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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 10**

**PAYMENTS**

**Payment of loans for living costs**

**68.**—(1) The Welsh Ministers may pay support under Part 6 in instalments or in a single lump sum.

(2) Subject to paragraph (3), the Welsh Ministers may pay support under Part 6 at such times as they consider appropriate.

(3) An academic authority is required to send an attendance confirmation to the Welsh Ministers.

(4) The Welsh Ministers must not pay the first instalment, or where they have determined not to pay support under Part 6 by instalments, make any payment of support under Part 6 to the eligible student before they have received an attendance confirmation from the relevant academic authority unless the exception referred to in paragraph (5) applies.

(5) For the purposes of paragraph (4) the exception applies if the Welsh Ministers have 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 eligible student, the Welsh Ministers 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 Welsh Ministers consider appropriate and they may make it a condition of entitlement to payment that the eligible 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.

(8) Where the Welsh Ministers have made any payment of support under Part 5 or Part 6 and an eligible 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 Welsh Ministers may pay that loan or that additional amount of loan in such instalments (if any) and at such times as they consider appropriate as soon as is reasonably practicable after a satisfactory application has been received.

(9) Subject to paragraph (10), no support under Part 6 is payable in respect of any day of an academic year on which the eligible student is a prisoner, unless in the opinion of the Welsh Ministers it would be appropriate in all the circumstances for support to be paid in respect of that day.

(10) In deciding whether support is payable under paragraph (9) the circumstances to which the Welsh Ministers must have regard include the financial hardship which not paying the support would cause and whether not paying the support would affect the eligible student's ability to continue the course.

(11) No support under Part 6 is payable in respect of any payment period beginning after an eligible student's period of eligibility terminates.

(12) No support under Part 6 is payable in respect of a payment period during part of which an eligible student is absent from the eligible student's course, unless in the opinion of the Welsh Ministers it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.

(13) In deciding whether support is payable under paragraph (12) the circumstances to which the Welsh Ministers must have regard include the reasons for the eligible student's absence, the length of absence and the financial hardship which not paying the eligible student would cause.

(14) An eligible student is not to be considered absent from the eligible student's course if the eligible student is unable to attend due to illness and the eligible student's absence has not exceeded 60 days.

(15) Where, after the Welsh Ministers have made any payment of loan for living costs for which an eligible student qualifies in respect of an academic year under Part 6, they make a determination that the amount of loan for living costs for which the eligible student qualifies is less than the amount previously determined either by way of a revision of a provisional assessment or otherwise—

- (a) they must subtract such amount as is necessary to ensure that the eligible student does not borrow an amount of loan for living costs which is greater than that for which the eligible student 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 69.