STATUTORY INSTRUMENTS

2018 No. 443

EDUCATION, ENGLAND

The Education (Student Support) (Amendment) (No. 2) Regulations 2018

Made - - - -	*1.05 p.m. on 28th March 2018*
Laid before Parliament	*4.00 p.m. on 28th March 2018*
Coming into force - -	*29th March 2018*

The Secretary of State makes the following 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. 2) Regulations 2018.

(2) These Regulations—

(a) come into force on 29th March 2018; and

(b) apply in relation to the provision of support to students —

(i) in relation to an academic year which begins on or after 1st August 2018, whether they have made an application for support before, on, or after that date; and

(ii) where that application for support falls to be determined on or after the date on which these Regulations come into force, unless the application is one to which regulation 3 of the Education (Student Support) (Revocation, Amendment and Saving Provision) Regulations 2018(**2**) applies.

(3) In paragraph (2), "academic year" means 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 begins, respectively—

(**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) defines "prescribed" and "regulations".

(**2**) S.I. 2018/434.

(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.

Amendment of the Education (Student Support) Regulations 2011

2. Regulations 3 to 14 amend the Education (Student Support) Regulations 2011(**3**) as follows.

Amendment of regulation 2

3.—(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1)—

(a) in the definition of "allied health profession subject"(**4**), after "chiropody,", insert "dental profession subject,";

(b) in the appropriate place, insert—

> ""dental profession subject" means dental hygiene, dental therapy and dental hygiene and dental therapy;";

(c) in the appropriate place, insert—

> ""postgraduate pre-registration course" means an education and training programme leading to a graduate master's degree or a postgraduate diploma which is a condition of inclusion in the register (or, as the case may be, the relevant part or parts of the register) maintained by—
>
> (a) the Health and Care Professions Council(**5**), for allied health profession subjects other than dental profession subjects; or
>
> (b) the Nursing and Midwifery Council(**6**), for midwifery or nursing;";

(d) for the definition of "pre-registration course"(**7**), substitute—

> ""pre-registration course" means an education and training programme leading to a qualification, the standard of which is not higher than a first degree course, which is a condition of inclusion in the register (or, as the case may be, the relevant part or parts of the register) maintained by—
>
> (a) the Health and Care Professions Council, for operating department practice and allied health profession subjects, other than dental profession subjects;
>
> (b) the Nursing and Midwifery Council, for midwifery or nursing;
>
> (c) the General Dental Council(**8**), for dental profession subjects;
>
> (d) the Health and Care Professions Council and the Nursing and Midwifery Council, for nursing and social work;".

(**3**) 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 and 2018/434.
(**4**) The definition of "allied health profession subject" was inserted by S.I. 2017/114 and amended by S.I. 2018/136 and 2018/434.
(**5**) This register can be found at http://www.hpc-uk.org/check/.
(**6**) This register can be found at https://www.nmc.org.uk/registration/search-the-register/.
(**7**) The definition of "pre-registration course" was inserted by S.I. 2017/114 and amended by S.I. 2018/136 and 2018/434.
(**8**) This register can be found at https://olr.gdc-uk.org/SearchRegister.

Amendment of regulation 4

4.—(1) Regulation 4(**9**) (eligible students) is amended as follows.

(2) After paragraph (6), insert—

"(6A) A person ("A") is not an eligible student in connection with a postgraduate pre-registration course unless A begins the course on or after 1st August 2018.

(6B) For the purposes of paragraph (6A), a person ("A") who transfers from a postgraduate pre-registration course which began before 1st August 2018 to a postgraduate pre-registration course which begins on or after 1st August 2018 ("the second course") is not an eligible student unless A—

(a) transfers to the first academic year of the second course; or

(b) transfers to any other academic year of the second course which is not a bursary year.

(6C) A person ("A") is not an eligible student in connection with a pre-registration course or a postgraduate pre-registration course which leads to a qualification for a profession in respect of which A is already registered in the relevant part or parts of the register maintained by the Health and Care Professions Council, the Nursing and Midwifery Council or the General Dental Council.

(6D) A person ("A") is not an eligible student in connection with a postgraduate pre-registration course if A has received support under Part 4, 5 or 6 of these Regulations in connection with a previous postgraduate pre-registration course begun on or after 1st August 2018 and has achieved a qualification.

(6E) A person who—

(a) has a disability, and

(b) would be an eligible student in connection with a postgraduate pre-registration course but for paragraph (6D),

is to be treated, for the purposes of Part 12 of these Regulations only, as if that person were an eligible postgraduate student in connection with a designated postgraduate course.".

(3) After paragraph (7), insert—

"(7A) A person ("A") is not an eligible student if A is enrolled on a course which is designated under regulation 4 of the Education (Postgraduate Master's Degree Loans) Regulations 2016(**10**) and is receiving support under those Regulations for that course.".

Amendment of regulation 5

5.—(1) Regulation 5(**11**) (designated courses) is amended as follows.

(2) In paragraph (1)—

(a) in the opening words, after "paragraphs", insert "(2A),";

(b) in sub-paragraph (c), at the end, insert ", or, in the case of a postgraduate pre-registration course, of at least two academic years' duration".

(3) After paragraph (2), insert—

"(2A) A postgraduate pre-registration course is not a designated course if it is a distance learning course.".

(**9**) Regulation 4 was amended by S.I. 2015/1951, 2017/114, 2018/137, 2018/136, 2018/137 and 2018/434.
(**10**) S.I. 2016/606, amended by S.I. 2016/668, 2017/594, 2017/831 and 2018/137.
(**11**) Regulation 5 was amended by S.I. 2013/1728, 2013/3106, 2014/2765, 2015/1951, 2017/114, 2018/136, 2018/137 and 2018/434.

Amendment of regulation 12

6.—(1) Regulation 12(**12**) (previous course) is amended as follows.

(2) In paragraph (4A)—

(a) in the opening words, after "is not", insert "to be";

(b) for sub-paragraph (b), substitute—

"(b) leads to—

(i) an ordinary degree or an honours degree;

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

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

(c) in sub-paragraph (c), at the end, insert "or, in the case of a course in a dental profession subject, begins on or after 1st August 2018".

(3) After paragraph (4A), insert—

"(4B) A course which would otherwise be a previous course is not to be treated as such if the current course is a postgraduate pre-registration course which begins on or after 1st August 2018.".

(4) In paragraph (12), after "is only", insert "to be".

Amendment of regulation 13

7.—(1) Regulation 13(**13**) (miscellaneous) is amended as follows.

(2) In paragraph (2A)—

(a) for sub-paragraph (b), substitute—

"(b) leads to—

(i) an ordinary degree or an honours degree;

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

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

(b) in sub-paragraph (c), at the end, insert "or, in the case of a course in a dental profession subject, begins on or after 1st August 2018".

(3) After paragraph (2A), insert—

"(2B) Paragraph (1) does not apply where the current course is a postgraduate pre-registration course which begins on or after 1st August 2018.".

Amendment of regulation 69

8.—(1) Regulation 69(**14**) (qualifying conditions for the loan for living costs – current system students) is amended as follows.

(2) In paragraph (2)—

(a) in sub-paragraph (e)—

(**12**) Regulation 12 was amended by S.I. 2014/2765, 2017/114, 2018/136, 2018/137 and 2018/434.
(**13**) Regulation 13 was amended by S.I. 2012/1653, 2014/2765, 2017/114, 2018/136, 2018/137 and 2018/434.
(**14**) Regulation 69 was amended by S.I. 2013/1728, 2014/2765, 2015/1951, 2016/270, 2017/114, 2018/136 and 2018/434.