
STATUTORY INSTRUMENTS

2013 No. 1728

The Education (Student Support and European University Institute) (Amendment) Regulations 2013

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Support and European University Institute) (Amendment) Regulations 2013.

(2) These Regulations (other than those specified in paragraph (3))—

(a) come into force on 1st September 2013; and

(b) apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st September 2014 whether anything done under these Regulations is done before, on or after 1st September 2014.

(3) Regulations 4(d), 6, 8, 10, 13 to 17, 19, 21, 22 and 24 come into force on 1st August 2013.

Amendment of Regulations

2. The Education (Student Support) Regulations 2011(1) (“the Student Support Regulations”) are amended in accordance with regulations 4 to 23.

3. The Education (Student Support) (European University Institute) Regulations 2010(2) are amended in accordance with regulation 24.

Amendment of the Education (Student Support) Regulations 2011

4. In regulation 2(1) (interpretation) of the Student Support Regulations—

(a) after the definition of “accelerated course” insert—

““authority-funded” means—

(a) in relation to educational institutions in England, maintained or assisted by recurrent grants from the Higher Education Funding Council for England;

(b) in relation to educational institutions in Wales, maintained or assisted by recurrent grants from the Higher Education Funding Council for Wales;

(c) in relation to educational institutions in Scotland, maintained or assisted by recurrent grants from the Scottish Funding Council; and

(d) in relation to educational institutions in Northern Ireland, maintained or assisted by recurrent grants from the Department for Employment and Learning in Northern Ireland or the Department for Agriculture and Rural Development in Northern Ireland.”;

(b) for the definition of “Erasmus year”, substitute—

(1) [S.I. 2011/1986](#), amended by [S.I. 2012/1653](#).

(2) [S.I. 2010/447](#), to which there are amendments not relevant to these Regulations.

“Erasmus year” means an academic year of a course where a student is participating in the action scheme of the EU for the mobility of university students known as ERASMUS and the student’s course is a course referred to in regulation 5(1)(d) and—

- (a) where the course began before 1st September 2012, all the periods of study or work placement during the academic year are attended at an institution or workplace outside the United Kingdom (as the case may be);
- (b) where the course began on or after 1st September 2012 and is provided by an institution in Northern Ireland or Scotland, all the periods of study or work placement during the academic year are attended at an institution or workplace outside the United Kingdom (as the case may be); or
- (c) where the course began on or after 1st September 2012 and is provided by an institution in England or Wales—
 - (i) at least one period of study or work placement is attended at an institution or workplace outside the United Kingdom (as the case may be); and
 - (ii) either—
 - (aa) in respect of that academic year the aggregate of any one or more periods of full-time study at the institution in the United Kingdom is less than 10 weeks; or
 - (bb) 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.”;

(c) in the definition of “ordinary duration”, for “bursary years or Erasmus years” substitute—
“—

- (a) bursary years;
- (b) Erasmus years of a course provided by an institution in Northern Ireland or Scotland; or
- (c) Erasmus years of a course provided by an institution in England or Wales where the course began before 1st September 2012”;

(d) in the definition of “preliminary course”, for “paragraph 1” substitute “paragraph 2”;

(e) in the definition of “standard academic year”—

- (i) omit the words “(other than an academic year that is a bursary year or an Erasmus year)”;
- (ii) after “student” insert—
 - “but does not include an academic year that is—
 - (a) a bursary year;
 - (b) an Erasmus year of a course provided by an institution in Northern Ireland or Scotland; or
 - (c) an Erasmus year of a course provided by an institution in England or Wales where the course began before 1st September 2012”.

5. In regulation 5 (designated courses) of the Student Support Regulations—

(a) for sub-paragraph (1)(d) substitute—

“(d) either—

- (i) wholly provided by an authority-funded educational institution;
 - (ii) provided by a publicly funded institution in the United Kingdom on behalf of an authority-funded educational institution; or
 - (iii) provided by an authority-funded educational institution in conjunction with an institution outside the United Kingdom; and”;
 - (b) after paragraph (3) insert—
 - “(3A) Paragraph (3) does not apply where the person applying for support in connection with the course is—
 - (a) a disabled student; and
 - (b) undertaking that course in the United Kingdom but not in attendance because the person is unable to attend for a reason which relates to that person’s disability.”;
 - (c) in paragraph (7)—
 - (i) in sub-paragraph (b), for the words “publicly funded” substitute “authority-funded” in each place where they occur;
 - (ii) at the end of sub-paragraph (b), omit the word “and”;
 - (iii) in sub-paragraph (c), after the words “publicly funded” insert “or authority-funded”;
 - (iv) at the end of sub-paragraph (c), for the full stop substitute “; and”;
 - (v) after sub-paragraph (c), insert—
 - “(d) a course is not to be regarded as provided on behalf of an authority-funded educational institution where a part of the course is provided by a private institution.”.
- 6.** In regulation 18(2)(b)(ii) (students to be treated as in attendance on a course) of the Student Support Regulations, omit the words “(other than a distance learning course)”.
- 7.** In regulation 19 (availability of fee loans to current system students – general) of the Student Support Regulations—
- (a) in paragraph (2), for “a bursary year or an Erasmus year”, substitute—
 - “—
 - (a) a bursary year;
 - (b) an Erasmus year of a course provided by an institution in Northern Ireland or Scotland; or
 - (c) an Erasmus year of a course provided by an institution in England or Wales where the course began before 1st September 2012”;
 - (b) for paragraph (8), substitute—
 - “(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 or Scotland; or
 - (c) an Erasmus year of a course provided by an institution in England or Wales which began before 1st September 2012.”;
 - (c) in paragraph (9), for “a bursary year or an Erasmus year” substitute—

“—

- (a) a bursary year;
- (b) an Erasmus year of a course provided by an institution in Northern Ireland or Scotland; or
- (c) an Erasmus year of a course provided by an institution in England or Wales where the course began before 1st September 2012”.

8. In regulation 22(5) (standard entitlement of current system students on end-on courses and certain degree courses) of the Student Support Regulations—

- (a) omit “subject to paragraph (6)”;
- (b) after the words “was less than three years,” insert “and”; and
- (c) for the words starting with “2 where” and ending with “six years”, substitute—
“where the ordinary duration of the preliminary course (or preliminary courses in total) was three years or more, the ordinary duration minus 1”.

9. In regulation 23 (amount of the fee loan) of the Student Support Regulations—

- (a) in paragraph (3)—
 - (i) in sub-paragraph (a), for “or (6)” substitute “, (6), (6A) or (6B)”;
 - (ii) in sub-paragraph (b), for “or (8)” substitute “, (6A), (6B), (6C) or (8)”;
- (b) for paragraph (4) substitute—
“(4) Where the current course begins on or after 1st September 2012 and is provided by a private institution (other than on behalf of a publicly funded institution), the “maximum amount” is—
 - (a) £6,000, unless paragraph (7), (7A), (7B) or (8) applies;
 - (b) £3,000, where—
 - (i) paragraph (7) applies; or
 - (ii) paragraph (7A) or (7B) applies and the course is provided by an institution in Northern Ireland or Scotland;
 - (c) £1,200, where paragraph (7A) applies and the course is provided by an institution in England or Wales; or
 - (d) £900, where paragraph (7B) applies and the course is provided by an institution in England or Wales.”;
- (c) in paragraph (5)—
 - (i) in sub-paragraph (a), for the words “paragraph (8) or one of the cases in paragraph (7) applies” substitute “paragraph (7), (7A), (7B) or (8) applies”;
 - (ii) in sub-paragraph (b), for the words “one of the cases in paragraph (7) applies” substitute “paragraph (7), (7A), (7B) or (8) applies”;
 - (iii) in sub-paragraph (c), for the words “one of the cases in paragraph (7) applies; or” substitute “paragraph (7) applies;”;
 - (iv) in sub-paragraph (d), for the words “one of the cases in paragraph (7) applies.” substitute “paragraph (7) applies;”;
 - (v) after sub-paragraph (d), insert—
“(e) £1,800 where the course is provided by or on behalf of a publicly funded institution in Wales, and paragraph (7A) applies;

- (f) £4,500 where the course is provided by or on behalf of a publicly funded institution in Northern Ireland or Scotland, and paragraph (7A) applies;
 - (g) £1,200 where the course is provided by a private institution (other than on behalf of a publicly funded institution) in Wales, and paragraph (7A) applies;
 - (h) £3,000 where the course is provided by a private institution (other than on behalf of a publicly funded institution) in Northern Ireland or Scotland, and paragraph (7A) applies;
 - (i) £1,350 where the course is provided by or on behalf of a publicly funded institution in Wales, and paragraph (7B) applies;
 - (j) £4,500 where the course is provided by or on behalf of a publicly funded institution in Northern Ireland or Scotland, and paragraph (7B) applies;
 - (k) £900 where the course is provided by a private institution (other than on behalf of a publicly funded institution) in Wales, and paragraph (7B) applies; or
 - (l) £3,000 where the course is provided by a private institution (other than on behalf of a publicly funded institution) in Northern Ireland or Scotland, and paragraph (7B) applies.”;
- (d) for paragraph (5A) substitute—
- “(5A) Where the current course began before 1st August 2012 and is provided by an institution in Northern Ireland, the maximum amount is £3,685, or, where paragraph (7), (7A) or (7B) applies, £1,835.”;
- (e) in paragraph (6), for the words “In the cases set out in paragraph (7)” substitute “Where paragraph (7) applies”;
- (f) after paragraph (6), insert—
- “(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) £1,800 where the current course began on or after 1st September 2012 and is provided by an institution in England or Wales, unless paragraph (4) applies; or
 - (c) £4,500 where the current course began on or after 1st September 2012 and is provided by an institution in Northern Ireland or Scotland, unless paragraph (4) applies.
- (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) £1,350 where the current course began on or after 1st September 2012 and is provided by an institution in England or Wales, unless paragraph (4) applies; or
 - (c) £4,500 where the current course began on or after 1st September 2012 and is provided by an institution in Northern Ireland or Scotland, unless paragraph (4) applies.
- (6C) Where paragraph (7C) applies, the “maximum amount” is £1,350.”;
- (g) in paragraph (7)—
- (i) for the words “The cases are” substitute “This paragraph applies in respect of”;
 - (ii) at the end of sub-paragraph (a), after the semi-colon insert “or”;

- (iii) omit sub-paragraphs (b) and (d); and
- (h) after paragraph (7) insert—
- “(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
 - (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 or Wales which began on or after 1st September 2012.”.
- 10.** In regulation 38(2) (general qualifying conditions for grants for living and other costs) of the Student Support Regulations, after “distance learning course”, insert the words “unless the student is treated as being in attendance on the designated course under regulation 39”.
- 11.** In regulation 56(3)(a) (qualifying conditions for the maintenance grant) of the Student Support Regulations, after “Erasmus year” insert “in accordance with regulation 19(2)”.
- 12.** In regulation 61(3)(a) (qualifying conditions for the special support grant) of the Student Support Regulations, after “Erasmus year” insert “in accordance with regulation 19(2)”.
- 13.** In regulation 69(3)(c) (qualifying conditions for the loan for living costs - current system students) of the Student Support Regulations, after “distance learning course”, insert the words “unless the student is treated as being in attendance on the designated course under regulation 86”.
- 14.** In regulation 86(2)(c)(ii) (students who are treated as in attendance on a course) of the Student Support Regulations, omit the words “(other than a distance learning course)”.
- 15.** In regulation 116(15) (payment of loans for living costs and long courses loans) of the Student Support Regulations, for paragraphs (a) and (b) substitute—
- “(a) the Secretary of State must subtract from any amount of loan which remains to be paid under Part 6 such amount as is necessary to ensure that the student does not borrow an amount of loan under Part 6 which is greater than that for which the student qualifies;
 - (b) if the amount to be subtracted is greater than the amount of loan remaining to be paid under Part 6, the amount of that loan remaining to be paid is reduced to nil;”.
- 16.** In regulation 119 (overpayments of support payable under Part 5 or Part 6) of the Student Support Regulations—
- (a) in sub-paragraph (11)(a), for the words “any amount of the loan in question payable to the student from time to time” substitute “any amount of loan payable to the student from time to time under Part 6”;

- (b) in paragraph (12), for the words “any amount of the loan in question payable to the student from time to time” substitute “any amount of loan payable to the student from time to time under Part 6”.
- 17.** In regulation 125(1)(a) (amount of support for designated distance learning courses) of the Student Support Regulations—
- (a) in sub-paragraph (i)—
- (i) for the comma after “support” substitute “ or”;
- (ii) omit “ or council tax benefit”; and
- (b) in sub-paragraph (ii), omit the words from “or under” to the end.
- 18.** In regulation 139 (designated part-time courses) of the Student Support Regulations—
- (a) in paragraph (1), for sub-paragraph (d) substitute—
- “(d) it is either—
- (i) wholly provided by an authority-funded educational institution;
- (ii) provided by a publicly funded institution in the United Kingdom on behalf of an authority-funded educational institution; or
- (iii) provided by an authority-funded educational institution in conjunction with an institution outside the United Kingdom;”;
- (b) in paragraph (6)—
- (i) in sub-paragraph (b), for the words “publicly funded”, in each place where they occur, substitute “authority-funded”;
- (ii) at the end of sub-paragraph (b), omit the word “and”;
- (iii) in sub-paragraph (c), after the words “publicly funded” insert “or authority-funded”;
- (iv) at the end of sub-paragraph (c), for the full stop substitute “; and”; and
- (v) after sub-paragraph (c), insert—
- “(d) a course is not to be regarded as provided on behalf of an authority-funded educational institution where a part of the course is provided by a private institution.”.
- 19.** In regulation 142(3)(a) (amount of assistance in respect of courses beginning before 1st September 2012) of the Student Support Regulations—
- (a) in sub-paragraph (i)—
- (i) for the comma after “support” substitute “ or”;
- (ii) omit “ or council tax benefit”; and
- (b) in sub-paragraph (ii), omit the words from “or under” to the end.
- 20.** In regulation 161 (designated postgraduate courses) of the Student Support Regulations—
- (a) in paragraph (1), for sub-paragraph (c) substitute—
- “(c) it is either—
- (i) wholly provided by an authority-funded educational institution;
- (ii) provided by a publicly funded institution in the United Kingdom on behalf of an authority-funded educational institution; or
- (iii) provided by an authority-funded educational institution in conjunction with an institution outside the United Kingdom;”;
- (b) in paragraph (2)—

- (i) in sub-paragraph (b), for the words “publicly funded”, in each place where they occur, substitute “authority-funded”;
- (ii) at the end of sub-paragraph (b), omit the word “and”;
- (iii) in sub-paragraph (c), after the words “publicly funded” insert “or authority-funded”;
- (iv) at the end of sub-paragraph (c), for the full stop substitute “; and”; and
- (v) after sub-paragraph (c), insert—
 - “(d) a course is not to be regarded as provided on behalf of an authority-funded educational institution where a part of the course is provided by a private institution.”.

21. In Schedule 2 (designated courses) to the Student Support Regulations, omit paragraph 6.

22. In paragraph 5(7)(a) of Schedule 4 (financial assessment) to the Student Support Regulations, omit the words “, ordinarily resident” in each place where they occur.

23. The Schedule to these Regulations has effect to substitute the figure in the third column of the table for the figure in the second column where they appear in the regulations of the Student Support Regulations set out in the first column.

Amendment of the Education (Student Support) (European University Institute) Regulations 2010

24. In paragraph 4(5)(a) of Schedule 2 to the Education (Student Support) (European University Institute) Regulations 2010, omit the words “, ordinarily resident” in each place where they occur.

10th July 2013

David Willetts
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