
WELSH STATUTORY INSTRUMENTS

2008 No. 3170

The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2008

PART 5

GRANTS FOR LIVING COSTS

General qualifying conditions for grants for living costs

- 23.—(1) An eligible student qualifies for a grant under this Part provided that—
- (a) the student is not excluded from qualification by any of the following paragraphs, regulation 6 or regulation 7; and
 - (b) the student satisfies the qualifying conditions for the particular grant for which he or she is applying.
- (2) An eligible student does not qualify for a grant under this Part if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.
- (3) An eligible student does not qualify for a grant under this Part in respect of—
- (a) an academic year which is a bursary year;
 - (b) an academic year of a course for the initial training of teachers during which the periods of full-time attendance, including attendance for the purpose of teaching practice, are in aggregate less than 6 weeks;
 - (c) a flexible postgraduate course for the initial training of teachers which is of less than one academic year's duration.
- (4) Paragraph (3)(b) does not apply for the purposes of regulation 24.
- (5) An eligible student does not qualify for a grant under this Part in respect of any academic year of a sandwich course where the periods of full-time study are in aggregate less than 10 weeks unless the periods of work experience constitute unpaid service.
- (6) For the purposes of paragraph (5), “unpaid service” (“*gwasanaeth di-dâl*”) means —
- (a) unpaid service in a hospital or in a public health service laboratory or with a primary care trust in the United Kingdom;
 - (b) unpaid service with a local authority in the United Kingdom acting in the exercise of their functions relating to the care of children and young persons, health or welfare or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom;
 - (c) unpaid service in the prison or probation and aftercare service in the United Kingdom;
 - (d) unpaid research in an institution in the United Kingdom or, in the case of a student attending an overseas institution as part of his or her course, in an overseas institution; or
 - (e) unpaid service with—

- (i) a Strategic Health Authority established pursuant to section 13 of the National Health Service Act 2006 or a Special Health Authority established pursuant to section 28 of that Act⁽¹⁾;
- (ii) a Local Health Board established pursuant to section 11 of the National Health Service (Wales) Act 2006 or a Special Health Authority established pursuant to section 22 of that Act⁽²⁾;
- (iii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978⁽³⁾; or
- (iv) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁴⁾.

(7) Subject to paragraph (8), an eligible student does not qualify for a grant under regulation 35, 36 or 37 in respect of an academic year of the designated course if the student does not qualify for relevant support in respect of that academic year.

(8) Paragraph (7) does not apply if the reason that the student does not qualify for relevant support in respect of an academic year of a designated course is because—

- (a) that academic year is an Erasmus year; or
- (b) the designated course is an old flexible postgraduate ITT course.

(9) In paragraph (7) “relevant support” (“*cymorth perthnasol*”) means, in the case of a grant under regulation 35, a grant for fees, or, in the case of a grant under regulations 36 or 37, a loan for fees.

(10) Where one of the events listed in paragraph (11) occurs in the course of an academic year, a student may qualify for a particular grant in accordance with this Part in respect of all or part of that academic year but he or she does not qualify for a grant in respect of any academic year beginning before the academic year in which the relevant event occurred.

(11) The events are—

- (a) the student’s course becomes a designated course;
- (b) the student, the student’s spouse, the student’s civil partner or the student’s parent is recognised as a refugee or is granted leave to enter or remain;
- (c) 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;
- (d) the student acquires the right of permanent residence;
- (e) the student becomes the child of a Turkish worker;
- (f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- (g) the student becomes the child of a Swiss national.

(12) Subject to paragraph (13), an eligible student does not qualify for a grant under this Part if he or she is a prisoner.

(13) Paragraph (12) does not apply in respect of a grant for disabled students' living costs.

(14) A student to whom this paragraph applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for the following grants—

- (a) grants for dependants;

(1) 2006 c. 41.

(2) 2006 c. 42.

(3) 1978 c. 29.

(4) S.I.1972/1265 (N.I. 14), to which there have been amendments not relevant to these Regulations.

- (b) grant for disabled students' living costs;
 - (c) maintenance grant or special support grant;
 - (d) higher education grant.
- (15) Paragraph (14) applies to—
- (a) a compressed degree student;
 - (b) a disabled student who—
 - (i) is not a compressed degree student; and
 - (ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability.