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## STATUTORY INSTRUMENTS

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# 2011 No. 1986

## The Education (Student Support) Regulations 2011

### [<sup>F1</sup>PART 11B

#### LOANS FOR LIVING COSTS IN CONNECTION WITH DESIGNATED PART-TIME COURSES

##### Textual Amendments

- F1** Pt. 11B 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 \(S.I. 2018/472\)](#), reg. 1(2)(a), [Sch. 1](#)

#### CHAPTER 1

#### Qualifying and applying for the loan for living costs

##### Interpretation of Part 11B

**157A.**—(1) In this Part,

- (a) “eligible part-time student with full entitlement” is an eligible part-time student other than an eligible part-time student with reduced entitlement;
- (b) “eligible part-time student with reduced entitlement” has the meaning given in regulation 157F(3);
- (c) “special support loan” is a loan to defray the costs of books, equipment, travel or childcare incurred for the purpose of attending a designated part-time course;
- (d) “standard full-time student” is a student who is to be taken—
  - (i) to have begun the full-time equivalent 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;
  - (iii) not to have repeated any part of the full-time equivalent; and
  - (iv) not to be absent from the full-time equivalent other than during vacations.

(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 a loan for living costs;

FT is—

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- (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 this Part, a reference to the period ordinarily required to complete the full-time equivalent means—
- (a) 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;
  - (b) 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.

### **Qualifying conditions for the loan for living costs**

**157B.**—(1) Subject to the provisions of this regulation, an eligible part-time student qualifies for a loan for living costs in connection with the student’s attendance on a designated part-time course (“the relevant course”) if—

- (a) the student—
  - (i) begins the relevant course on or after 1st August 2018;
  - (ii) transfers on or after 1st August 2018 from a designated course to the relevant course; or
  - (iii) transfers to the relevant course from a designated part-time course which the eligible part-time student started on or after 1st August 2018; and
- (b) the student—
  - (i) is under the age of 60 on the relevant date; or
  - (ii) where the student transfers to the relevant course from a course described in subparagraph (a)(ii) or (iii) (“the first course”), was under the age of 60 on the first day of the first academic year of the first course.

(2) An eligible part-time student does not qualify for a loan for living costs in connection with a designated part-time course if—

- (a) the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9 or 10;
- (b) the student is a prisoner; or
- (c) the course is a distance learning course unless the student is treated as being in attendance on the designated part-time course under regulation 157M.

(3) An eligible part-time student does not qualify for a loan for living costs in respect of a designated part-time course if the intensity of study during the academic year for which the loan is claimed is less than 25 per cent of the course’s full-time equivalent.

(4) An eligible part-time student does not qualify for a loan for living costs if the student—

- (a) has undertaken one or more part-time courses for sixteen academic years in aggregate; and
- (b) was eligible to apply for a fee loan under regulation 144 or a loan or grant of the kind described in regulation 141(5) in respect of each of those academic years.

(5) Subject to paragraphs (6) to (13) an eligible part-time student does not qualify for a loan for living costs in connection with a current part-time course which leads to an equivalent or lower qualification.

(6) Paragraph (5) does not apply if—

- (a) the current part-time course—
    - (i) is a course in—
      - (aa) [<sup>F2</sup>engineering and technology or computing] (or a combination of those subjects); or
      - [<sup>F3</sup>(ab) agriculture, food and related studies, biological and sport sciences, <sup>F4</sup>...[<sup>F5</sup>geography, 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); and]
    - (ii) leads to an honours degree; and
  - (b) the student begins the current part-time course on or after 1st August 2018.
- [
- <sup>F6</sup>(6A) Paragraph 5 does not apply in respect of an academic year of the current part-time course which begins on or after 1st August 2019, where—
- (a) the course—
    - (i) is a course for the initial training of teachers;
    - (ii) leads to an award mentioned in sub-paragraphs (a), (f), (g) or (h) of paragraph (2A) of regulation 139; and
  - (b) the student begins the course on or after 1st August 2018.]
- (7) Paragraph (5) 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;
    - (ii) leads to—
      - (aa) an ordinary degree or an honours degree;
      - (ab) in respect of a course in a dental profession subject, an ordinary degree, an honours degree, a diploma or a foundation degree; or
      - (ac) in respect of a course in operating department practice, an ordinary degree, an honours degree or a diploma; and
  - (b) the student begins the current part-time course on or after 1st August 2018.
- (8) Paragraph (5) 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 a loan for living costs in connection with the current part-time course.
- (9) Where paragraph (8) applies, the student qualifies for a loan for living costs in accordance with paragraphs (10) to (13).
- (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 a loan for living costs 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 a loan for living costs 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) any academic year of the current part-time course which the student has completed prior to the Secretary of State making the determination.
- (12) Paragraphs (10) and (11) do not apply if the Secretary of State considers that there are exceptional circumstances.
- (13) Where the Secretary of State considers that there are exceptional circumstances, the Secretary of State may determine that the student should qualify for a loan for living costs 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.
- (14) In paragraph (1)(b)(i), the “relevant date” means the first day of the first academic year of the relevant course.

#### Textual Amendments

- F2** Words in reg. 157B(6)(a)(i)(aa) 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), **29(2)(a)**
- F3** Reg. 157B(6)(a)(i)(ab) 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), **29(2)(b)**
- F4** Words in [reg. 157B\(6\)\(a\)\(i\)\(ab\)](#) 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)(b)(i)**
- F5** Words in [reg. 157B\(6\)\(a\)\(i\)\(ab\)](#) 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)(b)(ii)**
- F6** Reg. 157B(6A) 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), **29(3)**

#### Applications for a loan for living costs

**157C.**—(1) A person (the “applicant”) must apply for a loan for living costs 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 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—

- (a) whether the applicant is an eligible part-time student;
- (b) whether the applicant qualifies for a loan for living costs; and
- (c) the amount of the loan payable, if any.

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

(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 (2) of regulation 138A occurs after the first day of the academic year in respect of which the applicant is applying for a loan for living costs, 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 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;
- (c) the applicant is applying to borrow an additional amount of loan for living costs, 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.

### **Declarations provided by academic authorities**

**157D.**—(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) In this regulation, “declaration” means a statement that provides, for the purposes of this Part—

- (a) confirmation by the academic authority of—
    - (i) the period ordinarily required to complete the part-time course;
    - (ii) the number of modules, credits, credit points, points or other unit which the eligible part-time student is likely to obtain in each academic year of the part-time course;
    - (iii) the period ordinarily required to complete the full-time equivalent;
    - (iv) the number of modules, credits, credit points, points or other unit which a standard full-time student would be likely to obtain within the period ordinarily required to complete that course;
  - (b) 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).
- (4) For the purposes of paragraph (3)(b), 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)(ii);
  - (b) any parts of the course which the applicant has been required to repeat.

### **Information in connection with loans for living costs**

**157E.** Schedule 3 deals with the provision of information.

## CHAPTER 2

### Amount of loan for living costs

### **Maximum amount of loans for living costs: general**

**157F.**—(1) The maximum amount of a loan for living costs in connection with a designated part-time course is calculated as follows in respect of an academic year—

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- (a) where the student is an eligible part-time student with full entitlement, in accordance with regulation 157G;
  - (b) where the student is an eligible part-time student with reduced entitlement, in accordance with regulation 157H.
- (2) For the purposes of regulations 157G and 157H, the “relevant intensity of study” is calculated as follows—
- (a) where the intensity of study is less than 25 per cent, the relevant intensity of study is nil;
  - (b) where the intensity of study is 25 per cent or more, but less than 33.3 per cent, the relevant intensity of study is 25 per cent;
  - (c) where the intensity of study is 33.3 per cent or more, but less than 50 per cent, the relevant intensity of study is 33.3 per cent;
  - (d) where the intensity of study is 50 per cent or more, but less than 66.6 per cent, the relevant intensity of study is 50 per cent;
  - (e) where the intensity of study is 66.6 per cent or more, but less than 75 per cent, the relevant intensity of study is 66.6 per cent;
  - (f) where the intensity of study is 75 per cent or more, but less than 100 per cent, the relevant intensity of study is 75 per cent;
  - (g) where the intensity of study is 100 per cent or higher, the relevant intensity of study is 100 per cent.
- (3) An eligible part-time student with reduced entitlement is an eligible part-time student who opts, when applying for a loan for living costs, not to provide the information needed to calculate the household income.
- (4) In this Part—
- (a) an eligible part-time student (“X”) is in category A if X resides at X’s parents’ home while attending the designated part-time course;
  - (b) an eligible part-time student (“Y”) is in category B if Y is not in category A and Y attends one or more of the following—
    - (i) a course at the University of London; or
    - (ii) a course at an institution which requires attendance for at least half the time in aggregate of any quarter of the course in the academic year at a site wholly or partly within the area comprising the City of London and the former Metropolitan Police District;
  - (c) an eligible part-time student is in category C if the student is not in category A and—
    - (i) attends an overseas institution as part of the student’s course;
    - (ii) attends the Institute; or
    - (iii) attends an overseas work placement in an Erasmus year;
  - (d) an eligible part-time student is in category D if the student is not in categories A to C.

#### **Maximum amount of loans for living costs: eligible part-time students with full entitlement**

**157G.**—(1) Subject to Chapters 3 and 4 of this Part and paragraph (5), the maximum amount of loan for living costs for which an eligible part-time student with full entitlement qualifies in respect of an academic year of a designated part-time course is equal to—

$A \times (X - Y)$

where—

A is the relevant intensity of study; and

X is—

- (a) for a student in category A, [<sup>F7</sup>£7,747];
- (b) for a student in category B, [<sup>F8</sup>£12,010];
- (c) for a student in category C, [<sup>F9</sup>£10,539];
- (d) for a student in category D, [<sup>F10</sup>£9,203]; and

Y is—

- (a) for a student in category A, £1 for every complete [<sup>F7</sup>£7.66] by which the student's household income exceeds £25,000;
- (b) for a student in category B, £1 for every complete [<sup>F8</sup>£7.46] by which the student's household income exceeds £25,000;
- (c) for a student in category C, £1 for every complete [<sup>F9</sup>£7.51] by which the student's household income exceeds £25,000;
- (d) for a student in category D, £1 for every complete [<sup>F10</sup>£7.58] by which the student's household income exceeds £25,000.

(2) Subject to paragraph (4), the maximum amount of loan for living costs calculated in accordance with paragraph (1) is made up of—

- (a) a special support loan calculated in accordance with paragraph (3); and
- (b) a maintenance loan.

(3) The amount of special support loan is—

$A \times Z$

where—

A is the relevant intensity of study; and

Z is [<sup>F11</sup>£3,893].

(4) Where the amount of special support loan calculated in accordance with paragraph (3) is equal to or higher than the amount calculated in accordance with paragraph (1)—

- (a) the maximum amount of loan for living costs is made up of a special support loan only; and
- (b) the maximum amount of loan for living costs is equal to the amount calculated in accordance with paragraph (1).

(5) Where the maximum amount of loan for living costs is calculated in accordance with paragraph (1) and is less than the minimum level for the academic year specified in regulation 157J, the minimum level for the academic year is payable.

#### Textual Amendments

- F7** Sums in [reg. 157G\(1\)\(a\)](#) 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.](#)
- F8** Sums in [reg. 157G\(1\)\(b\)](#) 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.](#)
- F9** Sums in [reg. 157G\(1\)\(c\)](#) 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.](#)

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- F10** Sums in [reg. 157G\(1\)\(d\)](#) 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.](#)
- F11** Sum in [reg. 157G\(3\)](#) 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.](#)

### Maximum amount of loans for living costs: eligible part-time students with reduced entitlement

**157H.**—(1) Subject to Chapters 3 and 4 of this Part, the maximum amount of loan for living costs for which an eligible part-time student with reduced entitlement qualifies in respect of an academic year of a designated part-time course is equal to—

$(A \times B)$

where—

A is the relevant intensity of study; and

B is —

- (a) for a student in category A, the amount in regulation 80(1)(f)(i);
- (b) for a student in category B, the amount in regulation 80(1)(f)(ii);
- (c) for a student in category C, the amount in regulation 80(1)(f)(iii);
- (d) for a student in category D, the amount in regulation 80(1)(f)(iv).

(2) Subject to paragraph (4), the maximum amount of loan for living costs which is calculated in accordance with paragraph (1) is made up of—

- (a) a special support loan calculated in accordance with paragraph (3); and
- (b) a maintenance loan.

(3) The amount of special support loan is—

$(A \times Z)$

where—

A is the relevant intensity of study; and

Z is [<sup>F12</sup>£3,893].

(4) Where the amount of special support loan calculated in accordance with paragraph (3) is equal to or higher than the amount calculated in accordance with paragraph (1)—

- (a) the maximum amount of loan for living costs is made up of a special support loan only; and
- (b) the maximum amount of loan for living costs is equal to the amount calculated in accordance with paragraph (1).

### Textual Amendments

- F12** Sum in [reg. 157H\(3\)](#) 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.](#)



### Calculation of household income and residual income

**157I.**—(1) For the purposes of regulation 157G, an eligible part-time student’s household income is assessed in accordance with Schedule 6.

(2) The Secretary of State may require an eligible part-time student to provide from time to time such information as the Secretary of State considers necessary as to the income of any person whose means are relevant to the assessment of the student’s household income.

### Minimum level of loan for living costs for part-time courses

**157J.**—(1) Subject to paragraph (2), for an eligible part-time student with full entitlement, the “minimum level for the academic year” in regulation 157G is equal to—

$(A \times B)$

where—

A is the relevant intensity of study; and

B is

- (a) [<sup>F13</sup>£3,410] in the case of a student in category A;
- (b) [<sup>F14</sup>£5,981] in the case of a student in category B;
- (c) [<sup>F15</sup>£5,095] in the case of a student in category C;
- (d) [<sup>F16</sup>£4,289] in the case of a student in category D.

(2) Where different categories apply for different quarters of the academic year, the minimum level in paragraph (1) is the aggregate of the amounts determined under paragraph (3) for each of the quarters in respect of which a loan is payable.

(3) The amount determined for each quarter is one third of the amount in paragraph (1) which corresponds to the rate applicable for the quarter.

(4) The rate applicable for a quarter is determined in accordance with regulation 157L.

#### Textual Amendments

- F13** Sum in [reg. 157J\(1\)\(a\)](#) 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.](#)
- F14** Sum in [reg. 157J\(1\)\(b\)](#) 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.](#)
- F15** Sum in [reg. 157J\(1\)\(c\)](#) 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.](#)
- F16** Sum in [reg. 157J\(1\)\(d\)](#) 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.](#)

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## CHAPTER 3

### Miscellaneous

#### **Quarters in respect of which the loan for living costs is payable to eligible part-time students**

**157K.**—(1) Subject to regulation 138A, the loan for living costs is payable in respect of three quarters of the academic year.

(2) The loan for living costs is not payable in respect of the quarter in which, in the opinion of the Secretary of State, the longest of any vacation occurs.

#### **Part-time students falling into more than one category**

**157L.** Where an eligible part-time student falls into more than one of the categories set out in regulation 157F(4) in the course of the academic year—

- (a) the maximum amount of loan for living costs for the academic year is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the loan for living costs is payable;
- (b) the maximum amount of loan for living costs for each such quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year; and
- (c) the category which applies to a quarter is—
  - (i) the category into which the student falls for the longer or longest period in that quarter; or
  - (ii) if the student falls into more than one category for an equal period in that quarter, the category with the higher or the highest rate of loan for living costs for the academic year.

#### **Students who are treated as in attendance on a course**

**157M.**—(1) A student to whom this regulation applies is treated as being in attendance on the designated part-time course for the purpose of qualifying for the loan for living costs.

(2) This regulation applies to—

- (a) a student on a period of study or period of work placement in an Erasmus year;
- (b) a disabled student who is undertaking a designated part-time course in the United Kingdom but is not in attendance because the student is unable to attend for a reason which relates to the student's disability.

#### **Applying for an additional amount of loan for living costs**

**157N.**—(1) An eligible part-time student may apply to borrow an additional amount of loan for living costs where—

- (a) the Secretary of State determines that the maximum amount of loan for living costs in relation to an academic year should be increased (including an increase from nil); and
- (b) the Secretary of State considers that the increase in the maximum amount of the loan does not result from the eligible part-time student—
  - (i) failing to provide information promptly which might affect the student's ability to qualify for the loan in question or the amount of loan in question for which the student qualifies; or

(ii) providing information that is inaccurate in any material particular.

(2) The additional amount under paragraph (1) is an amount which, when added to the amount which the student has already applied for under regulation 157C, does not exceed the maximum amount of loan after it has been increased pursuant to paragraph (1)(a).

(3) Where an eligible part-time student has applied for a loan for living costs of less than the maximum amount to which the student is entitled in relation to the academic year, the 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 the student's case.

## CHAPTER 4

### Payments in connection with loans for living costs

#### **Provision of United Kingdom national insurance number**

**157O.**—(1) The Secretary of State may make it a condition of entitlement to payment of any loan under this Part that the eligible part-time student must provide the Secretary of State with the student's United Kingdom national insurance number.

(2) Where the Secretary of State has imposed a condition under paragraph (1), the Secretary of State must not make any payment of the loan to the eligible part-time student before the Secretary of State is satisfied that the student has complied with that condition.

(3) Despite paragraph (2), the Secretary of State may make a payment of loan to an eligible part-time student if the Secretary of State is satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible part-time student having complied with the condition imposed under paragraph (1).

#### **Information requirements and agreements to repay loans for living costs**

**157P.**—(1) The Secretary of State may at any time request from an eligible part-time student information that the Secretary of State considers is required to recover a loan for living costs.

(2) The Secretary of State may at any time require an eligible part-time student to enter into an agreement to repay a loan for living costs by a particular method.

(3) The Secretary of State may at any time request from an eligible part-time student sight of their valid national identity card, valid passport issued by the state of which they are a national or their birth certificate.

(4) Where the Secretary of State has requested information under this regulation, the Secretary of State may withhold any payment of a loan for living costs until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

(5) Where the Secretary of State has required an agreement as to the method of repayment under this regulation, the Secretary of State may withhold any payment of a loan for living costs until the person provides what has been required.

#### **Payment of loans for living costs**

**157Q.**—(1) The Secretary of State may pay loans for living costs under this Part in instalments.

(2) Subject to paragraph (4), the Secretary of State may pay loans for living costs at such times as the Secretary of State considers appropriate.

(3) An academic authority is required to send an attendance confirmation to the Secretary of State.

(4) The Secretary of State must not pay the first instalment under this Part or, where it has been determined not to pay the loan for living costs by instalments, make any payment of loans for

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living costs to the eligible part-time student before the Secretary of State has received an attendance confirmation from the relevant academic authority, unless an exception applies.

(5) An exception applies if the Secretary of State has determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.

(6) Where a final assessment cannot be made on the basis of the information provided by the student, the Secretary of State may make a provisional assessment and payment of support under this Part.

(7) Payments of loans for living costs are to 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.

(8) Where the Secretary of State has made any payment of a loan for living costs under this Part and a student who qualifies for a loan for living costs under this Part applies for such a loan or applies for an additional amount of loan in respect of an academic year, the Secretary of State may pay that loan or that additional amount of loan in such instalments (if any) and at such times as the Secretary of State considers appropriate as soon as is reasonably practicable after a satisfactory application has been received.

(9) Subject to paragraph (10), no loan for living costs under this Part is due in respect of any day of an academic year on which the eligible student is a prisoner, unless in the opinion of the Secretary of State it would be appropriate in all the circumstances for a loan for living costs to be paid in respect of that day.

(10) In deciding whether it would be appropriate for a loan for living costs to be due under paragraph (9) the circumstances to which the Secretary of State must have regard include the financial hardship which not paying the loan would cause and whether not paying the support would affect the student's ability to continue the course.

(11) No loan for living costs under this Part in respect of the current course is due in respect of any payment period beginning after an eligible part-time student's period of eligibility terminates.

(12) No loan for living costs under this Part is due in respect of a payment period during part of which an eligible part-time student is absent from the course, unless in the opinion of the Secretary of State it would be appropriate in all the circumstances for a loan for living costs to be paid in respect of the period of absence.

(13) In deciding whether it would be appropriate for a loan for living costs to be due under paragraph (12) the circumstances to which the Secretary of State must have regard include the reasons for the student's absence, the length of the absence and the financial hardship which not paying the loan would cause.

(14) An eligible part-time student is not to be considered absent from the student's course if the student is unable to attend due to illness and the student's absence has not exceeded 60 days.

(15) Where, after the Secretary of State has made any payment of a loan for living costs under this Part for which a student qualifies in respect of an academic year, the Secretary of State makes a determination that the amount of loan for living costs for which the student qualifies is less than the amount previously determined either by way of a revision of a provisional assessment or otherwise—

- (a) the Secretary of State must subtract from any amount of loan which remains to be paid under this Part such amount as is necessary to ensure that the student does not borrow an amount of loan under this Part which is greater than that for which the student qualifies;
- (b) if the amount to be subtracted is greater than the amount of loan remaining to be paid under this Part, the amount of that loan remaining to be paid is reduced to nil;

- (c) any remaining overpayment is recoverable in accordance with regulation 157R.
- (16) In this regulation—
- (a) “attendance confirmation” means—
- (i) confirmation from the academic authority that the student has enrolled for the academic year where—
    - (aa) the student is applying for support in connection with a designated part-time course for the first time;
    - (bb) the student has a disability; and
    - (cc) the student is undertaking the course but not attending (regardless of whether the reason for not attending relates to the student’s disability);
  - (ii) confirmation from the academic authority that the student has been present at the institution and begun to attend the course where—
    - (aa) the student is applying for support in connection with a designated part-time course for the first time;
    - (bb) the student’s status as an eligible part-time student has not been transferred to the course from another designated part-time course at the same institution;
    - (cc) the student’s status has not been converted to that of an eligible part-time student after the student has transferred from a designated course to a designated part-time course at the same institution; and
    - (dd) sub-paragraph (i)(cc) does not apply; or
  - (iii) confirmation from the academic authority that the student has enrolled for the academic year where—
    - (aa) the student is applying for support in connection with a designated part-time course other than for the first time;
    - (bb) the student is applying for support in connection with a designated part-time course for the first time after the student’s status as an eligible part-time student has been transferred to that course from another designated part-time course at the same institution; or
    - (cc) the student is applying for support in connection with a designated part-time course for the first time after the student’s status as an eligible student has been converted to that of an eligible part-time student after the student has transferred from a designated course to a designated part-time course at the same institution;
- (b) “payment period” means a period in respect of which the Secretary of State pays loans for living costs or would have paid such support if the eligible part-time student’s period of eligibility had not terminated.

### **Overpayments of loans for living costs**

**157R.**—(1) 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 loans for living costs to which the student is entitled under this Part.

(2) Any overpayment of a loan for living costs in respect of any academic year is recoverable by the Secretary of State from the student to whom the payment was made.

(3) The methods of recovery are—

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- (a) 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;
- (b) requiring the student to repay the loan in accordance with regulations made under section 22 of the 1998 Act;
- (c) taking such other action for the recovery of an overpayment as is available to the Secretary of State.]

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