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WELSH STATUTORY INSTRUMENTS

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**2008 No. 1273**

**The Assembly Learning Grants and Loans  
(Higher Education) (Wales) Regulations 2008**

**PART 12**

**SUPPORT FOR PART-TIME COURSES**

**Eligible part-time students**

**79.**—(1) An eligible part-time student qualifies for support in connection with his or her undertaking a designated part-time course subject to and in accordance with this Part.

(2) A person is an eligible part-time student in connection with a designated part-time course if—

- (a) in assessing his or her application for support the Welsh Ministers determine that the person falls within one of the categories set out in Part 2 of Schedule 1; and
- (b) the person is not excluded by paragraph (3).

(3) A person is not an eligible part-time student if—

- (a) there has been bestowed on that person or paid to that person in relation to his or her undertaking the part-time course —
  - (i) a healthcare bursary whether or not the amount of such bursary is calculated by reference to the person's income;
  - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007; or
  - (iii) a Scottish healthcare allowance whether or not the amount of such allowance is calculated by reference to that person's income;
- (b) that person is in breach of any obligation to repay any loan;
- (c) that person has reached the age of 18 and has not ratified any agreement for a loan made with him or her when he or she was under the age of 18;
- (d) that person has, in the opinion of the Welsh Ministers, shown himself or herself by his or her conduct to be unfitted to receive support; or
- (e) subject to paragraph (4), he or she is a prisoner.

(4) Paragraph (3)(e) does not apply in respect of an academic year during which the student enters prison or is released from prison .

(5) For the purposes of paragraphs (3)(b) and (3)(c), “loan” (“*benthyciad*”) means a loan made under the student loans legislation.

(6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (3)(c) only applies if the agreement was made —

- (a) before 25 September 1991; and
- (b) with the concurrence of the borrower's curator or at a time when he or she had no curator.

(7) Subject to paragraphs (10) to (12), a person is an eligible part-time student for the purposes of this Part if he or she satisfies the conditions in paragraphs (8) or (9).

(8) The conditions in this paragraph are —

- (a) he or she qualified as an eligible part-time student in connection with an earlier academic year of the present designated part-time course pursuant to regulations made by the Welsh Ministers under section 22 of the Act;
- (b) the person was ordinarily resident in Wales on the first day of the present designated part-time course; and
- (c) the person's status as an eligible part-time student has not terminated.

(9) The conditions in this paragraph are—

- (a) the Welsh Ministers have previously determined that the person is—
  - (i) an eligible student in connection with a designated course; or
  - (ii) an eligible part-time student in connection with a designated part-time course other than the present designated part-time course;
- (b) the person's status as an eligible student or as an eligible part-time student in connection with the course referred to in sub-paragraph (a) has been converted or transferred from that course to the present designated part-time course as a result of one or more conversions or transfers in accordance with regulations made by the Welsh Ministers under section 22 of the Act;
- (c) the person was ordinarily resident in Wales on the first day of the first academic year of the course referred to in sub-paragraph (a); and
- (d) the person's status as an eligible part-time student has not terminated.

(10) Where—

- (a) the Welsh Ministers determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A") was an eligible part-time student in connection with an application for support for an earlier year of the present part-time course or an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which his or her status as an eligible part-time student, eligible student or eligible distance learning student has been transferred to the present part-time course; and
- (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 his or her 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's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.

(11) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person with leave to enter or remain or the spouse, civil partner, child or step-child of such a person, a person ("A") was an eligible part-time student in connection with an application for support for an earlier year of the present part-time course or an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which his or her status as an eligible part-time student, eligible student or eligible distance learning student has been transferred to the present part-time course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person with leave to enter or remain is allowed to stay in the

United Kingdom 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's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.

(12) Paragraphs (10) and (11) do not apply where the student started the course in connection with which the Welsh Ministers determined that he or she was an eligible part-time student or eligible student, as the case may be, before 1 September 2007.

(13) An eligible part-time student does not qualify for support under regulation 82(1)(b) or regulation 83 if the only paragraph in Part 2 of Schedule 1 into which he or she falls is paragraph 9.

(14) An eligible part-time student qualifies for support —

- (a) under regulation 82(1)(a) if the Welsh Ministers consider that he or she is undertaking the designated part-time course in Wales; or
- (b) under regulation 82(1)(b) or 83 if the Welsh Ministers consider that he or she is undertaking the designated part-time course in the United Kingdom.

(15) An eligible part-time student does not qualify for support under regulation 82 if he or she has undertaken one or more part-time courses for eight academic years in aggregate and he or she has received in respect of each of those academic years a loan or a grant of the kind described in paragraph (16).

(16) The loans and grants referred to in paragraph (15) are —

- (a) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course pursuant to regulations made under section 22 of the Act;
- (b) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course by the Department for Employment and Learning (Northern Ireland) pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998; or
- (c) a loan in respect of an academic year of a part-time course made pursuant to regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980.

(17) An eligible part-time student does not qualify for support under regulation 82 if he or she holds a first degree from an educational institution in the United Kingdom.

(18) For the purposes of paragraph (17), a degree is not treated as a first degree where —

- (a) it is a degree (other than an honours degree) that has been awarded to an eligible part-time student who has completed the required modules, examinations or other forms of assessment for his or her first degree course; and
- (b) the eligible part-time student is registered to continue the course at the same educational institution after the award of his or her degree so as to obtain an honours degree on completion of the required modules, examinations or other form of assessment.

(19) Where one of the events listed in paragraph (21) occurs in the course of an academic year —

- (a) a student may qualify for a grant in respect of fees in respect of that academic year in accordance with this Part provided that the relevant event occurred within the first three months of the academic year; and
- (b) a grant in respect of fees is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(20) Where one of the events listed in sub-paragraphs (a), (b), (e), (f), (g) (h) or (i) of paragraph (21) occurs in the course of an academic year —

- (a) a student may qualify for a grant for books, travel and other expenditure or for a grant for disabled part-time students' living costs (or both) in respect of that academic year in accordance with this Part; and
  - (b) neither a grant for books, travel and other expenditure is available in respect of any academic year beginning before the academic year in which the relevant event occurred.
- (21) The events are —
- (a) the student's course becomes a designated part-time course;
  - (b) the student, his or her spouse, his or her civil partner or his or her parent is recognised as a refugee or becomes a person with leave to enter or remain;
  - (c) a state accedes to the European Community where the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;
  - (d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EC national;
  - (e) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three year-period immediately preceding the first day of the first academic year of the course;
  - (f) the student acquires the right of permanent residence;
  - (g) the student becomes the child of a Turkish worker;
  - (h) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
  - (i) the student becomes the child of a Swiss national.
- (22) An eligible part-time student may not, at any one time, qualify for support for —
- (a) more than one designated part-time course;
  - (b) a designated part-time course and a designated course;
  - (c) a designated part-time course and a designated distance learning course;
  - (d) a designated part-time course and a designated postgraduate course.

### **Designated part-time courses**

**80.**—(1) Subject to paragraphs (2) and (3), a part-time course is designated for the purposes of section 22(1) of the Act and regulation 79 if —

- (a) it is a course mentioned in Schedule 2 other than a course for the initial training of teachers;
- (b) it is of at least one academic year's duration;
- (c) it is ordinarily possible to complete the course in not more than twice the period ordinarily required to complete the full-time equivalent;
- (d) it is wholly provided by a publicly-funded educational institution or institutions in the United Kingdom or is provided by such institution or institutions in conjunction with an institution or institutions outside the United Kingdom;
- (e) it is not designated by or under regulation 5; and
- (f) it is not designated by or under regulation 64.

(2) A course falling within paragraph 6 or 7 of Schedule 2 is not a designated part-time course where the governing body of a maintained school has arranged for the provision of such a course to a pupil of the school.

(3) A course that is taken as part of an employment -based teacher training scheme is not a designated part-time course.

- (4) For the purposes of paragraph (1) —
- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;
  - (b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and
  - (c) an institution is not regarded as publicly funded 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<sup>(1)</sup>.
- (5) For the purposes of paragraph (1)(c)—
- (a) “full-time equivalent” (“*cwrs amser-llawn cyfatebol*”) means a full-time course leading to the same qualification as the part-time course in question;
  - (b) the “period ordinarily required to complete the full-time equivalent” (“*cyfnod sy'n ofynnol fel arfer i gwblhau'r cwrs amser-llawn cyfatebol*”) means—
    - (i) where the course is provided by or on behalf of the Open University, the period that a standard full-time student would require to complete the full-time equivalent if he or she were awarded 120 credit points in each academic year;
    - (ii) where the course is provided by or on behalf of any other institution, the period in which a standard full-time student would complete the full-time equivalent;
  - (c) “standard full-time student” (“*myfyriwr amser-llawn safonol*”) is a student who is to be taken—
    - (i) to have started the full-time equivalent on the same date as the eligible part-time student started the part-time course in question;
    - (ii) not to have been excused any part of the full-time equivalent;
    - (iii) not to have repeated any part of the full-time equivalent; and
    - (iv) not to have been absent from the full-time equivalent other than during vacations.
- (6) For the purposes of section 22 of the Act and regulation 79(1) the Welsh Ministers may designate courses of higher education which are not designated by paragraph (1).

### **Period of eligibility**

**81.**—(1) A student retains his or her status as an eligible part-time student in connection with a designated part-time course until the status terminates in accordance with this regulation and regulation 79.

(2) The period for which an eligible part-time student retains his or her status is the “period of eligibility” (“*cyfnod cymhwysra*”).

(3) Subject to the following paragraphs and regulation 79, the period of eligibility terminates at the end of the academic year in which the eligible part-time student completes his or her designated part-time course.

- (4) The period of eligibility terminates when the eligible part-time student —
- (a) withdraws from his or her designated part-time course in circumstances where the Welsh Ministers have not transferred or converted or will not transfer or convert his or her status under regulation 87 or 88; or
  - (b) abandons or is expelled from his or her designated part-time course.

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(1) 1992 c. 13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 27.

(5) The period of eligibility terminates at the end of the relevant academic year where the eligible part-time student cannot complete the designated part-time course within the period specified in regulation 80(1) (c).

(6) For the purposes of paragraph (5) “relevant academic year” (“*blwyddyn academaidd berthnasol*”) means the academic year during or at the end of which it becomes impossible for the student to complete the course within the period specified in regulation 80(1) (c) even if he or she increases his or her intensity of study.

(7) The Welsh Ministers may terminate the period of eligibility where the eligible part-time student has shown himself or herself by his or her conduct to be unfitted to receive support.

(8) If the Welsh Ministers are satisfied that an eligible part-time student has failed to comply with any requirement to provide information under this Part or has provided information which is inaccurate in a material particular, the Welsh Ministers may take such of the following actions as they consider appropriate in the circumstances —

- (a) terminate the period of eligibility;
- (b) determine that the student no longer qualifies for any particular support or particular amount of support;
- (c) treat any support paid to the student as an overpayment which may be recovered under regulation 91.

(9) Where the period of eligibility terminates—

- (a) before the end of the academic year in which the eligible part-time student completes the designated part-time course; and
- (b) otherwise than under paragraph (5),

the Welsh Ministers may, at any time, renew, or extend the period of eligibility for such period as they determine.

### **Support for part—time courses**

**82.—**(1) For the purposes of this regulation, the support available is —

- (a) a grant in respect of fees not exceeding the lesser of the following amounts —
  - (i) the basic grant, and
  - (ii) the “actual fees” (“*ffioedd gwirioneddol*”), being the amount of fees charged in respect of an academic year of the designated part-time course; and
- (b) a grant not exceeding £1,050 for books, travel and other expenditure in connection with the designated part-time course.

(2) The basic grant varies according to the intensity of study.

### **The intensity of study is calculated as follows and expressed as a percentage**

$$\frac{PT}{FT} \times 100$$

where

PT is the number of modules, credits, credit points, points or other unit to be awarded to the eligible part-time student by the academic authority if he or she successfully completes the academic year in connection with which he or she is applying for support;

FT is—

- (a) where the course is provided by or on behalf of the Open University, 120;

- (b) where the course is provided by or on behalf of any other institution, the number of modules, credits, credit points, points or other unit that a standard full-time student would be required to obtain in each academic year in order to complete the full-time equivalent within the period ordinarily required to complete that course.
- (3) For the purposes of paragraph (2)—
- (a) “full-time equivalent” (“*cwrs amser-llawn cyfatebol*”) and “standard full-time student” (“*myfyriwr amser-llawn safonol*”) are to be interpreted in accordance with regulation 80; and
- (b) “the period ordinarily required to complete the full-time equivalent” (“*cyfnod sy'n ofynnol fel arfer i gwblhau'r cwrs amser-llawn cyfatebol*”) is to be calculated in accordance with regulation 80.
- (4) The “basic grant” (“*grant sylfaenol*”) is —
- (a) £620 where the intensity of study is less than 60 per cent. (“level 1”);
- (b) £745 where the intensity of study is 60 per cent. or more but less than 75 per cent. (“level 2”);
- (c) £930 where the intensity of study is 75 per cent. or more (“level 3”).
- (5) Subject to paragraph (6) and regulation 86, the amount of support payable in respect of an academic year is as follows —
- (a) if at the date of his or her application the eligible part-time student or his or her partner is entitled —
- (i) under Part VII of the Social Security Contributions and Benefits Act 1992 to income support, housing benefit or council tax benefit; or
- (ii) under Part 1 of the Jobseekers Act 1995 to income-based jobseekers allowance or under section 2 of the Employment and Training Act 1973 to an allowance under the arrangements known as the New Deal;
- the maximum amount of assistance available under regulation 82(1) is payable.
- (b) where the relevant income is less than £16,110, the maximum amount of support available under regulation 82 (1) is payable;
- (c) where the relevant income is £16,110, the maximum amount of support available under regulation 82(1)(b) is payable together with £50 less than the maximum amount of support available under regulation 82 (1)(a);
- (d) where the relevant income exceeds £16,110 but is less than £24,295, the maximum amount of support available under regulation 82(1)(b) is payable and the amount of support payable under regulation 82 (1)(a) is the amount determined in accordance with paragraph (6);
- (e) where the relevant income is £24,295, the maximum amount of support available under regulation 82(1)(b) is payable and the amount of assistance payable under regulation 82(1) (a) is £50;
- (f) where the relevant income exceeds £24,295 but is less than £24,925, the maximum amount of support available under regulation 82 (1)(b) is payable and no support is payable under regulation 82 (1)(a);
- (g) where the relevant income is £24,925 or more but less than £26,915, no support is available under regulation 82(1)(a) and the amount of support payable under regulation 82 (1)(b) is the amount left after deducting from the maximum amount of support available under regulation 82 (1)(b) £1 for every complete £2.00 by which the relevant income exceeds £24,925;

- (h) where the relevant income is £26,915, no support is payable under regulation 82 (1)(a) and the amount of support payable under regulation 82(1)(b) is £50;
  - (i) where the relevant income exceeds £26,915, no support is payable under regulation 82 (1).
- (6) Where paragraph (5)(d) applies, the amount of support payable under regulation 82(1)(a) is determined by deducting from the maximum amount of support available under regulation 82 (1) (a) one of the following amounts —
- (a) £50 plus a further £1 for each complete £15.74, £12.69 and £9.86 by which the relevant income exceeds £16,110 according to whether the intensity of study is level 1, 2 or 3, respectively; or
  - (b) where the basic grant is greater than the actual fees, an amount equal to that left after deducting from the amount calculated under sub-paragraph (a) the difference between the basic grant and the actual fees (unless the amount is a negative number in which case the maximum amount of support available under regulation 82 (1)(a) is payable).
- (7) For the purposes of this regulation —
- (a) “child” (“*plentyn*”) in relation to an eligible part-time student includes any child of his or her partner and any child for whom he or she has parental responsibility;
  - (b) “current financial year” (“*y flwyddyn ariannol gyfredol*”) means the financial year which includes the first day of the academic year in respect of which a person is being assessed for support;
  - (c) “dependent” (“*dibynnol*”) means wholly or mainly financially dependent;
  - (d) “financial year” (“*blwyddyn ariannol*”) means the period of twelve months for which the income of the eligible part-time student is computed for the purposes of the income tax legislation which applies to it;
  - (e) “income” (“*incwm*”) means gross income from all sources excluding any tax credits awarded pursuant to any claims under section 3 of the Tax Credits Act 2002;
  - (f) subject to sub-paragraph (g), “partner” (“*partner*”) means any of the following —
    - (i) the spouse of an eligible part-time student;
    - (ii) the civil partner of an eligible part-time student;
    - (iii) a person ordinarily living with an eligible part-time student as if he or she were his or her spouse where an eligible part-time student is aged 25 or over on the first day of the academic year in respect of which he or she is being assessed for support and where he or she began the specified designated part-time course before 1 September 2005;
    - (iv) a person ordinarily living with an eligible part-time student as if he or she were his or her spouse or civil partner where an eligible part-time student begins the specified designated part-time course on or after 1 September 2005;
  - (g) a person who would otherwise be a partner under sub-paragraph (f) is not treated as a partner if —
    - (i) in the opinion of the Welsh Ministers, that person and the eligible part-time student are separated; or
    - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible part-time student;
  - (h) “preceding financial year” (“*blwyddyn ariannol flaenorol*”) means the financial year immediately preceding the current financial year;
  - (i) “relevant income” (“*incwm perthnasol*”) has the meaning given in paragraph (8).



(8) Subject to paragraph (9), an eligible part-time student's relevant income is equal to his or her financial resources in the preceding financial year less —

- (i) £2,000 in respect of his or her partner;
- (ii) £2,000 in respect of the only or eldest child who is dependent on the student or his or her partner; and
- (iii) £1,000 in respect of each other child who is dependent on the student or his or her partner.

(9) Where the Welsh Ministers are satisfied that an eligible part-time student's financial resources in the preceding financial year are greater than his or her financial resources in the current financial year and that the difference between the two amounts is £1,000 or more, they may assess that student's financial resources by reference to those resources in the current financial year.

(10) In this regulation, an eligible part-time student's financial resources in a financial year means the aggregate of his or her income for that year together with the aggregate of the income for that year of any person who at the date of the application for support is the student's partner.

(11) In this regulation "specified designated part-time course" (*"cwrs rhan-amser dynodedig a bennir"*) means the course in respect of which the person is applying for support or, where the student's status as an eligible part-time student has been transferred to the present designated part-time course as a result of one or more transfers of that status by the Welsh Ministers from a part-time course (the "initial course") in connection with which the Welsh Ministers determined the student to be an eligible part-time student pursuant to regulations made under section 22 of the Act, the specified designated part-time course is the initial course.

### **Grants for disabled part-time students' living costs**

**83.**—(1) An eligible part-time student qualifies in accordance with this Part for a grant for disabled part-time students' living costs to assist with the additional expenditure which the Welsh Ministers are satisfied the student is obliged to incur by reason of a disability to which he or she is subject in respect of his or her undertaking a designated part-time course.

(2) Subject to the following paragraphs, the amount of grant under this regulation is the amount that the Welsh Ministers consider appropriate.

- (3) The amount of the grant must not exceed —
  - (a) £10,000 in respect of an academic year for expenditure on a non-medical personal helper;
  - (b) £5,035 in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;
  - (c) the additional expenditure incurred —
    - (i) within the United Kingdom for the purpose of attending the institution;
    - (ii) within or outside the United Kingdom for the purpose of attending, as a part of his or her course, any period of study at an overseas institution or for the purpose of attending the Institute;
  - (d) £1,260 in respect of an academic year for any other expenditure including expenditure incurred for the purposes referred to in sub-paragraph (a) or (b) which exceeds the specified maxima.

### **Applications for support**

**84.**—(1) A person (the "applicant") must apply for support in connection with each academic year of a designated part-time course by completing and submitting to the Welsh Ministers an application in such form as the Welsh Ministers may require.

- (2) The application must be accompanied by—

- (a) a declaration under regulation 86(2) to (6) completed by the academic authority; and
  - (b) such additional documentation as the Welsh Ministers may require.
- (3) The general rule is that the application must reach the Welsh Ministers within a period of six months beginning with the first day of the academic year of the course in respect of which it is submitted.
- (4) The general rule does not apply where —
- (a) one of the events listed in regulation 79(3) occurs after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the Welsh Ministers within a period of six months beginning with the day on which the event occurred.
  - (b) the applicant is applying for a grant for disabled part-time students' living costs, in which case the application must reach the Welsh Ministers as soon as is reasonably practicable; or
  - (c) the Welsh Ministers consider that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the Welsh Ministers not later than such date as they specify.
- (5) The Welsh Ministers may take such steps and make such inquiries as they consider necessary to determine whether the applicant is an eligible part-time student, whether he or she qualifies for support and the amount of support payable, if any.
- (6) The Welsh Ministers must notify the applicant of whether or not he or she qualifies for support and, if the applicant does qualify, the amount of support payable in respect of the academic year, if any.

### **Assistance with fees in respect of attendance on a course in England, Northern Ireland or Scotland**

**85.**—(1) The Welsh Ministers may pay support to assist with fees to an eligible part-time student in connection with his or her attendance on a designated part-time course in England, Northern Ireland or Scotland.

- (2) The assistance paid under paragraph (1) must not exceed the lesser of—
- (a) the maximum amount of assistance that would have been payable to the eligible part-time student under regulation 82(1)(a) had he or she been undertaking the course in Wales; and
  - (b) the maximum amount of support to assist with fees that in the opinion of the Welsh Ministers would have been payable to him or her according to whether he or she attends the designated part-time course in England, Northern Ireland or Scotland—
    - (i) pursuant to regulations made by the Secretary of State under section 22 of the Act had he or she been ordinarily resident in England and undertaking the part-time course in England;
    - (ii) pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998 had he or she been ordinarily resident in Northern Ireland and undertaking the part-time course in Northern Ireland; or
    - (iii) from funds of the Scottish Further and Higher Education Funding Council (2) had he or she been ordinarily resident in Scotland and undertaking the part-time course in Scotland.

### **Information and other matters**

**86.**—(1) Schedule 3 applies to the provision of information.

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(2) This body was established under section 1 of the [Further and Higher Education \(Scotland\) Act 2005](#) (asp 6).

(2) Subject to paragraph (3), the appropriate academic authority must, on the request of the applicant, complete a declaration in such form as may be required by the Welsh Ministers to accompany the application for support.

(3) An academic authority is not required to complete a declaration if it is unable to give the confirmation required.

(4) In this Part, “declaration” (“*datganiad*”) means—

- (a) where the applicant is applying for support in connection with the designated part-time course for the first time, a statement that—
  - (i) provides the course information; and
  - (ii) confirms that the applicant has undertaken at least two weeks of the designated part-time course;
- (b) in any other case, a statement that—
  - (i) provides the course information; and
  - (ii) confirms that the applicant has enrolled to undertake the academic year of the designated part-time course in respect of which he or she is applying for support.

(5) In this regulation, “course information” (“*gwbodaeth am y cwrs*”) means—

- (a) the amount of fees being charged in respect of the academic year in respect of which the applicant is applying for support;
- (b) the intensity of study;
- (c) certification by the academic authority that it considers—
  - (i) the course to be a designated part-time course;
  - (ii) that it will be possible for the applicant to complete the course within the period specified in regulation 80(1)(c).

(6) For the purposes of paragraph (5)(c)(ii) the academic authority must have regard for —

- (a) any increase in intensity of study that would be required for the applicant to complete the course within the period specified in regulation 80(1)(c);
- (b) any parts of the course which the applicant has been required to repeat.

### **Transfer of status**

**87.**—(1) Where an eligible part-time student transfers to another part-time course, the Welsh Ministers must transfer the student’s status as an eligible part-time student to that course where —

- (a) they receive a request from the eligible part-time student to do so;
- (b) they are satisfied that one or more of the grounds for transfer in paragraph (2) applies; and
- (c) the period of eligibility has not terminated.

(2) The grounds for transfer are —

- (a) the eligible part-time student starts to undertake another designated part-time course at the institution;
- (b) the eligible part-time student starts to undertake a designated part-time course at another institution; or
- (c) after commencing a designated part-time course for a first degree (other than an honours degree) the eligible part-time student is, before the completion of that course, admitted to a designated part-time course for an honours degree in the same subject or subjects at the institution.

(3) Subject to paragraph (4), an eligible part-time student who transfers under paragraph (1) is entitled, for the remainder of the academic year in which he or she transfers, to continue to receive in connection with the course to which he or she transfers the support for which the Welsh Ministers have determined he or she qualifies in respect of the course from which he or she transfers.

(4) The Welsh Ministers may re-assess the amount of support payable after the transfer in accordance with this Part.

(5) An eligible student who transfers under paragraph (1) after the Welsh Ministers have determined his or her support in connection with the academic year of the course from which he or she is transferring but before he or she completes that year may not apply for another grant under regulation 82(1) (b) or regulation 83 in connection with the academic year of the course to which he or she transfers.

(6) Where a student transfers under paragraph (1), the maximum amount of assistance under regulation 82(1)(a) in respect of the academic years to and from which he or she transfers is the amount of assistance with fees available in connection with the course which has the highest intensity of study as defined in regulation 82.

### **Conversion of status**

**88.**—(1) Where an eligible student ceases to undertake a designated course and transfers to a designated part-time course at the same or at another institution, the Welsh Ministers must convert the student's status as an eligible student to that of an eligible part-time student in connection with the course to which he or she is transferring where —

- (a) they receive a request from the eligible student to do so; and
- (b) the period of eligibility has not terminated.

(2) Where, before completing the designated course, the student transfers to a part-time course in the same subject or subjects leading to the same qualification at the same institution, the part-time course is treated as satisfying regulation 80(1)(b) and (c) if the period of part-time study to be undertaken by the student is of at least one academic year's duration and does not exceed twice the period normally required to complete the remainder of the designated course from which the student transfers.

(3) The following applies to a student who transfers under paragraph (1) —

- (a) where the Welsh Ministers have determined to pay an amount of grant to the student under regulation 24 in periodic instalments, no payment in respect of that amount of grant may be made in respect of any instalment period beginning after the date on which the student became an eligible part-time student;
- (b) the maximum amount of grant to which the student would, apart from this regulation, be entitled pursuant to regulation 83 in connection with his or her undertaking a designated part-time course in respect of that academic year is reduced by one third where the student became an eligible part-time student during the second quarter of the academic year and by two thirds where he or she became such a student in a later quarter of that year;
- (c) where an amount of grant for any purpose has been paid to the student under regulation 24 in a single instalment, the maximum amount of grant payable to him or her pursuant to regulation 83 for that purpose is reduced (or, where sub-paragraph (b) applies, further reduced) by the amount of grant paid to him or her for that purpose pursuant to regulation 24, and where the resulting amount is nil or a negative amount that amount is nil; and
- (d) where immediately before he or she became an eligible part-time student he or she was eligible to apply, but had not applied, for a loan for living costs in respect of that year, or had not applied for the maximum amount or increased maximum for which he or she

was entitled, he or she may apply for such a loan or such additional amount of loan as if he or she had continued to be an eligible student and in the circumstances mentioned in paragraph (4) the maximum or increased maximum amount of such loan for the academic year is reduced in accordance with that paragraph.

(4) Where the request under paragraph (1) is made during the first quarter of the academic year in respect of which the loan is payable the maximum amount or increased maximum amount of loan (as the case may be) is reduced by two thirds, and where the request is made during the second quarter of that year that amount is reduced by one third.

(5) Where an eligible distance learning student ceases to undertake a designated distance learning course and transfers to a designated part-time course at the same or at another institution, the Welsh Ministers must convert that student's status as an eligible distance learning student to that of an eligible part-time student in connection with the course to which he or she is transferring where —

- (a) they receive a request from the eligible distance learning student to do so; and
- (b) the period of eligibility has not terminated.

(6) Where, before completing the designated distance learning course the student transfers to a part-time course in the same subject or subjects leading to the same qualification at the same institution, the part time course is to be treated as satisfying regulation 80 (1) (b) and (c) if the period of part-time study to be undertaken by the student is of at least one academic year's duration and does not exceed twice the period ordinarily required to complete the remainder of the designated distance learning course from which the student transfers.

(7) Subject to paragraph (8), a student who transfers under paragraph (5) is entitled to receive in connection with the academic year of the course to which he or she transfers the remainder of the support for which the Welsh Ministers have determined he or she qualifies under Part 11 in respect of the academic year of the designated distance learning course from which he or she transfers.

(8) The Welsh Ministers may re-assess the amount of support payable after the transfer.

(9) An eligible student who transfers under paragraph (5) after the Welsh Ministers have determined his or her support in connection with the academic year of the distance learning course from which he or she is transferring but before he or she completes that year—

- (a) may not apply for a grant under regulation 82 (1) (b) if he or she has already applied for a grant under regulation 66 (1) (b);
- (b) may not apply for a grant under regulation 83 if he or she has already applied for a grant under regulation 24.

(10) Where a student transfers under paragraph (5), the total amount of support paid to the student under regulation 66 (1) (a) and 82 (1) (a) in respect of —

- (a) the academic year from which he or she transfers; and
- (b) the academic year to which he or she transfers;

must not exceed the amount of support determined to be payable to the student under regulation 66 (1) (a).

(11) Where an eligible part-time student ceases to undertake a designated part-time course and transfers to a designated course at the same or at another institution, the Welsh Ministers must convert that student's status as an eligible part-time student to that of an eligible student in connection with the course to which he or she is transferring where —

- (a) they receive a request from the eligible part-time student to do so; and
- (b) the period of eligibility has not terminated.

(12) The following applies to a student who transfers under paragraph (11) —

- (a) where the Welsh Ministers have determined to pay an amount of grant to the student pursuant to regulation 83 in periodic instalments no payment in respect of that amount of grant may be made in respect of any instalment period beginning after the date on which the student became an eligible student;
  - (b) any support to which the student is entitled under this Part in respect of the academic year in which the student transfers is ignored in determining the amount of support to which he or she may be entitled in respect of that year under Parts 4 to 6;
  - (c) the maximum amount of any support under Parts 5 or 6 to which the student would, apart from this regulation, be entitled in connection with a designated course in respect of that academic year is reduced by one third where the student became an eligible student during the second quarter of that academic year and by two thirds where he or she became such a student in a later quarter of that year; and
  - (d) where an amount of grant for any purpose has been paid to the student pursuant to regulation 83 in a single instalment, the maximum amount of grant payable to him or her under regulation 24 for that purpose is reduced (or, where sub-paragraph (c) applies, further reduced) by the amount of grant paid to him or her for that purpose pursuant to regulation 83 and where the resulting amount is nil or a negative amount that amount is nil.
- (13) Where an eligible part-time student ceases to undertake a designated part-time course and transfers to a designated distance learning course at the same or at another institution, the Welsh Ministers must convert that student's status as an eligible part-time student to that of an eligible distance learning student in connection with the course to which he or she is transferring where—
- (a) they receive a request from the eligible part-time student to do so; and
  - (b) the period of eligibility has not terminated.
- (14) Subject to paragraph (15), a student who transfers under paragraph (13) is entitled to receive in connection with the academic year of the course to which he or she transfers the remainder of the support for which the Welsh Ministers have determined he or she qualifies under this Part in respect of the academic year of the designated part-time course from which he or she transfers.
- (15) The Welsh Ministers may re-assess the amount of support payable after the transfer.
- (16) An eligible student who transfers under paragraph (13) after the Welsh Ministers have determined his or her support in connection with the academic year of the distance learning course from which he or she is transferring but before he or she completes that year—
- (a) may not apply for a grant under regulation 66(1)(b) if he or she has already applied for a grant under regulation 82(1)(b);
  - (b) may not apply for a grant under regulation 83 if he or she has already applied for a grant under regulation 24.
- (17) Where a student transfers under paragraph (13), the total amount of assistance paid to the student under regulations 66(1)(a) and 82(1)(a) in respect of—
- (a) the academic year from which he or she transfers; and
  - (b) the academic year to which he or she transfers;
- must not exceed the maximum amount of support determined to be payable to the student under regulation 66(1)(a).

### **Payment of support to eligible part-time students**

**89.**—(1) Payments of the grant for books, travel and other expenditure and the grant for disabled part-time students' living costs may be made in such manner as the Welsh Ministers consider appropriate and they may make it a condition of entitlement to payment that the eligible part-time

student must provide them with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(2) Where the Welsh Ministers cannot make a final assessment on the basis of the information provided by the student, they may make a provisional assessment and payment of the grant for books, travel and other expenditure and the grant for disabled part-time students' living costs.

(3) The Welsh Ministers may pay the grant for books, travel and other expenditure and the grant for disabled part-time students' living costs in instalments.

(4) Subject to paragraph (5), the Welsh Ministers may pay the grant for books, travel and other expenditure and the grant for disabled part-time students' living costs at such times as they consider appropriate.

(5) The Welsh Ministers must not pay the first instalment or, where it has been determined not to pay support in instalments, make any payment of the grant for books, travel and other expenditure or the grant for disabled part-time students' living costs under regulation 83 before they have received the declaration under regulation 86(2) to (6) unless an exception applies.

(6) An exception applies if—

- (a) a grant for disabled part-time students' living costs under regulation 83 is payable in which case that particular grant may be paid before the Welsh Ministers have received a declaration;
- (b) the Welsh Ministers have determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving a declaration.

### **Payment of grants for fees**

**90.**—(1) Subject to paragraphs (2) and (3), the Welsh Ministers must pay the grant in respect of fees for which the student qualifies to the appropriate academic authority after a valid request for payment has been received.

(2) The Welsh Ministers may make payments under paragraph (1) at such times and in such instalments as they see fit.

(3) The Welsh Ministers may make provisional payments under paragraph (1) in such cases as they deem appropriate.

### **Overpayments**

**91.**—(1) Any overpayment of a grant in respect of fees is recoverable by the Welsh Ministers from the academic authority.

(2) An eligible part-time student must, if so required by the Welsh Ministers, repay any amount paid to the student under this Part which for whatever reason exceeds the amount of grant to which he or she is entitled under this Part.

(3) The Welsh Ministers must recover an overpayment of grant for books, travel and other expenditure and the grant for disabled part-time students' living costs unless they consider that it is not appropriate to do so.

(4) The methods of recovery are —

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

(5) A payment of the grant for disabled part-time students' living costs made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the Welsh Ministers decide otherwise.

(6) The “relevant date” (“*dyddiad perthnasol*”) is the date on which the first term of the academic year in question actually begins.

(7) In the circumstances in paragraph (8) or (9), there is an overpayment of the grant for disabled part-time students' living costs unless the Welsh Ministers decide otherwise.

(8) The circumstances are—

- (a) the Welsh Ministers apply all or part of the grant for disabled part-time students' living costs to the purchase of specialist equipment on behalf of the eligible part-time student;
- (b) the student's period of eligibility terminates after the relevant date; and
- (c) the equipment has not been delivered to the student before the student's period of eligibility terminated.

(9) The circumstances are—

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

(10) Where there is an overpayment of the grant for disabled part-time students' living costs, the Welsh Ministers may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if they consider it is appropriate to do so.