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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations provide for financial support for students who are ordinarily resident in Wales taking designated higher education courses in respect of academic years beginning on or after 1 September 2014. They consolidate, with some changes, the Education (Student Support) (Wales) Regulations 2012 (“the 2012 Regulations”).

These Regulations revoke the 2012 Regulations subject to the provisions of regulation 3 explained below. The 2012 Regulations will continue to apply to the provision of support to students in relation to the academic year which begins on or after 1 September 2013 but before 1 September 2014. Regulation 3 sets out the extent of the revocation. Changes of substance made in these Regulations are highlighted below.

To qualify for financial support a student must be an “eligible student”. Broadly, a person is an eligible full-time student if that person falls within one of the categories listed in Part 2 of Schedule 1 and also satisfies the eligibility provisions in Part 2 of the Regulations (separate eligibility provisions apply to students undertaking distance learning, part-time and postgraduate courses and Parts 11 to 13 of the Regulations refer).

The Regulations apply to students ordinarily resident in Wales wherever they study on a designated course in the United Kingdom. For the purposes of these Regulations a person who is ordinarily resident in Wales, England, Scotland, Northern Ireland, the Channel Islands or the Isle of Man as a result of having moved from one of those areas for the purpose of undertaking a designated course is considered ordinarily resident in the place from which that person moved (Schedule 1, paragraph 1(3)). An eligible student must also satisfy any requirements elsewhere in the Regulations; in particular the specific requirements applicable to each type of financial support.

Support is only available under the Regulations in respect of “designated” courses within the meaning of regulations 5, 78, 95, 124 and Schedule 2.

The distinction between old system eligible students and new system eligible students (introduced by the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006) in relation to financial support to students for full-time courses is retained (regulation 2(1)).

Old system eligible students are eligible students attending courses that started before 1 September 2006, gap year students starting courses before 1 September 2007 and certain other categories of student. The following grants and loans are available to old system eligible students subject to the conditions prescribed in the relevant regulations—

- Grant for fees (regulations 16 to 18);
- Fee contribution loan (regulation 22);
- Grant for disabled students’ living costs (regulation 29);
- Grants for dependants (regulations 30 to 35);
- Grant for travel (regulations 37 to 39);
- Higher education grant (regulation 40); and
- Loans for living costs (Part 6).

A new system eligible student is an eligible student who started their course on or after 1 September 2006 and is continuing on that course after 31 August 2014, or starts their present course on or after 1 September 2014, and is not an old system eligible student. The following grants and

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loans are available to new system eligible students subject to the conditions prescribed in the relevant regulations—

- Fee grant (regulation 19);
- New fee grant (regulation 20);
- Fee loan (regulations 23 and 24);
- New fee loan (regulation 25);
- New private institution fee loan (regulation 26);
- Accelerated graduate entry fee loan (regulation 27);
- Grant for disabled students' living costs (regulation 29);
- Grants for dependants (regulations 30 to 35);
- Grant for travel (regulations 37 to 39);
- Maintenance grant or special support grant (regulations 41 to 48);
- Loans for living costs (Part 6); and
- College fee loans (Schedule 4).

The Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2009 introduced two new sub-categories of new system eligible student, namely a “2010 cohort student” and a “2010 gap year student”. The Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2011 introduced a further two new sub-categories of new system eligible student, namely a “2011 cohort student” and a “2011 gap year student”. The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011 then introduced one further new category of new system eligible student, namely a 2012 cohort student. A 2012 cohort student is a new system eligible student who begins the present course on or after 1 September 2012 and the relevant provisions will continue to apply to students who begin the present course on or after 1 September 2014. The definition of 2012 cohort student in regulation 2(1) also provides that certain categories of students are not classed as 2012 cohort students. The term “new cohort student” (“*myfyriwr carfan newydd*”) in regulation 2(1) also collectively describes 2010 cohort students, 2011 cohort students and 2012 cohort students.

Part 2 of these Regulations concerns eligibility.

Part 3 of these Regulations makes provision for applications for support (regulation 9), time limits for applications (regulation 10) and regulation 11 and Schedule 3 specify the information that must be provided by applicants.

Part 4 of these Regulations provides for fee support, in the form of grants for fees and fee loans.

Regulation 20 provides for the payment of a new fee grant to 2012 cohort students. Regulation 23 provides for the payment of fee loans to new system eligible students who do not qualify for a fee grant. A new cohort student (other than a 2012 cohort student) falls within that category. Regulation 24 provides for the payment of fee loans to students who qualify for a fee grant under regulation 19. The payment of fee loans under regulations 23 and 24 will only apply in relation to courses beginning before 1 September 2012.

The fee loans available in respect of courses beginning on or after 1 September 2012 are set out in regulations 25 to 27. Regulation 25 provides for the payment of a new fee loan to 2012 cohort students who undertake courses at publicly funded institutions. Regulation 26 provides for the payment of a new private institution fee loan to 2012 cohort students who undertake courses at private institutions. Finally, regulation 27 provides for the payment of an accelerated graduate entry fee loan to students who begin accelerated graduate entry courses on or after 1 September 2012.

These Regulations also provide for new levels of fee support for certain 2012 cohort students who are undertaking a study year abroad or a work placement as part of a designated course. This

includes students who are undertaking a work placement or study year abroad as part of a sandwich course or an Erasmus year. The relevant support is set out in regulations 20, 25 and 26 and a related change is made to the definition of “Erasmus Year” in regulation 2(1).

Part 5 of these Regulations makes provision for grants for living costs which includes grants for travel for certain categories of eligible student.

It provides that the amount of maintenance grant or special support grant payable to a new system eligible student will differ according to whether the student is a new system eligible student who is not a new cohort student (regulations 42 and 46); a 2010 cohort student and a 2012 cohort student (regulations 43 and 47); or a 2011 cohort student (regulations 44 and 48).

Regulation 32 makes provision for the childcare grant which is payable in respect of childcare charges incurred in relation to children who are dependent on an eligible student, including children who are born after the beginning of the academic year. This regulation also now enables the Welsh Ministers to limit the amount of childcare grant payable where an eligible student does not submit details of the childcare provider.

Regulations 30 to 35 make provision for the grants for dependants. Regulation 34 provides that the residual income of any partner or adult dependant in the prior financial year and the net income of any child dependant in the prior financial year will be taken into account when calculating the amount of any grants for dependants. However, where a dependant’s income for the current financial year is likely to be 15 per cent less than their income in the prior financial year, the Welsh Ministers may assess the dependant’s income on the basis of the current financial year. Regulation 35 provides definitions of “dependant”, “residual income”, “net income”, “prior financial year” and “current financial year” for these purposes. Equivalent provision is made in respect of part-time grants for dependants in Part 12 of these Regulations.

Part 6 makes provision for loans for living costs. Such loans are payable to both old system eligible students and new system eligible students.

The amount of loan payable to a new system eligible student may differ according to whether the student is a new system eligible student who is not a new cohort student (regulation 52); a 2010 cohort student, a 2012 cohort student or a 2012 accelerated graduate entry student undertaking their first year of study (regulation 54); or a 2011 cohort student (regulation 55).

Part 7 sets out general provisions relating to loans made under the Regulations.

Part 8 and Schedule 4 make provision for “college fee loans”. These are loans in respect of the college fees payable by a qualifying student to a college or permanent private hall of the University of Oxford or to a college of the University of Cambridge in connection with attendance of a qualifying student on a qualifying course.

Part 9 and Schedule 5 continue to make provision for the means-testing of students taking designated full-time courses. A contribution from the student is calculated on the basis of household income. The contribution is to be applied to specified grants and loans until it is extinguished against the amount of the particular grants and loans for which the student qualifies.

Part 10 makes provision for payment of grants and loans.

Part 11 makes provision for support to students who are undertaking designated distance learning courses.

Part 12 and Schedule 6 make provision for support for part-time courses. Regulation 98 makes provision for a new part-time fee loan which is available to eligible part-time students who start designated part-time courses on or after 1 September 2014. The level of new part-time fee loan will vary according to whether the designated part-time course is provided by an institution in Wales or an institution in England, Scotland or Northern Ireland. The level of new part-time fee loan will also vary according to whether the designated part-time course is provided by a publicly funded institution or private institution in England, Scotland or Northern Ireland. The new part-time fee

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loan will be available to new eligible part-time students who study designated part-time courses at an intensity of study above 25 per cent.

Regulation 99 makes provision for a new part-time course grant, which is means tested, and available to eligible part-time students who start designated part-time courses on or after 1 September 2014. The new part-time course grant will be available to eligible part-time students who study designated part-time courses at an intensity of study above 50 per cent.

Part 13 makes provision for postgraduate students with disabilities.

Regulations 29, 32, 37, 41, 45, 83, 100 and 129 make provision (in part) for students who become eligible for certain types of support part way through an academic year. They provide that such students will now only qualify for the relevant support in respect of the academic quarters following the event which triggers their eligibility.

Part 14 makes amendments to the 2012 Regulations in relation to “compressed first year courses”. These are courses in which the first year of study is undertaken on a compressed basis. The definition of “academic year” is also amended for this purpose.

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**Changes and effects yet to be applied to :**

- Regulations continued by [S.I. 2017/47 reg. 3\(13\)](#) (This S.I. is amended by [S.I. 2018/191](#))
- Regulations functions made exercisable concurrently by [S.I. 2014/1464 art. 2](#)
- Regulations revoked by [S.I. 2015/54 reg. 3\(1\)](#)
- [reg. 2\(1\)](#) words inserted by [S.I. 2014/1712 reg. 3\(1\)](#)
- [reg. 2\(1\)](#) words inserted by [S.I. 2015/54 reg. 125\(2\)](#)
- [reg. 2\(1\)](#) words substituted by [S.I. 2014/1712 reg. 3\(2\)](#) (Amendment to English text only)
- [reg. 2\(1\)](#) words substituted by [S.I. 2015/54 reg. 125\(3\)\(a\)](#)
- [reg. 2\(1\)](#) words substituted by [S.I. 2015/54 reg. 125\(3\)\(b\)](#)
- [reg. 2\(1\)](#) words substituted by [S.I. 2015/54 reg. 125\(3\)\(c\)](#)
- [reg. 5\(1\)\(e\)](#) words inserted by [S.I. 2014/1712 reg. 4](#)
- [reg. 6\(9\)](#) words substituted by [S.I. 2014/1712 reg. 5](#)
- [reg. 76\(8\)](#) words substituted by [S.I. 2015/54 reg. 125\(4\)\(a\)](#)
- [reg. 76\(9\)\(b\)\(iv\)](#) semi-colon substituted for full stop by [S.I. 2015/54 reg. 125\(4\)\(b\)\(i\)](#)
- [reg. 78\(5\)\(a\)](#) word substituted by [S.I. 2015/54 reg. 125\(5\)\(a\)](#)
- [reg. 78\(5\)\(b\)](#) substituted by [S.I. 2015/54 reg. 125\(5\)\(b\)](#)
- [reg. 93\(4\)](#) substituted by [S.I. 2014/1712 reg. 6](#)
- [reg. 93\(7\)](#) words substituted by [S.I. 2015/54 reg. 125\(6\)\(a\)](#)
- [reg. 93\(8\)\(b\)\(iv\)](#) semi-colon substituted for full stop by [S.I. 2015/54 reg. 125\(6\)\(b\)\(i\)](#)
- [reg. 97\(5\)\(g\)](#) sum substituted by [S.I. 2014/1712 reg. 7](#) (Amendment to English text only)
- [reg. 101\(2\)](#) substituted by [S.I. 2014/1712 reg. 10\(1\)](#)
- [reg. 121\(1\)](#) words inserted by [S.I. 2015/54 reg. 125\(8\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [reg. 76\(9\)\(c\)](#) inserted by [S.I. 2015/54 reg. 125\(4\)\(b\)\(ii\)](#)
- [reg. 93\(8\)\(c\)](#) inserted by [S.I. 2015/54 reg. 125\(6\)\(b\)\(ii\)](#)
- [reg. 95\(7\)](#) inserted by [S.I. 2015/54 reg. 125\(7\)](#)
- [reg. 99\(10\)\(11\)](#) inserted by [S.I. 2014/1712 reg. 8](#)
- [reg. 100\(7\)\(8\)](#) inserted by [S.I. 2014/1712 reg. 9](#)
- [reg. 101\(5\)](#) inserted by [S.I. 2014/1712 reg. 10\(2\)](#)