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WELSH STATUTORY INSTRUMENTS

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**2007 No. 1045**

**The Assembly Learning Grants and Loans  
(Higher Education) (Wales) Regulations 2007**

**PART 10**

**PAYMENTS**

**Payment of grants or loans for fees**

**55.**—(1) The National Assembly must pay the grant or loan for fees for which a student qualifies to the institution to which the student is liable to make payment where it receives a request for payment from the relevant academic authority.

(2) The National Assembly must pay the grant or loan for fees to the academic authority —

- (a) not before the expiry of a period of three months beginning with the first day of the academic year; and in the case of a grant only;
- (b) not later than 10 weeks after the expiry of the period in sub-paragraph (a), or promptly after a valid request for payment has been received, if that is later.

(3) Where assessment of the student's contribution or other matters has delayed the final calculation of the amount of grant for which the student qualifies, the National Assembly may make a provisional assessment.

(4) The National Assembly may pay the fee loan in instalments.

(5) Where assessment of an old system student's contribution or other matters have delayed the final calculation of the amount of fee contribution loan for which the student qualifies, the National Assembly may make a provisional assessment and payment.

(6) No payment of the grant or loan for fees may be made in respect of a designated course if —

- (a) before the expiry of a period of three months beginning with the first day of the academic year the eligible student ceases to attend the course; and
- (b) the academic authority has determined or agreed that the student will not commence attending again during the academic year in respect of which the fees are payable or at all.

**Payment of grants for living costs**

**56.**—(1) Subject to the following paragraphs, the National Assembly may pay support under Part 5 in such instalments (if any) and at such times as it considers appropriate.

(2) An institution is required to send an attendance confirmation to the National Assembly.

(3) The National Assembly must not pay the first instalment or, where it has been determined not to pay support under Part 5 by instalments, make any payment of support under Part 6 to an eligible student before it has received the confirmation unless an exception applies.

(4) An exception applies if—

- (a) a disabled students' allowance is payable in which case that particular grant may be paid before the National Assembly has received an attendance confirmation; or
  - (b) the National Assembly has determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.
- (5) Where a final assessment cannot be made on the basis of the information provided by the student, the National Assembly may make a provisional assessment and payment of support under Part 5.
- (6) Payments of support under Part 5 are to be made in such manner as the National Assembly considers appropriate and it may make it a condition of entitlement to payment that the eligible student must provide it with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.
- (7) No support under Part 5 is due in respect of any payment period beginning after an eligible student's period of eligibility terminates.
- (8) Where an eligible student's period of eligibility terminates on or after the relevant date, the National Assembly must determine—
- (a) the amount of each grant for living and other costs for which the student qualifies that would be payable in respect of the relevant payment period if the eligible student's period of eligibility had not terminated ( the "full amount"); and
  - (b) how much of the full amount is due in respect of the period which runs from the first day of the relevant payment period up to and including the day on which the eligible student's period of eligibility terminated ( the "partial amount").
- (9) In this regulation, the "relevant date" ("*dydy ddiad perthnasol*") is the date on which the first term of the academic year in question actually begins.
- (10) If the National Assembly has made a payment of grant for living and other costs in respect of the relevant payment period before the point in that period at which the eligible student's period of eligibility terminated and that payment exceeds the partial amount of that grant—
- (a) it may treat the excess as an overpayment of that grant
  - (b) if it considers that it is appropriate to do so it may extend the student's period of eligibility in respect of that grant until the end of the relevant payment period and determine that the full amount of the grant is due in respect of that payment period.
- (11) If a payment of a grant for living and other costs in respect of the relevant payment period is due to be made or is made after the eligible student's period of eligibility has terminated, the amount of that grant due is the partial amount unless the National Assembly considers it appropriate to extend the period of eligibility in respect of that grant until the end of the relevant payment period and to determine that the full amount of that grant is due in respect of that payment period.
- (12) No support under Part 5 is due in respect of a payment period during any part of which an eligible student is absent from his or her course, unless in the opinion of the National Assembly it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.
- (13) In deciding whether it would be appropriate for support to be due under paragraph (12) the circumstances to which the National Assembly must have regard include the reason for the student's absence, the length of the absence and the financial hardship which not paying the support would cause.
- (14) An eligible student is not to be considered absent from his or her course if he or she is unable to attend due to illness and his or her absence has not exceeded 60 days.
- (15) Where, after the National Assembly has made any payment of support under Part 5 or Part 6, it makes a determination of the amount of a grant for living and other costs for which the student

qualifies either for the first time or by way of revision of a provisional or other determination of that amount—

- (a) if the determination increases the amount of that grant for which the student qualifies it must pay the additional amount in such instalments (if any) and at such times as it considers appropriate;
- (b) if the determination decreases the amount of that grant for which the student qualifies it must subtract the amount of the decrease from the amount of that grant which remains to be paid;
- (c) if the amount of the decrease is greater than the amount of that grant remaining to be paid the latter amount is reduced to nil and the balance subtracted from any other grant for living and other costs for which the student qualifies in respect of the academic year;
- (d) any remaining overpayment is recoverable in accordance with regulation 60 .

### **Payment of Loans — conditions of entitlement to payment**

**57.**—(1) The National Assembly may make it a condition of entitlement to payment of any loan that an eligible student must provide it with his or her United Kingdom national insurance number.

(2) Where the National Assembly has imposed a condition under paragraph (1), it must not make any payment of the loan to the eligible student before it is satisfied that the student has complied with that condition.

(3) Despite paragraph (2), the National Assembly may make a payment of loan to an eligible student if it is satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible student having complied with the condition imposed under paragraph (1).

(4) The National Assembly may at any time require an applicant or eligible student to enter into an agreement to repay a loan by a particular method.

(5) Where the National Assembly has requested an agreement as to the method of repayment under this regulation, it may withhold any payment of a loan until the person provides what has been requested.

### **Information requirements**

**58.**—(1) The National Assembly may at any time request from an applicant information that it considers is required to recover a loan.

(2) The National Assembly may at any time request from an applicant sight of his or her valid national identity card, his or her valid passport issued by the state of which he or she is a national or his or her birth certificate.

(3) Where the National Assembly has requested information or documents under this regulation, it may withhold any payment of a loan until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

### **Payment of loans for living and other costs**

**59.**—(1) The National Assembly may pay support under Part 8 in instalments.

(2) Subject to paragraph (3), the National Assembly may pay support under Part 6 at such times as it considers appropriate.

(3) An institution is required to send an attendance confirmation to the National Assembly.

(4) The National Assembly must not pay the first instalment, or where it has determined not to pay support under Part 6 by instalments, make any payment of support under Part 6 to the eligible

student before it has received an attendance confirmation from the relevant institution unless an exception applies.

(5) An exception applies if the National Assembly has determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.

(6) Where a final assessment cannot be made on the basis of the information provided by the student, the National Assembly may make a provisional assessment and payment of support under Part 6.

(7) Payments of support under Part 6 are to be made in such manner as the National Assembly considers appropriate and it may make it a condition of entitlement to payment that the eligible student must provide it with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(8) Where the National Assembly has made any payment of support under Part 5 or under Part 6 and a student who qualifies for a loan for living costs under Part 6 applies for such a loan or applies for an additional amount of loan for living costs in respect of an academic year, the National Assembly may pay that loan or that additional amount of loan in such instalments (if any) and at such times as it considers appropriate as soon as is reasonably practicable after a satisfactory application has been received.

(9) Subject to regulation 8, no support under Part 6 is payable in respect of any payment period beginning after an eligible student's period of eligibility terminates.

(10) No support under Part 6 is due in respect of a payment period during part of which an eligible student is absent from his or her course, unless in the opinion of the National Assembly it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.

(11) In deciding whether it would be appropriate for support to be due under paragraph (10) the circumstances to which the National Assembly must have regard include the reasons for the student's absence, the length of absence and the financial hardship which not paying the student would cause.

(12) An eligible student is not to be considered absent from his or her course if he or she is unable to attend due to illness and his or her absence has not exceeded 60 days.

(13) Where, after the National Assembly has made any payment of loan for living costs for which a student qualifies in respect of an academic year under Part 6, it makes a determination that the amount of loan for living costs for which the student qualifies is less than the amount previously determined either by way of a revision of a provisional assessment or otherwise —

- (a) it must subtract such amount as is necessary to ensure that the student does not borrow an amount of loan for living costs which is greater than that for which he or she qualifies from any amount of loan for living costs which remains to be paid;
- (b) if the amount to be subtracted is greater than the amount of loan for living costs remaining to be paid, the latter is reduced to nil;
- (c) any remaining overpayment is recoverable in accordance with regulation 60.

## **Overpayments**

**60.**—(1) Any overpayment of a grant or loan for fees may be recovered by the National Assembly from the academic authority.

(2) An eligible student must, if so required by the National Assembly, repay any amount paid to the student under Part 5 or 6 which for whatever reason exceeds the amount of support to which the student is entitled under Part 5 or 6.

(3) The National Assembly must recover an overpayment of any grant for living and other costs unless it considers it is not appropriate to do so.

(4) A payment of any grant for living and other costs made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the National Assembly decides otherwise.

(5) In the circumstances in paragraph (6) or (7), there is an overpayment of the grant for disabled students' living costs unless the National Assembly decides otherwise.

(6) The circumstances are—

- (a) the National Assembly applies all or part of the grant for disabled students' living costs to the purchase of specialist equipment on behalf of the eligible student;
- (b) the student's period of eligibility terminates or is terminated under regulation 6 after the relevant date; and
- (c) the equipment has not been delivered to the student before his or her period of eligibility terminates or is terminated.

(7) The circumstances are—

- (a) the eligible student's period of eligibility terminates or is terminated under regulation 6 after the relevant date; and
- (b) a payment of the grant for disabled students' living costs in respect of specialist equipment is made to the student after the student's period of eligibility terminated or was terminated.

(8) Where there is an overpayment of the grant for disabled students' living costs, the National Assembly may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if it considers it is appropriate to do so.

(9) Any overpayment of any grant under Part 5 may be recovered in whichever one or more of the following ways the National Assembly considers appropriate in all the circumstances —

- (a) by subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made under section 22 of the Act;
- (b) by taking such other action for the recovery of an overpayment as is available to it.

(10) Any overpayment of a loan for living costs in respect of any academic year may be recovered if in the opinion of the National Assembly —

- (a) the overpayment is a result of a failure of the student to provide promptly information which might affect whether he or she qualifies for a loan or the amount of loan for which he or she qualifies; or
- (b) any information which the student has provided is inaccurate in a material particular; or
- (c) the student has failed to provide information which the National Assembly considers to be material in the context of the recovery of the loan.

(11) Where an overpayment of a loan for living costs is recoverable in accordance with paragraph (4), it may be recovered in whichever one or more of the following ways the National Assembly considers appropriate in all the circumstances —

- (a) by subtracting the overpayment from the amount of any loan payable to the student from time to time pursuant to regulations made under section 22 of the Act;
- (b) by taking such other action for the recovery of an overpayment as is available to it.

(12) Where there has been an overpayment of a loan for living costs which is not recoverable under paragraph (4), the National Assembly may subtract the overpayment from the amount of any loan payable to the student from time to time pursuant to regulations made under section 22 of the Act.

(13) In this regulation “the relevant date” (“*y dyddiad perthnasol*”) is the date on which the first term of the academic year in question actually begins.

## Payments — interpretation

### 61.—(1) In this Part—

- (a) “attendance confirmation” (“*cadarnhad o bresenoldeb*”) means—
  - (i) confirmation from the institution that the student has enrolled for the academic year where—
    - (aa) the student is applying for support in connection with a designated course for the first time;
    - (bb) the student has a disability; and
    - (cc) the student is undertaking the course but not attending (regardless of whether the reason for not attending relates to his or her disability);
  - (ii) confirmation from the institution that the student has presented himself or herself at the institution and begun to attend the course where—
    - (aa) the student is applying for support in connection with a designated course for the first time;
    - (bb) the student has not had his or her status as an eligible student transferred to the course from another designated course at the same institution; and
    - (cc) sub-paragraph (i)(cc) does not apply;
  - (iii) confirmation from the institution that the student has enrolled for the academic year where—
    - (aa) the student is applying for support in connection with a designated course other than for the first time; or
    - (bb) the student is applying for support in connection with a designated course for the first time after having his or her status as an eligible student transferred to that course from another course at the same institution;
- (b) “payment period” (“*cyfnod talu*”) means a period in respect of which the National Assembly pays the relevant support under Part 5 or Part 6 or would have paid such support if the eligible student’s period of eligibility had not terminated.