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STATUTORY INSTRUMENTS

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**2002 No. 3200**

**The Education (Student Support) (No. 2) Regulations 2002**

**PART III**

**GRANTS FOR FEES**

**Eligibility for grants for fees**

**10.**—(1) Subject to the following paragraphs and regulation 11 an eligible student shall in respect of each academic year be eligible for a grant for fees equal to the aggregate of any fees payable by him in respect of, or otherwise in connection with, his attendance on the course (“the present course”), including admission, registration, tuition and graduation fees, but excluding—

- (a) fees payable to an institution for awarding or accrediting any qualification where the institution does not provide the whole or part of the course and is not a publicly funded institution;
- (b) fees payable for board and lodging;
- (c) fees payable for field trips (including any tuition element of such fees);
- (d) fees payable for attending any graduation or other ceremony; and
- (e) fees which are prescribed under paragraph (e) of the definition of fees in section 28(1) of the Act<sup>(1)</sup>.

(2) Subject to paragraph (3) an eligible student shall not be eligible for a grant under this regulation if he has previously attended any full-time higher education course provided by an institution in the United Kingdom (“the previous course”);

- (a) which was at or before the time the course was provided maintained or assisted by recurrent grants out of public funds; or
- (b) in respect of his attendance at which a scholarship, exhibition, bursary, grant, allowance, or award of any description which was available to defray fees mentioned in paragraph (1) was paid out of public funds or funds attributable to public funds, by any person or body, public or private.

(3) For the purposes of this regulation a course is not a previous course if it is—

- (a) the present course, or
- (b) any course in connection with his attendance at which the eligible student was determined to be eligible for support and that eligibility was transferred as a result of one or more transfers under regulation 7 to the present course.

(4) Paragraph (2) shall not apply where:

- (a) the present course is a course for the initial training of teachers referred to in paragraph 4 of Schedule 2 the duration of which does not exceed two years (a part-time course being treated as its full-time equivalent), and the eligible student has not previously attended

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(1) 1998 c. 30; section 28 was amended by the Learning and Skills Act 2000 (c. 21), sections 146(1) and (5) and 149, Schedule 9, paragraphs 1 and 75(a), (b) and (c) and Schedule 11.

a course referred to in paragraph (2) the successful completion of which results in the person completing it being a qualified teacher within the meaning of section 218(2)(a) of the Education Reform Act 1988(2), except where the previous course was a course—

- (i) leading to a first degree within paragraph 4 of Schedule 2, or
- (ii) for the initial training of teachers referred to in paragraph 4 of Schedule 2 the duration of which does not exceed two years (a part-time course being treated as its full-time equivalent)

and the eligible student did not successfully complete it;

- (b) the eligible student has previously attended—
  - (i) only one course referred to in paragraph (2), and
  - (ii) the period of attendance for that course did not exceed one academic year;
- (c) the aggregate duration of the previous course (not being an accelerated course leading to a first degree unless the first academic year of the present course began before 1st September 2000) or courses did not exceed two academic years; or
- (d) the Secretary of State has determined, having regard to the circumstances of the particular case, that the student did not complete the previous course for compelling personal reasons.

(5) Where paragraph (4)(c) applies the Secretary of State may determine that the eligible student shall not be eligible for grant for fees in respect of any academic year of the present course other than—

- (a) a year which is the only year of the course;
- (b) the final year of a course of two or three years' duration; or
- (c) the number of final years of a course which is two years less than its duration.

(6) In this regulation any reference to the duration of a course is a reference to the period ordinarily required for its completion by a student who is not excused part of the course on account of his having attended a previous course, in the case of a sandwich course ignoring periods of work experience; but for the purposes of paragraph (4)(c) if a student **on the recommendation or, as the case may be**, with the consent of the academic authority ... ..—

- (a) ceases to attend one course without completing it, and
- (b) starts to attend another course at the same or another institution

the duration of the course shall be treated as the aggregate of the period spent following the first course and the period which the student in question would ordinarily require for the completion of the second course, in the case of either course being a sandwich course ignoring any periods of work experience.

(7) An eligible student shall not be eligible for a grant for fees in respect of an academic year if—

- (a) in relation to that year he is eligible to receive any payment under a bursary or award of similar description bestowed on him under section 63 of the Health Services and Public Health Act 1968(3) or article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(4) the amount of which is calculated by reference to his income;

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(2) 1988 c. 40.

(3) 1968 c. 46; section 63 was amended by the National Health Services Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 124 and Schedule 5, the National Health Service Act 1977 (c. 49), Schedule 15, paragraph 45 and Schedule 16, the National Health Services (Scotland) Act 1978 (c. 29), Schedule 16, paragraph 26(2) and Schedule 17, the Health Services Act 1980 (c. 53), sections 1 and 2 and Schedule 1, Part I, paragraph 19(3), the Local Government Act 1985 (c. 51), Schedule 17, the Family Practitioner Committees (Consequential Modifications) Order 1985 (S.I.1985/39), article 6(1), the Health and Medicines Act 1988 (c. 49), section 20, section 25(2) and Schedule 3, the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 74(1) and (2), the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 95(1) and (2), the Local Government Reorganisation (Wales) (Consequential Amendments) (No.2) Order 1996 (S.I. 1996/1008), the Schedule, paragraph 1, and the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 1(4).

- (b) he is attending a course leading to qualification in a healthcare profession, other than as a medical doctor or dentist and in relation to that year he is eligible to receive an allowance paid to him under sections 73(f) and 74(1) of the Education (Scotland) Act 1980(5) the amount of which is calculated by reference to his income;
  - (c) he is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS(6) and
    - (i) his course is a course referred to in regulation 5(1)(d), and
    - (ii) all the periods of study during the academic year are at an institution outside the United Kingdom; or
  - (d) he is undertaking a flexible postgraduate course for the initial training of teachers, and for the purposes of this sub-paragraph “flexible postgraduate course for the initial training of teachers” means a course of initial teacher training, which has been approved by the Teacher Training Agency(7), the length and pattern of which is determined by the eligible student’s experience and training requirements.
- (8) Where an eligible student repeats—
- (a) the first year or part of the first year of his course more than once, or
  - (b) any part of his course other than the first year or part of the first year of his course
- the Secretary of State may determine that he shall not be eligible for grant for fees in respect of the academic year during which the student repeats.
- (9) Where the eligibility of an eligible student is transferred under regulation 7(1)(a) or (b) and—
- (a) the necessary recommendation or consent to the transfer is given after the first day on which students were ordinarily required to start attending the second academic year of the first course in respect of which he was determined to be an eligible student (“the first course”);
  - (b) the Secretary of State is satisfied after consulting the **relevant** academic authority that the recommendation or consent was given after the expiry of the period mentioned not only because the student was required to apply through a clearing admission system; and
  - (c) the Secretary of State is satisfied after consulting the **relevant** academic authority that the period from the beginning of the first academic year of the first course to the end of the final academic year of the course which he now attends (“the current course”) exceeds the duration of the first course, the current course or ... .. any intervening course in respect of which he was an eligible student, whichever **of these courses lasts** longest,
- the student shall not be eligible for grant for fees in respect of the number of academic years which is the difference between the above mentioned period and ... .. **the duration of such longest lasting course.**
- (10) For the purposes of paragraph (9)—
- (a) the final academic year of the current course shall be the academic year during which the student is expected to complete the course;
  - (b) in determining the period referred to in **paragraph (9)(c)** there shall be included vacations, but not periods of work experience which form part of a sandwich course, **nor, where the student has only once repeated the first year or part of the first year of any course described in paragraph (9)(c), that repeated or part repeated first year;**

(4) S.I. 1972/1265 (N.I. 14).

(5) 1980 c. 44; section 74(1) was amended by paragraph 8(17) of Schedule 10 to the Self-Governing Schools etc. (Scotland) Act 1989(c. 39).

(6) ERASMUS is part of the European Community action programme SOCRATES, OJNo. L87, 20.4.95, p. 10.

(7) The Teacher Training Agency was established under section 1 of the Education Act 1994 (c. 30).

- (c) the duration of a course shall be the period ordinarily required for its completion by a student who is not excused part of the course on account of his having attended a previous course in the case of a sandwich course ignoring periods of work experience; and
- (d) a difference which is less than a whole academic year shall be treated as a whole academic year.

(11) The academic years in respect of which the eligible student shall not be eligible for grant for fees in accordance with paragraph (9) shall be the first academic year or years of the current course which the student attends.

(12) An eligible student shall be eligible for a grant for fees in respect of—

- (a) any academic year before the expiry of three months from the beginning of which—
  - (i) his course becomes a designated course,
  - (ii) he or his spouse or parent is recognised as a refugee or is granted leave to enter or remain as mentioned in paragraph 3 of Schedule 1, or
  - (iii) he becomes a student mentioned in paragraph 7 of Schedule 1 as a result of the accession of the state of which he is a national to the European Community; and
- (b) any academic year which begins after the events referred to in paragraph (a)

but shall not be eligible for a grant for fees in respect of any other academic year.

### **Maximum amounts of grants**

**11.**—(1) The amount of grant for fees in respect of an academic year of a course at an institution which is maintained or assisted by recurrent grants out of public funds shall not exceed:

- (a) in the case of a course not covered by any other sub-paragraph of this paragraph, **£1,125**;
- (b) where the final year of the course is ordinarily required to be completed after less than 15 weeks' attendance, **£550**;
- (c) where during the academic year of a sandwich course any periods of full-time study are in aggregate less than 10 weeks, **£550**;
- (d) where during the academic year of a course for the initial training of teachers referred to in paragraph 4 of Schedule 2 any periods of full-time study are in aggregate less than 10 weeks, **£550**;
- (e) where during the academic year of a course provided in conjunction with an overseas institution the periods of full-time study at the institution in the United Kingdom are in aggregate less than 10 weeks, **£550**;
- (f) in the case of a sandwich course or a course provided in conjunction with an overseas institution where the periods of full-time study at the institution in the United Kingdom are 10 weeks or more, but in respect of the academic year and any previous such academic years the aggregate of any one or two periods of attendance which are not periods of full-time study at the institution (disregarding intervening vacations) exceeds 30 weeks, **£550**; or
- (g) in the case of a course provided by the British Institute in Paris which began before 1st September 2001, **£550**.

(2) The amount of grant for fees in respect of an academic year of a course at an institution which is neither maintained nor assisted by recurrent grants out of public funds shall not exceed:

- (a) in the case of a course not covered by sub-paragraph (b)—
  - (i) where it is provided on behalf of an institution which is maintained or assisted by recurrent grants out of public funds and it begins on or after 1st September 2001, the

amount which would be available under paragraph (1) if the course were provided at the institution on whose behalf it is provided;

(ii) otherwise, **£1,050**;

(b) in the case of a course at the University of Buckingham, **£2,640**, in the case of a course at the Guildhall School of Music, **£4,055**, and in the case of a course at Heythrop College, **£1,995**.

(3) For the purposes of paragraphs (1) and (2) an institution which provides courses designated by regulation 4 of the Education (Student Support) (Dance and Drama) Regulations 1999<sup>(8)</sup> shall not be regarded as maintained or assisted by recurrent grants out of public funds by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992.

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<sup>(8)</sup> S.I. 1999/2263.