

## SCHEDULE 4

Regulation 61

### COLLEGE FEE LOANS

#### **Availability of college fee loans**

1. A person qualifies for a college fee loan in connection with the person's attendance on a qualifying course in accordance with this Schedule.
2. A person qualifies for a college fee loan if the person meets the following conditions—
  - (a) the person is an eligible student who is not excluded from qualifying by paragraph 3;
  - (b) the person has an honours degree from an institution in the United Kingdom;
  - (c) the person is taking a qualifying course which the person—
    - (i) starts on or after 1 September 2006 and on which the person is continuing after 31 August 2011; or
    - (ii) starts on or after 1 September 2011;
  - (d) the person is a member of a college or a permanent private hall of the University of Oxford or a member of a college of the University of Cambridge;
  - (e) the person is under the age of 60 on the first day of the first academic year of the qualifying course; and
  - (f) none of the circumstances in regulation 4(3) apply to the person.
3. An eligible student who falls within paragraph 9 of Part 2 of Schedule 1 does not qualify for a college fee loan under these Regulations if the eligible student is ordinarily resident in England, Scotland or Northern Ireland.

#### **Disabled students**

4. A disabled eligible student who is undertaking a qualifying course in the United Kingdom but who is not in attendance because the disabled eligible student is not able to attend for a reason which relates to the disabled eligible student's disability is treated as if the disabled eligible student were in attendance on the qualifying course for the purpose of qualifying for the college fee loan.

#### **Students becoming eligible during the course of an academic year**

5. Where one of the events listed in paragraph 6 occurs in the course of an academic year—
  - (a) a student may qualify for a college fee loan in accordance with this Schedule in respect of that academic year provided that the relevant event occurred within the first three months of the academic year; and
  - (b) a college fee loan is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.
6. The events are—
  - (a) the student, the student's spouse, civil partner or parent (as defined in paragraph 1 of Schedule 1) is recognised as a refugee or becomes a person with leave to enter or remain;
  - (b) a state accedes to the European Union where the student is a national of that state or is the family member (as defined in Part 1 of Schedule 1) of a national of that state;
  - (c) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EU national;
  - (d) the student acquires a right of permanent residence;

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- (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;
- (g) the student becomes the child of a Swiss national.

7. A college fee loan is available in respect of each standard academic year of the qualifying course and in respect of one academic year of the qualifying course that is not a standard academic year.

8. Where a qualifying student is allowed to study the content of one standard academic year of the qualifying course over two or more academic years, for the purpose of determining whether the student qualifies for a college fee loan for those years, the first of such years of study is to be treated as a standard academic year and the following years of that kind are to be treated as academic years that are not standard academic years.

9. In this Schedule “standard academic year” (*“blwyddyn academaidd safonol”*) means an academic year of the qualifying course that would be taken by a person who does not repeat any part of the course and who enters the course at the same point as the qualifying student.

#### **Amount of the college fee loan**

10.—(1) The amount of the college fee loan in respect of an academic year of a qualifying course must not exceed the amount equal to the college fees payable by the qualifying student to the qualifying student’s college or permanent private hall in connection with that year.

(2) Where a qualifying student has applied for a college fee loan of less than the maximum amount available in relation to the academic year, the qualifying student may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the maximum amount available.

#### **Transfers**

11. Despite regulation 8, where a qualifying student transfers from one qualifying course to another qualifying course—

- (a) the Welsh Ministers must transfer the student’s status as a qualifying student to the other course on the request of the qualifying student unless the period of eligibility has terminated;
- (b) subject to paragraph (c) if the qualifying student transfers before the end of the academic year after applying for a college fee loan, the amount applied for is paid to the relevant college or permanent private hall in respect of the qualifying course to which the qualifying student transfers provided that the conditions in paragraph 12 are met and the qualifying student cannot qualify for another college fee loan in respect of that academic year;
- (c) if the qualifying student transfers after the college fee loan is paid and before the end of the academic year, the qualifying student cannot apply for another college fee loan in connection with the academic year of the qualifying course to which the qualifying student transfers.

#### **Payment**

12.—(1) The Welsh Ministers must pay the college fee loan for which a qualifying student qualifies to the college or permanent private hall to which the student is liable to make payment.

- (2) The Welsh Ministers must pay the college fee loan in a single lump sum.
- (3) The Welsh Ministers must not pay the college fee loan before—

- (a) they have received a request for payment in writing from the college or permanent private hall which the Welsh Ministers consider to be a valid request; and
  - (b) a period of three months beginning with the first day of the academic year has expired.
- (4) A college or permanent private hall is required to send an attendance confirmation to the Welsh Ministers in such form as the Welsh Ministers may require.
- (5) The Welsh Ministers must not pay the college fee loan in respect of the academic year until they have received an attendance confirmation from the relevant college or private hall unless they determine that owing to exceptional circumstances it would be appropriate to make a payment without receiving that confirmation.
- (6) In this paragraph “attendance confirmation” has the same meaning as in regulation 70.
- (7) The Welsh Ministers must not make a payment of college fee loan in respect of a qualifying course if—
- (a) before the expiry of a period of three months beginning with the first day of the academic year the qualifying student ceases to attend or in the case of a student who is treated as in attendance under paragraph 4, undertake the course; and
  - (b) the college or permanent private hall has determined or agreed that the student will not commence attending or, as the case may be, undertaking the course in the United Kingdom again during the academic year in respect of which the college fees are payable or at all.

#### **Conditions of entitlement to payment of college fee loan**

**13.**—(1) The Welsh Ministers may make it a condition of entitlement to payment of a college fee loan that a qualifying student must provide them with that qualifying student’s United Kingdom national insurance number.

(2) Where the Welsh Ministers have imposed a condition under sub-paragraph (1), they must not make any payment of the loan to the qualifying student before they are satisfied that the qualifying student has complied with that condition.

(3) Despite sub-paragraph (2), the Welsh Ministers may make a payment of loan to a qualifying student if they are satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the qualifying student having complied with the condition imposed under sub-paragraph (1).

#### **Information requirements**

**14.**—(1) The Welsh Ministers may at any time request from a qualifying student information that they consider is required to recover a loan.

(2) The Welsh Ministers may at any time require a qualifying student to enter into an agreement to repay a loan by a particular method.

(3) The Welsh Ministers may at any time request from a qualifying student sight of that qualifying student’s valid national identity card, that qualifying student’s valid passport issued by the state of which that qualifying student is a national or that qualifying student’s birth certificate.

(4) Where the Welsh Ministers have requested information under this regulation, they may withhold any payment of a loan until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

(5) Where the Welsh Ministers have requested an agreement as to the method of repayment under this paragraph, they may withhold any payment of a college fee loan until the person provides what has been requested.

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## **Overpayment**

**15.** Any overpayment of college fee loan is recoverable by the Welsh Ministers from the college or permanent private hall.