
STATUTORY INSTRUMENTS

2011 No. 1986

The Education (Student Support) Regulations 2011

[^{F1}PART 11A

Fee support, grants and allowances for designated part-time courses

Textual Amendments

- F1** Pt. 11A heading and ss. 140A, 140B inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **16**

Interpretation of Part 11A

140A.—(1) In this Part, the current part-time course is treated as beginning before 1st September 2012 in relation to a student (“A”) where—

- (a) A transfers to the current part-time course pursuant to regulation 139A on or after 1st September 2012 from a designated part-time course beginning before 1st September 2012; or
- (b) the current part-time course is an end-on course of the kind described in paragraph (g) of the definition of “end-on course” in regulation 2.

(2) In this Part, the intensity of study is calculated as follows and expressed as a percentage—

$(PT/FT) \times 100$

where—

PT is the number of modules, credits, credit points, points or other unit to be awarded to the eligible part-time student by the academic authority if the student successfully completes the academic year in connection with which that student is applying for support;

FT is—

- (a) where the course is provided by or on behalf of the Open University, 120;
- (b) where the course is provided by or on behalf of any other institution, the number of modules, credits, credit points, points or other unit that a standard full-time student would be required to obtain in each academic year in order to complete the full-time equivalent within the period ordinarily required to complete that course.

(3) In paragraph (2)—

(a) the reference to the period ordinarily required to complete the full-time equivalent means—

- (i) where the course is provided by or on behalf of the Open University, the period that a standard full-time student would require to complete the full-time equivalent if that student were awarded 120 credit points in each academic year;

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- (ii) where the course is provided by or on behalf of any other institution, the period in which a standard full-time student would complete the full-time equivalent;
- (b) “standard full-time student” is a student who is to be taken—
 - (i) to have begun the full-time equivalent course on the same date as the eligible part-time student began the part-time course in question;
 - (ii) not to have been excused any part of the full-time equivalent course;
 - (iii) not to have repeated any part of the full-time equivalent course; and
 - (iv) not to be absent from the full-time equivalent course other than during vacations.

Availability of support to prisoners

- 140B.** An eligible part-time student who is a prisoner qualifies for support under this Part only—
- (a) if the student is an eligible prisoner; or
 - (b) in respect of an academic year during which the student enters prison or is released from prison.

Assistance for part-time courses in respect of courses beginning before 1st September 2012

141.—(1) For the purposes of this regulation, the assistance available in respect of a designated part-time course beginning before 1st September 2012—

- (a) a grant in respect of fees not exceeding the lesser of the following amounts—
 - (i) the basic grant, and
 - (ii) the “actual fees”, being the amount of fees charged to the student in respect of an academic year of the designated part-time course; and
- (b) a grant not exceeding [^{F2}£314] for books, travel and other expenditure in connection with the designated part-time course.

(2) An eligible part-time student does not qualify for assistance under paragraph (1)(b) if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.

(3) An eligible part-time student qualifies for assistance in respect of a course [^{F3}(other than a distance learning course)] beginning before 1st September 2012—

- (a) under paragraph (1)(a) if the Secretary of State considers that the student is undertaking the designated part-time course in England; and
- (b) under paragraph (1)(b) if the Secretary of State considers that the student is undertaking the designated part-time course in the United Kingdom.

[
^{F4}(3A) Where an eligible part-time student is undertaking a part-time distance learning course, the student does not qualify for support under this regulation in respect of that course unless the Secretary of State considers that the student is undertaking the course in England on the first day of the first academic year.

(3B) A student qualifying for support under this regulation in respect of a part-time distance learning course will no longer qualify support in respect of that course if the Secretary of State considers that the student is undertaking the course outside the United Kingdom.]

[
^{F5}(3C) Paragraphs (3A) and (3B) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.]

(4) An eligible part-time student does not qualify for support under this regulation if the student has undertaken one or more part-time courses for eight academic years in aggregate and the student has received in respect of each of those academic years a loan or a grant of the kind described in paragraph (5).

(5) The loans and grants are—

- (a) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course pursuant to regulations made under section 22 of the 1998 Act;
- (b) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course by the Department for Employment and Learning (Northern Ireland) pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998; or
- (c) a loan in respect of an academic year of a part-time course made pursuant to regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980.

(6) An eligible part-time student does not qualify for support under this regulation if –

- (a) the part time course leads to an equivalent or lower qualification where the current course began on or after 1st September 2009; or
- (b) the student holds a honours degree from an educational institution in the United Kingdom where—
 - (i) the current course began before 1st September 2009; or
 - (ii) the current course begins on or after 1st September 2009 where the student transfers to the current course pursuant to regulation [F6139A] from a part-time course which began before 1st September 2009.

(7) An eligible part-time student is not prevented from qualifying for support under this regulation if –

- (a) the current course is a course for the initial training of teachers which started on or after 1st September 2010 and before 1st September 2012;
- (b) the duration of the current course does not exceed four years; and
- (c) the student is not a qualified teacher .

[
F7(8) Paragraph (6) does not apply where the Secretary of State determines that the following conditions are satisfied—

- (a) the student has provided all information required by the Secretary of State in relation to qualifications held by the student;
- (b) that information is accurate; and
- (c) the Secretary of State has provided written notification that the student qualifies for support under this regulation in respect of an academic year of the current part-time course.

(9) Where paragraph (8) applies, the student qualifies for support under this regulation in accordance with paragraphs (10) to [F8(12A)] provided that the student would otherwise qualify for support under this regulation in respect of that academic year.

(10) If the Secretary of State makes the determination before the first day of the first academic year of the current part-time course then the student qualifies for support under this regulation in respect of the first academic year of the current part-time course.

(11) If the Secretary of State makes the determination on or after the first day of the first academic year of the current part-time course then the student qualifies for support under this regulation in respect of—

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- (a) the academic year of the current part-time course during which the Secretary of State makes the determination; and
- (b) an academic year of the current part-time course which the student has completed prior to the Secretary of State making the determination.

[^{F9}(12) Paragraphs (10) and (11) do not apply if the Secretary of State considers that there are exceptional circumstances.]]

[
^{F10}(12A) Where the Secretary of State considers that there are exceptional circumstances, the Secretary of State may determine that the student should qualify for support under this regulation in respect of one or more academic years of the current part-time course, as appropriate, whether or not the student has completed those academic years prior to the Secretary of State making the determination.]

Textual Amendments

- F2** Sum in [reg. 141\(1\)\(b\)](#) substituted (with application in accordance with [reg. 1\(2\)\(c\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), [reg. 1\(1\)](#), [Sch.](#)
- F3** Words in [reg. 141\(3\)](#) inserted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), [regs. 1\(3\)](#), [29\(a\)](#)
- F4** [Reg. 141\(3A\)\(3B\)](#) inserted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), [regs. 1\(3\)](#), [29\(b\)](#)
- F5** [Reg. 141\(3C\)](#) inserted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), [regs. 1\(3\)](#), [19](#)
- F6** Word in [reg. 141\(6\)\(b\)\(ii\)](#) substituted (with application in accordance with [reg. 1\(2\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), [regs. 1\(2\)\(a\)](#), [17](#)
- F7** [Reg. 141\(8\)-\(12\)](#) inserted (with application in accordance with [reg. 1\(4\)\(b\)](#) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), [regs. 1\(4\)\(a\)](#), [16](#)
- F8** Word in [reg. 141\(9\)](#) substituted (27.2.2018) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), [regs. 1\(2\)](#), [4\(3\)\(a\)](#)
- F9** [Reg. 141\(12\)](#) substituted (27.2.2018) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), [regs. 1\(2\)](#), [4\(3\)\(b\)](#)
- F10** [Reg. 141\(12A\)](#) inserted (27.2.2018) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), [regs. 1\(2\)](#), [4\(3\)\(c\)](#)

Amount of assistance in respect of courses beginning before 1st September 2012

142.—(1) The basic grant varies according to the intensity of study.

(2) The “basic grant” is—

- (a) [^{F11}£959] where the intensity of study is less than 60 per cent. (“level 1”);
- (b) [^{F12}£1,150] where the intensity of study is 60 per cent. or more but less than 75 per cent. (“level 2”);
- (c) [^{F13}£1,442] where the intensity of study is 75 per cent. or more (“level 3”).

(3) Subject to paragraph (4) and regulation [^{F14}139A](6), the amount of assistance payable in respect of an academic year is determined as follows—

- (a) if at the date of the application the eligible part-time student or the student's partner is entitled—
- (i) under Part VII of the Social Security Contributions and Benefits Act 1992 to income support [^{F15}or] housing benefit ^{F16}...;
 - (ii) under Part 1 of the Jobseekers Act 1995 to income-based jobseeker's allowance ^{F17} ^{F18} ...
 - (iii) under Part 1 of the Welfare Reform Act 2007 to an income-related employment and support allowance; [^{F19}or
 - (iv) to universal credit;]
- the maximum amount of assistance available under regulation 141(1) is payable.
- (b) where the relevant income is less than £16,845, the maximum amount of assistance available under regulation 141(1) is payable;
- (c) where the relevant income is £16,845, the maximum amount of assistance available under regulation 141(1)(b) is payable together with £50 less than the maximum amount of assistance available under regulation 141(1)(a);
- (d) where the relevant income exceeds £16,845 but is less than [^{F20}£25,425], the maximum amount of assistance available under regulation 141(1)(b) is payable and the amount of assistance payable under regulation 141(1)(a) is the amount determined in accordance with paragraph (4);
- (e) where the relevant income is [^{F21}£25,425], the maximum amount of assistance available under regulation 141(1)(b) is payable and the amount of assistance payable under regulation 141(1)(a) is £50;
- (f) where the relevant income exceeds [^{F22}£25,425] but is less than £26,030, the maximum amount of assistance available under regulation 141(1)(b) is payable and no assistance is payable under regulation 141(1)(a);
- (g) where the relevant income is £26,030 or more but less than £28,065, the amount of assistance payable under regulation 141(1)(b) is the amount left after deducting from the maximum amount of assistance available under regulation 141(1)(b) £1 for every complete [^{F23}£7.71] by which the relevant income exceeds £26,030, and no assistance is payable under regulation 141(1)(a);
- (h) where the relevant income is £28,065, the amount of assistance payable under regulation 141(1)(b) is £50, and no assistance is payable under regulation 141(1)(a);
- (i) where the relevant income exceeds £28,065, no assistance is payable under regulation 141(1).
- (4) Where paragraph (3)(d) applies, the amount of assistance payable under regulation 141(1)(a) is determined by deducting from the maximum amount of assistance available under regulation 141(1)(a) one of the following amounts—
- (a) £50 plus a further £1 for each complete [^{F24}£9.98], [^{F24}£8.17] or [^{F24}£6.39] by which the relevant income exceeds £16,845 according to whether the intensity of study is level 1, 2 or 3, respectively; or
 - (b) where the basic grant is greater than the actual fees, an amount equal to that left after deducting from the amount calculated under sub-paragraph (a) the difference between the basic grant and the actual fees (unless the amount is a negative number in which case the maximum amount of assistance available under regulation 141(1)(a) is payable).

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Textual Amendments

- F11** Sum in reg. 142(2)(a) substituted (with application in accordance with reg. 1(2)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), reg. 1(1), **Sch.**
- F12** Sum in reg. 142(2)(b) substituted (with application in accordance with reg. 1(2)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), reg. 1(1), **Sch.**
- F13** Sum in reg. 142(2)(c) substituted (with application in accordance with reg. 1(2)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), reg. 1(1), **Sch.**
- F14** Word in reg. 142(3) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 3) Regulations 2018 (S.I. 2018/472), regs. 1(2)(a), **18**
- F15** Word in reg. 142(3)(a)(i) substituted for comma (1.8.2013) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(3), **19(a)(i)**
- F16** Words in reg. 142(3)(a)(i) omitted (1.8.2013) by virtue of The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(3), **19(a)(ii)**
- F17** Words in reg. 142(3)(a)(ii) omitted (1.8.2013) by virtue of The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(3), **19(b)**
- F18** Word in reg. 142(3)(a) omitted (29.4.2013) by virtue of The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **54(7)**
- F19** Reg. 142(3)(a)(iv) and word inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **54(7)**
- F20** Sum in reg. 142(3)(d) substituted (with application in accordance with reg. 1(2)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), reg. 1(1), **Sch.**
- F21** Sum in reg. 142(3)(e) substituted (with application in accordance with reg. 1(2)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), reg. 1(1), **Sch.**
- F22** Sum in reg. 142(3)(f) substituted (with application in accordance with reg. 1(2)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), reg. 1(1), **Sch.**
- F23** Sum in reg. 142(3)(g) substituted (with application in accordance with reg. 1(2)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), reg. 1(1), **Sch.**
- F24** Sums in reg. 142(4)(a) substituted (with application in accordance with reg. 1(2)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), reg. 1(1), **Sch.**

Interpretation of regulation 142

143.—(1) For the purposes of regulation 142—

(a) subject to sub-paragraph (b), “partner” means any of the following—

- (i) the spouse of an eligible part-time student;
- (ii) the civil partner of an eligible part-time student;
- (iii) a person ordinarily living with an eligible part-time student as if the person were the student's spouse where an eligible part-time student is aged 25 or over on the

first day of the academic year in respect of which that student is being assessed for assistance and where that student began the specified designated part-time course before 1st September 2005;

- (iv) a person ordinarily living with an eligible part-time student as if the person were the student's spouse or civil partner where an eligible part-time student begins the specified designated part-time course on or after 1st September 2005;
 - (b) a person who would otherwise be a partner under sub-paragraph (a) is not to be treated as a partner if—
 - (i) in the opinion of the Secretary of State, that person and the eligible part-time student are separated; or
 - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible part-time student;
 - (c) “relevant income” has the meaning given in paragraph (2).
- (2) Subject to paragraph (3), an eligible part-time student's relevant income is equal to the student's financial resources in the preceding financial year less—
- (i) £2,000 in respect of the student's partner;
 - (ii) £2,000 in respect of the only or eldest child who is dependent on the student or the student's partner; and
 - (iii) £1,000 in respect of each other child who is dependent on the student or the student's partner.
- (3) Where the Secretary of State is satisfied that an eligible part-time student's financial resources in the preceding financial year are greater than the student's financial resources in the current financial year and that the difference between the two amounts is £1,000 or more, the Secretary of State may assess that student's financial resources by reference to those resources in the current financial year.
- (4) In this regulation—
- (a) “child” in relation to an eligible part-time student includes any child of the student's partner and any child for whom the student has parental responsibility;
 - (b) “current financial year” means the financial year which includes the first day of the academic year in respect of which a person is being assessed for assistance;
 - (c) “dependent” means wholly or mainly financially dependent;
 - (d) “financial year” means the period of twelve months for which the income of the eligible part-time student is computed for the purposes of the income tax legislation which applies to it;
 - (e) “financial resources in a financial year” means the aggregate of the student's income for that year together with the aggregate of the income for that year of any person who at the date of the application for support is the student's partner;
 - (f) “income” means gross income from all sources excluding any tax credits awarded pursuant to any claims under section 3 of the Tax Credits Act 2002 and any higher education bursary;
 - (g) “preceding financial year” means the financial year immediately preceding the current financial year;
 - (h) “specified designated part-time course” means the course in respect of which the person is applying for support or, where the student's status as an eligible part-time student has been transferred to the current designated part-time course as a result of one or more transfers of that status by the Secretary of State from a part-time course (the “initial course”) in connection with which the Secretary of State determined the student to be an eligible part-

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time student pursuant to regulations made under section 22 of the 1998 Act, the specified designated part-time course means the initial course.

Fee support for designated part-time courses beginning on or after 1st September 2012

144.—(1) An eligible part-time student (“A”) qualifies for a fee loan in respect of the fees payable by A in connection with A's undertaking a designated part-time course beginning on or after 1st September 2012.

(2) A part-time student does not qualify for a fee loan if the intensity of study during the academic year for which support is claimed is less than 25%^[F25] of an equivalent full-time course].

^[F26](3) An eligible part-time student qualifies for a fee loan under paragraph (1) if the Secretary of State considers that—

- (a) the student is attending the course in the United Kingdom, or
- (b) where the course is a part-time distance learning course, the student is undertaking the course in England on the first day of the first academic year.]

^[F27](3ZA) For the purposes of paragraph (3)(b), a person (“A”) is to be treated as being ordinarily resident in England for any period during which A would have been so resident but for the fact that—

- (a) A,
- (b) A's spouse or civil partner,
- (c) A's parent, or
- (d) in the case of a dependent direct relative in the ascending line, A's child or child's spouse or civil partner,

is or was temporarily employed in Wales, Scotland or Northern Ireland as a member of the regular naval, military or air forces of the Crown.]

^[F28](3A) A student qualifying for a fee loan in respect of a part-time distance learning course under paragraph (3) will no longer qualify for a fee loan in respect of that course if the Secretary of State considers that the student is undertaking the course outside the United Kingdom.]

^[F29](3B) Paragraphs (3)(b) and (3A) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.]

(4) ^[F30]Subject to ^[F31]paragraphs (6) to (12)] an eligible part-time student does not qualify for support under this regulation if the current part-time course leads to an equivalent or lower qualification.

- (5) An eligible part-time student does not qualify for support under this regulation if—
 - (a) the student has undertaken one or more part-time courses for sixteen academic years in aggregate; and
 - (b) the student was eligible to apply for a fee loan under this regulation or a loan or grant of the kind described in regulation 141(5) in respect of each of those academic years.
- (6) ^[F32]Paragraph (4) does not apply]if—
 - (a) the current part-time course is a course for the initial training of teachers which started on or after 1st September 2012;
 - (b) the duration of the current course does not exceed four years; and

(c) the student is not a qualified teacher.

[
F33(7) Paragraph (4) does not apply if—

(a) the current part-time course—

(i) is a course in [F34engineering and technology or computing] (or a combination of those subjects);

(ii) leads to an honours degree; and

(b) the student begins the current part-time course on or after 1st August 2015.

[
F35(7A) Paragraph (4) does not apply if—

(a) the current part-time course—

[F36(i) is a course in agriculture, food and related studies, biological and sport sciences, F37...[F38geography, earth] and environmental studies, mathematical sciences, medicine and dentistry, physical sciences, psychology, subjects allied to medicine or veterinary sciences (or a combination of those subjects);]

(ii) leads to an honours degree; and

(b) the student begins the current part-time course on or after 1st August 2017.

(7B) Paragraph (4) does not apply if—

(a) the current part-time course—

(i) is a pre-registration course in an allied health profession subject, midwifery, nursing, nursing and social work or operating department practice;

[F39(ii) leads to—

(aa) an ordinary degree or an honours degree;

(bb) in respect of a course in a dental profession subject, an ordinary degree, an honours degree, a diploma or a foundation degree; or

(cc) in respect of a course in operating department practice, an ordinary degree, an honours degree or a diploma;]

(b) the student begins the current part-time course on or after 1st August 2017^{F40}...[^{F41}or, in the case of a course in a dental profession subject, begins on or after 1st August 2018]]

(8) Paragraph (4) does not apply where the Secretary of State determines that the following conditions are satisfied—

(a) the student has provided all information required by the Secretary of State in relation to qualifications held by the student;

(b) that information is accurate; and

(c) the Secretary of State has provided written notification that the student qualifies for support under this regulation in respect of the current part-time course.

(9) Where paragraph (8) applies, the student qualifies for support under this regulation in accordance with paragraphs (10) to [F42(12A)].

(10) If the Secretary of State makes the determination before the first day of the first academic year of the current part-time course then the student qualifies for support under this regulation in respect of the first academic year of the current part-time course.

(11) If the Secretary of State makes the determination on or after the first day of the first academic year of the current part-time course then the student qualifies for support under this regulation in respect of—

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- (a) the academic year of the current part-time course during which the Secretary of State makes the determination; and
- (b) an academic year of the current part-time course which the student has completed prior to the Secretary of State making the determination.

[^{F43}(12) Paragraphs (10) and (11) do not apply if the Secretary of State considers that there are exceptional circumstances.]]

[^{F44}(12A) Where the Secretary of State considers that there are exceptional circumstances, the Secretary of State may determine that the student should qualify for support under this regulation in respect of one or more academic years of the current part-time course, as appropriate, whether or not the student has completed those academic years prior to the Secretary of State making the determination.]

Textual Amendments

- F25** Words in reg. 144(2) inserted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **30(a)**
- F26** Reg. 144(3) substituted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **30(b)**
- F27** Reg. 144(3ZA) inserted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **3(3)**
- F28** Reg. 144(3A) inserted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **30(c)**
- F29** Reg. 144(3B) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **20(a)**
- F30** Words in reg. 144(4) inserted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **30(d)**
- F31** Words in reg. 144(4) substituted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **17(a)**
- F32** Words in reg. 144(6) substituted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **30(e)**
- F33** Reg. 144(7)-(12) inserted (with application in accordance with reg. 1(4)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **17(b)**
- F34** Words in reg. 144(7) substituted (with application in accordance with reg. 1(2)(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), **26(2)**
- F35** Reg. 144(7A)(7B) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **20(b)**
- F36** Reg. 144(7A)(a)(i) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **26(3)**
- F37** Words in reg. 144(7A)(a)(i) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **8(1)(a)(i)**

- F38** Words in reg. 144(7A)(a)(i) substituted (with application in accordance with reg. 1(2)(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), **8(1)(a)(ii)**
- F39** Reg. 144(7B)(a)(ii) substituted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **12(2)(a)**
- F40** Words in reg. 144(7B)(b) omitted (28.3.2018) by virtue of The Education (Student Support) (Revocation, Amendment and Saving Provision) Regulations 2018 (S.I. 2018/434), regs. 1(2), **14(2)(b)** (with reg. 3)
- F41** Words in reg. 144(7B)(b) inserted (with application in accordance with reg. 1(2)(b)(3) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/443), regs. 1(2)(a), **12(2)(b)**
- F42** Word in reg. 144(9) substituted (27.2.2018) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **4(4)(a)**
- F43** Reg. 144(12) substituted (27.2.2018) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **4(4)(b)**
- F44** Reg. 144(12A) inserted (27.2.2018) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **4(4)(c)**

Amount of the fee loan - courses beginning on or after 1st September 2012

145.—(1) The amount of a fee loan in respect of an academic year of a designated part-time course must not exceed the lesser of—

- (a) the fees payable by the student in connection with that year; and
 - (b) the maximum amount.
- (2) For the purposes of this regulation, the “maximum amount” means-
- (a) [^{F45}£6,935] where the current part-time course is provided by or on behalf of [^{F46}an approved (fee cap) provider or] a publicly funded institution [^{F47}or the current part-time course is a course for the initial training of teachers provided by an accredited institution which is an unregistered provider];
 - ^{F48}(b) £4,500, where the current part-time course is provided by
 - ^{F49}(i) an approved provider in England (other than on behalf of an approved (fee cap) provider or a publicly funded institution);
 - (ii) an unregistered provider or a private institution on behalf of an approved provider;
 - (iii) an unregistered provider in England (other than on behalf of an approved or an approved (fee cap) provider) where the course began before 1st August 2019; or
 - (iv) a private institution in Scotland, Northern Ireland or Wales (other than on behalf of an approved (fee cap) provider or a publicly funded institution);
 and the provider of the course does not have a high level quality rating in a case specified in paragraph (i), (ii) or (iv), or did not have a high level quality rating in the academic year starting before 1st August 2019 in a case specified in paragraph (iii)];
 - [£4,625, where the current part-time course is provided by
 - ^{F50}(c) [^{F51}(i) an approved provider in England (other than on behalf of an approved (fee cap) provider or a publicly funded institution);
 - (ii) an unregistered provider or a private institution on behalf of an approved provider;
 - (iii) an unregistered provider in England (other than on behalf of an approved or an approved (fee cap) provider) where the course began before 1st August 2019; or

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(iv) a private institution in Scotland, Northern Ireland or Wales (other than on behalf of an approved (fee cap) provider or a publicly funded institution);

and the provider of the course has a high level quality rating in a case specified in paragraph (i), (ii) or (iv), or had a high level quality rating in the academic year starting before 1st August 2019 in a case specified in paragraph (iii)].

(3) If a student's status as an eligible part-time student is transferred from one designated part-time course to another under regulation [F52139A] and the circumstances in paragraph (4) apply, the student may apply to the Secretary of State to borrow an additional amount by way of a fee loan in respect of the academic year of the course to which that student transfers.

(4) The circumstances are—

- (a) the fees payable in respect of the academic year of the course to which the student transfers exceed the fees payable in respect of the academic year of the course from which the student is transferring; and
- (b) the academic year of the course to which the student transfers does not begin on a later date than the academic year of the course from which the student is transferring.

(5) If a student's status as an eligible part-time student is transferred from one designated part-time course to another under these Regulations and the circumstances in paragraph (6) apply, the student may apply to the Secretary of State for another fee loan in respect of the academic year of the course to which the student transfers.

(6) The circumstances are that the academic year of the course to which the current system student transfers begins on a later date than the academic year of the course from which that student is transferring.

(7) Where paragraph (3) applies, the maximum additional amount that the student may borrow in respect of the academic year to which that student transfers, provided that the student qualifies for a fee loan in respect of that year, is determined by deducting the amount of any fee loan the student has taken out under these Regulations in respect of the academic year from which the student is transferring from the lesser of—

- (a) the amount specified in paragraph (2) applicable in the student's case; and
- (b) the fees payable by the student in respect of the academic year to which the student is transferring.

(8) Where paragraph (5) applies, the maximum amount of fee loan that a student may borrow in respect of the academic year to which that student transfers provided that the student qualifies for a fee loan in respect of that year is the lesser of—

- (a) the amount specified in paragraph (2) applicable in the student's case; and
- (b) the fees payable by the student in connection with that year.

(9) Where a student has applied for a fee loan of less than the maximum amount available in relation to an academic year, that student may apply to borrow an additional amount which when added to the amount already applied for does not exceed the relevant maximum applicable in that student's case.

(10) If a student's status as an eligible part-time student is transferred from one course to another under regulation [F53139A] and the circumstances in paragraph (11) apply, the student may apply to the Secretary of State to reduce the amount of fee loan borrowed in respect of the remainder of the academic year.

(11) The circumstances are—

- (a) the fees payable in respect of the academic year of the course to which the eligible part-time student transfers are lower than the fees payable in respect of the academic year of the course from which the student is transferring;

- (b) the academic year of the course to which the eligible part-time student transfers does not begin on a later date than the academic year of the course from which the student is transferring.

(12) For the purposes of paragraph (11), the “remainder of the academic year” means the period of the academic year in respect of which the academic authority has not made a request to the Secretary of State for payment of the fee loan or fee loan instalment.

(13) A student may apply to the Secretary of State to reduce the amount of fee loan for which the student has applied in respect of a period of the academic year for which the academic authority has not made a request to the Secretary of State for payment of the fee loan or fee loan instalment under regulation 155.

Textual Amendments

- F45** Sum in reg. 145(2)(a) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), reg. 1(3), **Sch. 2**
- F46** Words in reg. 145(2)(a) inserted (with application in accordance with reg. 1(2)(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), **27(2)(i)**
- F47** Words in reg. 145(2)(a) inserted (with application in accordance with reg. 1(2)(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), **27(2)(ii)**
- F48** Reg. 145(2)(b) substituted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **21(a)**
- F49** Reg. 145(2)(b)(i)-(iv) and words substituted for words in reg. 145(2)(b) (with application in accordance with reg. 1(2)(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), **27(3)**
- F50** Reg. 145(2)(c) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **21(b)**
- F51** Reg. 145(2)(c)(i)-(iv) and words substituted for words in reg. 145(2)(c) (with application in accordance with reg. 1(2)(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), **27(4)**
- F52** Word in reg. 145(3) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **19**
- F53** Word in reg. 145(10) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **19**

Assistance with fees in respect of attendance on a course in Wales, Northern Ireland or Scotland

146.—(1) The Secretary of State may pay support to assist with fees to an eligible part-time student in connection with the student's attendance on a designated part-time course beginning before 1st September 2012 in Wales, Northern Ireland or Scotland.

(2) The assistance paid under paragraph (1) must not exceed the lesser of—

- (a) the maximum amount of assistance that would have been payable to the eligible part-time student under regulation 141(1)(a) had the student been undertaking the course in England; and

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- (b) the maximum amount of support to assist with fees that in the opinion of the Secretary of State would have been payable according to whether the student attends the designated part-time course in Wales, Northern Ireland or Scotland—
- (i) pursuant to regulations made by the Welsh Ministers or the National Assembly for Wales under section 22 of the 1998 Act had the student been ordinarily resident in Wales and undertaking the part-time course in Wales;
 - (ii) pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998 had the student been ordinarily resident in Northern Ireland and undertaking the part-time course in Northern Ireland; or
 - (iii) from funds of the Scottish Further and Higher Education Funding Council^{M1} had the student been ordinarily resident in Scotland and undertaking the part-time course in Scotland.

Marginal Citations

M1 This body was established under section 1 of the Further and Higher Education (Scotland) Act 2005 (2005 asp 6).

Disabled part-time students' allowance

147.—^{F54}(1) A student qualifies for a grant under this regulation if the student—

- (a) is an eligible part-time student; and
- (b) has a disability.]

(2) An eligible part-time student does not qualify for the grant under this regulation—

- (a) if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9 ^{F55}or paragraph 10];
- (b) unless the Secretary of State considers that the student is undertaking the designated part-time course in the United Kingdom; or
- (c) subject to ^{F56}paragraph (3)], where the student is a prisoner.

[^{F57}(2A) Paragraph (2)(b) does not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.]

(3) Paragraph (2)(c) does not apply in respect of an academic year during which the student enters prison or is released from prison.

(4) Where the current part-time course begins on or after 1st September 2012, an eligible part-time student does not qualify for grant under this regulation if the intensity of study during the academic year for which support is claimed is less than 25% ^{F58}[of an equivalent full-time course].

[^{F59}(4A) The Secretary of State is authorised to pay a grant under this regulation to an eligible part-time student (“A”) who qualifies for that grant for the purpose of assisting with the additional expenditure which A is obliged to incur by reason of A’s disability in respect of undertaking a designated part-time course.]

(5) Subject to the following paragraphs, the amount of grant under this regulation is the amount that the Secretary of State considers appropriate in accordance with the student's circumstances.

[

^{F60}(5A) Subject to paragraph (6), the amount of the grant under this regulation in respect of additional expenditure on a computer must not exceed an amount equal to the additional expenditure incurred less £200.]

(6) The amount of the grant under this regulation must not exceed—

- (a) [^{F61}£17,443] in respect of an academic year for expenditure on a non-medical personal helper;
- (b) [^{F62}£5,849] in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;
- (c) the additional expenditure incurred—
 - (i) within the United Kingdom for the purpose of attending the institution;
 - (ii) within or outside the United Kingdom for the purpose of attending, as a part of the course, any period of study at an overseas institution or for the purpose of attending the Institute;
- (d) [^{F63}£1,465] in respect of an academic year for any other expenditure including expenditure incurred for the purposes referred to in sub-paragraph (a) or (b) which exceeds the specified maxima.

[
^{F64}(7) Subject to paragraph (8), the grant under this regulation is payable in respect of the four quarters of the academic year, except where the allowance is used for expenditure on major items of specialist equipment.

(8) Where one of the events listed in regulation 138(4)(a), (b), (e), (f), (g), (h) or (i) occurs in the course of an academic year, a student may qualify for the grant under this regulation for the purposes specified in paragraph (6)(a), (c) or (d) in respect of such quarters as begin after the relevant event occurs.]

Textual Amendments

- F54** Reg. 147(1) substituted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **18(a)**
- F55** Words in reg. 147(2)(a) inserted (with application in accordance with reg. 1(3)(4) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2016 \(S.I. 2016/270\)](#), regs. 1(1), **5**
- F56** Words in reg. 147(2)(c) substituted (7.11.2014) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(2), **18(b)**
- F57** Reg. 147(2A) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **22**
- F58** Words in reg. 147(4) inserted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **31(a)**
- F59** Reg. 147(4A) inserted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **18(c)**
- F60** Reg. 147(5A) inserted (with application in accordance with reg. 1(4)(b)(5) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2014 \(S.I. 2014/2765\)](#), regs. 1(4)(a), **18(d)**
- F61** Sum in reg. 147(6)(a) substituted (with application in accordance with reg. 1(2)(c) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), reg. 1(1), **Sch.**
- F62** Sum in reg. 147(6)(b) substituted (with application in accordance with reg. 1(2)(c) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), reg. 1(1), **Sch.**

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- F63** Sum in reg. 147(6)(d) substituted (with application in accordance with reg. 1(2)(c) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), reg. 1(1), Sch.
- F64** Reg. 147(7)(8) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2012 (S.I. 2012/1653), regs. 1(2)(a), 31(b)

Applications for support

148.—(1) A person (the “applicant”) must apply for support [^{F65}under this Part] in connection with each academic year of a designated part-time course by completing and submitting to the Secretary of State an application in such form as the Secretary of State may require.

(2) The application must be accompanied by—

- (a) a declaration under regulation 149 completed by the academic authority where the current part-time course began before 1st September 2012; and
- (b) such additional documentation as the Secretary of State may require.

(3) The Secretary of State may take such steps and make such inquiries as the Secretary of State considers necessary to determine whether the applicant is an eligible part-time student, whether the applicant qualifies for support and the amount of support payable, if any.

(4) The Secretary of State must notify the applicant of whether the applicant qualifies for support and, if the applicant does qualify, the amount of support payable in respect of the academic year, if any.

(5) The general rule is that the application must reach the Secretary of State no later than the end of the ninth month of the academic year in respect of which it is submitted.

(6) The general rule does not apply where—

- (a) one of the events listed in paragraph (3) of regulation 138 occurs after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the Secretary of State within a period of nine months beginning with the day on which the relevant event occurred;
- (b) the applicant is applying for the disabled part-time students' allowance, in which case the application must reach the Secretary of State as soon as is reasonably practicable; or
- (c) the Secretary of State considers that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the Secretary of State not later than such date as the Secretary of State specifies;
- (d) the applicant is applying to borrow an additional amount of fee loan, in which case the application must reach the Secretary of State not later than one month before the end of the academic year to which the application relates.

Textual Amendments

- F65** Words in reg. 148(1) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support) (Amendment) (No. 3) Regulations 2018 (S.I. 2018/472), regs. 1(2)(a), 20

Declarations provided by academic authorities

149.—(1) Subject to paragraph (2), the academic authority must complete a declaration in such form as may be required by the Secretary of State.

(2) An academic authority is not required to complete a declaration if it is unable to give the confirmation required.

(3) Where the course began before 1st September 2012, the academic authority must complete the declaration at the request of the applicant to accompany the application for support.

(4) In this Part, “declaration” in respect of a course starting before 1st September 2012 means—

(a) where the applicant is applying for support [^{F66}under this Part] in connection with the designated part-time course for the first time, a statement that—

(i) provides the course information; and

(ii) confirms that the applicant has undertaken at least two weeks of the designated part-time course;

(b) in any other case, a statement that—

(i) provides the course information; and

(ii) confirms that the applicant has enrolled to undertake the academic year of the designated part-time course in respect of which the applicant is applying for support^{F67}...

[^{F68}(5) In this Part, “declaration” in respect of a course starting on or after 1st September 2012 means a statement that—

(a) provides the course information; and

(b) confirms that the applicant has undertaken at least two weeks of the designated part-time course in respect of which the applicant is applying for support [^{F69}under this Part].]

(6) In this regulation, “course information” means—

(a) the amount of fees being charged in respect of the academic year in respect of which the applicant is applying for support;

(b) subject to paragraph (7), the intensity of study;

(c) certification by the academic authority that it considers—

(i) the course to be a designated part-time course;

(ii) that it will be possible for the applicant to complete the course within the period specified in regulation 139(1)(c).

(7) Where a course begins on or after 1st September 2012, the “intensity of study” in paragraph (6) (b) means confirmation by the academic authority that the intensity of study during the academic year for which support is claimed is not less than 25% [^{F70}of an equivalent full-time course].

(8) For the purposes of paragraph (6)(c)(ii), the academic authority must have regard to—

(a) any increase in intensity of study that would be required for the applicant to complete the course within the period specified in regulation 139(1)(c);

(b) any parts of the course which the applicant has been required to repeat.

Textual Amendments

F66 Words in reg. 149(4) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **21**

F67 Words in reg. 149(4)(b) revoked (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **32(a)**

F68 Reg. 149(5) substituted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **32(b)**

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- F69** Words in reg. 149(5) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **21**
- F70** Words in reg. 149(7) inserted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **32(c)**

Information

150. Schedule 3 deals with the provision of information.

Transfer of status

^{F71}**151.**

.....

Textual Amendments

F71 Reg. 151 omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **22**

Conversion of status

^{F72}**152.**

.....

Textual Amendments

F72 Reg. 152 omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **22**

Payment of grants for books, travel and other expenditure and disabled part-time students' allowances

153.—(1) Payments of the grant for books, travel and other expenditure and the disabled part-time students' allowance may be made in such manner as the Secretary of State considers appropriate and the Secretary of State may make it a condition of entitlement to payment that the eligible part-time student must provide the Secretary of State with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(2) Where the Secretary of State cannot make a final assessment on the basis of the information provided by the student, the Secretary of State may make a provisional assessment and payment of the grant for books, travel and other expenditure and the disabled part-time students' allowance.

(3) The Secretary of State may pay the grant for books, travel and other expenditure and the disabled part-time students' allowance in instalments.

(4) Subject to paragraph (5), the Secretary of State may pay the grant for books, travel and other expenditure and the disabled part-time students' allowance at such times as the Secretary of State considers appropriate.

(5) The Secretary of State must not pay the first instalment or, where it has been determined not to pay support in instalments, make any payment of the grant for books, travel and other expenditure or the disabled part-time students' allowance before the Secretary of State has received a declaration under regulation 149 unless an exception applies.

- (6) An exception applies if—
- (a) a disabled part-time students' allowance is payable in which case that particular grant may be paid before the Secretary of State has received a declaration;
 - (b) the Secretary of State has determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving a declaration.

Payment of grants for fees

154.—(1) Subject to paragraphs (2) and (3), the Secretary of State must pay the grant in respect of fees for which the student qualifies to the appropriate academic authority after a valid request for payment has been received.

(2) The Secretary of State may make payments under paragraph (1) at such times and in such instalments as the Secretary of State sees fit.

(3) The Secretary of State may make provisional payments under paragraph (1) in such cases as the Secretary of State deems appropriate.

Payment of loans for fees

155.—(1) The Secretary of State must pay the fee loan for which an eligible part-time student qualifies to an institution to which the student is liable to make payment.

(2) The Secretary of State may pay the fee loan in instalments.

(3) The Secretary of State must not pay the fee loan or [^{F73}any] instalment of the fee loan before the Secretary of State has received from the academic authority—

(a) a request for payment; ^{F74}...

(b) a declaration under regulation 149 [^{F75}; and]

[confirmation (in such form as may be required by the Secretary of State) of the eligible ^{F76}(c) part-time student's attendance on the course for the period to which the instalment relates].

[
^{F77}(3A) For a student beginning the current course on or after 1st August 2016, the academic authority must not complete a declaration under regulation 149—

(a) in the case of an institution with degree awarding powers pursuant to section 76 of the Further and Higher Education Act 1992 [^{F78}or sections 42 to 49 of the 2017 Act], until the student is registered on the course at the institution;

(b) in the case of a course validated by an institution with degree awarding powers pursuant to section 76 of the Further and Higher Education Act 1992 [^{F79}or sections 42 to 49 of the 2017 Act], until the validating institution has been notified by the institution teaching the student that the student is studying on the course covered by the validation agreement; or

(c) where neither sub-paragraph (a) or (b) applies, until the student has been registered with the relevant awarding body.]

(4) The academic authority must inform the Secretary of State when a student ceases to attend or undertake the designated part-time course during the academic year.

(5) No payment of fee loan or instalment of fee loan can be made in respect of a designated part time course once the academic authority has informed the Secretary of State that the student has ceased to attend or undertake the course during the academic year.

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Textual Amendments

- F73** Word in reg. 155(3) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **23(a)**
- F74** Word in reg. 155(3) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **23(b)**
- F75** Word in reg. 155(3)(b) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **23(c)**
- F76** Reg. 155(3)(c) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) \(No. 3\) Regulations 2018 \(S.I. 2018/472\)](#), regs. 1(2)(a), **23(d)**
- F77** Reg. 155(3A) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **51**
- F78** Words in reg. 155(3A)(a) inserted (with application in accordance with reg. 1(2)(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), **28(2)**
- F79** Words in reg. 155(3A)(b) inserted (with application in accordance with reg. 1(2)(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), **28(2)**

Overpayments of grants and allowances

156.—(1) Any overpayment of a grant in respect of fees is recoverable by the Secretary of State from the academic authority.

(2) ^{F80}A]part-time student must, if so required by the Secretary of State, repay any amount paid to the student under this Part which for whatever reason exceeds the amount of grant to which the student is entitled under this Part.

(3) The Secretary of State must recover an overpayment of grant for books, travel and other expenditure and disabled part-time students' allowance unless the Secretary of State considers that it is not appropriate to do so.

(4) The methods of recovery are—

- (a) subtracting the overpayment from any kind of grant^{F81} or loan]payable to the student from time to time pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act;
- (b) taking such other action for the recovery of an overpayment as is available to the Secretary of State.

(5) A payment of the disabled part-time students' allowance made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the Secretary of State decides otherwise.

(6) In this regulation, the “relevant date” is the date on which the first term of the academic year in question actually begins.

(7) In the circumstances set out in paragraph (8) or (9), there is an overpayment of the disabled part-time students' allowance unless the Secretary of State decides otherwise.

(8) The circumstances are—

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- (a) the Secretary of State applies all or part of the disabled part-time students' allowance to the purchase of specialist equipment on behalf of the^{F82}... part-time student;
 - (b) the student's period of eligibility terminates after the relevant date; and
 - (c) the equipment has not been delivered to the student before the period of eligibility terminated.
- (9) The circumstances are—
- (a) the^{F83}... part-time student's period of eligibility terminates after the relevant date; and
 - (b) a payment of the disabled part-time students' allowance in respect of specialist equipment is made to the student after the period of eligibility terminated.
- (10) Where there is an overpayment of the disabled part-time students' allowance, the Secretary of State may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if the Secretary of State considers it is appropriate to do so.

Textual Amendments

- F80** Word in reg. 156(2) substituted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **52(a)**
- F81** Words in reg. 156(4)(a) inserted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **52(b)**
- F82** Word in reg. 156(8)(a) omitted (23.12.2015) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **52(b)**
- F83** Word in reg. 156(9)(a) omitted (23.12.2015) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **52(b)**

Overpayments of fee support

157.—(1) Any overpayment of [^{F84}fee loan support] is recoverable by the Secretary of State from—

- (a) the academic authority; or
- (b) the student in respect of whom the payment of [^{F84}fee loan support] was made.

[^{F85}(1A) A student must, if so required by the Secretary of State, repay any amount of fee loan support paid in respect of the student which for whatever reason exceeds the amount of fee loan support to which the student is entitled.]

(2) An overpayment of a fee loan may be recovered from a student under paragraph (1)(b) in whichever one or more of the following ways the Secretary of State considers appropriate in all the circumstances—

- (a) by subtracting the overpayment from any amount of the fee loan which remains to be paid;
 - [by subtracting the overpayment from any kind of grant or loan payable to the student from time to time pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act.]
- ^{F86}(aa) by requiring the student to repay the fee loan in accordance with regulations made under section 22 of the 1998 Act;
- (c) by taking such other action for the recovery of an overpayment as is available to the Secretary of State.]

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Textual Amendments

- F84** Words in reg. 157 substituted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **33**
- F85** Reg. 157(1A) inserted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **53(a)**
- F86** Reg. 157(2)(aa) inserted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **53(b)**

Status:

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