STATUTORY INSTRUMENTS

2018 No. 472

EDUCATION, ENGLAND

The Education (Student Support) (Amendment) (No. 3) Regulations 2018

Made - - - -	*5th April 2018*
Laid before Parliament	*13th April 2018*
Coming into force - -	*7th May 2018*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 22 and 42(6) of the Teaching and Higher Education Act 1998(**1**).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Support) (Amendment) (No. 3) Regulations 2018.

(2) These Regulations—

(a) come into force on 7th May 2018; and

(b) apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st August 2018, whether anything done under these Regulations is done before, on or after that date.

(3) In paragraph (2)(b), "academic year" has the meaning given in regulation 2(1) of the Education (Student Support) Regulations 2011(**2**).

Amendment of the Education (Student Support) Regulations 2011

2. The Education (Student Support) Regulations 2011 are amended in accordance with regulations 3 to 26.

(**1**) 1998 c. 30. Section 22 was amended by: section 146(2) of, and Schedule 11 to, the Learning and Skills Act 2000 (c. 21); paragraph 236 of Part 2 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1); section 147(3) of the Finance Act 2003 (c. 14); sections 42(1) and 43(2) and (3) of, and Schedule 7 to, the Higher Education Act 2004 (c. 8); section 257(2) of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22); section 76(1) and (2)(a) of the Education Act 2011 (c. 21); and S.I. 2013/1881. Section 22 is also amended by section 86(2) to (7) of the Higher Education and Research Act 2017 (c. 29) but those amendments are not yet in force. Section 43(1) of the Teaching and Higher Education Act 1998 defines "prescribed" and "regulations".

(**2**) S.I. 2011/1986, amended by S.I. 2012/1653, 2013/235, 2013/630, 2013/1728, 2013/3106, 2014/1766, 2014/2103, 2014/2765, 2015/1951, 2016/211, 2016/270, 2016/584, 2017/52, 2017/114, 2017/204, 2018/136, 2018/137, 2018/434 and 2018/443.

3. In regulation 2(1) (interpretation)—

(a) in the definition of "eligible prisoner", in paragraph (e), for "151" substitute "139A";

(b) in the definition of "Erasmus year"(**3**), after "5(1)(d)", insert "or 139(1)(d)";

(c) in the definition of "household income", at the end, insert ", and, for the purposes of Part 11B, has the meaning given in Schedule 6".

4. In regulation 6(4)(a) (period of eligibility), for "132 or 152" substitute "132, 139B or 139C".

5. In regulation 71 (general), after paragraph (1), insert—

"(2) This Chapter is subject to regulations 139B(4) to (6) and 139C(3) to (5).".

6. In regulation 85(2)(c) (students becoming eligible in the course of an academic year), for "three" substitute "five".

7. In regulation 110 (general)—

(a) in paragraph (1)—

(i) in sub-paragraphs (a) and (b), after "loans", insert "in connection with designated courses";

(ii) in sub-paragraph (d), after "costs", insert "in connection with designated courses";

(b) in paragraph (2)—

(i) omit "all";

(ii) at the end, insert "other than loans for living costs in connection with designated part-time courses".

8. For the Part heading to Part 11 (support for part-time students) substitute—

"Eligibility in connection with designated part-time courses and transfers of status etc.".

9. In regulation 136 (interpretation of Part 11)—

(a) in paragraph (1)—

(i) in the words before sub-paragraph (a), omit "(except for purposes of regulation 139(1)(e))";

(ii) in sub-paragraph (a), for "151" substitute "139A";

(b) after paragraph (1), insert—

"(1A) Paragraph (1) does not apply—

(a) for the purposes of regulation 139(1)(e); or

(b) in relation to the application of this Part to loans for living costs in connection with designated part-time courses.";

(c) omit paragraph (3).

10. In regulation 137(**4**) (eligible part-time students)—

(a) in paragraph (1), at the end, insert "and Parts 11A and 11B";

(b) in paragraph (3), omit sub-paragraph (e);

(c) omit paragraph (4).

11. In regulation 138(**5**) (students becoming eligible during the course of the academic year)—

(**3**) The definition of "Erasmus year" was substituted by S.I. 2013/1728 and subsequently amended by S.I. 2017/114.
(**4**) Regulation 137 was amended by S.I. 2015/1951, 2017/114, 2018/136, 2018/137, 2018/434 and 2018/443.
(**5**) Regulation 138 was amended by S.I. 2018/137.

(a) in the heading, after "eligible", insert "for support under Part 11A";

(b) in paragraphs (1), (2)(a) and (3), for "this Part" substitute "Part 11A";

(c) in paragraph (4)(e), for "three" substitute "five".

12. After regulation 138, insert—

"**Students becoming eligible for support under Part 11B in the course of an academic year**

138A.—(1) Where one of the events listed in paragraph (2) occurs in the course of an academic year, a student may qualify for a loan for living costs in respect of such quarters in respect of which a loan for living costs is payable as begin after the relevant event occurs.

(2) The events are—

(a) the student's course becomes a designated part-time course;

(b) the student, or the student's spouse, civil partner or parent is recognised as a refugee or becomes a person granted stateless leave or a person granted humanitarian protection;

(c) the state of which the student is a national accedes to the EU where the student has been ordinarily resident in the United Kingdom and Islands throughout the five-year period immediately preceding the first day of the first academic year of the course;

(d) the student acquires the right of permanent residence;

(e) the student becomes the child of a Turkish worker;

(f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or

(g) the student becomes the child of a Swiss national.

(3) An eligible part-time student to whom paragraph (1) applies does not qualify for a loan for living costs in respect of any academic year beginning before the academic year in which the relevant event occurred.

(4) The maximum amount of loan for living costs payable is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the student qualifies for the loan for living costs.

(5) The maximum amount of loan for living costs for each quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year.

(6) In this regulation, a "loan for living costs" means a loan for living costs under Part 11B.".

13. In regulation 139(**6**) (designated part-time courses)—

(a) in paragraph (1), after "paragraphs", insert "(2A),";

(b) after paragraph (2), insert—

"(2A) A course mentioned in Schedule 2 is not a designated part-time course for the purposes of support under Part 11B unless it is—

(a) a course which leads to an honours degree or an ordinary degree;

(b) a course which leads to a graduate diploma at an equivalent level to an honours degree or an ordinary degree;

(**6**) Regulation 139 was amended by S.I. 2013/1728, 2013/3106, 2014/2765, 2018/136, 2018/137, 2018/434 and 2018/443.

(c) a course which leads to a graduate certificate at an equivalent level to an honours degree or an ordinary degree;

(d) a course which leads to a diploma in respect of a course in—

(i) a dental profession subject; or

(ii) operating department practice;

(e) a course which leads to a foundation degree in respect of a course in a dental profession subject;

(f) a course which leads to a Postgraduate Certificate in Education;

(g) a course which leads to a Professional Graduate Certificate in Education; or

(h) any other course not within sub-paragraph (f) or (g) which is a course of initial teacher training at an accredited institution.

(2B) In paragraph (2A)(h), "accredited institution" means an institution accredited by the Secretary of State under regulation 11 of the Education (School Teachers' Qualifications) (England) Regulations 2003(**7**).".

14. After regulation 139, insert—

"**Transfer of status**

139A.—(1) Where an eligible part-time student transfers to another part-time course, the Secretary of State must transfer the student's status as an eligible part-time student to that course where—

(a) the Secretary of State receives a request from the eligible part-time student to do so;

(b) the Secretary of State is satisfied that one or more of the grounds for transfer in paragraph (2) applies; and

(c) the period of eligibility has not terminated.

(2) The grounds for transfer are—

(a) the eligible part-time student starts to undertake another designated part-time course at the institution;

(b) the eligible part-time student starts to undertake a designated part-time course at another institution; or

(c) after beginning a designated part-time course for a first degree (other than an honours degree) the eligible part-time student is, before the completion of that course, admitted to a designated part-time course for an honours degree in the same subject or subjects at the institution.

(3) Subject to paragraph (4), an eligible part-time student who transfers under paragraph (1) from a part-time course beginning before 1st September 2012 is entitled to receive in connection with the academic year of the course to which the student transfers the remainder of the support for which the Secretary of State has determined the student qualifies under Part 11A in respect of the academic year of the course from which the student transfers.

(4) The Secretary of State may re-assess the amount of support payable under Part 11A after the transfer.

(**7**) S.I. 2003/1662. Regulation 11 was substituted by S.I. 2012/431.

(5) An eligible student who transfers under paragraph (1) after the Secretary of State has determined the student's support in connection with the academic year of the course from which the student is transferring but before the student completes that year may not apply for another grant—

(a) under regulation 141(1)(b), where the student is transferring from a course beginning before 1st September 2012, or

(b) under regulation 147,

in connection with the academic year of the course to which the student transfers.

(6) Where a student transfers under paragraph (1) from a part-time course beginning before 1st September 2012, the maximum amount of assistance under regulation 141(1)(a) in respect of the academic years to and from which the student transfers is the amount of assistance with fees available in connection with the course which has the highest intensity of study.

Conversion of status from eligible student to eligible part-time student

139B.—(1) Where an eligible student ceases to undertake a designated course and transfers to a designated part-time course at the same or at another institution, the Secretary of State must convert the student's status as an eligible student to that of an eligible part-time student in connection with the course to which the student is transferring where—

(a) the Secretary of State receives a request from the eligible student to do so; and

(b) the period of eligibility has not terminated.

(2) Where, before completing the designated course, the student transfers to a part-time course in the same subject or subjects leading to the same qualification at the same institution, the part-time course is to be treated as satisfying regulation 139(1)(b) and (c) if the period of part-time study to be undertaken by the student is of at least one academic year's duration and does not exceed—

(a) twice the period ordinarily required to complete the remainder of the designated course from which the student transfers, where the student transfers before 1st September 2012; or

(b) four times the period ordinarily required to complete the remainder of the designated course from which the student transfers, where the student transfers on or after 1st September 2012.

(3) The following applies to a student ("A") who transfers under paragraph (1)—

(a) where the Secretary of State has determined to pay an amount of disabled students' allowance to A under Chapter 3 of Part 5 in instalments, no payment in respect of that amount of grant must be made in respect of any instalment period beginning after the date on which A becomes an eligible part-time student;

(b) the maximum amount of disabled part-time students' allowance to which A would, apart from this regulation, be entitled in connection with A undertaking a designated part-time course in respect of that academic year is reduced by one third where A became an eligible part-time student during the second quarter of the academic year and by two thirds where A became such a student in a later quarter of that year;

(c) where an amount of disabled students' allowance has been paid to A under Chapter 3 of Part 5 ("the first amount") in a single payment, the maximum amount of disabled part-time students' allowance payable for that purpose is reduced (or, where sub-paragraph (b) applies, further reduced) by the first amount, and where the resulting amount is nil or a negative amount that amount is nil; and