

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for support for students taking designated higher education courses in respect of an academic year beginning on or after 1st September 2012.

The Regulations are based on the Education (Student Support) Regulations 2009 (as amended) (the “2009 Regulations”) which they revoke from 1st September 2012 (with the exception of regulations 113 and 114 (overpayment of fee loans and college loans) which are revoked on 1st September 2011).

These Regulations also revoke the following regulations from 1st September 2012 the Education (Student Support) Regulations 2009 (Amendment) Regulations 2010; regulation 5 and regulations 10 to 12 of the Education (Student Fees, Awards and Support) (Amendment) Regulations 2011; the Education (Student Support) (Dance and Drama) Regulations 1999; and the Education (Student Support) (Dance and Drama) (Amendment) Regulations 2001.

Parts 2 to 9 of the Regulations contain the support arrangements for full-time courses. Part 2 makes provision about which students are eligible for support (regulation 4) and about which types of full-time courses are designated for purposes of student support (regulation 5 and Schedule 2). Part 3 makes provision for the application process.

Part 4 contains provision on the type of fee support available for full-time students. Students starting full-time courses (including distance learning courses) on or after 1st September 2012 and continuing students who started their course on or after 1st September 2006 qualify for fee loans. These students are known as “current system students”. Old system students, i.e. those who mainly started their course before 1st September 2006, continue to be eligible for fee grants. Regulation 23 sets out the maximum amount of fee loan available to current system students to meet the costs of their tuition. The maximum amount varies depending on when the course begins and where it is taken. Transitional provision is included in regulation 23 for students (a) who transfer under regulation 7 from one designated course which started before 1st September 2012 to another on or after 1st September 2012 or (b) who start an end-on course (defined in regulation 2(1)) immediately after finishing an earlier course which started before 1st September 2012. Such students are treated as continuing students for fee support purposes in Part 4.

Parts 5 and 6 contain provision on support for living and other costs for full time courses. (With the exception of the disabled students' allowance, this support is not available in respect of distance learning courses (regulation 38(2) and regulation 69(3)). Part 5 provides for grants for living costs (maintenance and special support) and grants for other costs such as travel grants, grants for dependants and disabled students' allowance. The maintenance grant and special support grants provided for in regulations 56 to 65 are calculated by reference to the student's annual household income (Part 8 and Schedule 4) and students with a household income over specified amounts will not qualify for a maintenance or special support grant. The level of grant also varies depending on the type of course and when the student started the course. Part 6 provides for loans for living costs. The rate of loan depends on whether the student lives with their parents while studying, the location of the institution and the student's annual household income.

Part 7 provides for college fee loans and Part 8 contains provision on how a student's contribution is assessed and the minimum level of loan for living costs.

Part 9 contains provision about the payment of support to the student and in the case of fee loans to the relevant academic authority. Regulations 117 and 118, which provide for recovery of overpayment of fee loans and college fee loans, apply (exceptionally) from 1st September 2011 (the provision on overpayment of fee loans and college fee loans in the 2009 Regulations (regulations 113 and 114) being revoked from that date).

**Status:** Point in time view as at 27/02/2018.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Student Support) Regulations 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Part 10 contains provision on support for designated distance learning courses. This Part applies in respect of full-time distance learning courses beginning before 1st September 2012 except where the student transfers from one designated distance learning course to another in accordance with regulation 131 or starts an end-on course. Such students are treated as students continuing on designated distance learning courses. Regulation 120 defines an eligible distance learning student and regulation 122 defines a designated distance learning course. Regulations 124 and 125 provide for the types of grant support available in respect of designated distance learning courses and regulation 127 provides for the disabled students' allowance in respect of such courses. Regulations 133 and 134 provide for the payment of grant support.

Part 11 provides for support for part-time courses. Regulation 137 defines an eligible part-time student and regulation 139 a designated part-time course. Continuing students (and those who transfer from one part-time course starting before 1st September 2012 to another on or after 1st September 2012 or start part-time end-on courses) qualify for grant support (regulations 141 and 142) whereas students starting designated part-time courses on or after 1st September 2012 qualify for fee loans to meet the costs of their tuition. Regulation 144 sets out the maximum amount of fee loan available to part-time students to meet the costs of their tuition. The level of fee loan will vary according to where the student undertakes the course. Regulation 147 provides for disabled students' allowance for part-time students. Regulation 153 provides for payment of grant support to the part-time student and regulations 154 and 155 provide for payments of grants and loans for fees to the relevant academic authority. Regulations 156 and 157 make provisions for recovery of overpayments. Part-time courses starting on or after 1st September 2012 must be able to be completed in not more than four times the period it would normally take for the a student to complete the equivalent full-time course (regulation 139(1)(c)) in order to be designated under these Regulations. In addition, new students starting their courses on or after 1st September 2012 must study at a minimum 25% intensity of study rate in each academic year of their course compared with the equivalent full-time course to qualify for fee loans (regulation 144(2)) and disabled students' allowance (regulation 147(4)).

Part 12 makes provision for support in respect of postgraduate students with disabilities. Part-time postgraduate courses starting on or after 1st September 2012 must be able to be completed in not more than four times the period it would normally take for the a student to complete the equivalent full-time course (regulation 161(1)(b)) in order to be designated under these Regulations. In addition, new students starting part-time postgraduate courses on or after 1<sup>st</sup> September 2012 must study at a minimum 25% intensity of study rate compared with the equivalent full-time course to qualify for disabled students' allowance (regulation 159(9)).

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