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WELSH STATUTORY INSTRUMENTS

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**2011 No. 148**

**The Assembly Learning Grants and Loans  
(Higher Education) (Wales) Regulations 2011**

**PART 5**

**GRANTS FOR LIVING COSTS**

**General qualifying conditions for grants for living costs**

- 24.**—(1) An eligible student qualifies for a grant under this Part provided that—
- (a) the eligible student is not excluded from qualification by any of the following paragraphs, regulation 6 or regulation 7; and
  - (b) the eligible student satisfies the qualifying conditions for the particular grant for which the eligible student 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 eligible 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 which—
    - (i) began before 1 September 2010;
    - (ii) begins on or after 1 September 2010 where the eligible student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers beginning before 1 September 2010; or
    - (iii) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student,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 ITT course which is of less than one academic year's duration.
- (4) Paragraph (3)(b) does not apply for the purposes of regulation 25.
- (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 an eligible student attending an overseas institution as part of the eligible student’s 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<sup>(1)</sup>;
  - (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<sup>(2)</sup>;
  - (iii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978<sup>(3)</sup>; or
  - (iv) the Regional Health and Social Care Board or the Regional Agency for Public Health and Social Well-being established under sections 7 and 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009<sup>(4)</sup>.

(7) Subject to paragraph (8), an eligible student does not qualify for a grant under regulations 36 to 44 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 course for the initial training of teachers.

(9) In paragraph (7) “relevant support” (“*cymorth perthnasol*”) means, in the case of a grant under regulation 36, a grant for fees, or, in the case of a grant under regulations 37 to 44, a fee loan.

(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 that student 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, civil partner or parent (as defined in Part 1 of Schedule 1) is recognised as a refugee or becomes a person with leave to enter or remain;
- (c) the state of which the student is a national accedes to the European Union 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.

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(1) 2006 c. 41.

(2) 2006 c. 42.

(3) 1978 c. 29 to which there have been amendments not relevant to these Regulations.

(4) 2009 c. 1 (N.I.).

(12) Subject to paragraph (13), an eligible student does not qualify for a grant under this Part if the eligible student 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 being in attendance on the designated course for the purpose of qualifying for the following grants—

- (a) grants for dependants;
- (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 eligible 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 the eligible student is unable to attend for a reason which relates to the eligible student's disability; and
- (c) an eligible student on a period of study or a period of work placement in an Erasmus year.