

2017 No. 114

EDUCATION, ENGLAND

**The Education (Student Fees, Awards and Support)
(Amendment) Regulations 2017**

<i>Made</i> - - - -	<i>7th February 2017</i>
<i>Laid before Parliament</i>	<i>9th February 2017</i>
<i>Coming into force</i> - -	<i>3rd March 2017</i>

The Secretary of State for Education, in exercise of the powers conferred by sections 1 and 2 of the Education (Fees and Awards) Act 1983(a), sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998(b) and sections 24(6) and 47 of the Higher Education Act 2004(c) makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Fees, Awards and Support) (Amendment) Regulations 2017.

(2) This regulation and regulations 2, 11, 12(b)(i), 15(a), 15(b)(i), 18(b), 24, 25, 28, 29, 30, 31, 32 and 37(b) come into force on 3rd March 2017.

(3) Subject to paragraphs (4) and (5), all other provisions of these Regulations—

-
- (a) 1983 c.40. Section 1 was amended by the Education Reform Act 1988 (c. 40), sections 231, 235, 237 and Schedule 12, paragraph 91; the Further and Higher Education Act 1992 (c. 13), section 93 and Schedule 8, paragraph 19; the Further and Higher Education (Scotland) Act 1992 (c. 37), Schedule 9, paragraph 8; the Education Act 1994 (c. 30), section 24 and Schedule 2, paragraph 7; the Education Act 1996 (c. 56), section 582(1) and Schedule 37, paragraph 57; the Teaching and Higher Education Act 1998 (c. 30), Schedule 3, paragraph 5; the Learning and Skills Act 2000 (c. 21), section 149 and Schedule 9, paragraph 11; the Education Act 2002 (c. 32), section 215 and Schedule 22, paragraph 1; the Education Act 2005 (c.18), section 98 and Schedule 14, paragraph 9; the National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), Schedule 1, paragraph 9; the Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), article 2 and Schedule 1, paragraph 12; the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), article 5 and Schedule 2, paragraph 1; the Education Act 2011 (c. 21), Schedule 5, paragraph 5 and Schedule 16, paragraph 5 and the Deregulation Act 2015 (c. 20), Schedule 14, paragraph 33. Section 2 was amended by the Teaching and Higher Education Act 1998 (c. 30), section 44 and Schedule 4, paragraph 1.
- (b) 1998 c.30. Section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11, paragraph 1; the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6, paragraph 236; the Finance Act 2003 (c.14), section 147; the Higher Education Act 2004 (c. 8), sections 42, 43 and Schedule 7, paragraph 1; the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 257; the Education Act 2011 (c. 21), section 76 and the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No. 2) Order 2013 (S.I. 2013/1881), Schedule 1, paragraph 6. Section 42 was amended by the Education Act 2002 (c. 32), Schedule 12, paragraph 9; the Finance Act 2003, section 147; the Higher Education Act 2004 (c. 8), Schedule 6, paragraph 9; and the Education Act 2011 (c. 21), section 76, Schedule 2, paragraph 15. Section 43 was amended by the Education Act 2002 (c. 32), Schedule 12, paragraph 10 and the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), Schedule 2, paragraph 9. See section 43(1) of the Teaching and Higher Education Act 1998 for the definition of "prescribed" and "regulations".
- (c) 2004 c. 8. Section 24 was amended by the Education Act 2005 (c. 18), section 98 and Schedule 14, paragraph 26 and the Education Act 2011 (c.21), Schedule 5, paragraph 20.

- (a) come into force on 3rd March 2017; 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 2017 whether anything done under these Regulations is done before, on or after 1st August 2017.
- (4) Regulation 3(c) does not apply in relation to a person who—
- (a) has transferred to the current course from a course beginning before 1st September 2012 pursuant to regulation 7 of the Education (Student Support) Regulations 2011(a) from a course that is not a distance learning course; or
 - (b) begins an Erasmus year before 1st August 2017.
- (5) Regulations 33 to 37(a) do not apply in relation to an applicant—
- (a) who—
 - (i) before the date on which these Regulations come into force has been determined by the Secretary of State to be an eligible student falling within paragraph 10 of Part 2 of Schedule 1 to the Education (Student Support) (European University Institute) Regulations 2010(b); and
 - (ii) on or after that date makes an application for support under the Education (Student Support) (European University Institute) Regulations 2010 on the basis of that determination in relation to an academic year which begins on or after 1st August 2017; or
 - (b) who would have fallen to be determined as eligible within paragraph 10 of Part 2 of Schedule 1 to the Education (Student Support) (European University Institute) Regulations 2010 had they made an application for support before the coming into force of these Regulations in relation to an academic year beginning before 1st August 2017.
- (6) In these Regulations—
- “academic year” means the period of twelve months beginning on 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 that academic year begins on or after 1st January and before 1st April, on or after 1st April and before 1st July, on or after 1st July and before 1st August or on or after 1st August and on or before 31st December, respectively;
- “current course” means the designated course in respect of which a person is applying for support;
- “distance learning course” means a course on which a student undertaking the course is not required to be in attendance by the institution providing the course, where “required to be in attendance” is not satisfied by a requirement imposed by the institution to attend any institution—
- (a) for the purposes of registration or enrolment or any examination;
 - (b) on a weekend or during any vacation; or
 - (c) on an occasional basis during the week.

Amendment of the Education (Student Support) Regulations 2011

2. The Education (Student Support) Regulations 2011 are amended in accordance with regulations 3 to 27.

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

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

(a) 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 and 2016/584.

(b) S.I. 2010/447, amended by S.I. 2011/83, 2011/2430, 2012/3059, 2013/630, 2013/1728 and 2016/211.

- ““allied health profession subject” means chiropody, dietetics, dietetics and nutrition, occupational therapy, orthoptics, orthotics and prosthetics, physiotherapy, podiatry, radiography, radiotherapy, and speech and language therapy;”;
- (b) for the definition of “bursary year”, substitute—
- ““bursary year” means an academic year of a course in relation to which the student is—
- (a) eligible to apply for a healthcare bursary the amount of which is calculated by reference to income whether or not the calculation results in a nil amount;
- (b) eligible to apply for a Scottish healthcare allowance the amount of which is calculated by reference to income whether or not the calculation results in a nil amount;
- (c) eligible for a healthcare tuition payment;”;
- (c) in the definition of “Erasmus year”—
- (i) in sub-paragraph (b), omit “or Scotland”;
- (ii) in sub-paragraph (c), for “or Wales”, substitute “, Scotland or Wales”;
- (d) for the definition of “healthcare bursary”, substitute—
- ““healthcare bursary” means a bursary or award of similar description under—
- (a) section 63 of the Health Services and Public Health Act 1968(a) made in respect of—
- (i) a course provided by an institution in England beginning before 1st August 2017;
- (ii) a course provided by an institution in England beginning on or after 1st August 2017, where that course leads to qualification as a paramedic, medical doctor or dentist;
- (iii) a course provided by an institution in Scotland or Northern Ireland, where that course leads to qualification as a medical doctor or dentist;
- (iv) a course provided by an institution in Wales; or
- (b) article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(b);”;
- (e) after the definition of “healthcare bursary”, insert—
- ““healthcare tuition payment” means a payment for tuition in connection with the NHS Bursary Scheme in England, established pursuant to section 63 of the Health Services and Public Health Act 1968, in respect of a course beginning on or after 1st August 2017, except where that course leads to qualification as a medical doctor or dentist;”;

-
- (a) 1968 c. 46. Section 63 was amended by the National Health Service (Scotland) Act 1972 (c.58), Schedule 7, the National Health Service Reorganisation Act 1973 (c.32), Schedules 4 and 5, the National Health Service Act 1977 (c.49), Schedules 15 and 16, the National Health Service (Scotland) Act 1978 (c.29), Schedules 16 and 17, the Local Government Act 1985 (c.51), Schedule 17, the Health and Medicines Act 1988 (c.49), sections 20 and 25(2) and Schedule 3, the Local Government (Scotland) Act 1994 (c.39), Schedule 13, the Health Authorities Act 1995 (c.17), Schedule 1, S.I. 1996/1008, the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, the Health Act 1999 (c.8), Schedule 4, the Health and Social Care Act 2001 (c.15), Schedule 5, the National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedules 2, 5 and 9, S.I. 2002/2202, article 4, S.I. 2002/2469, Schedule 1, the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedules 4, 11 and 14, S.I. 2004/288, article 7, the Children Act 2004 (c.31), section 55, S.I. 2004/957, the Schedule, the Smoking, Health and Social Care (Scotland) Act 2005 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2006/1056, Schedule 1, the National Health Service Consequential Provisions Act 2006 (c.43), Schedule 1, S.I. 2006/1056 and S.I. 2007/961, Schedule 1, the Health Act 2009, Schedule 1, the Health and Social Care Act 2012 (c.7), Schedule 5, the Care Act 2014 (c.23), section 97 and S.I. 2016/413.
- (b) S.I. 1972/1265 (N.I. 14).

- (f) after the definition of “maintained school”, insert—
 ““non-regulated institution” means an institution in Wales that does not have a fee and access plan in force approved by the Higher Education Funding Council for Wales under section 7 of the Higher Education (Wales) Act 2015(a);”;
- (g) in the definition of “ordinary duration”—
 (i) in sub-paragraph (b), omit “or Scotland”;
 (ii) in sub-paragraph (c), for “or Wales” substitute “, Scotland or Wales”;
 (iii) after sub-paragraph (c), insert—
 “(d) Erasmus years of a course provided by an institution in Scotland where the course began on or after 1st September 2012 and where the Erasmus year begins before 1st August 2017;”;
- (h) after the definition of “preliminary course”, insert—
 “pre-registration course” means an education and training programme leading to a qualification which is a condition of inclusion in the register (or as the case may be, the relevant part or parts of the register) maintained respectively by the Health and Care Professions Council for allied health profession subjects and operating department practice, the Nursing and Midwifery Council for midwifery or nursing, or the Health and Care Professions Council and Nursing and Midwifery Council for nursing and social work”;
- (i) after the definition of “refugee”, insert—
 ““regulated institution” means an institution that has a fee and access plan in force approved by the Higher Education Funding Council for Wales under section 7 of the Higher Education (Wales) Act 2015;”;
- (j) in the definition of “standard academic year”—
 (i) in sub-paragraph (b), omit “or Scotland”;
 (ii) in sub-paragraph (c), for “or Wales” substitute “, Scotland or Wales”;
 (iii) after sub-paragraph (c), insert—
 “(d) an Erasmus year of a course provided by an institution in Scotland where the course began on or after 1st September 2012 and where the Erasmus year begins before 1st August 2017;”.

4. In regulation 4(3)(c)(i) (Eligible students), omit “A’s”.

5. In regulation 5(1)(d) (Designated courses)—

- (a) in sub-paragraph (i), after “institution”, add “in England, Scotland or Northern Ireland, or in Wales where the course begins before 1st September 2017”;
- (b) in sub-paragraph (ii), after “authority-funded institution”, insert “in England, Scotland or Northern Ireland, or in Wales where the course begins before 1st September 2017”;
- (c) after sub-paragraph (ii), omit “or”;
- (d) in sub-paragraph (iii)—
 (i) after “authority-funded institution”, insert “in England, Scotland or Northern Ireland, or in Wales where the course begins before 1st September 2017;”;
 (ii) after the semi-colon, insert “or”;
- (e) after sub-paragraph (iii), insert—
 “(iv) provided by a regulated institution in Wales or a regulated institution in Wales in conjunction with an institution which is situated outside the United Kingdom, where that course begins on or after 1st September 2017;”.

(a) 2015 anaw. 1.

- 6. In regulation 12 (Previous course), after paragraph (4), insert—**
- “(4A) A course which would otherwise be a previous course is not treated as such if the current course—
- (a) is a pre-registration course in an allied health profession subject, midwifery, nursing, nursing and social work, or operating department practice;
 - (b) leads to an ordinary degree, honours degree, or, in respect of a course in operating department practice, to an ordinary degree, honours degree or a diploma; and
 - (c) begins on or after 1st August 2017.”.
- 7. In regulation 13 (Miscellaneous)—**
- (a) after paragraph (2), insert—

“(2A) Paragraph (1) does not apply where the current course—

 - (a) is a pre-registration course in an allied health profession subject, midwifery, nursing, nursing and social work or operating department practice;
 - (b) leads to an ordinary degree, honours degree, or, in respect of a course in operating department practice, to an ordinary degree, honours degree or a diploma; and
 - (c) begins on or after 1st August 2017.”;
 - (b) after paragraph (7), insert—

“(8) Paragraphs (6) and (7) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.”.
- 8. In regulation 19 (Availability of fee loans to current system students)—**
- (a) in paragraph (2)(b), omit “or Scotland”;
 - (b) in paragraph (2)(c), for “or Wales”, insert “, Wales or Scotland”;
 - (c) in paragraph (8)(b), omit “or Scotland”;
 - (d) in paragraph (8)(c), for “or Wales”, insert “, Wales or Scotland”;
 - (e) in paragraph (9)(b), omit “or Scotland”;
 - (f) in paragraph (9)(c), for “or Wales”, insert “, Wales or Scotland”.
- 9. In regulation 23 (Amount of the fee loan)—**
- (a) in paragraph (3)(b)(ii), after “institution”, insert “in England”;
 - (b) in paragraph (4)—
 - (i) in the opening words after “publicly funded institution)”, insert “in England not listed in Schedule 5”;
 - (ii) for sub-paragraph (b), substitute—

“(b) £3,000 where paragraph (7) applies;”;
 - (iii) in sub-paragraph (c), omit “and the course is provided by an institution in England or Wales”;
 - (iv) in sub-paragraph (d), omit “and the course is provided by an institution in England or Wales”;
 - (c) after paragraph (4), insert—

“(4A) Where the current course began on or after 1st September 2012 and is provided by a private or non-regulated institution listed in Schedule 5 (other than on behalf of a publicly funded or regulated institution respectively), the “maximum amount” is—

 - (a) £6,165, unless paragraph (7), (7A), (7B) or (8) applies;
 - (b) £3,080, where paragraph (7) applies;
 - (c) £1,230, where paragraph (7A) applies and the course is provided by a private institution in England (other than on behalf of a publicly funded institution);

- (d) £1,230, where paragraph (7A) applies, the course is provided by a private institution in Wales (other than on behalf of a publicly funded institution) and begins before 1st September 2017;
 - (e) £1,230 where paragraph (7A) applies, the course is provided by a non-regulated institution in Wales (other than on behalf of a regulated institution) and begins on or after 1st September 2017;
 - (f) £3,080 where paragraph (7A) applies and the course is provided by a private institution in Northern Ireland or Scotland (other than on behalf of a publicly funded institution);
 - (g) £920, where paragraph (7B) applies and the course is provided by a private institution in England (other than on behalf of a publicly funded institution);
 - (h) £920, where paragraph (7B) applies, the course is provided by a private institution in Wales (other than on behalf of a publicly funded institution), and begins before 1st September 2017;
 - (i) £920, where paragraph (7B) applies, the course is provided by a non-regulated institution in Wales (other than on behalf of a regulated institution), and begins on or after 1st September 2017; or
 - (j) £3,080, where paragraph (7B) applies and the course is provided by a private institution in Northern Ireland or Scotland (other than on behalf of a publicly funded institution).”;
- (d) for paragraph (5), substitute—
- “(5) Where the current course began on or after 1st August 2012 and is provided by an institution in Scotland or Northern Ireland, the “maximum amount” is—
- (a) £9,250 where the course is provided by or on behalf of a publicly funded institution, unless paragraph (7), (7A), (7B) or (8) applies;
 - (b) £6,000 where the course is provided by a private institution (other than on behalf of a publicly funded institution), unless paragraph (4A), (7), (7A), (7B) or (8) applies;
 - (c) £4,625 where the course is provided by or on behalf of a publicly funded institution and paragraph (7), (7A) or (7B) applies;
 - (d) £3,000 where the course is provided by a private institution (other than on behalf of a publicly funded institution) and paragraph (7), (7A) or (7B) applies, unless paragraph (4A) applies.”;
- (e) after paragraph (5), insert—
- “(5ZA) Where the current course begins on or after 1st August 2012 and before 1st September 2017, and is provided by or on behalf of an institution in Wales, the “maximum amount” is—
- (a) £9,000 where the course is provided by or on behalf of a publicly funded institution, unless paragraph (7), (7A), (7B) or (8) applies;
 - (b) £6,000 where the course is provided by a private institution (other than on behalf of a publicly funded institution), unless paragraph (4A), (7), (7A), (7B) or (8) applies;
 - (c) £4,500 where the course is provided by or on behalf of a publicly funded institution, and paragraph (7) applies;
 - (d) £3,000 where the course is provided by a private institution (other than on behalf of a publicly funded institution) and paragraph (7) applies, unless paragraph (4A) applies;
 - (e) £1,800 where the course is provided by or on behalf of a publicly funded institution, and paragraph (7A) applies;

- (f) £1,200 where the course is provided by a private institution (other than on behalf of a publicly funded institution) and paragraph (7A) applies, unless paragraph (4A) applies;
 - (g) £1,350 where the course is provided by or on behalf of a publicly funded institution, and paragraph (7B) applies; or
 - (h) £900 where the course is provided by a private institution (other than on behalf of a publicly funded institution) and paragraph (7B) applies, unless paragraph (4A) applies.
- (5ZB) Where the current course begins on or after 1st September 2017, and is provided by or on behalf of an institution in Wales, the “maximum amount” is—
- (a) £9,000 where the course is provided by or on behalf of a regulated institution, unless paragraph (7), (7A), (7B) or (8) applies;
 - (b) £6,000 where the course is provided by a non-regulated institution, unless paragraph (4A), (7), (7A), (7B) or (8) applies;
 - (c) £4,500 where the course is provided by or on behalf of a regulated institution, and paragraph (7) applies;
 - (d) £3,000 where the course is provided by a non-regulated institution and paragraph (7) applies, unless paragraph (4A) applies;
 - (e) £1,800 where the course is provided by or on behalf of a regulated institution, and paragraph (7A) applies;
 - (f) £1,200 where the course is provided by a non-regulated institution and paragraph (7A) applies, unless paragraph (4A) applies;
 - (g) £1,350 where the course is provided by or on behalf of a regulated institution, and paragraph (7B) applies; or
 - (h) £900 where the course is provided by a non-regulated institution and paragraph (7B) applies, unless paragraph (4A) applies.”;
- (f) in paragraph (6)(b), after (4), insert “(4A), (5), (5ZA) or (5ZB)”;
 - (g) in paragraph (6A)—
 - (i) in sub-paragraph (b), after “(4)”, insert “, (4A), (5ZA) or (5ZB)”;
 - (ii) in sub-paragraph (c), for “(4)”, substitute “(4A) or (5)”;
 - (h) in paragraph (6B)—
 - (i) in sub-paragraph (b), after “(4)”, insert “, (4A), (5ZA) or (5ZB)”;
 - (ii) in sub-paragraph (c), for “(4)”, substitute “(4A) or (5)”;
 - (i) in paragraph (6C), after “£1,350”, insert “where the course is provided by an institution in Wales or £1,385 where the course is provided by an institution in England or Scotland”;
 - (j) in paragraph (7C), for “or Wales”, substitute “, Wales or Scotland”;
 - (k) in paragraph (8), for “£5,535”, substitute “£5,785 for the first academic year of the course, otherwise £5,535”.

10. In regulation 40 (Qualifying conditions for the disabled students’ allowance), after paragraph (3), insert—

“(3A) Paragraphs (2) and (3) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.”.

11. In regulation 41 (Amount of the disabled students’ allowance), omit paragraph (4).

12. In regulation 45(3) (Childcare grant)—

- (a) in paragraph (b), omit the final “or”;
- (b) in paragraph (c)—

- (i) after “bursary”, insert “or Scottish healthcare allowance”;
- (ii) for the full-stop, substitute “; or”;
- (c) after paragraph (c), insert—
 - “(d) A’s partner is eligible for a healthcare tuition payment and has elected to receive financial support for childcare under section 63 of the Health Services and Public Health Act 1968(a).”.

13. In regulation 69 (Qualifying conditions for the loan for living costs - current system students)—

- (a) in sub-paragraph (2)(c)—
 - (i) omit “that student’s”;
 - (ii) omit the final “or”;
- (b) after sub-paragraph (2)(c), insert—
 - “(ca) the current system student is eligible for a healthcare tuition payment;”;
- (c) in paragraph (2)(d), for the full-stop, substitute “; or”;
- (d) after sub-paragraph (2)(d), insert—
 - “(e) the designated course—
 - (i) is a pre-registration course in an allied health profession subject, midwifery, nursing, nursing and social work, or operating department practice;
 - (ii) leads to an ordinary degree, honours degree, or, in respect of a course in operating department practice, to an ordinary degree, honours degree or a diploma; and
 - (iii) begins on or after 1st August 2017.”.

14. In regulation 70(3) (Qualifying conditions for the loan for living costs – old system students), in sub-paragraph (b), omit “the student’s” both times it appears.

15. In regulation 80 (Students with reduced entitlement)—

- (a) in paragraph (1), omit sub-paragraph (b)(iii);
- (b) in paragraph (2)—
 - (i) omit sub-paragraph (b)(iii);
 - (ii) in sub-paragraph (e), in the opening words, omit “or 2016”;
 - (iii) in sub-paragraph (e)(iv), for the full-stop, substitute a semi-colon;
 - (iv) after sub-paragraph (e), insert—
 - “(f) where a 2016 cohort student applies for a loan for living costs and opts not to provide the information needed to calculate the household income, the amount is—
 - (i) for a student in category A, £2,870;
 - (ii) for a student in category B, £4,991;

(a) 1968 c. 46. Section 63 was amended by the National Health Service (Scotland) Act 1972 (c.58), Schedule 7, the National Health Service Reorganisation Act 1973 (c.32), Schedules 4 and 5, the National Health Service Act 1977 (c.49), Schedules 15 and 16, the National Health Service (Scotland) Act 1978 (c.29), Schedules 16 and 17, the Local Government Act 1985 (c.51), Schedule 17, the Health and Medicines Act 1988 (c.49), sections 20 and 25(2) and Schedule 3, the Local Government (Scotland) Act 1994 (c.39), Schedule 13, the Health Authorities Act 1995 (c.17), Schedule 1, S.I. 1996/1008, the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, the Health Act 1999 (c.8), Schedule 4, the Health and Social Care Act 2001 (c.15), Schedule 5, the National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedules 2, 5 and 9, S.I. 2002/2202, article 4, S.I. 2002/2469, Schedule 1, the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedules 4, 11 and 14, S.I. 2004/288, article 7, the Children Act 2004 (c.31), section 55, S.I. 2004/957, the Schedule, the Smoking, Health and Social Care (Scotland) Act 2005 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2006/1056, Schedule 1, the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, S.I. 2006/1056 and S.I. 2007/961, Schedule 1, the Health Act 2009, Schedule 1, the Health and Social Care Act 2012 (c.7), Schedule 5, the Care Act 2014 (c.23), section 97 and S.I. 2016/413.

- (iii) for a student in category C, £4,055;
- (iv) for a student in category D, £3,652.”.

16. In regulation 124 (Support for distance learning courses), after paragraph (3A), insert—

“(3B) Paragraphs (3) and (3A) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.”.

17. In regulation 127 (Disabled distance learning students’ allowance), after paragraph (3A), insert—

“(3AA) Paragraphs (3) and (3A) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.”.

18. In regulation 137 (Eligible part-time students)—

(a) for paragraph (3)(a), substitute—

“(a) A is, in connection with the part-time course—

- (i) eligible to apply for a healthcare bursary whether or not the amount of such bursary is calculated by reference to income;
- (ii) eligible to apply for any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007; or
- (iii) eligible for a healthcare tuition payment;”;

(b) in paragraph (10)—

(i) in sub-paragraph (a)—

- (aa) for “person granted humanitarian protection”, substitute “refugee”;
- (bb) for “such a person”, substitute “a refugee”;

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

“(b) as at the day before the academic year in respect of which A is applying for support begins, the refugee status of A or of A’s spouse, civil partner, parent or step-parent, as the case may be, has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002)(a),”.

19. In regulation 141 (Assistance for part-time courses in respect of courses beginning before 1st September 2012), after paragraph (3B), insert—

“(3C) Paragraphs (3A) and (3B) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.”.

20. In regulation 144 (Fee support for designated part-time courses beginning on or after 1st September 2012)—

(a) after paragraph (3A), insert—

“(3B) Paragraphs (3)(b) and (3A) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.”;

(b) after paragraph (7), insert—

“(7A) Paragraph (4) does not apply if—

- (a) the current part-time course—

(a) 2002 c.41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19), section 26 and Schedule 2(1), paragraphs 20(a) and (b) and the Immigration, Asylum and Nationality Act 2006 (c.13), section 9 and S.I. 2010/21.

- (i) is a course in agriculture and related subjects, biological sciences, mathematical sciences, physical sciences or veterinary sciences (or a combination of those subjects);
 - (ii) leads to an honours degree; and
 - (b) the student begins the current part-time course on or after 1st August 2017.
- (7B) Paragraph (4) does not apply if—
- (a) the current part-time course—
 - (i) is a pre-registration course in an allied health profession subject, midwifery, nursing, nursing and social work or operating department practice;
 - (ii) leads to an ordinary degree, honours degree, or, in respect of a course in operating department practice, an ordinary degree, honours degree or a diploma; and
 - (b) the student begins the current part-time course on or after 1st August 2017.”.

21. In regulation 145(2) (Amount of the fee loan - courses beginning on or after 1st September 2012)—

- (a) for sub-paragraph (b), substitute—
 - “(b) £4,500, where the current part-time course is provided by a private institution (other than on behalf of a publicly funded institution) not listed in Schedule 5;”;
- (b) after sub-paragraph (b), insert—
 - “(c) £4,625, where the current part-time course is provided by a private institution (other than on behalf of a publicly funded institution) listed in Schedule 5.”.

22. In regulation 147 (Disabled part-time students’ allowance), after paragraph (2), insert—

“(2A) Paragraph (2)(b) does not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of that Schedule.”.

23. In regulation 159 (Eligible postgraduate students), after paragraph (4)(a), insert—

“(aa) A is eligible for a healthcare tuition payment;”.

24. In Schedule 1 (Eligible Students)—

- (a) for paragraph 2, substitute—

“Persons who are settled in the United Kingdom

2.—(1) A person—

- (a) who on the first day of the first academic year of the course—
 - (i) is settled in the United Kingdom other than by reason of having acquired the right of permanent residence;
 - (ii) is ordinarily resident in England;
 - (iii) 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; and
- (b) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in sub-paragraph (a)(iii) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (b) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(4).”;

- (b) in paragraph 5(1)(a), 5(2)(c) and 5(3)(d), for “the United Kingdom” substitute “England”;
- (c) for paragraph 13, substitute—

“Long Residence

13.—(1) A person—

- (a) who on the first day of the first academic year of the course either—
 - (i) is under the age of 18 and has lived in the United Kingdom throughout the seven-year period preceding the first day of the first academic year of the course; or
 - (ii) is aged 18 or above and, preceding the first day of the first academic year of the course, has lived in the United Kingdom throughout either—
 - (aa) half their life; or
 - (bb) a period of twenty years;
- (b) who is ordinarily resident in England;
- (c) who 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; and
- (d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(4).”.

25. In Schedule 4 (Financial assessment)—

- (a) in paragraph 4(3), for sub-paragraph (b), substitute—
 - “(b) otherwise the value of the sterling which the income would purchase using the average rate published by Her Majesty’s Revenue and Customs for the calendar year which ends before the start of the relevant year.”;
- (b) in paragraph 5, for sub-paragraph (8), substitute—
 - “(8) Where A’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 A’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.”.

26. After Schedule 4, insert Schedule 1 to these Regulations (Institutions to whom regulations 23(4A) and 145(2)(c) apply), as Schedule 5.

27. Schedule 2 to these Regulations has effect to substitute the figure in the third column of the table for the figure in the second column where it appears in the provision of the Education (Student Support) Regulations 2011 set out in the first column.

Amendment of the Student Fees (Qualifying Courses and Persons) (England) Regulations 2007

28. The Student Fees (Qualifying Courses and Persons) (England) Regulations 2007(a) are amended in accordance with regulation 29.

29. In the Schedule—

- (a) for paragraph 2, substitute—

(a) S.I. 2007/778, amended by S.I. 2007/2263, 2008/1640, 2011/87, 2012/1653 and 2016/584.

“Persons who are settled in the United Kingdom

2.—(1) A person—

- (a) who on the first day of the first academic year of the course—
 - (i) is settled in the United Kingdom other than by reason of having acquired the right of permanent residence;
 - (ii) is ordinarily resident in the United Kingdom;
 - (iii) 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; and
- (b) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (a)(iii) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (b) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(3).”;

(b) for paragraph 12, substitute—

“Long Residence

12.—(1) A person—

- (a) who on the first day of the first academic year of the course either—
 - (i) is under the age of 18 and has lived in the United Kingdom throughout the seven-year period preceding the first day of the first academic year of the course; or
 - (ii) is aged 18 or above and, preceding the first day of the first academic year of the course, has lived in the United Kingdom throughout either—
 - (aa) half their life; or
 - (bb) a period of twenty years;
- (b) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (c) who 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; and
- (d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(3).”.

Amendment of the Education (Fees and Awards) (England) Regulations 2007

30. The Education (Fees and Awards) (England) Regulations 2007(a) are amended in accordance with regulation 31.

31. In Schedule 1—

- (a) for paragraph 2, substitute—

(a) S.I. 2007/779, amended by S.I. 2007/2263, 2010/1172, 2010/1941, 2011/87, 2011/1987, 2012/765, 2012/956, 2012/1653, 2015/971 and 2016/584.

“Persons who are settled in the United Kingdom

2.—(1) A person—

- (a) who on the first day of the first academic year of the course—
 - (i) is settled in the United Kingdom other than by reason of having acquired the right of permanent residence;
 - (ii) is ordinarily resident in the United Kingdom;
 - (iii) 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; and
- (b) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in sub-paragraph (a)(iii) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (b) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with regulation 2(4).”;

(b) for paragraph 13, substitute—

“Long Residence

13.—(1) A person—

- (a) who on the first day of the first academic year of the course either—
 - (i) is under the age of 18 and has lived in the United Kingdom throughout the seven-year period preceding the first day of the first academic year of the course; or
 - (ii) is aged 18 or above and, preceding the first day of the first academic year of the course, has lived in the United Kingdom throughout either—
 - (aa) half their life; or
 - (bb) a period of twenty years;
- (b) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (c) who 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; and
- (d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with regulation 2(4).”.

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

32. The Education (Student Support) (European University Institute) Regulations 2010(a) are amended in accordance with regulations 33 to 37.

33. In regulation 17(2) (Grants for living and other costs), after “paragraph 9” insert “or paragraph 10”.

34. In regulation 19(2) (Disabled students’ allowance), after “paragraph 9” insert “or paragraph 10”.

(a) S.I. 2010/447, amended by S.I. 2011/83, 2011/2430, 2012/3059, 2013/630, 2013/1728 and 2016/211.

35. In regulation 22(3) (Adult dependants' grant), after "paragraph 9" insert "or paragraph 10".

36. In regulation 24(2) (Parents' learning allowance), after "paragraph 9" insert "or paragraph 10".

37. In Schedule 1, Part 2 (Eligible Students - Categories)—

(a) after paragraph (10), insert—

“10A. A person who—

- (a) is an EU national other than a United Kingdom national on the relevant date;
- (b) is ordinarily resident in England on the relevant date;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the five-year period immediately preceding the relevant date; and
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).

(2) Where a state accedes to the EU after the relevant date and a person is a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EU national other than a United Kingdom national on the relevant date is treated as being satisfied.”;

(b) after paragraph 12, insert—

“**Long Residence**

13.—(1) A person—

- (a) who on the relevant date either—
 - (i) is under the age of 18 and has lived in the United Kingdom throughout the seven-year period preceding the relevant date; or
 - (ii) is aged 18 years old or above and, preceding the relevant date, has lived in the United Kingdom throughout either—
 - (aa) half their life; or
 - (bb) a period of twenty years;
- (b) who is ordinarily resident in England on the relevant date;
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the relevant date; and
- (d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(7).”.

7th February 2017

Joseph Johnson
Minister of State
Department for Education

SCHEDULE 1

Regulations 23 and 145

Institutions to whom regulations 23(4A) and 145(2)(c) apply

The institutions to whom regulations 23(4A) and regulation 145(2)(c) apply are—

ABI College Limited
Access to Music Limited
All Nations Christian College Limited
ALRA
Architectural Association (Incorporated)
Arden University Limited
Arts Educational School
Assemblies of God Incorporated
Ballet West
Belfast Bible College
BIMM Limited
BPP University Limited
Brit College Limited
Bristol Baptist College
British Study Centres Limited
Cambridge Arts & Sciences Ltd
Carmel College
Centre for Alternative Technology Charity Limited
Christie's Education Limited
City And Guilds of London Art School Limited
Cliff College
Court Theatre Training Company Ltd
CWR
East End Computing & Business College Limited
Elim Foursquare Gospel Alliance
Empire College London Limited
Fairfield School of Business Ltd
ForMission Ltd

Free Church of Scotland
Futureworks Training Limited
Grafton College Limited
ICMP Management Limited
Inter-Ed UK Limited
International Business College Manchester Limited
International College of Oriental Medicine (UK) Limited (The)
Irshad Trust
Istituto Marangoni Limited
Kaplan Open Learning (Essex) Limited
KLC Limited
Kensington Education Foundation Limited
Kogan Academy of Dramatic Arts
London Bridge Business Academy Limited
London Churchill College Ltd
London College of Business Sciences Limited
London College of Creative Media Limited
London International Film School Limited(the)
London School of Business and Management Limited
London School of Management Education Limited
London School of Science & Technology Limited
London School of Theology
London Studio Centre Limited
Luther King House Educational Trust
Matrix College of Counselling and Psychotherapy Ltd
Met Film School Limited
Millennium Performing Arts Ltd.
Mont Rose College of Management and Sciences Limited
Moorlands College
Mountview Academy of Theatre Arts Limited
Nazarene Theological College
Norland College Limited
Northern College of Acupuncture
Oxford Business College UK Limited
Pearson College Limited

Point Blank Limited
Richmond, The American International University in London, Inc.
Royal Academy of Dance
SAE Education Limited
Sherwood Psychotherapy Training Institute Limited
Slough Borough Council
Spurgeon's College
St Mellitus College Trust
St Nicholas Montessori Training Limited
Stratford College London Limited
Tertiary Education Services Limited
The Academy of Contemporary Music Limited
The Cambridge Theological Federation
The Chicken Shed Theatre Trust
The College of Integrated Chinese Medicine
The Edward James Foundation Limited
The Kingham Hill Trust
The London Institute of Banking & Finance
The Markfield Institute of Higher Education
The Metanoia Institute
The Queen's Foundation for Ecumenical Theological Education
The Salvation Army
The University of Buckingham
The University Of Law Limited
Tottenham Hotspur Foundation
Trinity College (Bristol) Limited
UCK Limited
UK College of Business and Computing Ltd
University College of Estate Management
Wales Evangelical School of Theology (WEST)
West London College of Business & Management Sciences Limited

SCHEDULE 2

Regulation 27

NEW PAYMENT RATES FOR STUDENT SUPPORT

<i>Provision in the Education (Student Support) Regulations 2011</i>	Existing figure	New figure
Regulation 23		
23(3)(b)	£9,000	£9,250
23(5A)	£3,925	£4,030
23(5A)	£1,955	£2,005
23(6)(b)	£4,500	£4,625
23(6A)(b)	£1,800	£1,850
23(6A)(c)	£4,500	£4,625
23(6B)(b)	£1,350	£1,385
23(6B)(c)	£4,500	£4,625
Regulation 41		
41(2)(a)	£20,725	£21,305
41(2)(b)	£5,212	£5,358
41(2)(d)	£1,741	£1,790
Regulation 44		
44(3)(a)	£2,757	£2,834
44(3)(b)	£2,757	£2,834
Regulation 45		
45(5)(a)	£155.24	£159.59
45(5)(b)	£266.15	£273.60
45(9)	£120.02	£123.38
Regulation 46		
46(2)	£1,573	£1,617
Regulation 57		
57(1)	£3,110	£3,197
57(5)(a)	£3,110	£3,197
57(5)(b)	£3,110	£3,197
57(5)(b)	£5.68	£5.41
57(5)(b)	£34,713	£34,722
57(5)(b)	£34,713	£34,722
Regulation 58		
58(1)	£3,110	£3,197
58(5)(a)	£3,110	£3,197
58(5)(b)	£3,110	£3,197
58(5)(b)	£14.29	£13.29
Regulation 59		
59(1)	£3,387	£3,482
59(2)(a)	£3,387	£3,482
59(2)(b)	£42,620	£42,641
59(2)(b)	£3,387	£3,482
59(2)(b)	£5.28	£5.14
59(2)(c)	£42,620	£42,641

Regulation 60		
60(1)	£3,110	£3,197
60(5)(a)	£3,110	£3,197
60(5)(b)	£3,110	£3,197
60(5)(b)	£5.68	£5.41
60(5)(b)	£28,075	£28,082
60(5)(b)	£28,075	£28,082
Regulation 62		
62(1)	£3,110	£3,197
62(5)(a)	£3,110	£3,197
62(5)(b)	£3,110	£3,197
62(5)(b)	£5.68	£5.41
62(5)(b)	£34,713	£34,722
62(5)(b)	£34,713	£34,722
Regulation 63		
63(1)	£3,110	£3,197
63(5)(a)	£3,110	£3,197
63(5)(b)	£3,110	£3,197
63(5)(b)	£14.29	£13.29
Regulation 64		
64(1)	£3,387	£3,482
64(2)(a)	£3,387	£3,482
64(2)(b)	£42,620	£42,641
64(2)(b)	£3,387	£3,482
64(2)(b)	£5.28	£5.14
64(2)(c)	£42,620	£42,641
Regulation 65		
65(1)	£3,110	£3,197
65(5)(a)	£3,110	£3,197
65(5)(b)	£3,110	£3,197
65(5)(b)	£5.68	£5.41
65(5)(b)	£28,075	£28,082
65(5)(b)	£28,075	£28,082
Regulation 72		
72(2)(i)	£3,924	£4,034
72(2)(ii)	£7,100	£7,299
72(2)(iii)	£6,041	£6,210
72(2)(iv)	£5,071	£5,213
72(2)	£8.67	£8.44
72(3)(i)	£3,546	£3,645
72(3)(ii)	£6,464	£6,645
72(3)(iii)	£5,252	£5,399
72(3)(iv)	£4,692	£4,823
72(3)	£8.67	£8.44
72(6)(a)	£3,924	£4,034
72(6)(b)	£7,100	£7,299
72(6)(c)	£6,041	£6,210
72(6)(d)	£5,071	£5,213
72(7)(a)	£3,546	£3,645
72(7)(b)	£6,464	£6,645

72(7)(c)	£5,252	£5,399
72(7)(d)	£4,692	£4,823
72(8)(i)	£3,924	£4,034
72(8)(ii)	£7,100	£7,299
72(8)(iii)	£6,041	£6,210
72(8)(iv)	£5,071	£5,213
72(9)(i)	£3,546	£3,645
72(9)(ii)	£6,464	£6,645
72(9)(iii)	£5,252	£5,399
72(9)(iv)	£4,692	£4,823
Regulation 74		
74(2)(i)	£4,102	£4,217
74(2)(ii)	£7,404	£7,611
74(2)(iii)	£6,299	£6,475
74(2)(iv)	£5,292	£5,440
74(2)	£4.68	£4.56
74(3)(i)	£3,722	£3,826
74(3)(ii)	£6,741	£6,930
74(3)(iii)	£5,477	£5,630
74(3)(iv)	£4,897	£5,034
74(3)	£4.68	£4.56
74(6)(a)	£4,102	£4,217
74(6)(b)	£7,404	£7,611
74(6)(c)	£6,299	£6,475
74(6)(d)	£5,292	£5,440
74(7)(a)	£3,722	£3,826
74(7)(b)	£6,741	£6,930
74(7)(c)	£5,477	£5,630
74(7)(d)	£4,897	£5,034
74(8)(i)	£4,102	£4,217
74(8)(ii)	£7,404	£7,611
74(8)(iii)	£6,299	£6,475
74(8)(iv)	£5,292	£5,440
74(9)(i)	£3,722	£3,826
74(9)(ii)	£6,741	£6,930
74(9)(iii)	£5,477	£5,630
74(9)(iv)	£4,897	£5,034
Regulation 76		
76(2)(i)	£4,675	£4,806
76(2)(ii)	£8,202	£8,432
76(2)(iii)	£6,984	£7,180
76(2)(iv)	£5,878	£6,043
76(2)	£9.36	£9.12
76(3)(i)	£4,296	£4,416
76(3)(ii)	£7,470	£7,679
76(3)(iii)	£6,070	£6,240
76(3)(iv)	£5,467	£5,620
76(3)	£9.36	£9.12
76(6)	£42,620	£42,641
76(6)(a)	£4,675	£4,806
76(6)(b)	£8,202	£8,432

76(6)(c)	£6,984	£7,180
76(6)(d)	£5,878	£6,043
76(7)	£42,620	£42,641
76(7)(a)	£4,296	£4,416
76(7)(b)	£7,470	£7,679
76(7)(c)	£6,070	£6,240
76(7)(d)	£5,467	£5,620
76(8)	£42,620	£42,641
76(8)(i)	£4,675	£4,806
76(8)(ii)	£8,202	£8,432
76(8)(iii)	£6,984	£7,180
76(8)(iv)	£5,878	£6,043
76(9)	£42,620	£42,641
76(9)(i)	£4,296	£4,416
76(9)(ii)	£7,470	£7,679
76(9)(iii)	£6,070	£6,240
76(9)(iv)	£5,467	£5,620
Regulation 77		
77(2)(i)	£3,924	£4,034
77(2)(ii)	£7,100	£7,299
77(2)(iii)	£6,041	£6,210
77(2)(iv)	£5,071	£5,213
77(3)(i)	£3,546	£3,645
77(3)(ii)	£6,464	£6,645
77(3)(iii)	£5,252	£5,399
77(3)(iv)	£4,692	£4,823
Regulation 80		
80(1)(b)(i)	£1,863	£1,915
80(1)(b)(ii)	£3,487	£3,585
80(1)(b)(iv)	£2,483	£2,553
80(1)(c)(i)	£2,943	£3,026
80(1)(c)(ii)	£5,325	£5,474
80(1)(c)(iii)	£4,530	£4,658
80(1)(c)(iv)	£3,803	£3,910
80(1)(d)(i)	£2,953	£3,036
80(1)(d)(ii)	£5,330	£5,480
80(1)(d)(iii)	£4,535	£4,662
80(1)(d)(iv)	£3,810	£3,917
80(1)(e)(i)	£3,038	£3,124
80(1)(e)(ii)	£5,331	£5,481
80(1)(e)(iii)	£4,539	£4,667
80(1)(e)(iv)	£3,820	£3,930
80(1)(f)(i)	£3,039	£3,124
80(1)(f)(ii)	£5,330	£5,479
80(1)(f)(iii)	£4,540	£4,667
80(1)(f)(iv)	£3,821	£3,928
80(2)(b)(i)	£1,414	£1,454
80(2)(b)(ii)	£2,669	£2,743
80(2)(b)(iv)	£1,936	£1,990
80(2)(c)(i)	£2,659	£2,734
80(2)(c)(ii)	£4,848	£4,984

80(2)(c)(iii)	£3,939	£4,049
80(2)(c)(iv)	£3,519	£3,617
80(2)(d)(i)	£2,679	£2,755
80(2)(d)(ii)	£4,853	£4,990
80(2)(d)(iii)	£3,943	£4,054
80(2)(d)(iv)	£3,525	£3,624
80(2)(e)(i)	£2,792	£2,870
80(2)(e)(ii)	£4,855	£4,991
80(2)(e)(iii)	£3,945	£4,056
80(2)(e)(iv)	£3,553	£3,653
Regulation 80A		
80A(2)(i)	£6,904	£7,097
80A(2)(ii)	£10,702	£11,002
80A(2)(iii)	£9,391	£9,654
80A(2)(iv)	£8,200	£8,430
80A(2)(i)	£8.59	£8.36
80A(2)(ii)	£8.34	£8.12
80A(2)(iii)	£8.41	£8.18
80A(2)(iv)	£8.49	£8.26
80A(3)(i)	£6,496	£6,678
80A(3)(ii)	£9,914	£10,192
80A(3)(iii)	£8,406	£8,641
80A(3)(iv)	£7,756	£7,973
80A(3)(i)	£8.59	£8.36
80A(3)(ii)	£8.34	£8.12
80A(3)(iii)	£8.41	£8.18
80A(3)(iv)	£8.49	£8.26
Regulation 80B		
80B(2)(i)	£8,144	£8,372
80B(2)(ii)	£11,671	£11,998
80B(2)(iii)	£10,453	£10,746
80B(2)(iv)	£9,347	£9,609
80B(2)(i)	£5.384	£5.237
80B(2)(ii)	£5.743	£5.59
80B(2)(iii)	£5.608	£5.454
80B(2)(iv)	£5.496	£5.346
80B(2)(i)	£8.59	£8.36
80B(2)(ii)	£8.34	£8.12
80B(2)(iii)	£8.41	£8.18
80B(2)(iv)	£8.49	£8.26
80B(3)(a)	£4,675	£4,806
80B(3)(b)	£8,202	£8,432
80B(3)(c)	£6,984	£7,180
80B(3)(d)	£5,878	£6,043
80B(4)(i)	£7,765	£7,982
80B(4)(ii)	£10,938	£11,244
80B(4)(iii)	£9,538	£9,805
80B(4)(iv)	£8,935	£9,185
80B(4)(i)	£5.335	£5.193
80B(4)(ii)	£5.642	£5.494
80B(4)(iii)	£5.486	£5.337

80B(4)(iv)	£5.441	£5.294
80B(4)(i)	£8.59	£8.36
80B(4)(ii)	£8.34	£8.12
80B(4)(iii)	£8.41	£8.18
80B(4)(iv)	£8.49	£8.26
80B(5)(a)	£4,296	£4,416
80B(5)(b)	£7,469	£7,678
80B(5)(c)	£6,069	£6,239
80B(5)(d)	£5,466	£5,619
Regulation 80C		
80C(2)	£3,469	£3,566
80C(2)	£5.46	£5.31
Regulation 81		
81(5)(a)	£57	£59
81(5)(b)	£113	£116
81(5)(c)	£122	£125
81(5)(d)	£88	£90
Regulation 87		
87(4)(a)	£57	£59
87(4)(b)	£113	£116
87(4)(c)	£122	£125
87(4)(d)	£88	£90
Regulation 105		
105(1)(a)	£2,943	£3,026
105(1)(b)	£5,325	£5,474
105(1)(c)	£4,530	£4,658
105(1)(d)	£3,803	£3,910
105(2)(a)	£2,659	£2,734
105(2)(b)	£4,848	£4,984
105(2)(c)	£3,939	£4,049
105(2)(d)	£3,519	£3,617
105(3)(a)	£2,953	£3,036
105(3)(b)	£5,330	£5,480
105(3)(c)	£4,535	£4,662
105(3)(d)	£3,810	£3,917
105(4)(a)	£2,679	£2,755
105(4)(b)	£4,853	£4,990
105(4)(c)	£3,943	£4,054
105(4)(d)	£3,525	£3,624
105(5)(a)	£3,038	£3,124
105(5)(b)	£5,331	£5,481
105(5)(c)	£4,539	£4,667
105(5)(d)	£3,820	£3,930
105(6)(a)	£2,792	£2,870
105(6)(b)	£4,855	£4,991
105(6)(c)	£3,945	£4,056
105(6)(d)	£3,553	£3,653
105(6A)(a)	£3,039	£3,124
105(6A)(b)	£5,330	£5,479
105(6A)(c)	£4,540	£4,667
105(6A)(d)	£3,821	£3,928

105(6B)(a)	£2,792	£2,870
105(6B)(b)	£4,855	£4,991
105(6B)(c)	£3,945	£4,055
105(6B)(d)	£3,553	£3,652
105(6C)(a)	£3,039	£3,124
105(6C)(b)	£5,330	£5,479
105(6C)(c)	£4,540	£4,667
105(6C)(d)	£3,821	£3,928
105(6D)(a)	£2,792	£2,870
105(6D)(b)	£4,855	£4,991
105(6D)(c)	£3,945	£4,055
105(6D)(d)	£3,553	£3,652
Regulation 124		
124(1)(a)	£1,285	£1,321
124(1)(b)	£280	£288
Regulation 125		
125(1)(d)	£25,420	£25,423
125(1)(e)	£25,420	£25,423
125(1)(f)	£25,420	£25,423
125(1)(g)	£8.84	£8.55
125(2)(a)	£7.24	£7.02
125(2)(b)	£1,285	£1,321
125(2)(b)	£1,285	£1,321
Regulation 127		
127(5)(a)	£20,725	£21,305
127(5)(b)	£5,212	£5,358
127(5)(d)	£1,741	£1,790
Regulation 141		
141(1)(b)	£280	£288
Regulation 142		
142(2)(a)	£855	£879
142(2)(b)	£1,025	£1,054
142(2)(c)	£1,285	£1,321
142(3)(d)	£25,420	£25,423
142(3)(e)	£25,420	£25,423
142(3)(f)	£25,420	£25,423
142(3)(g)	£8.84	£8.55
142(4)(a)	£11.36	£11.01
142(4)(a)	£9.27	£8.99
142(4)(a)	£7.24	£7.02
Regulation 145		
145(2)(a)	£6,750	£6,935
Regulation 147		
147(6)(a)	£15,543	£15,978
147(6)(b)	£5,212	£5,358
147(6)(d)	£1,305	£1,342
Regulation 166		
166(2)	£10,362	£10,652
Schedule 4		
9(1)(a)	£8.97	£8.73

9A(2)(a)(i)	£8.59	£8.36
9A(2)(a)(i)	£2,080	£2,138
9A(2)(a)(ii)	£8.34	£8.12
9A(2)(a)(ii)	£2,143	£2,201
9A(2)(a)(iii)	£8.41	£8.18
9A(2)(a)(iii)	£2,125	£2,185
9A(2)(a)(iv)	£8.49	£8.26
9A(2)(a)(iv)	£2,105	£2,164
9A(3)(a)(i)	£8.59	£8.36
9A(3)(a)(ii)	£8.34	£8.12
9A(3)(a)(iii)	£8.41	£8.18
9A(3)(a)(iv)	£8.49	£8.26

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) Regulations 2011 (S.I. 2011/1986) (the “Student Support Regulations”); the Student Fees (Qualifying Courses and Persons) (England) Regulations 2007 (S.I. 2007/778); the Education (Fees and Awards) (England) Regulations 2007 (S.I. 2007/779); and the Education (Student Support) (European University Institute) Regulations 2010 (S.I. 2010/447).

Regulation 1(3)(b) provides that the determination of eligibility under the amended Student Support Regulations applies to an academic year beginning on or after 1st August 2017.

Regulation 1(4) excludes certain students from the changes made to the Erasmus definition. Regulation 1(5) makes specific provision about applicants to whom the amendments to residency requirements for EU students will not apply. These are applicants who apply for support under the Education (Student Support) (European University Institute) Regulations 2010 before the amendments made by these Regulations come into force or who apply after that date, having been determined before that date as being eligible for support. These are also students who would have met the previous three year ordinary residence requirement had they applied for support in relation to an academic year beginning before 1st August 2017.

Regulation 3 makes amendments to certain existing definitions and inserts some new definitions, to reflect changes to operation of the NHS Bursary Scheme and the Erasmus scheme in Scotland and the introduction of regulated institutions offering full-time courses starting on or after 1st September 2017 in Wales.

Regulation 5 amends regulation 5 of the Student Support Regulations to enable courses starting on or after 1st September 2017 that are offered by regulated institutions in Wales to be automatically designated.

Regulations 6, 7(a) and 13 provide an exemption from the usual restriction on funding for equivalent and lower qualifications, in circumstances where the student is studying a full-time pre-registration course in specified healthcare-related subjects.

Regulation 7(b) amends regulation 13 of the Student Support Regulations to clarify that a student in the armed forces or an armed forces family member may still qualify for a fee loan if they are undertaking a full-time distance learning course outside the UK. Regulations 10, 16, 17, 19, 20 and regulation 22 make similar amendments in respect of full-time and part-time disabled students’ allowance, part-time fee loans, fee grants and course grants for members of the armed forces and their family members undertaking distance learning courses.

Regulation 8 amends regulation 19 of the Student Support Regulations to enable students studying an Erasmus year in Scotland to access fee loans.

Regulation 9 amends regulation 23 of the Student Support Regulations to specify the differing amounts of full-time fee loan available depending on whether a provider is publicly funded, private, or in Wales regulated or non-regulated, and whether or not a private or non-regulated provider has received a rating of Meets Expectations as part of the Teaching Excellence Framework assessment.

Regulation 11 omits an obsolete provision in regulation 41 of the Student Support Regulations relating to students undertaking initial teacher training courses starting before 1 September 2010.

Regulation 12 amends regulation 45 of the Student Support Regulations to clarify that a student may not claim support for childcare under both the NHS Scheme and/or a Scottish healthcare allowance, and the Student Support Regulations.

Regulations 15(a) and (b)(i) omit obsolete provisions in regulation 80 of the Student Support Regulations relating to students undertaking initial teacher training courses starting before 1st September 2010.

Regulations 18(e) and (f) corrects an error made in earlier regulations.

Regulation 20 amends regulation 144 of the Student Support Regulations to provide an exemption from the usual restriction on funding for equivalent and lower qualifications, in circumstances where the student is studying a part-time pre-registration course in specified healthcare-related subjects or a part-time course in specified science, technology, engineering and maths subjects.

Regulation 21 amends regulation 145 of the Student Support Regulations to specify the part-time fee loan limit for private institutions in Scotland, Northern Ireland and Wales and for private institutions in England who have not received a rating of Meets Expectations as part of the Teaching Excellence Framework assessment.

Regulation 23 amends regulation 159 of the Student Support Regulations to provide that a student is not an eligible postgraduate student if they are eligible for a healthcare tuition payment.

Regulation 24 and regulations 28-31 replace the existing wording of several eligibility categories to address a minor grammatical error. Regulations 24(b), 29(b) and 31(b) clarify that students satisfying the long residence eligibility criteria must be ordinarily resident in the UK on the first day of the first academic year of the course, rather than in England.

Regulation 25 makes a technical amendment to the Student Support Regulations to replace references to the Office for National Statistics, which no longer publishes conversion tables from EU currencies into Pounds Sterling, with references to Her Majesty's Revenue and Customs.

Regulation 26 introduces a schedule to the Student Support Regulations listing private and non-regulated institutions who have receiving a rating of Meets Expectations as part of a Teaching Excellence Framework assessment.

Regulation 27 introduces a schedule to the Student Support Regulations with updated loan and grant amounts.

Regulations 32-36 amend the Education (Student Support) (European University Institute) Regulations 2010 to make clear that an applicant who is an EU national (but not a UK national) will no longer qualify for grants by demonstrating three years' ordinary residence in the UK immediately preceding the start of the course for which they seek support.

Regulation 37(a) then introduces a new eligibility category to the Education (Student Support) (European University Institute) Regulations 2010 by providing that an applicant who is an EU national (but not a UK national) will have to demonstrate five years' residence in the UK immediately preceding the start of the course for which they seek support in order to be eligible.

Regulation 37(b) introduces a new eligibility category to the Education (Student Support) (European University Institute) Regulations 2010 for access to support for applicants who are not settled in the UK but have been residing in the UK for a long time. Such applicants who are under 18 years old must have lived in the UK for 7 years prior to the start of their course. If aged 18 or over, they must have lived in the UK for either half their life or the 20 year period prior to the start of their course. Such applicants will be able to access support under the Education (Student Support) (European University Institute) Regulations 2010 subject to meeting the other requirements of those Regulations.

An impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or the voluntary sector.

The Explanatory Memorandum is published alongside the Regulations on www.legislation.gov.uk.

© Crown copyright 2017

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£6.00

UK2017020719 02/2017 19585

<http://www.legislation.gov.uk/id/uksi/2017/114>

ISBN 978-0-11-115409-0



9 780111 154090