

## STATUTORY INSTRUMENTS

# 2011 No. 1986

## The Education (Student Support) Regulations 2011

### PART 4

#### FEE [<sup>F1</sup>LOANS]

##### Textual Amendments

- F1** Word in Pt. 4 heading substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(a)**

#### CHAPTER 1

#### GENERAL

##### Previous course

- 12.—(1) Subject to the exceptions in paragraphs (4) to (7), a “previous course” is—
- (a) where the current course began before 1st September 2009, any full-time higher education course, a course for the initial training of teachers or a course designated under regulation 5(10), which the student attended or, in the case of [<sup>F2</sup>an intensive course] or [<sup>F3</sup>a full-time] distance learning course, undertook before the current course and which meets [<sup>F4</sup>any] of the conditions in paragraph (2);
  - (b) where the current course begins on or after 1st September 2009—
    - (i) a lower level qualification achieved following a full-time or part-time higher education course, a course for the initial training of teachers or a course designated under regulation 5(10), which the student attended or, in the case of [<sup>F2</sup>an intensive course] or a [<sup>F5</sup>... distance learning course, undertook before the current course;
    - (ii) a full-time higher education course, a course for the initial training of teachers or a course designated under regulation 5(10), which the student attended, or in the case of [<sup>F2</sup>an intensive course] or a [<sup>F6</sup>full-time] distance learning course, undertook before the current course where the student studied but did not achieve a qualification and which meets [<sup>F7</sup>any] of the conditions in paragraph (3); or
    - (iii) a full-time higher education course, a course for the initial training of teachers or a course designated under regulation 5(10), which the student attended or, in the case of [<sup>F2</sup>an intensive course] or [<sup>F8</sup>a full-time] distance learning course, undertook before the current course where—
      - (aa) the course meets [<sup>F9</sup>any] of the conditions in paragraph (2); and
      - [<sup>F10</sup>(bb) the student’s status as an eligible student has been transferred or converted under these Regulations to the current course from a course which began before 1st September 2009.]

**Status:** Point in time view as at 31/12/2020.

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

- (2) The conditions are—
- [<sup>F11</sup>(a) the course was provided by an institution which was a registered provider in England or by a publicly funded institution in the United Kingdom for some or all of the academic years during which the student attended or undertook the course;
- (aa) the course was provided by an accredited institution which was an unregistered provider for some or all of the academic years during which the student attended or undertook the course; or]
- (b) any scholarship, exhibition, bursary, grant, allowance or [<sup>F12</sup>statutory award] which was paid in respect of the student's attending or, in the case of [<sup>F2</sup>an intensive course] or a [<sup>F13</sup>... distance learning course, undertaking the course to defray fees was from public funds or funds attributable to public funds.
- (3) The conditions are—
- (a) the course was provided at [<sup>F14</sup>a registered provider or] a publicly funded institution whether or not in the United Kingdom [<sup>F15</sup>or a regulated institution] for some or all of the academic years during which the student attended or undertook the course; [<sup>F16</sup>...
- [<sup>F17</sup>(aa) the course was provided by an accredited institution which was an unregistered provider for some or all of the academic years during which the student attended or undertook the course; or]
- (b) any scholarship, exhibition, bursary, grant, allowance or [<sup>F18</sup>statutory award] which was paid in respect of the student's attending or, in the case of [<sup>F2</sup>an intensive course] or a [<sup>F19</sup>full-time] distance learning course, undertaking the course to defray fees was from public funds or funds attributable to public funds.
- (4) A course which would otherwise be a previous course will not be treated as such if—
- (a) the current course is a course for the initial training of teachers;
- (b) the duration of the current course does not exceed two years where the current course is—
- (i) a full-time course; or
- (ii) a part-time course (the duration of which being expressed as its full-time equivalent) and either the current course—
- (aa) began before 1st September 2010; or
- (bb) begins on or after 1st September 2010 where the student transfers to the current course pursuant to regulation 7 from a course for the initial training of teachers beginning before 1st September 2010); and
- (c) the student is not a qualified teacher.
- [<sup>F20</sup>(4A) A course which would otherwise be a previous course is not [<sup>F21</sup>... [<sup>F22</sup>to be] treated as such if the current course—
- (a) is a pre-registration course in an allied health profession subject, midwifery, nursing, nursing and social work, or operating department practice;
- [<sup>F23</sup>(b) leads to—
- (i) an ordinary degree or an honours degree;
- (ii) in respect of a course in a dental profession subject, an ordinary degree, an honours degree, a diploma or a foundation degree; or
- (iii) in respect of a course in operating department practice, an ordinary degree, an honours degree or a diploma;]

- (c) begins on or after 1st August 2017<sup>F24</sup>.... [<sup>F25</sup>or, in the case of a course in a dental profession subject, begins on or after 1st August 2018]
- (4B) [<sup>F26</sup>A course which would otherwise be a previous course is not to be treated as such if the current course is a postgraduate pre-registration course which begins on or after 1st August 2018.]
- (5) A course which would otherwise be a previous course will not be treated as such if the current course is a graduate entry accelerated programme.
- (6) A course for the Certificate in Education which would otherwise be a previous course will not be treated as such if—
- (a) the current course is a course for the degree (including an honours degree) of Bachelor of Education; and
  - (b) the student transferred to the current course from the course for the Certificate in Education before the completion of that course or began the current course on completion of the course for the Certificate in Education.
- (7) A course for the degree (other than an honours degree) of Bachelor of Education will not be treated as a previous course if—
- (a) the current course is a course for the honours degree of Bachelor of Education; and
  - (b) the student transferred to the current course from the course for the degree (other than an honours degree) of Bachelor of Education before the completion of that course or began the current course on completion of the course for the degree (other than an honours degree) of Bachelor of Education.
- (8) Subject to paragraphs (9), (10) and (11), for the purpose of determining PC in the [<sup>F27</sup>formula in regulation 21] —
- (a) each academic year that the student completed on a previous course is counted; and
  - (b) an academic year of a previous course that the student began or ceased to attend part of the way through the year is counted as one academic year on a previous course.
- (9) For the purpose of determining PC in the [<sup>F28</sup>formula in regulation 21] where the student began the current course before 1st September 2009, an academic year of a previous course is not to be counted as a year spent on a previous course if—
- (a) the student did not qualify for [<sup>F29</sup>a fee loan] for that year other than because the academic year was a bursary year or an Erasmus year; and
  - (b) the student qualified for [<sup>F30</sup>a fee loan] for some but not all of the other academic years of that previous course.
- (10) For the purpose of determining PC in the [<sup>F31</sup>formula in regulation 21], an academic year of a previous course is not to be counted as a year spent on a previous course if it was a year of repeat study that the student was taking for compelling personal reasons or a year in relation to which the student qualified for [<sup>F32</sup>a fee loan] because the student had failed to complete a previous course for compelling personal reasons.
- (11) For the purpose of determining PC in the [<sup>F33</sup>formula in regulation 21], where a student (“A”) transfers from an academic year of one designated course to an academic year of another designated course before the Secretary of State considers that A has completed the year from which A is transferring, the time spent by A during the academic year in which the transfer takes place on the course from which A is transferring is not counted as a year spent on a previous course.
- (12) A student (“A”) who undertook a previous course but was not in attendance because A was unable to attend for a reason which related to A's disability is only<sup>F34</sup>... [<sup>F35</sup>to be] treated as having been in attendance on the previous course in respect of periods of study beginning on or after 1st September 2006.

**Status:** Point in time view as at 31/12/2020.

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

## Textual Amendments

- F2** Words in reg. 12 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), **6(2)**
- F3** Words in reg. 12(1)(a) substituted (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), **6(4)**
- F4** Word in reg. 12(1)(a) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **18(2)**
- F5** Word in reg. 12(1)(b)(i) omitted (7.11.2014) by virtue of The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **5(a)(i)**
- F6** Word in reg. 12(1)(b)(ii) substituted (7.11.2014) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **5(a)(ii)**
- F7** Word in reg. 12(1)(b)(ii) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **18(2)**
- F8** Words in reg. 12(1)(b)(iii) substituted (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), **6(4)**
- F9** Word in reg. 12(1)(b)(iii)(aa) substituted (13.2.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **18(2)**
- F10** Reg. 12(1)(b)(iii)(bb) substituted (7.11.2014) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **5(a)(iii)**
- F11** Reg. 12(2)(a)(aa) substituted for reg. 12(2)(a) (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), **6(3)**
- F12** Words in reg. 12(2)(b) substituted (7.11.2014) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **5(b)(i)**
- F13** Word in reg. 12(2)(b) omitted (7.11.2014) by virtue of The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **5(b)(ii)**
- F14** Words in reg. 12(3)(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), **6(4)(a)(i)**
- F15** Words in reg. 12(3)(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), **6(4)(a)(ii)**
- F16** Word in reg. 12(3)(a) omitted (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), **6(4)(a)(iii)**
- F17** Reg. 12(3)(aa) 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), **6(4)(b)**
- F18** Words in reg. 12(3)(b) substituted (7.11.2014) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **5(c)(i)**
- F19** Word in reg. 12(3)(b) substituted (7.11.2014) by The Education (Student Support) (Amendment) Regulations 2014 (S.I. 2014/2765), regs. 1(2), **5(c)(ii)**
- F20** Reg. 12(4A) 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), **6**
- F21** Words in reg. 12(4A) 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), **8(2)(a)** (with reg. 3)

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

- F22** Words in reg. 12(4A) 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), **6(2)(a)**
- F23** Reg. 12(4A)(b) 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), **6(2)(b)**
- F24** Words in reg. 12(4A)(c) 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), **8(2)(c)** (with reg. 3)
- F25** Words in reg. 12(4A)(c) 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), **6(2)(c)**
- F26** Reg. 12(4B) 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), **6(3)**
- F27** Words in reg. 12(8) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(b)(i)**
- F28** Words in reg. 12(9) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(b)(i)**
- F29** Words in reg. 12(9)(a) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(b)(ii)**
- F30** Words in reg. 12(9)(b) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(b)(ii)**
- F31** Words in reg. 12(10) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(b)(i)**
- F32** Words in reg. 12(10) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(b)(iii)**
- F33** Words in reg. 12(11) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(b)(i)**
- F34** Words in reg. 12(12) 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), **8(4)** (with reg. 3)
- F35** Words in reg. 12(12) 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), **6(4)**

## Miscellaneous

**13.—**(1) Subject to paragraphs (2) to (4), an eligible student does not qualify for [<sup>F36</sup>a fee loan] under this Part if—

- (a) the student has an honours degree from an 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 7 from a course which began before 1st September 2009; or
- (b) the current course leads to an equivalent or lower qualification, where the student begins the course on or after 1st September 2009.
- (2) Paragraph (1) does not apply where—
- (a) the current course is a course for the initial training of teachers;
  - (b) the duration of the current course does not exceed two years where the current course is—
    - (i) a full-time course; or

*Status: Point in time view as at 31/12/2020.*

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

(ii) a part-time course (the duration of which being expressed as its full-time equivalent) and either the current course—

(aa) began before 1st September 2010; or

(bb) begins on or after 1st September 2010 where the student transfers to the current course pursuant to regulation 7 from a course for the initial training of teachers beginning before 1st September 2010); and

(c) the student is not a qualified teacher.

[<sup>F37</sup>(2A) Paragraph (1) does not apply where the current course—

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

[<sup>F38</sup>(b) leads to—

(i) an ordinary degree or an honours degree;

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

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

(c) begins on or after 1st August 2017 <sup>F39</sup>... [<sup>F40</sup>or, in the case of a course in a dental profession subject, begins on or after 1st August 2018]]

(2B) [<sup>F41</sup>Paragraph (1) does not apply where the current course is a postgraduate pre-registration course which begins on or after 1st August 2018.]

(3) Paragraph (1) does not apply where the current course is a graduate entry accelerated programme.

[<sup>F42</sup>(3A) Paragraph (1) does not apply to a current system student 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 fee loan under Chapter 3 of this Part in respect of an academic year of the current course.]

(4) Where the current course is considered to be a single course because of regulation 5(8) and (9) and it leads to a honours degree from an institution in the United Kingdom being conferred on the eligible student before the final degree or equivalent qualification, the eligible student is not prevented from qualifying for [<sup>F43</sup>a fee loan] under this Part in respect of any part of the single course by virtue of having that honours degree.

(5) Where an institution allows an eligible student to study the content of one standard academic year of the designated course over two or more academic years, for the purpose of determining whether the student qualifies for [<sup>F44</sup>a fee loan] for those years, the last of such years of study is to be treated as a standard academic year and the preceding years of that kind are to be treated as years of repeat study other than for compelling personal reasons.

(6) Where the eligible student is undertaking a designated course which is a distance learning course, the student does not qualify for support in respect of that course unless the Secretary of State considers that the student is undertaking the course in England [<sup>F45</sup>on the first day of the first academic year].

[<sup>F46</sup>(6A) For the purposes of paragraph (6), 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—

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

- (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.]

[<sup>F47</sup>(7) A student qualifying for support in respect of a distance learning course will no longer qualify for support in respect of that course if the Secretary of State considers that the student is undertaking the course outside the United Kingdom.]

[<sup>F48</sup>(8) Paragraphs (6) and (7) 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.]

#### Textual Amendments

- F36** Words in reg. 13(1) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(c)**
- F37** Reg. 13(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), **7(a)**
- F38** Reg. 13(2A)(b) 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), **7(2)(a)**
- F39** Words in reg. 13(2A)(c) 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), **9(2)(b)** (with reg. 3)
- F40** Words in reg. 13(2A)(c) 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), **7(2)(b)**
- F41** Reg. 13(2B) 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), **7(3)**
- F42** Reg. 13(3A) 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), **6**
- F43** Words in reg. 13(4) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(c)**
- F44** Words in reg. 13(5) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(c)**
- F45** Words in reg. 13(6) inserted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **10(a)**
- F46** Reg. 13(6A) 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(1)**
- F47** Reg. 13(7) inserted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **10(b)**
- F48** Reg. 13(8) 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), **7(b)**

**Status:** Point in time view as at 31/12/2020.

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

## CHAPTER 2

### [<sup>F49</sup>Availability of fee loans]

#### Textual Amendments

**F49** Pt. 4 Ch. 2 heading substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(d)**

#### Current system students

**14.** A current system student (“A”) qualifies for a fee loan in respect of the fees payable by A in connection with A's attendance on or undertaking of a designated course in accordance with Chapter 3 of this Part.

#### Old system students

<sup>F50</sup>**15.** . . . . .

#### Textual Amendments

**F50** Reg. 15 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(e)**

#### Students becoming eligible in the course of an academic year

**16.** Where one of the events listed in regulation 17 occurs in the course of an academic year—

- (a) a student may qualify for [<sup>F51</sup>a fee loan] in accordance with this Part in respect of that academic year provided that [<sup>F52</sup>, with the exception of an event mentioned in paragraph (a) of that regulation,] the relevant event occurred within the first three months of the academic year; and
- (b) [<sup>F53</sup>a fee loan] is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

#### Textual Amendments

**F51** Words in reg. 16(a) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(f)**

**F52** Words in reg. 16(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), 7

**F53** Words in reg. 16(b) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(f)**

#### Events

**17.** The events are—

- [<sup>F54</sup>(a) the student's course becomes a designated course—
  - (i) under regulation 5(10);



- (ii) by virtue of the course being provided by or on behalf of an English higher education provider which becomes a registered provider; or
- (iii) by virtue of the course becoming a Northern Irish designated full-time course, a Scottish designated full-time course or a Welsh designated full-time course;]
- (b) the student or the student's spouse, civil partner or parent is recognised as a refugee or becomes [<sup>F55</sup>a person granted stateless leave or] a person granted humanitarian protection;
- (c) a state accedes to the EU where the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;
- (d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EU national [<sup>F56</sup>or of a person who is eligible under paragraph 9 of Part 2 of Schedule 1 by virtue of paragraph 9(4) of Part 2 of that Schedule other than as a family member];
- [<sup>F57</sup>(e) the student becomes a person described in paragraph 3(1)(a) of Schedule 1;]
- (f) the student becomes the child of a Turkish worker;
- (g) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; <sup>F58</sup> ...
- (h) the student becomes the child of a Swiss national [<sup>F59</sup>; <sup>F60</sup> ...]
- (i) [<sup>F61</sup>the person becomes a person granted section 67 leave;]
- [<sup>F62</sup>(j) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; <sup>F63</sup> ...]
- [<sup>F64</sup>(k) the student becomes a person granted Calais leave.][<sup>F65</sup>; or
- (l) the student becomes a person granted indefinite leave to remain as a bereaved partner.]

#### Textual Amendments

- F54** Reg. 17(a) substituted (with application in accordance with reg. 1(2)(a) 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), **4(1)(c)**
- F55** Words in reg. 17(b) inserted (with application in accordance with reg. 1(4) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **7(3)**
- F56** Words in reg. 17(d) inserted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **5(a)**
- F57** Reg. 17(e) substituted (31.12.2020) by [The Education \(Student Fees, Awards and Support\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1181\)](#), regs. 1(3), **5(b)**
- F58** Word in reg. 17(g) omitted (with application in accordance with reg. 1(2)(3)(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), **36(3)(a)**
- F59** Word in reg. 17(h) substituted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **36(3)(b)**
- F60** Word in reg. 17(h) omitted (with application in accordance with reg. 1(3)(a) 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), **2(3)(b)(i)**
- F61** Reg. 17(i) inserted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **36(3)(c)**

**Status:** Point in time view as at 31/12/2020.

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

- F62** Reg. 17(j) inserted (with application in accordance with reg. 1(3)(a) 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), **2(3)(b)(ii)**
- F63** Word in reg. 17(j) omitted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **13(3)(a)**
- F64** Reg. 17(k) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/48), regs. 1(1), **3(3)(c)**
- F65** Reg. 17(l) and word inserted (with application in accordance with reg. 1(4)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **13(3)(b)**

### Students to be treated as in attendance on a course

**18.—**(1) A student to whom this regulation applies is treated as if the student were in attendance on the designated course for the purpose of qualifying for [<sup>F66</sup>a fee loan].

(2) This regulation applies to—

- (a) [<sup>F67</sup>a student undertaking an intensive course]; or
- (b) a disabled student who—
- (i) is not [<sup>F67</sup>a student undertaking an intensive course]; and
- (ii) is undertaking a designated course <sup>F68</sup>... 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.

### Textual Amendments

- F66** Words in reg. 18(1) substituted (26.11.2020) by The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/1203), regs. 1(2), **3(5)(g)**
- F67** Words in reg. 18 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), **9**
- F68** Words in reg. 18(2)(b)(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), **6**

## CHAPTER 3

### FEE LOANS FOR CURRENT SYSTEM STUDENTS

#### Availability of fee loans to current system students - general

**19.—**<sup>F69</sup>(1) .....

(2) Subject to paragraph (3), a current system student does not qualify for a fee loan in respect of an academic year of a designated course that is [<sup>F70</sup>—

- (a) a bursary year;
- (b) an Erasmus year of a course provided by an institution in Northern Ireland <sup>F71</sup>...; or
- (c) an Erasmus year of a course provided by an institution in England [<sup>F72</sup>, Wales or Scotland] where the course began before 1st September 2012].

(3) Paragraph (2) does not apply where the current course is the graduate entry accelerated programme.

[<sup>F73</sup>(3A) A current system student qualifies for a fee loan in respect of an academic year of the current course in accordance with paragraphs (3B) to [<sup>F74</sup>(3E)] where the Secretary of State determines that the conditions in regulation 13(3A) are satisfied.

(3B) If the Secretary of State makes the determination before the first day of the first academic year of the current course then the current system student qualifies for a fee loan in respect of the first academic year of the current course.

(3C) If the Secretary of State makes the determination on or after the first day of the first academic year of the current course then the current system student qualifies for a fee loan in respect of—

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

[<sup>F75</sup>(3D) Paragraphs (3B) and (3C) do not apply if the Secretary of State considers that there are exceptional circumstances.]

[<sup>F76</sup>(3E) Where the Secretary of State considers that there are exceptional circumstances, the Secretary of State may determine that the student should qualify for a fee loan in respect of one or more academic years of the current course, as appropriate, whether or not the student has completed those academic years prior to the Secretary of State making the determination.]

(4) When assessing an application for support in respect of an academic year of a designated course, the Secretary of State must determine the “standard entitlement”.

(5) The standard entitlement is calculated in accordance with regulation 20, 21 or 22.

(6) When assessing an application for support in respect of an academic year of a designated course, the Secretary of State must allocate a fee loan from the standard entitlement first to the final standard academic year of the course and then to each preceding standard academic year in turn until the standard entitlement is exhausted or a fee loan has been allocated to each standard academic year of the course.

(7) A current system student qualifies for a fee loan in respect of a standard academic year of the designated course if the Secretary of State allocates a fee loan to that year when assessing the application for support for that year.

[<sup>F77</sup>(8) In addition to the standard entitlement, a current system student who falls within regulation 21 and has failed to complete the most recent previous course because of compelling personal reasons qualifies for a fee loan in respect of the first academic year that the student takes of the designated course that is not—

- (a) a bursary year;
- (b) an Erasmus year of a course provided by an institution in Northern Ireland <sup>F78</sup>...; or
- (c) an Erasmus year of a course provided by an institution in England [<sup>F79</sup>, Wales or Scotland] which began before 1st September 2012.]

(9) Where a current system student qualifies for a fee loan under paragraph (8), the Secretary of State must not allocate a fee loan under paragraph (6) to the first academic year that the student takes of the designated course that is not [<sup>F80</sup>—

- (a) a bursary year;
- (b) an Erasmus year of a course provided by an institution in Northern Ireland <sup>F81</sup>...; or

*Status: Point in time view as at 31/12/2020.*

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

- (c) an Erasmus year of a course provided by an institution in England [<sup>F82</sup>, Wales or Scotland] where the course began before 1st September 2012].

[<sup>F83</sup>(9A) In addition to the standard entitlement, a current system student qualifies for a fee loan in respect of an academic year of a current course in accordance with paragraphs (9B) to [<sup>F84</sup>(9E)] where—

- (a) the student falls within regulation 21 or 22; and
- (b) the Secretary of State determines that—
  - (i) the student has provided all information required by the Secretary of State in relation to all courses which have been undertaken and qualifications which are held by the student;
  - (ii) that information is accurate; and
  - (iii) the Secretary of State has provided written notification that the student qualifies for a fee loan under this regulation in respect of an academic year of the current course.

(9B) If the Secretary of State makes the determination in paragraph (9A)(b) before the first day of the first academic year of the current course then the current system student qualifies for a fee loan in respect of the first academic year of the current course.

(9C) If the Secretary of State makes the determination in paragraph (9A)(b) on or after the first day of the first academic year of the current course then the current system student qualifies for a fee loan in respect of—

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

[<sup>F85</sup>(9D) Paragraphs (9B) and (9C) do not apply if the Secretary of State considers that there are exceptional circumstances.]

[<sup>F86</sup>(9E) Where the Secretary of State considers that there are exceptional circumstances, the Secretary of State may determine that the student should qualify for a fee loan in respect of one or more academic years of the current course, as appropriate, whether or not the student has completed those academic years prior to the Secretary of State making the determination.]

(10) In addition to the standard entitlement, if the Secretary of State determines that the student is repeating an academic year of the designated course because of compelling personal reasons, a current system student qualifies for a fee loan in respect of the year of repeat study provided that the academic year that the student is repeating was a qualifying year of study and the year of repeat study is not a bursary year.

(11) A current system student qualifies for a fee loan in respect of an academic year of a designated course that is a year of repeat study which the student is taking other than for compelling personal reasons if—

- (a) the academic year which the student is repeating was a qualifying year of study;
- (b) the academic year of repeat study is not a bursary year; and
- (c) when the academic year of repeat study is added to the number of any other academic years of repeat study that the student has already taken on the current course other than for compelling personal reasons, it does not exceed the number of additional years of support.

(12) In this regulation, the “number of additional years of support” is the number of years which make up the standard entitlement less the number of standard academic years (plus one where the student qualifies for a fee loan under paragraph (8)).

(13) The amount of the fee loan in respect of an academic year is determined in accordance with regulation 23 and may be nil.]]

### Textual Amendments

- F69** Reg. 19(1) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(3)(a), **10**
- F70** Words in reg. 19(2) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **7(a)**
- F71** Words in reg. 19(2)(b) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **8(a)**
- F72** Words in reg. 19(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), **8(b)**
- F73** Reg. 19(3A)-(3D) 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), **7(a)**
- F74** Word in reg. 19(3A) substituted (27.2.2018) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **4(1)(a)**
- F75** Reg. 19(3D) substituted (27.2.2018) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **4(1)(b)**
- F76** Reg. 19(3E) inserted (27.2.2018) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **4(1)(c)**
- F77** Reg. 19(8) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **7(b)**
- F78** Words in reg. 19(8)(b) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **8(c)**
- F79** Words in reg. 19(8)(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), **8(d)**
- F80** Words in reg. 19(9) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **7(c)**
- F81** Words in reg. 19(9)(b) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2017 \(S.I. 2017/114\)](#), regs. 1(3), **8(e)**
- F82** Words in reg. 19(9)(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), **8(f)**
- F83** Reg. 19(9A)-(9D) 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), **7(b)**
- F84** Word in reg. 19(9A) substituted (27.2.2018) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **4(1)(d)**
- F85** Reg. 19(9D) substituted (27.2.2018) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **4(1)(e)**

**Status:** Point in time view as at 31/12/2020.

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

**F86** Reg. 19(9E) inserted (27.2.2018) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018 (S.I. 2018/137), regs. 1(2), **4(1)(f)**

### Standard entitlement of current system students who have not studied on a previous course

**20.** The standard entitlement of a current system student who has not studied on a previous course is calculated as follows—

$$OD + 1$$

where

*OD* is the number of academic years that make up the ordinary duration of the course.

### Standard entitlement of current system students who have transferred from or otherwise studied on a previous course

**21.—(1)** The standard entitlement of a current system student who has studied on a previous course and who does not fall within regulation 22 is calculated as follows—

$$(OD + 1) - PC$$

where

*OD* is the number of academic years that make up the ordinary duration of the course

*PC* is the number of academic years that the student has spent on previous courses.

(2) For the purposes of this regulation, a “current system student who has studied on a previous course” includes a current system student whose status as an eligible student has been transferred to the current course as a result of one or more transfers of that status by the Secretary of State pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act from a designated course which—

- (a) is a previous course; and
- (b) the student began on or after 1st September 2006.

### Standard entitlement of current system students on end-on courses and certain degree courses

**22.—(1)** Where the current course began before 1st September 2009, this regulation applies to—

- (a) a current system student who is on an end-on course of the kind described in paragraph (a) or (b) of the definition of “end-on course” in regulation 2;
- (b) a current system student who—
  - (i) has completed a full-time course mentioned in paragraph 2 or 3 of Schedule 2;
  - (ii) is on a full-time first degree course (other than a first degree course for the initial training of teachers) that the student did not begin immediately after the course referred to in paragraph (i); and
  - (iii) has not taken [<sup>F87</sup>(in whole or in part)] a full-time first degree course after the course referred to in paragraph (i) and before the current course;
- (c) a current system student who—

- (i) has completed a full-time foundation degree course;
- (ii) is on a full-time honours degree course that the student did not begin immediately after the course referred to in paragraph (i); and
- (iii) has not taken [<sup>F88</sup>(in whole or in part)] a full-time first degree course after the course referred to in paragraph (i) and before the current course.

[<sup>F89</sup>(2) Where the current course begins on or after 1st September 2009, this regulation applies to a current system student who—

- (a) has completed a course mentioned in paragraph 2, 3 or 4 of Schedule 2 or overseas equivalent, or a foundation degree course or overseas equivalent, on a full-time, part-time or full-time distance learning basis, or [<sup>F90</sup>an intensive course] and achieved a qualification;
  - (b) is on a full-time honours degree course (other than a first degree course for the initial training of teachers); and
  - (c) has not taken [<sup>F91</sup>(in whole or in part)] a full-time first degree course after the course referred to in paragraph (a) and before the current course.]
- (3) Regulations 20 and 21 do not apply to students to whom this regulation applies.
- (4) The standard entitlement of a student to whom paragraph (1) applies is calculated as follows—

$$(D + X) - PrC$$

where

*D* is the greater of 3 and the number of academic years that make up the ordinary duration of the course

*X* is 1 where the ordinary duration of the preliminary course (or preliminary courses in total) was less than three years and 2 where the ordinary duration of the preliminary course (or preliminary courses in total) was three years

*PrC* is the number of academic years that the student spent on preliminary courses [<sup>F92</sup>(including any academic years that the student began or ceased to attend part of the way through the year),] excluding any years of repeat study for compelling personal reasons.

(5) [<sup>F93</sup>...The standard entitlement of a student to whom paragraph (2) applies is calculated as follows—

$$(D + X) - PrC$$

where

*D* is the greater of 3 and the number of academic years that make up the ordinary duration of the course

*X* is—

1 where the ordinary duration of the preliminary course (or preliminary courses in total) was less than three years, [<sup>F94</sup>and]

[<sup>F95</sup>where the ordinary duration of the preliminary course (or preliminary courses in total) was three years or more, the ordinary duration minus 1]

*PrC* is the number of academic years that the student spent on preliminary courses [<sup>F96</sup>(including any academic years that the student began or ceased to attend part of the way through the year),] excluding any years of repeat study for compelling personal reasons.

**Status:** Point in time view as at 31/12/2020.

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

<sup>F97</sup>(6) .....

#### Textual Amendments

- F87** Words in reg. 22(1)(b)(iii) inserted (15.1.2014) by [The Education \(Fees and Student Support\) \(Amendment\) Regulations 2013 \(S.I. 2013/3106\)](#), regs. 1(2), **6**
- F88** Words in reg. 22(1)(c)(iii) inserted (15.1.2014) by [The Education \(Fees and Student Support\) \(Amendment\) Regulations 2013 \(S.I. 2013/3106\)](#), regs. 1(2), **6**
- F89** Reg. 22(2) substituted (1.8.2012) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **11(a)**
- F90** Words in reg. 22(2) 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), **10**
- F91** Words in reg. 22(2)(c) inserted (15.1.2014) by [The Education \(Fees and Student Support\) \(Amendment\) Regulations 2013 \(S.I. 2013/3106\)](#), regs. 1(2), **6**
- F92** Words in reg. 22(4) inserted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **11(a)**
- F93** Words in reg. 22(5) 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), **8(a)**
- F94** Word in reg. 22(5) inserted (1.8.2013) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(3), **8(b)**
- F95** Words in reg. 22(5) substituted (1.8.2013) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(3), **8(c)**
- F96** Words in reg. 22(5) inserted (23.12.2015) by [The Education \(Student Support\) \(Amendment\) Regulations 2015 \(S.I. 2015/1951\)](#), regs. 1(2), **11(b)**
- F97** Reg. 22(6) omitted (1.8.2012) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2012 \(S.I. 2012/1653\)](#), regs. 1(3), **11(b)**

#### Amount of the fee loan

23.—(1) For the purposes of this Part,—

- (a) where a student (“A”) transfers to the current course pursuant to regulation 7 on or after 1st September 2012 from a full time course beginning before 1st September 2012; or
- (b) where the current course is an end-on course of the kind described in paragraph (e) of the definition of “end-on course” in regulation 2;

the current course is treated as beginning before 1st September 2012 in relation to A.

[<sup>F98</sup>(1A) In this regulation “new accelerated course” means an accelerated course which begins on or after 1st August 2019.]

(2) The amount of a fee loan in respect of an academic year of a designated course must not exceed the lesser of—

- (a) the fees payable by the student in connection with that year; and
- (b) the maximum amount.

(3) For the purposes of this regulation, the “maximum amount” means—

- (a) £3,465 where the current course began before 1st September 2012 unless paragraph (5) [<sup>F99</sup>, (5A)] [<sup>F100</sup>, (6), (6A) or (6B)] applies; <sup>F101</sup> ...
- (b) [<sup>F102</sup>£9,250] where the current course—
  - (i) begins on or after 1st September 2012; and



- (ii) is provided by or on behalf of [<sup>F103</sup>an approved (fee cap) provider][<sup>F104</sup>in England];  
unless paragraph [<sup>F105</sup>(3)(d),] (6) [<sup>F106</sup>, (6A), (6B), (6C) or (8)][<sup>F107</sup>applies;]
- [<sup>F108</sup>(c) £9,250 where the current course is a course for the initial training of teachers provided by an accredited institution which is an unregistered provider, unless paragraph (6)(b), (6A) (b), (6B)(b) or (6C) applies; or
- (d) where the current course is a new accelerated course provided by or on behalf of an approved (fee cap) provider in England—
- (i) £11,100 unless paragraph (7A), (7B) or (7C) applies;
- (ii) £2,220 where paragraph (7A) applies; or
- (iii) £1,660 where paragraph (7B) or (7C) applies.]
- [<sup>F109</sup>(4) Where the current course begins on or after 1st September 2012 and—
- (a) is provided by an approved provider in England (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution);
- (b) is provided by an unregistered provider, a private institution or a non-regulated institution on behalf of an approved provider; or
- (c) is provided by 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; and
- (d) (i) in a case specified in sub-paragraph (a) or (b) the provider of the course does not have a high level quality rating; or
- (ii) in a case specified in sub-paragraph (c) the provider of the course did not have a high level quality rating in the academic year starting before 1st August 2019,
- the “maximum amount” is the amount specified in paragraph (4ZA).
- (4ZA) The maximum amount is—
- (a) £6,000, unless sub-paragraph (e), or paragraph (7), (7A), (7B) or (8) applies;
- (b) £3,000 where paragraph (7) applies and sub-paragraph (e) does not apply;
- (c) £1,200 where paragraph (7A) applies and sub-paragraph (e) does not apply;
- (d) £900 where paragraph (7B) applies and sub-paragraph (e) does not apply; or
- (e) in the case of a new accelerated course—
- (i) £7,200, unless paragraph (7A) or (7B) applies;
- (ii) £1,440 where paragraph (7A) applies; or
- (iii) £1,080 where paragraph (7B) applies.]
- [<sup>F110</sup>(4A) Where the current course begins on or after 1st September 2012 and—
- (a) is provided by an approved provider, a private institution or a non-regulated institution (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution);
- (b) is provided by an unregistered provider in England on behalf of an approved provider; or
- (c) is provided by 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; and
- (d) (i) in a case specified in sub-paragraph (a) or (b) the provider of the course has a high level quality rating; or
- (ii) in a case specified in sub-paragraph (c) the provider of the course had a high level quality rating in the academic year starting before 1st August 2019,

*Status: Point in time view as at 31/12/2020.*

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

the “maximum amount” is the amount specified in paragraph (4B).

(4B) The maximum amount is—

- (a) £6,165, or £7,400 in the case of a new accelerated course, unless paragraph (7), (7A), (7B) or (8) applies;
- (b) £3,080 where paragraph (7) applies and the current course is not an accelerated course;
- (c) £1,230, or £1,475 in the case of a new accelerated course, where paragraph (7A) applies and the course is provided by an approved provider in England (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution);
- (d) £1,230 where paragraph (7A) applies, the course is provided by a private institution in Wales (other than on behalf of an approved (fee cap) provider or a publicly funded institution) and began before 1st September 2017;
- (e) £1,230 where paragraph (7A) applies, the course is provided by a non-regulated institution in Wales (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution) and the course begins on or after 1st September 2017;
- (f) £3,080 where paragraph (7A) applies and the course is provided by a private institution in Northern Ireland or Scotland (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution);
- (g) £920, or £1,105 in the case of a new accelerated course, where paragraph (7B) applies and the course is provided by an approved provider in England (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution);
- (h) £920 where paragraph (7B) applies, the course is provided by a private institution in Wales (other than on behalf of an approved (fee cap) provider or a publicly funded institution), and began before 1st September 2017;
- (i) £920 where paragraph (7B) applies, the course is provided by a non-regulated institution in Wales (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution), and begins on or after 1st September 2017;
- (j) £3,080 where paragraph (7B) applies and the course is provided by a private institution in Northern Ireland or Scotland (other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution).]

[<sup>F111</sup>(5) Where the current course began on or after 1st August 2012 and is provided [<sup>F112</sup>by or on behalf of an institution in Scotland or Northern Ireland], the “maximum amount” is—

- (a) £9,250 where the course is provided by or on behalf of a publicly funded institution, unless paragraph (7), (7A), (7B) or (8) applies;
- (b) £6,000 where the course is provided by a private institution (other than on behalf of [<sup>F113</sup>an approved (fee cap) provider, a publicly funded institution or a regulated institution]), unless paragraph (4A), (7), (7A), (7B) or (8) applies;
- (c) £4,625 where the course is provided by or on behalf of a publicly funded institution and paragraph (7), (7A) or (7B) applies;
- (d) £3,000 where the course is provided by a private institution (other than on behalf of [<sup>F114</sup>an approved (fee cap) provider, a publicly funded institution or a regulated institution]) and paragraph (7), (7A) or (7B) applies, unless paragraph (4A) applies.]

[<sup>F115</sup>(5ZA) Where the current course begins on or after 1st August 2012 and before 1st September 2017, and is provided by or on behalf of an institution in Wales, the “maximum amount” is—

- (a) £9,000 where the course is provided by or on behalf of a publicly funded institution, unless paragraph (7), (7A), (7B) or (8) applies;

- (b) £6,000 where the course is provided by a private institution (other than on behalf of <sup>F116</sup>an approved (fee cap) provider or] a publicly funded institution), unless paragraph (4A), (7), (7A), (7B) or (8) applies;
  - (c) £4,500 where the course is provided by or on behalf of a publicly funded institution, and paragraph (7) applies;
  - (d) £3,000 where the course is provided by a private institution (other than on behalf of <sup>F117</sup>an approved (fee cap) provider or] a publicly funded institution) and paragraph (7) applies, unless paragraph (4A) applies;
  - (e) £1,800 where the course is provided by or on behalf of a publicly funded institution, and paragraph (7A) applies;
  - (f) £1,200 where the course is provided by a private institution (other than on behalf of <sup>F118</sup>an approved (fee cap) provider or] a publicly funded institution) and paragraph (7A) applies, unless paragraph (4A) applies;
  - (g) £1,350 where the course is provided by or on behalf of a publicly funded institution, and paragraph (7B) applies; or
  - (h) £900 where the course is provided by a private institution (other than on behalf of <sup>F119</sup>an approved (fee cap) provider or] a publicly funded institution) and paragraph (7B) applies, unless paragraph (4A) applies.
- (5ZB) Where the current course begins on or after 1st September 2017, and is provided by or on behalf of an institution in Wales, the “maximum amount” is—
- (a) £9,000 where the course is provided by or on behalf of a regulated institution, unless paragraph (7), (7A), (7B) or (8) applies;
  - (b) £6,000 where the course is provided by a non-regulated institution <sup>F120</sup>(other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution)], unless paragraph (4A), (7), (7A), (7B) or (8) applies;
  - (c) £4,500 where the course is provided by or on behalf of a regulated institution, and paragraph (7) applies;
  - (d) £3,000 where the course is provided by a non-regulated institution <sup>F120</sup>(other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution)] and paragraph (7) applies, unless paragraph (4A) applies;
  - (e) £1,800 where the course is provided by or on behalf of a regulated institution, and paragraph (7A) applies;
  - (f) £1,200 where the course is provided by a non-regulated institution <sup>F120</sup>(other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution)] and paragraph (7A) applies, unless paragraph (4A) applies;
  - (g) £1,350 where the course is provided by or on behalf of a regulated institution, and paragraph (7B) applies; or
  - (h) £900 where the course is provided by a non-regulated institution <sup>F120</sup>(other than on behalf of an approved (fee cap) provider, a publicly funded institution or a regulated institution)] and paragraph (7B) applies, unless paragraph (4A) applies.]
- <sup>F121</sup>(5A) Where the current course began before 1st August 2012 and is provided by an institution in Northern Ireland, the maximum amount is <sup>F122</sup>£4,030], or, where paragraph (7), (7A) or (7B) applies, <sup>F122</sup>£2,005].]
- (6) <sup>F123</sup>Where paragraph (7) applies], the “maximum amount” is—

Status: Point in time view as at 31/12/2020.

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

- (a) £1,725 where the current course began before 1st September 2012 unless paragraph (5) [F124 or (5A)] applies; or
- (b) [F125 £4,625] where the current course began on or after 1st September 2012 unless paragraph (4) [F126(4A), (5), (5ZA) or (5ZB)] applies.

[F127(6A) Where paragraph (7A) applies, the “maximum amount” is—

- (a) £1,725 where the current course began before 1st September 2012, unless paragraph (5) or (5A) applies;
- (b) [F128 £1,850] where the current course began on or after 1st September 2012 and is provided by [F129 or on behalf of an approved (fee cap) provider or by an accredited institution which is an unregistered provider] in England <sup>F130</sup> ..., unless paragraph [F131(3)(d)] applies; or
- (c) [F132 £4,625] where the current course began on or after 1st September 2012 and is provided by [F133 or on behalf of a publicly funded institution] in Northern Ireland or Scotland <sup>F134</sup> ....

(6B) Where paragraph (7B) applies, the “maximum amount” is—

- (a) £1,725 where the current course began before 1st September 2012, unless paragraph (5) or (5A) applies;
- (b) [F135 £1,385] where the current course began on or after 1st September 2012 and is provided by [F136 or on behalf of an approved (fee cap) provider or by an accredited institution which is an unregistered provider] in England <sup>F137</sup> ..., unless paragraph [F138(3)(d)] applies; or
- (c) [F139 £4,625] where the current course began on or after 1st September 2012 and is provided by [F140 or on behalf of a publicly funded institution] in Northern Ireland or Scotland <sup>F141</sup> ....

[F142(6C) Where paragraph (7C) applies, the “maximum amount” is—

- (a) £1,350 where the course is provided by or on behalf of a publicly funded or regulated institution in Wales; or
- (b) £1,385 where the course is provided—
  - (i) by or on behalf of an approved (fee cap) provider;
  - (ii) by an accredited institution which is an unregistered provider in England; or
  - (iii) by or on behalf of a publicly funded institution in Scotland.]

(7) [F143 This paragraph applies in respect of]—

- (a) the final academic year of a designated course where that academic year is normally required to be completed after less than 15 weeks' attendance; [F144 or]

[F145(b) .....

- (c) in respect of a course for the initial training of teachers which—
  - (i) began before 1st September 2010; or
  - (ii) begins on or after 1st September 2010 where the student transfers to the current course pursuant to regulation 7 from a course for the initial training of teachers beginning before 1st September 2010,
 an academic year during which any periods of full-time study are in aggregate less than 10 weeks;

[F145(d) .....

[F146(7A) This paragraph applies in respect of an academic year of a sandwich course—

- (a) during which any periods of full-time study are in aggregate less than 10 weeks; or

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

- (b) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution (disregarding intervening vacations) exceeds 30 weeks.
- (7B) This paragraph applies in respect of an academic year of a course provided in conjunction with an overseas institution which is not an Erasmus year—
- (a) during which any periods of full-time study at the institution in the United Kingdom are in aggregate less than 10 weeks; or
- (b) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks.
- (7C) This paragraph applies in respect of an Erasmus year of a course provided by an institution in England [<sup>F147</sup>, Wales or Scotland] which began on or after 1st September 2012.]
- (8) Where the current course is a graduate entry accelerated programme, the “maximum amount” is [<sup>F148</sup>£5,785 for the first academic year of the course, otherwise £5,535].
- [<sup>F149</sup>(8A) But paragraph (8B) applies where—
- (a) a designated course is provided by or on behalf of a publicly funded institution in Scotland, Northern Ireland or Wales or a regulated institution in Wales, or by an institution in Scotland, Northern Ireland or Wales on behalf of an approved (fee cap) provider;
- (b) on or before the date on which these Regulations are made, the Secretary of State has notified to an institution referred to in sub-paragraph (a) a level for the number of students starting the first year of courses at that institution in respect of an academic year commencing on or after 1st August 2020 and before 1st August 2021 (“AY 2020/21”), and
- (c) the number of students to whom that level applies is exceeded by that institution in AY 2020/21.
- (8B) The maximum amounts set out in this regulation are reduced in respect of that institution in relation to the first academic year of a current course where that course commences on or after 1st August 2021 and before 1st August 2022—
- (a) by 3% where the level is exceeded but not by more than 6%;
- (b) by 9% where the level is exceeded by more than 6% but not more than 12%;
- (c) by 15% where the level is exceeded by more than 12%.]
- (9) A student may apply to the Secretary of State to reduce the amount of 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 113.]

#### Textual Amendments

- F98** Reg. 23(1A) 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), **11(2)**
- F99** Word in reg. 23(3)(a) 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), **12(a)**

**Status:** Point in time view as at 31/12/2020.

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

- F100** Words in reg. 23(3)(a) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **9(a)(i)**
- F101** Word in reg. 23(3)(a) omitted (with application in accordance with reg. 1(2)(3)(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), **11(3)(a)**
- F102** Sum in reg. 23(3)(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), reg. 1(3), **Sch. 2**
- F103** Words in reg. 23(3)(b)(ii) substituted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(3)(b)**
- F104** Words in reg. 23(3)(b)(ii) 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), **9(a)**
- F105** Words in reg. 23(3)(b) inserted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(3)(c)(i)**
- F106** Words in reg. 23(3)(b) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by The Education (Student Support and European University Institute) (Amendment) Regulations 2013 (S.I. 2013/1728), regs. 1(2)(a), **9(a)(ii)**
- F107** Word in reg. 23(3)(b) substituted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(3)(c)(ii)**
- F108** Reg. 23(3)(c)(d) inserted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(3)(d)**
- F109** Reg. 23(4)(4ZA) substituted for reg. 23(4) (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), **11(4)**
- F110** Reg. 23(4A)(4B) substituted for reg. 23(4A) (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), **11(5)**
- F111** Reg. 23(5) 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), **9(d)**
- F112** Words in reg. 23(5) 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), **11(6)(a)**
- F113** Words in reg. 23(5)(b) 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), **11(6)(b)**
- F114** Words in reg. 23(5)(d) 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), **11(6)(c)**
- F115** Reg. 23(5ZA)(5ZB) 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), **9(e)**
- F116** Words in reg. 23(5ZA)(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), **11(7)(a)**

- F117** Words in reg. 23(5ZA)(d) 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), **11(7)(b)**
- F118** Words in reg. 23(5ZA)(f) 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), **11(7)(c)**
- F119** Words in reg. 23(5ZA)(h) 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), **11(7)(d)**
- F120** Words in reg. 23(5ZB) 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), **11(8)**
- F121** Reg. 23(5A) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **9(d)**
- F122** Sums in reg. 23(5A) 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**
- F123** Words in reg. 23(6) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **9(e)**
- F124** Words in reg. 23(6)(a) 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), **12(c)**
- F125** Sum in reg. 23(6)(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 \(S.I. 2017/114\)](#), reg. 1(3), **Sch. 2**
- F126** Words in reg. 23(6)(b) 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), **9(f)**
- F127** Reg. 23(6A)-(6C) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **9(f)**
- F128** Sum in reg. 23(6A)(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 \(S.I. 2017/114\)](#), reg. 1(3), **Sch. 2**
- F129** Words in reg. 23(6A)(b) substituted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **11(9)(a)(i)**
- F130** Words in reg. 23(6A)(b) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **5(1)(a)**
- F131** Word in reg. 23(6A)(b) substituted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **11(9)(a)(ii)**
- F132** Sum in reg. 23(6A)(c) 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**
- F133** Words in reg. 23(6A)(c) substituted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **11(9)(b)(i)**

*Status: Point in time view as at 31/12/2020.*

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

- F134** Words in reg. 23(6A)(c) omitted (with application in accordance with reg. 1(2)(3)(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), **11(9)(b)(ii)**
- F135** Sum in reg. 23(6B)(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 \(S.I. 2017/114\)](#), reg. 1(3), **Sch. 2**
- F136** Words in reg. 23(6B)(b) 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), **11(10)(a)(i)**
- F137** Words in reg. 23(6B)(b) omitted (with application in accordance with reg. 1(3)(5) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2018 \(S.I. 2018/137\)](#), regs. 1(2), **5(1)(a)**
- F138** Word in reg. 23(6B)(b) 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), **11(10)(a)(ii)**
- F139** Sum in reg. 23(6B)(c) 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**
- F140** Words in reg. 23(6B)(c) 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), **11(10)(b)(i)**
- F141** Words in reg. 23(6B)(c) omitted (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), **11(10)(b)(ii)**
- F142** Reg. 23(6C) substituted (with application in accordance with reg. 1(2)(3)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **11(11)**
- F143** Words in reg. 23(7) substituted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **9(g)(i)**
- F144** Word in reg. 23(7)(a) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **9(g)(ii)**
- F145** Reg. 23(7)(b)(d) omitted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **9(g)(iii)**
- F146** Reg. 23(7A)-(7C) inserted (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Support and European University Institute\) \(Amendment\) Regulations 2013 \(S.I. 2013/1728\)](#), regs. 1(2)(a), **9(h)**
- F147** Words in reg. 23(7C) 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), **9(j)**
- F148** Words in reg. 23(8) 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), **9(k)**
- F149** Reg. 23(8A)(8B) inserted (13.8.2020) by [The Higher Education \(Fee Limits and Student Support\) \(England\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/853\)](#), regs. 1, **4**

### Amount of fee loan for transferring students

**24.—(1)** If a student's status as an eligible student is transferred from one designated course to another under regulation 7 and the circumstances in paragraph (2) 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.

(2) The circumstances are—

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

(3) If a student's status as an eligible student is transferred from one designated course to another under regulation 7 and the circumstances in paragraph (4) 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.

(4) 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.

(5) Where the circumstances in paragraph (2) apply, the maximum additional amount that the current system 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 maximum amount specified in [<sup>F150</sup>paragraphs (3) to (6C)] of regulation 23 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.

(6) Where the circumstances in paragraph (4) apply, the maximum amount of fee loan that a current system 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 [<sup>F151</sup>paragraphs (3) to (6C)] of regulation 23 applicable in the student's case; and
- (b) the fees payable by the student in connection with that year.

(7) Where a current system 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.

(8) If a student's status as an eligible student is transferred from one course to another under these Regulations and the circumstances in paragraph (9) apply, the student may apply to the Secretary of State to reduce the amount of fee loan applied for in respect of the remainder of the academic year.

(9) The circumstances are—

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

*Status: Point in time view as at 31/12/2020.*

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

(10) For the purposes of paragraph (9), 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.

**Textual Amendments**

**F150** Words in reg. 24(5)(a) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **27(a)**

**F151** Words in reg. 24(6)(a) substituted (26.11.2020) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **27(a)**

CHAPTER 4

GRANTS FOR FEES FOR OLD SYSTEM STUDENTS

**Old system students who are continuing students.**

<sup>F152</sup>**25.** .....

**Textual Amendments**

**F152** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Old system students who are transferring students**

<sup>F152</sup>**26.** .....

**Textual Amendments**

**F152** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Old system students who are on end-on courses**

<sup>F152</sup>**27.** .....

**Textual Amendments**

**F152** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Old system students who are gap year students who have not studied on a previous course**

<sup>F152</sup>**28.** .....

**Textual Amendments**

**F152** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Old system students who are gap year students who have studied on a previous course**

<sup>F152</sup>**29.** .....

**Textual Amendments**

**F152** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Availability of the grant for fees to old system students for years of repeat study**

<sup>F152</sup>**30.** .....

**Textual Amendments**

**F152** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Amount of the grant for fees for a course at a publicly funded institution**

<sup>F152</sup>**31.** .....

**Textual Amendments**

**F152** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Amount of the grant for fees for a course that is provided at a private institution on behalf of a publicly funded institution**

<sup>F152</sup>**32.** .....

**Textual Amendments**

**F152** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

**Amount of the grant for fees for a course at a private institution**

<sup>F152</sup>**33.** .....

**Status:** Point in time view as at 31/12/2020.

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

**Textual Amendments**

**F152** Pt. 4 Ch. 4 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(i)**

CHAPTER 5

FEE CONTRIBUTION LOANS FOR OLD SYSTEM STUDENTS

**Availability of fee contribution loans to old system students**

<sup>F153</sup>**34.** . . . . .

**Textual Amendments**

**F153** Pt. 4 Ch. 5 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(ii)**

**Amount of the fee contribution loan**

<sup>F153</sup>**35.** . . . . .

**Textual Amendments**

**F153** Pt. 4 Ch. 5 omitted (26.11.2020) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1203\)](#), regs. 1(2), **3(5)(h)(ii)**

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

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