
STATUTORY INSTRUMENTS

2020 No. 48

The Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Fees, Awards and Support etc.) (Amendment) (No. 2) Regulations 2020 and come into force on 13th February 2020.

(2) The following regulations apply in relation to the provision of support to a student in relation to an academic year which begins on or after 1st August 2020, whether or not anything done under these regulations is done before, on, or after that date—

- (a) regulation 4 (designation of courses in Northern Ireland, Scotland and Wales);
- (b) regulation 8 (amendment of subject groups);
- (c) regulation 11 and the Schedule (new payments relating to student support).

(3) The following regulations apply in relation to the provision of support to a student in relation to a course which begins on or after 1st August 2020 (the “current course”), whether or not anything done under these regulations is done before, on, or after that date—

- (a) regulation 2 (persons granted indefinite leave to remain as victims of domestic violence or domestic abuse);
- (b) regulation 3 (persons granted Calais leave to remain);
- (c) regulation 14 (master’s degree students who have previously received a grant from the Welsh Government);
- (d) regulation 16 (doctoral degree students in receipt of funding under the educational psychology training scheme);
- (e) regulation 17 (amendments relating to the amount of master’s and doctoral degree loans).

(4) But regulation 17 does not apply in relation to the provision of support to a student who transfers on to the current course from a previous course.

(5) In paragraph (2), an “academic year” is the period of twelve months beginning with 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of the course in question begins, according to whether the academic year of the course in question begins—

- (a) on or after 1st January and before 1st April;
- (b) on or after 1st April and before 1st July;
- (c) on or after 1st July and before 1st August; or
- (d) on or after 1st August and on or before 31st December.

Amendments relating to persons granted indefinite leave to remain as victims of domestic violence or domestic abuse

2.—(1) In Schedule 1 to the Education (Fees and Awards) (England) Regulations 2007⁽¹⁾ (eligible students etc.), after paragraph 4B, insert—

“Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse

4C. A person—

- (a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971⁽²⁾—
 - (i) paragraph 289B (victims of domestic violence);
 - (ii) paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse); or
 - (iii) paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces);
- (b) who has been ordinarily resident in the United Kingdom and the Islands since the person was granted such leave; and
- (c) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.”.

(2) In the Education (Student Support) (European University Institute) Regulations 2010⁽³⁾—

- (a) in regulation 3 (interpretation)—
 - (i) after the definition of “Institute”, insert—

““Islands” means the Channel Islands and the Isle of Man”;
 - (ii) after the definition of “person granted humanitarian protection” insert—

““person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” means a person—

 - (a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—
 - (i) paragraph 289B (victims of domestic violence);
 - (ii) paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse); or
 - (iii) paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces); and
 - (b) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;”;
- (b) in Part 2 (categories) of Schedule 1 (eligible students), after paragraph 4B, insert—

(1) [S.I. 2007/779](#).

(2) [1971 c. 77](#); to which there are amendments but none is relevant.

(3) [S.I. 2010/447](#); relevant amending instruments are [S.I. 2012/3059](#) and [S.I. 2019/142](#). There other amending instruments but none is relevant.

“Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse

4C. A person granted indefinite leave to remain as a victim of domestic violence or domestic abuse, who is ordinarily resident in England on the relevant date.”.

- (3) In the Education (Student Support) Regulations 2011(4)—
- (a) in regulation 2(1) (interpretation), after the definition of “person granted humanitarian protection” insert—
- ““person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” means a person—
- (a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—
- (i) paragraph 289B (victims of domestic violence);
- (ii) paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse); or
- (iii) paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces); and
- (b) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;”;
- (b) in regulation 17 (events giving rise to eligibility)—
- (i) omit the “or” at the end of sub-paragraph (h);
- (ii) after sub-paragraph (i) insert—
- “(j) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
- (c) in regulation 85(2) (students becoming eligible in the course of an academic year)—
- (i) omit the “or” at the end of sub-paragraph (g);
- (ii) after sub-paragraph (h) insert—
- “(i) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
- (d) in regulation 138(4) (students becoming eligible for support under Part 11A during the course of an academic year)—
- (i) omit the “or” at the end of sub-paragraph (i);
- (ii) after sub-paragraph (j) insert—
- “(k) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
- (e) in regulation 138A(2) (students becoming eligible for support under Part 11B in the course of an academic year)—
- (i) omit the “or” at the end of sub-paragraph (g);
- (ii) after sub-paragraph (h) insert—

(4) S.I. 2011/1986; relevant amending instruments are S.I. 2012/1653, S.I. 2014/2765, S.I. 2015/1951, S.I. 2017/52, 2017/114, S.I. 2018/434, 2018/443, 2018/472, S.I. 2019/142, 2019/983; there are other amending instruments but none is relevant.

- “(i) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
- (f) in regulation 160(2) (students becoming eligible in the course of an academic year)—
 - (i) omit the “or” at the end of sub-paragraph (g);
 - (ii) after sub-paragraph (h) insert—
 - “(i) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
- (g) in Part 2 (categories) of Schedule 1 (eligible students), after paragraph 4B, insert—

“Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse

4C. A person granted indefinite leave to remain as a victim of domestic violence or domestic abuse, who is ordinarily resident in England on the first day of the first academic year of the course.”.

- (4) In the Further Education Loans Regulations 2012~~(5)~~—
 - (a) in regulation 2 (interpretation), after the definition of “person granted humanitarian protection”, insert—
 - ““person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” means a person—
 - (a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—
 - (i) paragraph 289B (victims of domestic violence);
 - (ii) paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse); or
 - (iii) paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces); and
 - (b) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;”;
 - (b) In regulation 7 (events giving rise to eligibility)—
 - (i) omit the “or” at the end of sub-paragraph (h);
 - (ii) after sub-paragraph (i) insert—
 - “(j) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
 - (c) in Part 2 (categories) of Schedule 1 (eligible students), after paragraph 4B, insert—

“Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse

4C. A person granted indefinite leave to remain as a victim of domestic violence or domestic abuse, who is ordinarily resident in the United Kingdom on the first day of the designated further education course.”.

- (5) In the Education (Postgraduate Master’s Degree Loans) Regulations 2016~~(6)~~—

(5) [S.I. 2012/1818](#); relevant amending instrument [S.I. 2019/142](#).

(6) [S.I. 2016/606](#); relevant amending instruments are [S.I. 2017/594](#), [2019/142](#)

- (a) in regulation 2(1) (interpretation), after the definition of “person granted humanitarian protection”, insert—
- ““person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” means a person—
- (a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—
- (i) paragraph 289B (victims of domestic violence);
- (ii) paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse); or
- (iii) paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces); and
- (b) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;”;
- (b) in regulation 8 (events giving rise to eligibility)—
- (i) omit the “or” at the end of sub-paragraph (i);
- (ii) after sub-paragraph (j) insert—
- “(k) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
- (c) in Part 2 (categories) of Schedule 1 (eligible students), after paragraph 4B, insert—

“Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse

4C. A person granted indefinite leave to remain as a victim of domestic violence or domestic abuse, who is ordinarily resident in England on the first day of the first academic year of the course.”.

- (6) The Higher Education (Fee Limit Condition) (England) Regulations 2017(7) are amended as follows—
- (a) in regulation 2 (interpretation), after sub-paragraph (bb) insert—
- “(bba) “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” means a person—
- (i) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—
- (aa) paragraph 289B (victims of domestic violence);
- (bb) paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse); or
- (cc) paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces); and
- (ii) who has been ordinarily resident in the United Kingdom and the Islands since the person was granted such leave;”;
- (b) in regulation 6(2) (qualifying persons: effect of event during academic year)—
- (i) omit the “or” at the end of sub-paragraph (h);

(ii) after sub-paragraph (i) insert—

“(j) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;

(c) in Part 2 of Schedule 1 (qualifying persons), after paragraph 5B, insert—

“Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse

5C. A person granted indefinite leave to remain as a victim of domestic violence or domestic abuse, who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.”.

(7) In the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018⁽⁸⁾—

(a) in regulation 2(1) (interpretation), after the definition of “person granted humanitarian protection”, insert—

““person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” means a person—

(a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—

(i) paragraph 289B (victims of domestic violence);

(ii) paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse);
or

(iii) paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces); and

(b) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;”;

(b) in regulation 8 (events giving rise to eligibility)—

(i) omit the “or” at the end of sub-paragraph (i);

(ii) after sub-paragraph (j) insert—

“(k) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;

(c) in Part 2 (categories) of Schedule 1 (eligible students), after paragraph 5A, insert—

“Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse

5B. A person granted indefinite leave to remain as a victim of domestic violence or domestic abuse, who is ordinarily resident in England on the first day of the first academic year of the course.”.

Amendments relating to persons granted Calais leave to remain

3.—(1) In Schedule 1 of the Education (Fees and Awards) (England) Regulations 2007 (eligible students etc.), after paragraph 4C (as inserted by these Regulations), insert—

(8) [S.I. 2018/599](#); relevant amending instrument is [S.I. 2019/142](#).

“Persons granted Calais leave

4D. A person who—

- (a) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971;
- (b) has been ordinarily resident in the United Kingdom and the Islands since the person was first granted such leave;
- (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (d) has been ordinarily resident in the United Kingdom and the Islands throughout the three-year period preceding the first day of the first academic year of the course.”.

(2) In the Education (Student Support) (European University Institute) Regulations 2010—

- (a) in regulation 3 (interpretation), after the definition of “Islands” (as inserted by these Regulations) insert—

““person granted Calais leave” means a person who—

- (a) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971; and
- (b) has been ordinarily resident in the United Kingdom and Islands since the person was first granted such leave;”;

- (b) in regulation 9 (eligible students), after paragraph (10B), insert—

“(10C) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted Calais leave, a person (“A”) was an eligible student in connection with—
 - (i) an application for support for an earlier year of the current course; or
 - (ii) an application for support in connection with a designated course at the Institute from which A’s status as an eligible student has been transferred to the current course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which A is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A’s status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (c) in Part 2 (categories) of Schedule 1 (eligible students), after paragraph 4C (as inserted by these Regulations), insert—

“Persons granted Calais leave

4D. A person granted Calais leave who—

- (a) is ordinarily resident in England on the relevant date; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the relevant date.”.

(3) In the Education (Student Support) Regulations 2011—

- (a) in regulation 2(1) (interpretation), after the definition of “periods of work experience” insert—

““person granted Calais leave” means a person who—

- (a) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971; and
- (b) has been ordinarily resident in the United Kingdom and Islands since the person was first granted such leave;”;

- (b) in regulation 4 (eligible students), after paragraph (12B) insert—

“(12C) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted Calais leave, a person (“A”) was an eligible student in connection with—
 - (i) an application for support for an earlier year of the current course; or
 - (ii) an application for support in connection with a designated part-time course or other designated course from which A’s status as an eligible part-time student or eligible student has been transferred to the current course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which A is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A’s status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (c) in regulation 17 (events giving rise to eligibility), after sub-paragraph (j) (as inserted by these Regulations), insert—

“(k) the student becomes a person granted Calais leave.”;

- (d) in regulation 85(2) (students becoming eligible in the course of an academic year), after sub-paragraph (i) (as inserted by these Regulations), insert—

“(j) the student becomes a person granted Calais leave.”;

- (e) in regulation 137 (eligible part-time students), after paragraph (10B) insert—

“(10C) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted Calais leave, a person (“A”) was an eligible part-time student in connection with—
 - (i) an application for support for an earlier year of the current part-time course; or
 - (ii) an application for support in connection with a designated part-time course or other designated course from which A’s status as an eligible part-time student or eligible student has been transferred to the current part-time course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which A is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A’s status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (f) in regulation 138(4) (students becoming eligible for support under Part 11A during the course of an academic year), after sub-paragraph (k) (as inserted by these Regulations) insert—
- “(l) the student becomes a person granted Calais leave.”;
- (g) in regulation 138A(2) (students becoming eligible for support under Part 11B in the course of an academic year), after sub-paragraph (i) (as inserted by these Regulations) insert—
- “(j) the student becomes a person granted Calais leave.”;
- (h) in regulation 159 (eligible postgraduate students), after paragraph (15B), insert—
- “(15C) Where—
- (a) the Secretary of State determined that, by virtue of being a person granted Calais leave, a person (“A”) was an eligible postgraduate student in connection with—
- (i) an application for support for an earlier year of the current postgraduate course; or
- (ii) an application for support in connection with another designated postgraduate course from which A’s status as an eligible postgraduate student has been transferred to the current postgraduate course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which A is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,
- A’s status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;
- (i) in regulation 160(2) (students becoming eligible in the course of an academic year), after sub-paragraph (i) (as inserted by these Regulations) insert—
- “(j) the student becomes a person granted Calais leave.”;
- (j) in Part 2 (categories) of Schedule 1 (eligible students), after paragraph 4C (as inserted by these Regulations), insert—

“Persons granted Calais leave

4D. A person granted Calais leave who —

- (a) is ordinarily resident in England on the first day of the first academic year of the course; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.”.
- (4) In the Further Education Loans Regulations 2012—
- (a) in regulation 2 (interpretation), after the definition of “period of eligibility” insert—
- ““person granted Calais leave” means a person who—
- (a) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971; and
- (b) has been ordinarily resident in the United Kingdom and Islands since the person was first granted such leave;”;
- (b) in regulation 3 (eligible students), after paragraph (7B), insert—
- “(7C) Where—

- (a) the Secretary of State has determined that, by virtue of being a person granted Calais leave, a person (“A”) is an eligible student in connection with an application for a fee loan for a designated further education course; and
- (b) as at the day before that course begins, the period for which A is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A’s status as an eligible student terminates immediately before the first day of the course.”.

- (c) in regulation 7 (events giving rise to eligibility), after sub-paragraph (j) (as inserted by these Regulations), insert—
 - “(k) the student becomes a person granted Calais leave.”;
- (d) in Part 2 (categories) of Schedule 1 (eligible students), after paragraph 4C (as inserted by these Regulations), insert—

“Persons granted Calais leave

4D. A person granted Calais leave who—

- (a) is ordinarily resident in the United Kingdom on the first day of the designated further education course; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the designated further education course.”.

(5) In the Education (Postgraduate Master’s Degree Loans) Regulations 2016—

- (a) in regulation 2(1) (interpretation), after “periods of work experience” insert—
 - ““person granted Calais leave” means a person who—
 - (a) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971; and
 - (b) has been ordinarily resident in the United Kingdom and Islands since the person was first granted such leave;”;
- (b) in regulation 8 (events giving rise to eligibility), after sub-paragraph (k) (as inserted by these Regulations), insert—
 - “(l) the student becomes a person granted Calais leave.”;
- (c) in Part 2 (categories) of Schedule 1 (eligible students), after paragraph 4C (as inserted by these Regulations), insert—

“Persons granted Calais leave

4D. A person granted Calais leave who—

- (a) is ordinarily resident in England on the first day of the first academic year of the course; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.”.

(6) In the Higher Education (Fee Limit Condition) (England) Regulations 2017—

- (a) in regulation 2 (interpretation), after sub-paragraph (bba) (as inserted by these Regulations) insert—
 - “(bbb) “person granted Calais leave” means a person who—
 - (i) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971; and
 - (ii) has been ordinarily resident in the United Kingdom and the Islands since the person was first granted such leave;”;
- (b) in regulation 6(2) (qualifying persons, effect of event during academic year), after sub-paragraph (j) (as inserted by these Regulations), insert—
 - “(k) the student becomes a person granted Calais leave.”;
- (c) in Part 2 of Schedule 1 (qualifying persons), after paragraph 5C (as inserted by these Regulations), insert—

“Persons granted Calais leave

5D. A person granted Calais leave who—

- (a) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (b) has been ordinarily resident in the United Kingdom and the Islands throughout the three-year period preceding the first day of the first academic year of the course.”.

(7) In the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018—

- (a) in regulation 2(1) (interpretation), after the definition of “periods of work experience” insert—
 - ““person granted Calais leave” means a person who—
 - (a) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971; and
 - (b) has been ordinarily resident in the United Kingdom and Islands since the person was first granted such leave;”;
- (b) in regulation 8 (events giving rise to eligibility), after sub-paragraph (k) (as inserted by these Regulations) insert—
 - “(l) the student becomes a person granted Calais leave.”;
- (c) in Part 2 (categories) of Schedule 1 (eligible students), after paragraph 5B (as inserted by these Regulations), insert—

“Persons granted Calais leave

5C. A person granted Calais leave who—

- (a) is ordinarily resident in England on the first day of the first academic year of the course; and

- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.”.

Amendments relating to designation of courses in Northern Ireland, Scotland and Wales

4.—(1) In the Education (Student Support) Regulations 2011—

(a) in regulation 2 (interpretation)—

(i) after the definition of “non-regulated institution” insert—

““Northern Irish designated full-time course” has the meaning given in paragraph (14);

“Northern Irish designated part-time course” has the meaning given in paragraph (14);

“Northern Irish designated postgraduate course” has the meaning given in paragraph (14);”;

(ii) after the definition of “sandwich course” insert—

““Scottish designated full-time course” has the meaning given in paragraph (14);

“Scottish designated part-time course” has the meaning given in paragraph (14);

“Scottish designated postgraduate course” has the meaning given in paragraph (14);”;

(iii) after the definition of “universal credit” insert—

““Welsh designated full-time course” has the meaning given in paragraph (14);

“Welsh designated part-time course” has the meaning given in paragraph (14);

“Welsh designated postgraduate course” has the meaning given in paragraph (14).”;

(iv) after paragraph (13) insert—

“(14) In these Regulations—

“Northern Irish designated full-time course” means a full-time course mentioned in Schedule 2, substantially provided in Northern Ireland and designated under regulation 6(9) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009⁽⁹⁾ for the purposes of regulation 5 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998⁽¹⁰⁾;

“Northern Irish designated part-time course” means a part-time course mentioned in Schedule 2, substantially provided in Northern Ireland and designated under regulation 124(7) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 122 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998;

⁽⁹⁾ S.R. 2009 No. 373; relevant amending instruments are S.R. 2010 No. 383, S.R. 2017 No. 7, S.R. 2017 No. 43, S.R. 2019 No. 35, S.R. 2019 No.102 and S.R. 2019 No. 223. There are other amending instruments but none is relevant.

⁽¹⁰⁾ S.I. 1998/1760 (N.I. 14). Article 3 was amended by section 147 of the Learning and Skills Act 2000 (c. 21), section 147 of the Finance Act 2003 (c. 14), paragraph 238 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1) section 1 of the Student Loans (Amendment) Act (Northern Ireland) 2011 (c. 2) S.I. 2005/1116 (N.I. 5) and S.I. 2013/1881.

“Northern Irish designated postgraduate course” means a postgraduate course substantially provided in Northern Ireland and designated under regulation 141(4) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 139 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998;

“Scottish designated full-time course” means a full-time course mentioned in Schedule 2, substantially provided in Scotland—

- (a) determined as designated under regulation 4(9) of the Education (Student Loans) (Scotland) Regulations 2007⁽¹¹⁾ for the purposes of regulation 3(2) of those Regulations;
- (b) designated under regulation 6(9) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 5 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998; and
- (c) either—
 - (i) designated under regulation 5(8) of the Education (Student Support) (Wales) Regulations 2017⁽¹²⁾ for the purposes of regulation 4(1) of those Regulations and section 22 of the 1998 Act; or
 - (ii) specified to be treated as a designated course under regulation 8(1) of the Education (Student Support) (Wales) Regulations 2018⁽¹³⁾, for the purposes of those Regulations;

“Scottish designated part-time course” means a part-time course mentioned in Schedule 2, substantially provided in Scotland—

- (a) determined as designated under regulation 4(9) of the Education (Student Loans) (Scotland) Regulations 2007 for the purposes of regulation 3(2) of those Regulations;
- (b) designated under regulation 124(7) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 122 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998; and
- (c) either—
 - (i) designated under regulation 83(6) of the Education (Student Support) (Wales) Regulations 2017 for the purposes of regulation 81(1) of those Regulations and section 22 of the 1998 Act; or
 - (ii) specified to be treated as a designated course under regulation 8(1) of the Education (Student Support) (Wales) Regulations 2018, for the purposes of those Regulations;

“Scottish designated postgraduate course” means a postgraduate course substantially provided in Scotland—

⁽¹¹⁾ S.S.I. 2007/154; relevant amending instrument are S.S.I. 2008/205, S.S.I. 2016/261, S.S.I. 2017/180, S.S.I. 2018/307 and S.S.I. 2019/70. There are other amending instruments but none is relevant.

⁽¹²⁾ S.I. 2017/47 (W. 21); relevant amending instruments are S.I. 2018/191 (W. 42), S.I. 2018/814 (W. 165) and S.I. 2019/235 (W. 54).

⁽¹³⁾ S.I. 2018/191 (W. 42).

- (a) determined as designated under regulation 4(9) of the Education (Student Loans) (Scotland) Regulations 2007 for the purposes of regulation 3(2) of those Regulations;
- (b) designated under regulation 141(4) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 139 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998; and
- (c) either—
 - (i) designated under 112(4) of the Education (Student Support) (Wales) Regulations 2017 for the purposes of regulation 110 of those Regulations and section 22 of the 1998 Act; or
 - (ii) specified to be treated as a designated course under paragraph 3 of Schedule 4 to the Education (Student Support) (Wales) Regulations 2018, for the purposes of those Regulations;

“Welsh designated full-time course” means a full-time course mentioned in Schedule 2, substantially provided in Wales and—

- (a) designated under regulation 5(8) of the Education (Student Support) (Wales) Regulations 2017 for the purposes of regulation 4(1) of those Regulations and section 22 of the 1998 Act; or
- (b) specified to be treated as a designated course under regulation 8(1) of the Education (Student Support) (Wales) Regulations 2018, for the purposes of those Regulations;

“Welsh designated part-time course” means a part-time course mentioned in Schedule 2, substantially provided in Wales and—

- (a) designated under regulation 83(6) of the Education (Student Support) (Wales) Regulations 2017 for the purposes of regulation 81(1) of those Regulations and section 22 of the 1998 Act; or
- (b) specified to be treated as a designated course under regulation 8(1) of the Education (Student Support) (Wales) Regulations 2018, for the purposes of those Regulations;

“Welsh designated postgraduate course” means a postgraduate course substantially provided in Wales and—

- (a) designated under 112(4) of the Education (Student Support) (Wales) Regulations 2017 for the purposes of regulation 110 of those Regulations and section 22 of the 1998 Act; or
- (b) specified to be treated as a designated course under paragraph 3 of Schedule 4 to the Education (Student Support) (Wales) Regulations 2018, for the purposes of those Regulations.

(15) For the purposes of paragraph (14)—

- (a) a course is substantially provided in Northern Ireland if at least half of the teaching and supervision which comprise the course is provided in Northern Ireland;
- (b) a course is substantially provided in Scotland if at least half of the teaching and supervision which comprise the course is provided in Scotland;
- (c) a course is substantially provided in Wales if at least half of the teaching and supervision which comprise the course is provided in Wales.”;

- (b) in regulation 5 (designated courses)—
 - (i) after paragraph (2) insert—

“(ZZZA) For the purposes of section 22 of the 1998 Act and regulation 4, a course is a designated course if it is a Northern Irish designated full-time course, a Scottish designated full-time course or a Welsh designated full-time course.”;
 - (ii) in paragraph (10), after “(1)” insert “or (ZZZA)”;
- (c) in regulation 17 (events giving rise to eligibility), for sub-paragraph (a) substitute—
 - “(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;”;
- (d) in regulation 85(2) (students becoming eligible in the course of an academic year), for sub-paragraph (a) substitute—
 - “(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;”;
- (e) in regulation 138(4) (students becoming eligible for support under Part 11A during the course of an academic year), for sub-paragraph (a) substitute—
 - “(a) the student’s course becomes a designated part-time course—
 - (i) under regulation 139(7);
 - (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 part-time course, a Scottish designated part-time course or a Welsh designated part-time course;”;
- (f) in regulation 138A(2) (students becoming eligible for support under Part 11B in the course of an academic year), for sub-paragraph (a) substitute—
 - “(a) the student’s course becomes a designated part-time course—
 - (i) under regulation 139(7);
 - (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 part-time course, a Scottish designated part-time course or a Welsh designated part-time course;”;
- (g) in regulation 139 (designation of part-time courses)—
 - (i) after paragraph (2) insert—

- “(2ZAA) A part-time course is designated for the purposes of section 22 of the 1998 Act and regulation 137(1) if it is a Northern Irish designated part-time course, a Scottish designated part-time course or a Welsh designated part-time course.”;
- (ii) in paragraph (7), after “paragraph (1)” insert “or (2ZAA)”;
- (h) in regulation 160(2) (students becoming eligible in the course of an academic year) for sub-paragraph (a) substitute—
- “(a) the student’s course becomes a designated postgraduate course—
- (i) under regulation 161(4);
- (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 postgraduate course, a Scottish designated postgraduate course or a Welsh designated postgraduate course.”;
- (i) in regulation 161 (designation of postgraduate courses)—
- (i) after paragraph (3) insert—
- “(3ZAA) A postgraduate course is designated for the purposes of section 22 of the 1998 Act and regulation 159 if it is a Northern Irish designated postgraduate course, a Scottish designated postgraduate course or a Welsh designated postgraduate course.”;
- (ii) in paragraph (4), after “(1)” insert “or (3ZAA)”.
- (2) In the Education (Postgraduate Master’s Degree Loans) Regulations 2016—
- (a) in regulation 2 (interpretation)—
- (i) in paragraph (1)—
- (aa) after the definition of “Islands” insert—
- ““Northern Irish designated master’s degree course” has the meaning given in paragraph (1A);”;
- (bb) after the definition of “right of permanent residence” insert—
- ““Scottish designated master’s degree course” has the meaning given in paragraph (1A);”;
- (cc) after the definition of “Turkish Worker” insert—
- ““Welsh designated master’s degree course” has the meaning given in paragraph (1A).”;
- (ii) after paragraph (1) insert—
- “(1A) In these Regulations—
- “Northern Irish designated master’s degree course” means a postgraduate master’s degree course substantially provided in Northern Ireland and designated under regulation 152(8) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 149 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998;
- “Scottish designated master’s degree course” means a postgraduate master’s degree course substantially provided in Scotland—

- (a) determined as designated under regulation 4(9) of the Education (Student Loans) (Scotland) Regulations 2007 for the purposes of regulation 3(2) of those Regulations;
- (b) designated under regulation 152(8) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 for the purposes of regulation 149 of those Regulations and Article 3 of the Education (Student Support) (Northern Ireland) Order 1998; and
- (c) either—
 - (i) designated under regulation 4(6) of the Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017⁽¹⁴⁾ for the purposes of regulation 3 of those Regulations and section 22 of the 1998 Act; or
 - (ii) specified to be treated as a designated course under regulation 8(1) of the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019⁽¹⁵⁾, for the purposes of those Regulations;

“Welsh designated master’s degree course” means a postgraduate master’s degree course substantially provided in Wales—

- (a) designated under regulation 4(6) of the Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017 for the purposes of regulation 3 of those Regulations and section 22 of the 1998 Act; or
- (b) specified to be treated as a designated course under regulation 8(1) of the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019, for the purposes of those Regulations.

(1B) For the purposes of paragraph (1A)—

- (a) a course is substantially provided in Northern Ireland if at least half of the teaching and supervision which comprise the course is provided in Northern Ireland;
- (b) a course is substantially provided in Scotland if at least half of the teaching and supervision which comprise the course is provided in Scotland;
- (c) a course is substantially provided in Wales if at least half of the teaching and supervision which comprise the course is provided in Wales.”;

(b) in regulation 4 (designation of postgraduate courses)—

(i) after paragraph (1) insert—

“(1A) For the purposes of section 22 of the 1998 Act and regulation 3(1), a course is a designated course if it—

- (a) is a Northern Irish designated master’s degree course, a Scottish designated master’s degree course or a Welsh designated master’s degree course;
- (b) is a full postgraduate master’s degree course; and
- (c) falls within paragraph (2).”;

(ii) in paragraph (2), for “paragraph 1(a)” substitute “paragraphs (1)(a) and (1A)”;

(iii) in paragraph (6), after “paragraph (1)” insert “or (1A)”;

⁽¹⁴⁾ S.I. 2017/523 (W. 109); relevant amending instrument is S.I. 2017/712 (W. 169).

⁽¹⁵⁾ S.I. 2019/895 (W. 161).

- (c) for regulation 8(a) (events giving rise to eligibility during the course of the academic year) substitute—
- “**(a)** the student’s course becomes a designated course—
- (i) under regulation 4(6);
 - (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 master’s degree course, a Scottish designated master’s degree course or a Welsh designated master’s degree course;”.
- (3) In the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018—
- (a)** in regulation 2(1) (interpretation)—
- (i) after the definition of “UKRI” insert—

““Welsh designated doctoral degree course” means a postgraduate doctoral degree course substantially provided in Wales and designated under regulation 4(5) of the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018(16) for the purposes of regulation 3 of those Regulations and section 22 of the 1998 Act.”;
 - (ii) after paragraph (1) insert—

“(1A) For the purpose of the meaning of “Welsh designated doctoral degree course”, a course is substantially provided in Wales if at least half of the teaching and supervision which comprise the course is provided in Wales.”;
- (b)** in regulation 4 (designation of courses)—
- (i) after paragraph (2) insert—

“(2A) For the purposes of section 22 of the 1998 Act and regulation 3, a course is a designated course if it is—

 - (a) a Welsh designated doctoral degree course;
 - (b) a full postgraduate doctoral degree course; and
 - (c) of between three and eight academic years duration.”;
 - (ii) in paragraph (5), after “paragraph (1)” insert “or (2A)”;

(c) for regulation 8(a) (events giving rise to eligibility during the course of the academic year) substitute—

“**(a)** the student’s course becomes a designated course—

 - (i) under regulation 4(5);
 - (ii) because the course is 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 Welsh designated doctoral degree course;”.

Amendments relating to accelerated courses

5. In regulation 7(2) (grounds for transfer of eligible status) of the Education (Student Support) Regulations 2011—

- (a) in sub-paragraph (a) omit “which is not an accelerated course”;
- (b) in sub-paragraph (b) omit “which is not an accelerated course at another institution”.

Amendments relating to income assessments for full-time childcare grants

6.—(1) The Education (Student Support) Regulations 2011 are amended as follows.

(2) In regulation 47 (calculation of amount of childcare grant)—

- (a) in paragraph (2), at the beginning insert “Subject to paragraph (5B),”;
- (b) in paragraph (2A)—
 - (i) in the formula, for “ $\frac{E}{52}$ ” substitute “ $\frac{E}{F}$ ”;
 - (ii) omit the “and” at the end of paragraph (iv);
 - (iii) for paragraph (v) substitute—
 - “(v) E is the number of days in respect of which the eligible student applies and qualifies for childcare grant, up to a maximum of 365 days or, where the academic year includes 29th February, up to a maximum of 366 days; and
 - (vi) F is 365 days or, where the academic year includes 29th February, 366 days.”.
- (c) in paragraph (2AA)—
 - (i) in the formula, for “ $\frac{B}{52}$ ” substitute “ $\frac{B}{C}$ ”;
 - (ii) omit the “and” at the end of paragraph (i);
 - (iii) for paragraph (ii) substitute—
 - “(ii) B is the number of days in respect of which the eligible student applies and qualifies for childcare grant, up to a maximum of 365 days or, where the academic year includes 29th February, up to a maximum of 366 days; and
 - (iii) C is 365 days or, where the academic year includes 29th February, 366 days.”.
- (d) in paragraph (2B)—
 - (i) in the formula, for “ $\frac{E}{52}$ ” substitute “ $\frac{E}{F}$ ”;
 - (ii) omit the “and” at the end of paragraph (iv);
 - (iii) for paragraph (v) substitute—
 - “(v) E is the number of days in respect of which the eligible student applies and qualifies for childcare grant, up to a maximum of 365 days or, where the academic year includes 29th February, up to a maximum of 366 days; and
 - (vi) F is 365 days or, where the academic year includes 29th February, 366 days.”.
- (e) in paragraph (2BA)—
 - (i) in the formula, for “ $\frac{B}{52}$ ” substitute “ $\frac{B}{C}$ ”;
 - (ii) in paragraph (i), after “45” insert “multiplied by 52”;
 - (iii) omit the “and” at the end of paragraph (i);
 - (iv) for paragraph (ii) substitute—

- “(ii) B is the number of days in respect of which the eligible student applies and qualifies for childcare grant, up to a maximum of 365 days or, where the academic year includes 29th February, up to a maximum of 366 days; and
- (iii) C is 365 days or, where the academic year includes 29th February, 366 days.”.

(f) after paragraph (5) insert—

“(5A) An eligible student may request an amount of childcare grant to be payable which—

- (a) where the eligible student has one dependent child only, is less than the amount calculated in accordance with paragraphs (2A), (2AA), (2C) and (5); or
- (b) where the eligible student has two or more dependent children, is less than the amount calculated in accordance with (2B), (2BA), (2C) and (5).

(5B) Where an eligible student makes a request under paragraph (5A), the amount of childcare grant payable is the amount requested, provided that the Secretary of State considers the amount requested to be reasonable in the circumstances.”;

(g) in paragraph (6) for “(3A), (3AA) and (3B)” substitute “(3A)”.

Corrections relating to reduced rate loans for 2016 cohort students aged 60 or over

7. In the Education (Student Support) Regulations 2011—

- (a) in regulation 68(a) (meaning of “current system student with full entitlement”), for ““current system student with full entitlement”” substitute “current system student “with full entitlement””;
- (b) in regulation 69(4) (qualifying conditions for loan for living costs), after “cohort student” insert “with full entitlement”.

Amendment of subject groups in relation to the equivalent or lower level qualification rules for part-time students

8.—(1) In the Education (Student Support) Regulations 2011—

- (a) in regulation 144(7A)(a)(i) (fee support for students on certain part-time courses)—
 - (i) omit “general and others in sciences,”; and
 - (ii) for “geographical” substitute “geography, earth”;
- (b) in regulation 157B(6)(a)(i)(ab) (qualifying conditions for the loan for living costs)—
 - (i) omit “general and others in sciences,”; and
 - (ii) for “geographical” substitute “geography, earth”.

(2) In regulation 5(3)(c)(i) of the Higher Education (Fee Limit Condition) (England) Regulations 2017 (qualifying person: exceptions)—

- (a) omit “general and others in sciences,”; and
- (b) for “geographical” substitute “geography, earth”.

Amendments relating to part-time courses of initial teacher training below degree level

9. For regulation 139(2A)(h) of the Education (Student Support) Regulations 2011, substitute—

- “(h) any other course not within sub-paragraphs (f) or (g) which—
 - (i) is a course of initial teacher training at an accredited institution; and

- (ii) leads to a qualification at an equivalent level to—
 - (aa) a course within sub-paragraphs (f) or (g);
 - (bb) an honours degree; or
 - (cc) an ordinary degree.”.

Amendments relating to assessment of the residual income of parents and parents’ partners

10.—(1) The Education (Student Support) Regulations 2011 are amended as follows.

(2) In regulation 42(6) (interpretation of chapter 4: calculation of eligible student’s adult dependants’ residual income), for “(8), (9) and (10)” substitute “(3)(b) and (c), (4)(b) and (c), (9), (10) and (11)”.

(3) In Schedule 4 (financial assessment)—

(a) in paragraph 1(1)(o) (definition of “taxable income”)—

(i) for “9 and” substitute “8”;

(ii) for “(3), (4) and (5)” substitute “(3) to (5A)”;

(iii) after “prior financial year” insert “and in relation to paragraph 7, in respect (subject to sub-paragraphs (2) to (5) of paragraph 7) of the prior financial year”;

(b) in paragraph 5 (calculation of parent’s residual income)—

(i) for sub-paragraphs (3) to (5) substitute—

“(3) The Secretary of State may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain A’s residual income for the financial year beginning immediately before the relevant year (“the current financial year”) if the Secretary of State is satisfied that—

(a) where the eligible student’s household income is determined by reference to the residual income of A alone, the residual income of A in the current financial year is likely to be not more than 85% of the sterling value of A’s residual income in the prior financial year;

(b) where the eligible student’s household income is determined by reference to the residual income of both parents, the aggregate of the residual incomes of A and the other parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of A and the other parent in the prior financial year; or

(c) where the eligible student’s household income is determined by reference to the residual income of A and A’s partner, the aggregate of the residual incomes of A and A’s partner in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of—

(i) the residual income of A in the prior financial year applicable to A; and

(ii) the residual income of A’s partner in the prior financial year applicable to A’s partner.

(4) In the event that sub-paragraph (3) or this paragraph was applied in the previous academic year of the current course, the Secretary of State may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain A’s residual income for the current financial year if the Secretary of State is satisfied that—

- (a) where the eligible student’s household income is determined by reference to the residual income of A alone, the residual income of A in the current financial year is likely to be not more than 85% of the sterling value of A’s residual income in the previous financial year;
 - (b) where the eligible student’s household income is determined by reference to the residual income of both parents, the aggregate of the residual incomes of A and the other parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of A and the other parent in the previous financial year; or
 - (c) where the eligible student’s household income is determined by reference to the residual income of A and A’s partner, the aggregate of the residual incomes of A and A’s partner in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of A and A’s partner in the previous financial year.
- (5) In an academic year immediately following one in which the Secretary of State has ascertained A’s residual income for the current financial year under sub-paragraph (3) or, where applicable, under sub-paragraph (4), the Secretary of State must ascertain A’s residual income in the preceding financial year.
- (5A) In an academic year immediately following one in which the Secretary of State has ascertained A’s residual income for the previous financial year under sub-paragraph (5), the Secretary of State must ascertain A’s residual income in the prior financial year.”;
- (ii) in sub-paragraph (6), for “prior financial year”, in the second place it occurs, substitute “financial year immediately preceding the preceding financial year”;
- (c) in paragraph 6 (calculation of eligible student’s partner’s residual income)—
- (i) in sub-paragraph (1)—
 - (aa) for “(2), (3) and (4)” substitute “(2) and (3)”;
 - (bb) before “income” insert “residual”;
 - (cc) for “(8), (9) and (10)” substitute “(3)(b) and (c), (4)(b) and (c), (9), (10) and (11)”;
 - (ii) in sub-paragraph (2), before “income” in the first place it occurs, insert “residual”;
 - (iii) in sub-paragraph (3), before “income” in each place it occurs, insert “residual”;
 - (iv) omit sub-paragraph (4);
- (d) for paragraph 7 (calculation of parent’s partner’s residual income) substitute—

“Calculation of parent’s partner’s residual income

7.—(1) For the purposes of determining the residual income of an eligible student’s parent’s partner (“P”), there is deducted from the taxable income of P the aggregate of any amounts falling within any of the following sub-paragraphs (unless already deducted in determining a person’s taxable income)—

- (a) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given under section 188 of the Finance Act 2004⁽¹⁷⁾, or where the income is computed for the purposes of the income tax legislation of another Member

(17) 2004 c. 12. Section 188 was amended by paragraph 2 of Schedule 18 to, and paragraph 1 of Schedule 27 to, the Finance Act 2007 (c. 11), section 52 of the finance Act 2013 (c. 29), paragraph 13 of Schedule 7 to the Finance Act 2014 (c. 26)

State, the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

- (b) in any case where income is computed for the purposes of the Income Tax Acts by virtue of sub-paragraph (7), any sums equivalent to the deduction mentioned in paragraph (a) of this sub-paragraph, provided that any sums deducted do not exceed the deductions which would be made if the whole of P's income were in fact income for the purposes of the Income Tax Acts;

- (c) where P is a parent student or P holds a statutory award, £1,130.

(2) The Secretary of State may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain P's residual income for the financial year beginning immediately before the relevant year ("the current financial year") if the Secretary of State is satisfied that the aggregate of the residual incomes of P and the eligible student's parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of—

- (a) the residual income of P in the prior financial year applicable to P; and
- (b) the residual income of the eligible student's parent in the prior financial year applicable to the parent.

(3) In the event that sub-paragraph (2) or this paragraph was applied in the previous academic year of the current course, the Secretary of State may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain P's residual income for the current financial year if the Secretary of State is satisfied that the aggregate of the residual incomes of P and the eligible student's parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of P and the eligible student's parent in the previous financial year.

(4) In an academic year immediately following one in which the Secretary of State has ascertained P's residual income for the current financial year under sub-paragraph (2) or, where applicable, under sub-paragraph (3), the Secretary of State must ascertain P's residual income in the preceding financial year.

(5) In an academic year immediately following one in which the Secretary of State has ascertained P's residual income for the previous financial year under sub-paragraph (4), the Secretary of State must ascertain P's residual income in the prior financial year.

(6) Where P satisfies the Secretary of State that P's income is wholly or mainly derived from the profits of a business or profession carried on by P then any reference in this Schedule to a prior financial year in relation to P means the earliest period of twelve months which ends after the start of the financial year immediately preceding the preceding financial year and in respect of which accounts are kept relating to that business or profession.

(7) Where P is in receipt of any income which does not form part of P's income for the purpose of the Income Tax Acts or the income tax legislation of another Member State by reason only that—

- (a) P is not resident or domiciled in the United Kingdom, or where P's income is computed as for the purposes of the income tax legislation of another Member State, not so resident or domiciled in that Member State;
- (b) the income does not arise in the United Kingdom, or where P's income is computed for the purposes of the income tax legislation of another Member State, does not arise in that Member State; or
- (c) the income arises from an office, service or employment, income for which is exempt from tax in pursuance of any legislation,

P's taxable income for the purposes of this Schedule is computed as though the income under this sub-paragraph were part of P's income for the purpose of the Income Tax Acts or the income tax legislation of another Member State, as the case may be.

(8) Where P's income is computed as for the purposes of the income tax legislation of another Member State, it is computed under the provisions of this Schedule in the currency of that Member State and P's income for the purposes of this Schedule is the sterling value of that income determined in accordance with the average rate published by Her Majesty's Revenue and Customs for the calendar year which ends before the end of the prior financial year.

(9) Where the Secretary of State determines that P and the eligible student's parent are separated for the duration of the relevant year, P's residual income is not taken into account in determining the household income.

(10) Where the Secretary of State determines that P and the eligible student's parent have separated in the course of the relevant year, P's residual income is determined by reference to P's residual income under sub-paragraph (1) divided by 52 and multiplied by the number of complete weeks in the relevant year for which the Secretary of State determines that P and the eligible student's parent are not separated.”.

- (4) In Schedule 6 (financial assessment – part-time students)—
- (a) in paragraph 1(1)(l) (definition of “taxable income”)—
- (i) omit “and” after “regulation 157C”;
 - (ii) for “sub-paragraphs (2), (3) and (4)” substitute “(2) to (4A)”;
 - (iii) after “prior financial year” insert “and, in relation to paragraph 7, in respect (subject to sub-paragraphs (2) to (5) of paragraph 7) of the prior financial year”;
- (b) in paragraph 3 (calculation of household income – part-time students)—
- (i) in sub-paragraph (1)(b), at the end, insert “(subject to sub-paragraph (3))”;
 - (ii) after sub-paragraph (2) insert—

“(3) For the purpose of calculating the contribution payable in respect of a parent student, the residual income of the parent student's partner must not be aggregated under paragraph (b) of sub-paragraph (1) in the case of a parent student whose child or whose partner's child holds an award in respect of which the household income is calculated with reference to the residual income of the parent student or of the parent student's partner or of both.”;
- (c) in paragraph 5 (calculation of parent's residual income)—
- (i) for sub-paragraphs (2) to (4) substitute—

“(2) The Secretary of State may, for the purpose of enabling the eligible part-time student to attend the course without hardship, ascertain A's residual income for the financial year beginning immediately before the relevant year (“the current financial year”) if the Secretary of State is satisfied that—

 - (a) where the eligible part-time student's household income is determined by reference to A alone, the residual income of A in the current financial year is likely to be not more than 85% of the sterling value of A's residual income in the prior financial year;
 - (b) where the eligible part-time student's household income is determined by reference to the residual income of both parents, the aggregate of the residual incomes of A and the other parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of A and the other parent in the prior financial year; or

- (c) where the eligible part-time student's household income is determined by reference to the residual income of A and A's partner, the aggregate of the residual incomes of A and A's partner in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of—
 - (i) the residual income of A in the prior financial year applicable to A; and
 - (ii) the residual income of A's partner in the prior financial year applicable to A's partner.
- (3) In the event that sub-paragraph (2) or this paragraph was applied in the previous academic year of the current course, the Secretary of State may, for the purpose of enabling the eligible part-time student to attend the course without hardship, ascertain A's residual income for the current financial year if the Secretary of State is satisfied that—
 - (a) where the eligible part-time student's household income is determined by reference to A alone, the residual income of A in the current financial year is likely to be not more than 85% of the sterling value of A's residual income in the previous financial year;
 - (b) where the eligible part-time student's household income is determined by reference to the residual income of both parents, the aggregate of the residual incomes of A and the other parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of A and the other parent in the previous financial year; or
 - (c) where the eligible part-time student's household income is determined by reference to the residual income of A and A's partner, the aggregate of the residual incomes of A and A's partner in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of A and A's partner in the previous financial year.
- (4) In an academic year immediately following one in which the Secretary of State has ascertained A's residual income for the current financial year under sub-paragraph (2) or, where applicable, under sub-paragraph (3), the Secretary of State must ascertain A's residual income in the preceding financial year.
- (4A) In an academic year immediately following one in which the Secretary of State has ascertained A's residual income for the previous financial year under sub-paragraph (4), the Secretary of State must ascertain A's residual income in the prior financial year.”;
- (ii) in sub-paragraph (5), for “prior financial year”, in the second place it occurs, substitute “financial year immediately preceding the preceding financial year”;
- (d) in paragraph 6 (calculation of eligible part-time student's partner's residual income)—
 - (i) in sub-paragraph (1)—
 - (aa) for “(2), (3) and (4)” substitute “(2) and (3)”;
 - (bb) before “income” insert “residual”;
 - (cc) for “(7), (8) and (9)” substitute “(2)(b) and (c), (3)(b) and (c), (8), (9) and (10)”;
 - (ii) in sub-paragraph (2), before “income” in the first place it occurs, insert “residual”;
 - (iii) in sub-paragraph (3), before “income” in each place it occurs, insert “residual”;
 - (iv) omit sub-paragraph (4);

- (e) for paragraph 7 (calculation of parent's partner's residual income) substitute—

“Calculation of parent's partner's residual income

7.—(1) For the purposes of determining the residual income of an eligible part-time student's parent's partner (“P”), there is deducted from the taxable income of P the aggregate of any amounts falling within any of the following sub-paragraphs (unless already deducted in determining a person's taxable income)—

- (a) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given under section 188 of the Finance Act 2004, or where the income is computed for the purposes of the income tax legislation of another Member State, the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;
- (b) in any case where income is computed for the purposes of the Income Tax Acts by virtue of sub-paragraph (7), any sums equivalent to the deduction mentioned in paragraph (a) of this sub-paragraph, provided that any sums deducted do not exceed the deductions which would be made if the whole of P's income were in fact income for the purposes of the Income Tax Acts;
- (c) where P is a parent student or P holds a statutory award, £1,130.

(2) The Secretary of State may, for the purpose of enabling the eligible part-time student to attend the course without hardship, ascertain P's residual income for the financial year beginning immediately before the relevant year (“the current financial year”) if the Secretary of State is satisfied that the aggregate of the residual incomes of P and the eligible part-time student's parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of—

- (a) the residual income of P in the prior financial year applicable to P; and
- (b) the residual income of the eligible part-time student's parent in the prior financial year applicable to the parent.

(3) In the event that sub-paragraph (2) or this paragraph was applied in the previous academic year of the current course, the Secretary of State may, for the purpose of enabling the eligible part-time student to attend the course without hardship, ascertain P's residual income for the current financial year if the Secretary of State is satisfied that the aggregate of the residual incomes of P and the eligible part-time student's parent in the current financial year is likely to be not more than 85% of the sterling value of the aggregate of the residual incomes of P and the eligible part-time student's parent in the previous financial year.

(4) In an academic year immediately following one in which the Secretary of State has ascertained P's residual income for the current financial year under sub-paragraph (2) or, where applicable, under sub-paragraph (3), the Secretary of State must ascertain P's residual income in the preceding financial year.

(5) In an academic year immediately following one in which the Secretary of State has ascertained P's residual income for the previous financial year under sub-paragraph (4), the Secretary of State must ascertain P's residual income in the prior financial year.

(6) Where P satisfies the Secretary of State that P's income is wholly or mainly derived from the profits of a business or profession carried on by P, then any reference in this Schedule to a prior financial year in relation to P means the earliest period of twelve months which ends after the start of the financial year immediately preceding the preceding financial year and in respect of which accounts are kept relating to that business or profession.

(7) Where P is in receipt of any income which does not form part of P's income for the purpose of the Income Tax Acts or the income tax legislation of another Member State by reason only that—

- (a) P is not resident or domiciled in the United Kingdom, or where P's income is computed as for the purposes of the income tax legislation of another Member State, not so resident or domiciled in that Member State;
- (b) the income does not arise in the United Kingdom, or where P's income is computed for the purposes of the income tax legislation of another Member State, does not arise in that Member State; or
- (c) the income arises from an office, service or employment, income for which is exempt from tax in pursuance of any legislation,

P's taxable income for the purposes of this Schedule is computed as though the income under this sub-paragraph were part of P's income for the purpose of the Income Tax Acts or the income tax legislation of another Member State, as the case may be.

(8) Where P's income is computed as for the purposes of the income tax legislation of another Member State, it is computed under the provisions of this Schedule in the currency of that Member State and P's income for the purposes of this Schedule is the sterling value of that income determined in accordance with the average rate published by Her Majesty's Revenue and Customs for the calendar year which ends before the end of the prior financial year.

(9) Where the Secretary of State determines that P and the eligible part-time student's parent are separated for the duration of the relevant year, P's residual income is not taken into account in determining the household income.

(10) Where the Secretary of State determines that P and the eligible part-time student's parent have separated in the course of the relevant year, P's residual income is determined by reference to P's residual income under sub-paragraph (1) divided by 52 and multiplied by the number of complete weeks in the relevant year for which the Secretary of State determines that P and the eligible student's parent are not separated.”.

Amendments relating to new payment rates for student support

11. The Schedule to these Regulations has effect (amendments to the Education (Student Support) Regulations 2011 relating to new payment rates for student support).

Amendments relating to funding for postgraduate top-up courses

12.—(1) In the Education (Postgraduate Master's Degree Loans) Regulations 2016—

(a) in regulation 3 (eligible students)—

(i) in paragraph (3), before sub-paragraph (a), insert—

“(za) A is excused from undertaking any part of the course due to—

- (i) A's previous experience;
- (ii) A having taken a module or other unit of work of another course; or
- (iii) A having been awarded a credit, credit point or equivalent measurement of study in respect of any part of another course;”;

(ii) after paragraph (3) insert—

“(3A) Paragraph (3)(za) does not apply where—

- (a) A was so excused as a result of transferring to the course from a designated course; and
 - (b) the Secretary of State considers A being so excused to be reasonable in the circumstances.”;
- (b) in regulation 4 (designated courses)—
 - (i) in paragraph (1)(a), after “a” insert “full”;
 - (ii) after paragraph (4) insert—
 - “(4ZA) In paragraphs (1)(a) and (1A)(18), “full postgraduate master’s degree course” means a course which, independent of a student’s previous experience or any module or other unit of work, credit, credit point or equivalent measurement of study taken or awarded in respect of another course, leads to a master’s degree.”.
- (2) In the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018—
 - (a) in regulation 3 (eligible students)—
 - (i) in paragraph (3), before sub-paragraph (a), insert—
 - “(za) A is excused from undertaking any part of the course due to—
 - (i) A’s previous experience;
 - (ii) A having taken a module or other unit of work of another course; or
 - (iii) A having been awarded a credit, credit point or equivalent measurement of study in respect of any part of another course.”;
 - (ii) after paragraph (3) insert—
 - “(3A) Paragraph (3)(za) does not apply where—
 - (a) A was so excused as a result of transferring to the course from a designated course; and
 - (b) the Secretary of State considers A being so excused to be reasonable in the circumstances.”;
 - (b) in regulation 4 (designated courses)—
 - (i) in paragraph (1)(a), after “a” insert “full”;
 - (ii) after paragraph (3) insert—
 - “(3ZA) In paragraphs (1)(a) and (2A)(19), “full postgraduate doctoral degree course” means a course which, independent of a student’s previous experience or any module or other unit of work, credit, credit point or equivalent measurement of study taken or awarded in respect of another course, leads to a doctoral degree.”.

Amendments relating to postgraduate support for students in receipt of a social work bursary

13.—(1) In regulation 159(4) of the Education (Student Support) Regulations 2011 (eligible postgraduate students), for sub-paragraph (a) substitute—

- “(a) A is, in connection with the course—
 - (i) eligible to apply for a healthcare bursary;

(18) Added by regulation 4(2)(b)(i) of these Regulations.

(19) Added by regulation 4(3)(b)(i) of these Regulations.

- (ii) eligible to apply for any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007⁽²⁰⁾;
 - (iii) eligible to apply for any allowance, bursary or award of a similar description made by UKRI;
 - (iv) eligible to apply for any allowance, bursary or award of a similar description made by A's institution which includes any payment for the purpose of meeting additional expenditure incurred by A by reason of A's disability;
 - (v) in receipt of any allowance, bursary or award of a similar description made under section 67(4)(a) of the Care Standards Act 2000⁽²¹⁾, or under section 46 of the Children and Social Work Act 2017⁽²²⁾, which includes payment for meeting additional expenditure incurred by A by reason of A's disability, save to the extent that A is in receipt of such an allowance, bursary or award in respect of travel expenses; or
 - (vi) in receipt of any allowance, bursary or award of a similar description made under section 116(2)(a) of the Regulation and Inspection of Social Care (Wales) Act 2016⁽²³⁾ which includes payment for meeting additional expenditure incurred by A by reason of A's disability;"
- (2) In regulation 3(3) of the Education (Postgraduate Master's Degree Loans) Regulations 2016 (eligible students), for sub-paragraph (j) substitute—
- “(j) A is, in connection with the course—
- (i) eligible to apply for a healthcare bursary;
 - (ii) eligible to apply for any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007; or
 - (iii) in receipt of any allowance, bursary or award of a similar description made under section 67(4)(a) of the Care Standards Act 2000, or under section 46 of the Children and Social Work Act 2017, which includes payment for meeting additional expenditure incurred by A by reason of A's disability, save to the extent that A is in receipt of such an allowance, bursary or award in respect of travel expenses; or”
- (3) In regulation 3(3) of the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (eligible students), for sub-paragraph (k) substitute—
- “(k) A is, in connection with the course—
- (i) eligible to apply for a healthcare bursary;
 - (ii) eligible to apply for any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007; or
 - (iii) in receipt of any allowance, bursary or award of a similar description made under section 67(4)(a) of the Care Standards Act 2000, or under section 46 of the Children and Social Work Act 2017, which includes payment for meeting additional expenditure incurred by A by reason of A's disability, save to the extent that A is in receipt of such an allowance, bursary or award in respect of travel expenses; or”

⁽²⁰⁾ S.S.I. 2007/151. Relevant amending instruments are S.S.I. 2007/503, S.S.I. 2009/308, 2009/188, S.S.I. 2012/72, S.S.I. 2013/80, S.S.I. 2016/82, S.S.I. 2017/180, S.S.I. 2018/171 and S.S.I. 2019/70.

⁽²¹⁾ 2000 c. 14. Section 67 was amended by the Health and Social Care Act 2012 (c. 7, the Regulation and Inspection of Social Care (Wales) Act 2016 *anaw.* 2 and the Children and Social Work Act 2017 (c. 16).

⁽²²⁾ 2017 c. 16.

⁽²³⁾ 2016 *anaw.* 2.

Amendments relating to fee support for master’s degree students who have previously received a grant from the Welsh Government

14. In regulation 3(3) of the Education (Postgraduate Master’s Degree Loans) Regulations 2016 (eligible students), for sub-paragraph (k) substitute—

- “(k) subject to paragraph (7), A has previously received—
- (i) a loan other than under these Regulations in respect of a course, where that loan was paid out of funds provided by a government authority within the United Kingdom; or
 - (ii) a grant under regulation 33(1) of the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019 (basic grant or contribution to costs grant).”.

Amendments relating to funding when a module of study, or a similar unit of work, forming part of a master’s degree is repeated

15.—(1) The Education (Postgraduate Master’s Degree Loans) Regulations 2016 are amended as follows.

(2) For regulation 13(5) (payment of postgraduate master’s degree loans: duty on academic authority to inform the Secretary of State if student withdraws from course) substitute—

- “(5) The academic authority must forthwith inform the Secretary of State and provide the Secretary of State with particulars if—
- (a) the student withdraws, is suspended or is expelled from their course, or is otherwise absent; or
 - (b) the student is required to repeat a module or a similar unit of work.”.

(3) In regulation 15 (absence from course)—

- (a) in the heading, after “from” insert “, or repetition of parts of,”;
- (b) for paragraph (1) substitute—

“(1) Subject to paragraphs (2) to (6), if the Secretary of State receives a notice under regulation 13(5)(a) or (b) or paragraph (2)(a) to (c) of Schedule 2 of an eligible student’s—

- (a) lack of attendance on the designated course; or
- (b) need to repeat a module or similar unit of work,

the Secretary of State may not make any further payment of the postgraduate master’s degree loan.”.

(4) in paragraph (2)—

- (a) for “student’s lack of attendance” substitute “Secretary of State receiving a notice referred to in paragraph (1)”;
- (b) omit “during the student’s absence”.

(5) after paragraph (4) insert—

- “(5) The academic authority must inform the Secretary of State if the eligible student—
- (a) completes the module or unit of work; or
 - (b) is no longer required to complete the module or unit of work.

(6) After considering the information given under paragraph (5), the Secretary of State must recommence further payments of the postgraduate master’s degree loan under regulation 13.”.

Amendments relating to students in receipt of funding under the Education Psychology Funding Training Scheme

16. In regulation 3 of the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No 2) etc) Regulations 2018 (eligible students)—

- (a) at the end of paragraph (3)(k) (as substituted by these Regulations), insert—
 - “(iv) in receipt of financial assistance provided under the Educational Psychology Funded Training scheme; or”.
- (b) after paragraph (10) insert—
 - “(11) In paragraph (3)(k)(iv), “Educational Psychology Funded Training scheme” means the scheme of the same name under section 14 of the Education Act 2002.”.

Amendments relating to the amount of loan for master’s and doctoral degrees

17.—(1) In regulation 12 of the Education (Postgraduate Master’s Degree Loans) Regulations 2016 (amount of postgraduate master’s degree loan), in paragraphs (1) and (2), for “£10,906” substitute “£11,222”.

(2) In the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No 2) etc) Regulations 2018—

- (a) in regulation 12(1) (amount of postgraduate doctoral degree loan), for “£25,700” substitute “£26,445”;
- (b) in regulation 13(4) (payment of postgraduate doctoral degree loan), for “£10,906” substitute “£11,222”.

Correction of the Education (Student Support) (European University Institute) Regulations 2010 and the Education (Student Support) Regulations 2011

18.—(1) In Schedule 1 to the Education (Student Support) (European University Institute) Regulations 2010, in paragraph 4B(b) (persons granted section 67 leave), for “first day of the first academic year of the course” substitute “relevant date”.

(2) In regulation 12(1) of the Education (Student Support) Regulations 2011 (meaning of “previous course”), in sub-paragraphs (a), (b)(ii) and (b)(iii)(aa), for “one or both” substitute “any”.

Revocation of the Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2020

19. The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2020(24) are revoked.

22nd January 2020

Chris Skidmore
Minister of State
Department for Education