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WELSH STATUTORY INSTRUMENTS

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**2011 No. 886**

**The Assembly Learning Grants and Loans (Higher Education) (Wales) (No. 2) Regulations 2011**

**PART 4**

**GRANTS AND LOANS FOR FEES**

**Chapter 1**

**GENERAL PROVISION**

**Fee Support Generally**

**13.**—(1) Fee support under this Part in respect of an academic year may not exceed the fees payable by the eligible student in respect of that academic year.

(2) For the purposes of calculating the amount of fee support under this Part, an institution that provides courses designated by regulation 4 of the Education (Student Support) (Dance and Drama) Regulations 1999<sup>(1)</sup> is not to be regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992<sup>(2)</sup>.

(3) An eligible student to whom paragraph (4) applies is treated as if the eligible student were in attendance on the designated course for the purpose of qualifying for fee support.

(4) This paragraph 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.

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

**14.** Where any of the events listed in regulation 15 occurs in the course of an academic year—

- (a) a student may qualify for grants and loans under this Part in respect of that academic year provided that the relevant event occurred within the first three months of the academic year; and
- (b) such grants and loans are not available to the student in respect of any academic year beginning before the academic year in which the relevant event occurred.

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(1) S.I.1999/2263, amended by S.I. 2001/2893.

(2) 1992 c. 13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 27.

## Events

15. The events are—

- (a) the student's course becomes a designated course;
- (b) the student or 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) a state accedes to the European Union where the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;
- (d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EU national;
- (e) the student acquires the right of permanent residence;
- (f) the student becomes the child of a Turkish worker;
- (g) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- (h) the student becomes the child of a Swiss national.

## Chapter 2

### GRANTS FOR FEES

#### **Grants for fees: qualifying conditions for old system eligible students**

16.—(1) Subject to regulations 6 and 7, an old system eligible student qualifies in accordance with this regulation for a grant in respect of the fees for an academic year payable by the student in respect of, or otherwise in connection with, the student's attendance on a designated course.

(2) The amount of the grant for fees in respect of an academic year is determined in accordance with regulation 17 or 18.

(3) An old system eligible student does not qualify for a grant for fees in respect of an academic year of a designated course if—

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

#### **Amount of grants for fees at a publicly funded institution and at a private institution on behalf of a publicly funded institution: old system eligible students**

17.—(1) Unless one of the cases set out in paragraph (4) applies, the basic amount of the grant for fees for an old system eligible student in respect of an academic year of a designated course at a publicly funded institution is the lesser of—

- (a) £1,380; and
- (b) the fees payable by the old system eligible student in connection with that year.

(2) The basic amount of the grant for fees for an old system eligible student in respect of an academic year in the cases in paragraph (4) is the lesser of—

- (a) £680; and
- (b) the fees payable by the old system eligible student in connection with that year.

(3) Where a contribution exceeding nil is calculated under Schedule 5, a deduction will be made from the grant for fees determined under paragraph (1) or (2) in accordance with regulation 64.

(4) The cases are—

- (a) the final academic year of the designated course where that year is ordinarily required to be completed after less than 15 weeks' attendance;

- (b) in respect of a sandwich course, an academic year—
    - (i) during which any periods of full-time study are in aggregate less than 10 weeks; or
    - (ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution (disregarding intervening vacations) exceeds 30 weeks;
  - (c) in respect of a course for the initial training of teachers (including a course leading to a first degree) which—
    - (i) began before 1 September 2010;
    - (ii) begins on or after 1 September 2010 where the 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,an academic year during which any periods of full-time study are in aggregate less than 10 weeks;
  - (d) in respect of a course provided in conjunction with an overseas institution, an academic year—
    - (i) during which the periods of full-time study at the institution in the United Kingdom are in aggregate less than 10 weeks; or
    - (ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks.
- (5) In the case of a designated course at Heythrop College, the amount of the grant for fees in respect of an academic year is £2,465.
- (6) In the case of a designated course at Guildhall School of Music and Drama, the amount of the grant for fees in respect of an academic year is £5,030.
- (7) The basic amount of the grant for fees in respect of an academic year at a private institution providing a designated course on behalf of a publicly funded institution is the lesser of £1,285 and the fees payable by the student in connection with that year if—
  - (a) the designated course began on or after 1 September 2001;
  - (b) the designated course is provided on behalf of a publicly funded institution; and
  - (c) none of the circumstances in regulation 17(4) apply.
- (8) The basic amount of the grant for fees in respect of an academic year at a private institution providing a designated course on behalf of a publicly funded institution is the lesser of £680 and the fees payable by the old system eligible student in connection with that year if—
  - (a) the designated course began on or after 1 September 2001;
  - (b) the designated course is provided on behalf of a publicly funded institution; and
  - (c) one or more of the circumstances in regulation 17(4) applies.
- (9) Where a contribution exceeding nil is calculated under Schedule 5, a deduction will be made from the amount of the grant for fees determined under paragraph (7) or (8) in accordance with regulation 64.

### **Amount of the grant for fees at a private institution (not on behalf of a publicly funded institution): old system eligible students**

**18.**—(1) Subject to paragraph (2), the amount of the grant for fees in respect of an academic year of a designated course at a private institution is the lesser of—

- (a) £1,285; and
- (b) the fees payable by the student in connection with that year.

(2) In the case of a designated course at the University of Buckingham, the amount of the grant for fees in respect of an academic year is £3,275.

### **Fee grant**

**19.**—(1) Subject to paragraph (2), an eligible student who qualifies for a fee grant may apply for a fee grant of an amount not exceeding the maximum available (in accordance with paragraph (3) or (4), as the case may be) in respect of, or otherwise in connection with, the eligible student's attendance on a qualifying designated course.

(2) A fee grant is not available in respect of an academic year if—

- (a) that year is a bursary year or an Erasmus year; or
- (b) the designated course is an old flexible postgraduate course for the initial training of teachers.

(3) The maximum amount of grant available under this regulation to an applicant in respect of an academic year of a qualifying designated course where none of the circumstances in regulation 17(4) apply is £2,085 or the amount by which the fees payable by the applicant exceed £1,380, whichever is the lesser.

(4) The maximum amount of grant available in respect of such an academic year under this regulation to an applicant where one of the circumstances in regulation 17(4) applies is £1,045 or the amount by which the fees payable by the applicant exceed £680, whichever is the lesser.

(5) In these Regulations and subject to paragraph (6), “eligible student who qualifies for a fee grant” (“*myfyriwr cymwys sydd â hawl i gael grant at ffioedd*”), in relation to a qualifying designated course, means a new system eligible student who is a person whom the Welsh Ministers have determined in connection with the designated course falls within one of the categories set out in Part 2 of Schedule 1.

(6) A new cohort student is not an eligible student who qualifies for a fee grant.

(7) In these Regulations, “qualifying designated course” (“*cwrs dynodedig cymhwysol*”), in relation to a student who qualifies for a fee grant, means a designated course provided by a publicly funded institution in Wales.

### **New fee grant**

**20.**—(1) Subject to paragraph (2), a new system eligible student who is a 2012 cohort student qualifies in accordance with this regulation for a new fee grant in respect of, or otherwise in connection with, the 2012 cohort student's attendance on a designated course.

(2) A new fee grant is not available in respect of an academic year if that year is a bursary year or an Erasmus year.

(3) The maximum amount of new fee grant available under this regulation to a 2012 cohort student in respect of an academic year of a designated course where none of the circumstances in regulation 17(4) applies is the lesser of—

- (a) £5,535; or
- (b) the amount by which the fees payable by the applicant exceed £3,465.

(4) The maximum amount of new fee grant available in respect of such an academic year under this regulation to a 2012 cohort student where one of the circumstances in regulation 17(4) applies is the lesser of—

- (a) £2,775; or
- (b) the amount by which the fees payable by the application exceed £1,725.

### Chapter 3

## FEE CONTRIBUTION LOANS AND FEE LOANS

### General qualifying conditions for fee contribution loans and fee loans

**21.**—(1) An eligible student qualifies for a fee contribution loan or a fee loan in connection with the student's attendance on a designated course in accordance with this Part provided that the student is not excluded from qualification by the following paragraph, regulation 6 or regulation 7.

(2) An eligible student does not qualify for a fee contribution loan or a fee loan in respect of an academic year if—

- (a) that year is a bursary year or an Erasmus year; or
- (b) the designated course is an old flexible postgraduate course for the initial training of teachers.

### Fee contribution loans (for old system eligible students)

**22.**—(1) An old system eligible student qualifies for a fee contribution loan in respect of an academic year of a designated course if—

- (a) the old system eligible student qualifies for a grant for fees in respect of that year or would have qualified if the old system eligible student had applied for the grant (even if the amount would have been nil); and
- (b) the designated course is provided by or on behalf of an institution that was publicly funded as at 1 August 2005.

(2) Where an old system eligible student applies for a grant for fees and a fee contribution loan, the amount of the fee contribution loan in respect of an academic year of the designated course is the amount for which the old system eligible student applies not exceeding the amount deducted from the old system eligible student's grant for fees in accordance with regulation 64.

(3) Where the only fee support for which an old system eligible student applies is a fee contribution loan, the amount of that loan in respect of an academic year of the designated course is the amount for which the old system eligible student applies not exceeding £1,380 or, if any of the circumstances in regulation 17(4) apply, £680.

(4) An old system eligible student may apply to borrow an additional amount of fee contribution loan where—

- (a) the Welsh Ministers determine that the maximum amount of fee contribution loan which has been notified to the old system eligible student in relation to an academic year should be increased (including an increase from nil) as a result of a reassessment of the old system eligible student's contribution or otherwise; and
- (b) the Welsh Ministers consider that the increase in the maximum amount does not result from the old system eligible student —
  - (i) failing to provide information promptly which might affect the old system eligible student's ability to qualify for a fee contribution loan for which the old system eligible student qualifies; or

(ii) providing information which is inaccurate in any material particular.

(5) The additional amount in paragraph (4) is an amount which when added to the amount already applied for does not exceed the increased maximum.

(6) Where an old system eligible student has applied for a fee contribution loan of less than the maximum amount to which the old system eligible student is entitled in relation to the academic year, the old system eligible student may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the relevant maximum applicable in the old system eligible student's case.

**Fee loans: new system eligible students not qualifying for a fee grant**

**23.**—(1) A new system eligible student qualifies in accordance with this regulation for a loan in respect of the fees payable by the new system eligible student in respect of, or otherwise in connection with the new system eligible student's attendance on a designated course.

(2) The amount of a fee loan in respect of an academic year of a designated course must not exceed the lesser of—

(a) £3,465 or, where one of the circumstances in paragraph 17(4) applies, £1,725; and

(b) the fees payable by the student in respect of, or otherwise in connection with, that year.

(3) Where a new system eligible student has applied for a fee loan of less than the maximum amount available in relation to an academic year, the new system eligible student may apply to borrow an additional amount which when added to the amount already applied for does not exceed the relevant maximum applicable in the new system eligible student's case.

(4) This regulation does not apply in relation to a student if the student qualifies for a fee grant and the course is a qualifying designated course.

**Fee loans: new system eligible students qualifying for a fee grant**

**24.**—(1) A new system eligible student who qualifies for a fee grant may apply under this regulation for a fee loan in respect of the new system eligible student's attendance on the qualifying designated course.

(2) The maximum amount of fee loan available under this regulation is the lesser of—

(a) £1,380 or, where any of the circumstances in regulation 17(4) apply, £680; and

(b) the remainder of the fees payable by the new system eligible student less an amount equal to the fee grant in respect of or otherwise in connection with that year.

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