
WELSH STATUTORY INSTRUMENTS

2011 No. 148

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

PART 2

ELIGIBILITY

Eligible students

4.—(1) An eligible student qualifies for support in connection with a designated course subject to and in accordance with these Regulations.

(2) Subject to paragraph (7), a person is an eligible student in connection with a designated course if—

- (a) in assessing the person's application for support under regulation 9 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) Subject to paragraph (7), a person ("A" in this paragraph) is not an eligible student if—

- (a) an old award has been bestowed on A in respect of A's attendance on the course;
- (b) A is eligible for a loan in relation to an academic year of the course under the Education (Student Loans) Act 1990 or the Education (Student Loans) (Northern Ireland) Order 1990;
- (c) there has been bestowed on, or paid to, A in relation to A's attendance on the course—
 - (i) a healthcare bursary the amount of which is not calculated by reference to A's income; or
 - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007(1);
- (d) A is in breach of any obligation to repay any loan;
- (e) A has reached the age of 18 and has not ratified any agreement for a loan made with A when A was under the age of 18; or
- (f) A has, in the opinion of the Welsh Ministers, shown by A's conduct that A is unfitted to receive support under these Regulations.

(4) For the purposes of paragraphs (3)(d) and (3)(e), "loan" ("*benthyciad*") means a loan made under the student loans legislation.

(5) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (3)(e) 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 the borrower had no curator.
- (6) An eligible student in respect of whom the first academic year of the specified designated course begins on or after 1 September 2000 does not, at any one time, qualify for support under these Regulations for—
 - (a) more than one designated course;
 - (b) a designated course and a designated part-time course;
 - (c) a designated course and a designated postgraduate course;
 - (d) a designated course and a designated distance learning course.
- (7) Subject to paragraphs (9) to (11), if a person satisfies the conditions in paragraph (8)(a),(b) or (c)—
 - (a) paragraphs (2) and (3) do not apply to the person; and
 - (b) the person is an eligible student for the purposes of these Regulations.
- (8) The conditions referred to in paragraph (7) are—
 - (a) the—
 - (i) person qualified as an eligible student in connection with an earlier academic year of the present course pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;
 - (ii) person was ordinarily resident in Wales on the first day of the first academic year of the present course; and
 - (iii) person’s status has not terminated.
 - (b) the—
 - (i) present course is an end-on course (other than one of the kind referred to in paragraph (c) of the definition of “end-on course” in regulation 2) which the person is starting on or after 1 September 2006;
 - (ii) person qualified as an eligible student in connection with the course in relation to which the present course is an end-on course;
 - (iii) period of eligibility in respect of the course in sub-paragraph (b)(ii) only ceased on the grounds that the student had completed the course; and
 - (iv) person was ordinarily resident in Wales on the first day of the first academic year of the course in sub-paragraph (b)(ii);
 - (c) the—
 - (i) Welsh Ministers have previously determined that the person is an eligible—
 - (aa) part-time student in connection with a designated part-time course;
 - (bb) student in connection with a designated course other than the present course;or
 - (cc) distance learning student in connection with a designated distance learning course;
 - (ii) person’s status as an eligible part-time student, an eligible distance learning student or as an eligible student in connection with the course in sub-paragraph (c)(i) has been converted or transferred from that course to the present 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 1998 Act;

(iii) person was ordinarily resident in Wales on the first day of the first academic year of the course referred to in sub-paragraph (c)(i); and

(iv) person's status as an eligible student has not terminated.

(9) Where—

(a) the Welsh Ministers have determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A" in this paragraph) was—

(i) an eligible student in connection with an application for support for an earlier year of the present course, an application for support for a course in relation to which the present course is an end-on course or an application for support in connection with a designated part-time course, a designated distance learning course or other designated course from which A's status as an eligible part-time student, an eligible distance learning student or an eligible student has been transferred to the present course; or

(ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which A's status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and

(b) as at the day before the academic year in respect of which A is applying for support starts, the refugee status of A or of A's spouse, civil partner, parent (as defined in Part 1 of Schedule 1) 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 or qualifying student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(10) Where—

(a) the Welsh Ministers have 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" in this paragraph) was—

(i) an eligible student in connection with an application for support for an earlier year of the present course, an application for support for a course in relation to which the present course is an end-on course or an application for support in connection with a designated part-time course, designated distance learning course or other designated course from which A's status as an eligible part-time student, eligible distance learning student or eligible student has been transferred to the present course; or

(ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which A's status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and

(b) as at the day before the academic year in respect of which A is applying for support starts, 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 or qualifying student terminates immediately before the first day of the academic year in respect of which A is applying for support.

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(11) Paragraphs (9) and (10) do not apply where the student began the course in connection with which the Welsh Ministers determined that A was an eligible part-time student, an eligible student or a qualifying student, as the case may be, before 1 September 2007.