), (7) and (10) to (11B)], a person ("A") is an eligible student in connection with a designated course if—

- (a) A qualified as an eligible student in connection with—
  - (i) an earlier academic year of the current course; or
  - (ii) a designated course that A attended and from which A's status as an eligible student was transferred to the current course; and
- (b) A's status as an eligible 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 student in connection with an application for support for an earlier year of the current course or in connection with an application for support for a designated course at the Institute from which A's status as an eligible student has been transferred to the current course; and
- (b) the refugee status of A or A's spouse, civil partner, parent or step-parent, as the case may be, is due to expire before the first day of the academic year in respect of which A is applying for support and, as at [F9]the day before the day that academic year begins—
  - (i) no further leave to remain has been granted,
  - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002), and
  - (iii) the person (A or A's spouse, civil partner, parent or step-parent) whose refugee status is due to expire has not become a British or Irish citizen,]

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

[F10(10A) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted stateless leave, or the spouse, civil partner, child or step-child of a person granted stateless leave, a person ("A") was an eligible student in connection with—
  - (i) an application for support for an earlier year of the current course, or
  - (ii) an application for support for a designated course at the Institute from which A's status as an eligible student has been transferred to the current 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 granted stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted <sup>[F11]</sup>and that person has not become a British or Irish citizen],

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

<sup>[F12]</sup>(10B) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted section 67 leave, a person (“A”) was an eligible person in connection with—
  - (i) an application for support for an earlier year of the current course, or
  - (ii) an application for support for a designated course at the Institute from which A's status as an eligible student has been transferred to the current 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 granted section 67 leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted <sup>[F13]</sup>and that person has not become a British or Irish citizen],

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

<sup>[F14]</sup>(10C) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted Calais leave, a person (“A”) was an eligible student in connection with—
  - (i) an application for support for an earlier year of the current course; or
  - (ii) an application for support in connection with a designated course at the Institute from which A's status as an eligible student has been transferred to the current 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 A is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted <sup>[F15]</sup>and A has not become a British or Irish citizen],

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

(11) Where—

- (a) the Secretary of State determined that, by virtue of being a <sup>[F16]</sup>person granted humanitarian protection] or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible student in connection with an application for support for an earlier year of the current course or in connection with an application for support for a designated course from which A's status as an eligible student has been transferred to the current course; and
- (b) the period for which the <sup>[F17]</sup>person granted humanitarian protection] is allowed to stay in the United Kingdom is due to expire before the first day of the academic year in respect of which A is applying for support and, as at <sup>[F18]</sup>the day before the day that academic year begins—
  - (i) no further leave to remain has been granted,
  - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002), and
  - (iii) the person (A or A's spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom is due to expire has not become a British or Irish citizen,]

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

[<sup>F19</sup>(11A) Where—

- (a) the Secretary of State determined that, by virtue of being a person with protected rights with limited leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, a person (“A”) was an eligible student in connection with—
  - (i) an application for support for an earlier year of the current course; or
  - (ii) an application for support in connection with a designated course at the Institute from which A's status as an eligible student has been transferred to the current course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, A no longer has extant limited leave to enter or remain granted by virtue of residence scheme immigration rules and no further leave to enter or remain has been granted under those rules [<sup>F20</sup>and A has not become a British or Irish citizen],

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

(11B) Where—

- (a) the Secretary of State has determined that, by virtue of—
  - (i) falling within [<sup>F21</sup>paragraph (a)<sup>F22</sup>... (iv) or (v)] of the definition of “person with protected rights”; or
  - (ii) meeting the conditions in paragraph 3(1)(a)<sup>F23</sup>... (iv) in Part 2 of Schedule 1,
 a person (“A”) is an eligible student in connection with an application for support for an academic year of a designated course; and
- (b) as at the day before the academic year begins, A is not a person with protected rights [<sup>F24</sup>and has not become a British or Irish citizen],

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

[<sup>F25</sup>(11C) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted leave under [<sup>F26</sup>one of the Afghan Schemes [<sup>F27</sup>or the spouse, civil partner, child or step-child of such a person], as that expression is defined in paragraph 1(1) of Schedule 1], a person (“A”) was an [<sup>F28</sup>eligible student] in connection with—
  - (i) an application for support for an earlier year of the current course, or
  - (ii) an application for support for a designated course at the Institute from which A's status as an eligible student has been transferred to the current 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 granted leave under [<sup>F29</sup>one of the Afghan Schemes, as that expression is defined in paragraph 1(1) of Schedule 1] is allowed to stay in the United Kingdom has expired [<sup>F30</sup>and that person has not become a British or Irish citizen],

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

[<sup>F31</sup>(11D) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted leave under one of the Ukraine Schemes [<sup>F32</sup>or the spouse civil partner, child or step-child of such a person], a person (“A”) was an [<sup>F33</sup>eligible student] in connection with—

- (i) an application for support for an earlier year of the current course, or
  - (ii) an application for support for a designated course at the Institute from which A's status as an eligible student has been transferred to the current 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 granted leave under one of the Ukraine Schemes is allowed to stay in the United Kingdom has expired and no further leave to enter or remain has been granted [<sup>F34</sup>and that person has not become a British or Irish citizen],

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

(12) The Secretary of State may take such steps and make such enquiries as the Secretary of State considers necessary to determine whether a person is an eligible student.

(13) The Secretary of State must inform a person who has been notified to the Secretary of State under paragraph (2)(a) whether that person qualifies as an eligible student.

(14) A person who has received notification from the Secretary of State under paragraph (13) that that person is an eligible student in connection with a designated course and a person who is an eligible student by virtue of paragraph (9) must, by the deadline for receipt of financial information, provide the Secretary of State with any information or documentation that the Secretary of State requests in order to determine the amount of support payable under these Regulations in respect of the academic year.

(15) The deadline for receipt of financial information <sup>F35</sup>... is [<sup>F36</sup>30th April of the calendar year in which the academic year of the current course begins] or, in the case of grants payable under regulation 17(5), [<sup>F37</sup>28th February of the calendar year after that in which the academic year of the current course begins].

(16) The Secretary of State must notify an eligible student of the amount of support payable in respect of the academic year, if any.

#### Textual Amendments

- F1** Word in reg. 9(2) inserted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **38(a)(i)**
- F2** Reg. 9(2)(b)-(2B) substituted for reg. 9(2)(b) (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **38(a)(ii)**
- F3** Word in reg. 9(2)(b)(i) inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **27(1)(a)**
- F4** Words in reg. 9(2)(b)(i) inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/534\)](#), regs. 1(1), **9(1)**
- F5** Word in reg. 9(2)(b)(i) inserted (1.9.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **16(1)(a)**
- F6** Word in reg. 9(2)(b)(i) inserted (with application in accordance with reg. 1(3)(d) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **29(1)**
- F7** Words in reg. 9(2B) substituted (1.9.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/929\)](#), regs. 1(1), **16(1)(b)**
- F8** Words in reg. 9(9) substituted (1.3.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2021 \(S.I. 2021/127\)](#), regs. 1(1), **38(b)**

- F9** Reg. 9(10)(b)(i)-(iii) substituted for words in reg. 9(10)(b) (with application in accordance with reg. 2(4)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2024 (S.I. 2024/85), regs. 1, **21(a)**
- F10** Reg. 9(10A) inserted (with application in accordance with reg. 1(4) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **18(3)**
- F11** Words in reg. 9(10A)(b) inserted (with application in accordance with reg. 2(4)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2024 (S.I. 2024/85), regs. 1, **21(b)**
- F12** Reg. 9(10B) inserted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **38(3)**
- F13** Words in reg. 9(10B)(b) inserted (with application in accordance with reg. 2(4)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2024 (S.I. 2024/85), regs. 1, **21(b)**
- F14** Reg. 9(10C) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **3(2)(b)**
- F15** Words in reg. 9(10C)(b) inserted (with application in accordance with reg. 2(4)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2024 (S.I. 2024/85), regs. 1, **21(c)**
- F16** Words in reg. 9(11)(a) substituted (with application in accordance with reg. 2 of the amending S.I.) by The Education (Student Support) (European University Institute) Regulations 2010 (Amendment) Regulations 2011 (S.I. 2011/83), regs. 1(2), **6(a)**
- F17** Words in reg. 9(11)(b) substituted (with application in accordance with reg. 2 of the amending S.I.) by The Education (Student Support) (European University Institute) Regulations 2010 (Amendment) Regulations 2011 (S.I. 2011/83), regs. 1(2), **6(a)**
- F18** Reg. 9(11)(b)(i)-(iii) substituted for words in reg. 9(11)(b)(with application in accordance with reg. 2(4)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2024 (S.I. 2024/85), regs. 1, **21(d)**
- F19** Reg. 9(11A)(11B) inserted (1.3.2021) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2021 (S.I. 2021/127), regs. 1(1), **38(c)**
- F20** Words in reg. 9(11A)(b) inserted (with application in accordance with reg. 2(4)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2024 (S.I. 2024/85), regs. 1, **21(e)**
- F21** Words in reg. 9(11B)(a)(i) substituted (1.9.2021) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/929), regs. 1(1), **14**
- F22** Word in reg. 9(11B)(a)(i) omitted (with application in accordance with reg. 1(3)(e) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **28(2)(a)**
- F23** Words in reg. 9(11B)(a)(ii) omitted (with application in accordance with reg. 1(3)(e) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **28(2)(b)**
- F24** Words in reg. 9(11B)(b) inserted (with application in accordance with reg. 2(4)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2024 (S.I. 2024/85), regs. 1, **21(f)**
- F25** Reg. 9(11C) inserted (with application in accordance with reg. 1(3)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), **27(1)(b)**
- F26** Words in reg. 9(11C)(a) substituted (15.2.2022) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2022 (S.I. 2022/57), regs. 1(1), **18(1)** (with reg. 1(3))

- F27** Words in reg. 9(11C)(a) inserted (with application in accordance with reg. 2(6)(7)(9) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 70(a)** (with reg. 140)
- F28** Words in reg. 9(11C)(a) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **133(a)**
- F29** Words in reg. 9(11C)(b) substituted (15.2.2022) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2022 (S.I. 2022/57), regs. 1(1), **18(1)** (with reg. 1(3))
- F30** Words in reg. 9(11C)(b) inserted (with application in accordance with reg. 2(4)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2024 (S.I. 2024/85), regs. 1, **21(g)**
- F31** Reg. 9(11D) inserted (with application in accordance with reg. 1(4)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/534), regs. 1(1), **10(2)**
- F32** Words in reg. 9(11D)(a) inserted (with application in accordance with reg. 2(4)(5)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), **reg. 70(b)**
- F33** Words in reg. 9(11D)(a) substituted (16.2.2023) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023 (S.I. 2023/74), regs. 1, **133(b)**
- F34** Words in reg. 9(11D)(b) inserted (with application in accordance with reg. 2(4)(d) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2024 (S.I. 2024/85), regs. 1, **21(h)**
- F35** Words in reg. 9(15) omitted (with application in accordance with reg. 1(2) of the amending S.I.) by virtue of The Education (Student Support) (European University Institute) Regulations 2010 (Amendment) Regulations 2012 (S.I. 2012/3059), regs. 1(1), **5(a)**
- F36** Words in reg. 9(15) substituted (with application in accordance with reg. 1(2) of the amending S.I.) by The Education (Student Support) (European University Institute) Regulations 2010 (Amendment) Regulations 2012 (S.I. 2012/3059), regs. 1(1), **5(b)**
- F37** Words in reg. 9(15) substituted (with application in accordance with reg. 1(2) of the amending S.I.) by The Education (Student Support) (European University Institute) Regulations 2010 (Amendment) Regulations 2012 (S.I. 2012/3059), regs. 1(1), **5(c)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Student Support) (European University Institute) Regulations 2010, Section 9.