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WELSH STATUTORY INSTRUMENTS

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**2012 No. 3097**

**The Education (Student Support) (Wales) Regulations 2012**

**PART 12**

**SUPPORT FOR PART-TIME COURSES**

**Eligible part-time students**

**93.**—(1) An eligible part-time student qualifies for support in connection with the student undertaking a designated part-time course subject to and in accordance with this Part.

(2) A person is an eligible part-time student in connection with a designated part-time course if—

- (a) in assessing the person's application for support under regulation 109 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 part-time student if—

- (a) there has been bestowed on or paid to A in relation to A undertaking the part-time course—
  - (i) a healthcare bursary whether or not the amount of such bursary is calculated by reference to A's income;
  - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007; or
  - (iii) a Scottish healthcare allowance whether or not the amount of such allowance is calculated by reference to A's income;
- (b) A is in breach of any obligation to repay any loan;
- (c) 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;
- (d) A has, in the opinion of the Welsh Ministers, shown by A's conduct that A is unfitted to receive support under this Part; or
- (e) subject to paragraph (4), A is a prisoner.

(4) Paragraph (3)(e) does not apply in respect of an academic year during which the student enters prison or is released from prison.

(5) For the purposes of paragraphs (3)(b) and (3)(c), "loan" ("*benthyciad*") means a loan made under the student loans legislation.

(6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (3)(c) 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.

(7) Subject to paragraphs (9) to (11), a person is an eligible part-time student for the purposes of this Part if the person satisfies the conditions in paragraphs (8)(a) or (b).

(8) The conditions referred to in paragraph (7) are—

(a) the—

- (i) person qualified as an eligible part-time student in connection with an earlier academic year of the present part-time 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 present part-time course; and
- (iii) person's status as an eligible part-time student has not terminated;

(b) the—

- (i) Welsh Ministers have previously determined that the person is an eligible—
  - (aa) student in connection with a designated course;
  - (bb) part-time student in connection with a designated part-time course other than the present part-time course; or
  - (cc) distance learning student in connection with a designated distance learning course;
- (ii) person's status as an eligible student, an eligible distance learning student or as an eligible part-time student in connection with the course referred to in sub-paragraph (b)(i) has been converted or transferred from that course to the present part-time 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 (b)(i); and
- (iv) person's status as an eligible part-time student has not terminated.

(9) Where—

- (a) the Welsh Ministers 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 an eligible part-time student in connection with an application for support for an earlier year of the present part-time course or an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which A's status as an eligible part-time student, eligible student or eligible distance learning student has been transferred to the present part-time course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, 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 part-time 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 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 an eligible part-time student in connection with an application for support for an earlier year of the present part-time course or an application for support in connection with a designated course, designated distance learning course or other

designated part-time course from which A's status as an eligible part-time student, eligible student or eligible distance learning student has been transferred to the present part-time course; and

- (b) as at the day before the academic year in respect of which A is applying for support begins, 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 part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.

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

(12) An eligible part-time student does not qualify for support under regulation 97(1)(b), regulation 98 or regulations 99 to 108 if the only paragraph in Part 2 of Schedule 1 into which the eligible part-time student falls is paragraph 9.

(13) Subject to paragraphs (14) and (15), an eligible part-time student qualifies for support—

- (a) under regulation 97(1)(a) if the Welsh Ministers consider that the eligible part-time student is undertaking the designated part-time course in Wales; or
- (b) under regulations 97(1)(b), 98 or 99 to 108 if the Welsh Ministers consider that the eligible part-time student is undertaking the designated part-time course in the United Kingdom.

(14) An eligible part-time student does not qualify for support under regulations 97, 98 or 99 to 108 in respect of a part-time distance learning course, unless the Welsh Ministers consider that the student is undertaking the course in Wales on the first day of the first academic year.

(15) An eligible part-time student will no longer qualify for support under regulations 97, 98 or 99 to 108 in respect of a part-time distance learning course if the Welsh Ministers consider that the student is undertaking the course outside the United Kingdom.

(16) An eligible part-time student does not qualify for support under regulation 97 or regulations 99 to 108 if the eligible part-time student has undertaken one or more part-time courses for eight academic years in aggregate and the eligible part-time student has received in respect of each of those academic years a loan or a grant of the kind described in paragraph (17).

(17) The loans and grants referred to in paragraph (16) are—

- (a) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course pursuant to regulations made under section 22 of the 1998 Act;
- (b) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course by the Department for Employment and Learning (Northern Ireland) pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998; or
- (c) a loan in respect of an academic year of a part-time course made pursuant to regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980.

(18) Subject to paragraphs (19) and (20), an eligible part-time student does not qualify for support under regulation 97 or regulations 99 to 108 if the student holds a first degree from an educational institution in the United Kingdom.

(19) For the purposes of paragraph (18), a degree is not to be treated as a first degree where—

- (a) it is a degree (other than an honours degree) that has been awarded to the eligible part-time student who has completed the required modules, examinations or other forms of assessment for the eligible part-time student's first degree course; and
  - (b) that student is undertaking the present part-time course so as to obtain an honours degree on completion of the required modules, examinations or other forms of assessment (whether or not that student continues the course at the same institution after the award of the degree referred to in sub-paragraph (a)).
- (20) Paragraph (18) does not prevent an eligible part-time student from qualifying for support under regulation 97 or regulations 99 to 108 if—
- (a) the present part-time course is a course for the initial training of teachers which started on or after 1 September 2010;
  - (b) the duration of that course does not exceed four years; and
  - (c) the eligible part-time student is not a qualified teacher.
- (21) An eligible part-time student may not, at any one time, qualify for support for—
- (a) more than one designated part-time course;
  - (b) a designated part-time course and a designated course;
  - (c) a designated part-time course and a designated distance learning course;
  - (d) a designated part-time course and a designated postgraduate course.

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**Commencement Information**

**II** Reg. 93 in force at 4.1.2013, see [reg. 1\(2\)](#)

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

**94.—**(1) Where one of the events listed in paragraph (4) occurs in the course of an academic year—

- (a) a student may qualify for a grant in respect of fees in respect of that academic year in accordance with this Part provided that the relevant event occurred within the first three months of the academic year; and
- (b) a grant in respect of fees is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(2) Where one of the events listed in sub-paragraphs (a), (b), (e), (f), (g), (h) or (i) of paragraph (4) occurs in the course of an academic year, a student may qualify for part-time grants for dependants in accordance with this Part in respect of all or part of that academic year but the student does not qualify for a grant in respect of any academic year beginning before the academic year in which the relevant event occurred.

(3) Where one of the events listed in sub-paragraphs (a), (b), (e), (f), (g) (h) or (i) of paragraph (4) occurs in the course of an academic year—

- (a) a student may qualify for a grant for books, travel and other expenditure or for a grant for disabled part-time students' living costs (or both) in respect of that academic year in accordance with this Part; and
- (b) neither a grant for books, travel and other expenditure nor a grant for disabled part-time students' living costs is available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(4) The events are—

- (a) the student's course becomes a designated part-time 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 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;
- (f) the student acquires the right of permanent residence;
- (g) the student becomes the child of a Turkish worker;
- (h) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- (i) the student becomes the child of a Swiss national.

#### Commencement Information

**I2** Reg. 94 in force at 4.1.2013, see [reg. 1\(2\)](#)

#### Designated part-time courses

**95.**—(1) Subject to paragraphs (2) and (3), a part-time course is designated for the purposes of section 22(1) of the 1998 Act and regulation 93 if—

- (a) it is a course listed in Schedule 2 other than 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 student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers which began before 1 September 2010; or
  - (iii) began on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student;
- (b) it is of at least one academic year's duration;
- (c) it is ordinarily possible to complete the course in not more than twice the period ordinarily required to complete the full-time equivalent;
- (d) it is wholly provided by a publicly funded educational institution in the United Kingdom or is provided by such institution in conjunction with an institution outside the United Kingdom;
- (e) it is not designated by or under regulation 5; and
- (f) it is not designated by or under regulation 78.

(2) A course falling within paragraph 7 or 8 of Schedule 2 is not a designated part-time course where the governing body of a maintained school has arranged for the provision of such a course to a pupil of the school.

(3) A course that is taken as part of an employment -based teacher training scheme is not a designated part-time course.

- (4) For the purposes of paragraph (1)—

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- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;
  - (b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and
  - (c) an institution is not 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>(1)</sup>.
- (5) For the purposes of paragraph (1)(c)—
- (a) “full-time equivalent” (“*cwrs llawnamser cyfatebol*”) means a full-time course leading to the same qualification as the part-time course in question;
  - (b) the “period ordinarily required to complete the full-time equivalent” (“*cyfnod y mae ei angen fel arfer i gwblhau'r cwrs llawnamser cyfatebol*”) means—
    - (i) where the course is provided by or on behalf of the Open University, the period that a standard full-time student would require to complete the full-time equivalent if that student were awarded 120 credit points in each academic year;
    - (ii) where the course is provided by or on behalf of any other institution, the period in which a standard full-time student would complete the full-time equivalent;
  - (c) “standard full-time student” (“*myfyriwr llawnamser safonol*”) is a student who is to be taken—
    - (i) to have started the full-time equivalent on the same date as the eligible part-time student started the part-time course in question;
    - (ii) not to have been excused any part of the full-time equivalent;
    - (iii) not to have repeated any part of the full-time equivalent; and
    - (iv) not to have been absent from the full-time equivalent other than during vacations.
- (6) For the purposes of section 22 of the 1998 Act and regulation 93(1) the Welsh Ministers may designate courses of higher education which are not designated under paragraph (1).

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#### Commencement Information

**I3** Reg. 95 in force at 4.1.2013, see [reg. 1\(2\)](#)

#### Period of eligibility

**96.—(1)** A student’s status as an eligible part-time student is retained in connection with a designated part-time course until that status terminates in accordance with this regulation or regulation 93.

(2) The period for which an eligible part-time student retains the status referred to in paragraph (1) is the “period of eligibility” (“*cyfnod cymhwystra*”).

(3) Subject to the following paragraphs and regulation 93, the period of eligibility terminates at the end of the academic year in which the eligible part-time student completes the eligible part-time student’s designated part-time course.

(4) The period of eligibility terminates when the eligible part-time student (“A” in this paragraph)

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<sup>(1)</sup> 1992 c. 13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 27.

- (a) withdraws from A's designated part-time course in circumstances where the Welsh Ministers have not transferred or converted or will not transfer or convert A's status under regulation 112 or 113; or
- (b) abandons or is expelled from A's designated part-time course.

(5) The period of eligibility terminates at the end of the academic year during or at the end of which it becomes impossible for the eligible part-time student to complete the designated part-time course within the period specified in regulation 95(1)(c) even if the eligible part-time student increases the eligible part-time student's intensity of study.

(6) The Welsh Ministers may terminate the period of eligibility where the eligible part-time student ("A" in this paragraph) has in the opinion of the Welsh Ministers shown by A's conduct that A is unfitted to receive support under this Part.

(7) If the Welsh Ministers are satisfied that an eligible part-time student has failed to comply with any requirement to provide information under this Part or has provided information which is inaccurate in a material particular, the Welsh Ministers may take such of the following actions as they consider appropriate in the circumstances—

- (a) terminate the period of eligibility;
- (b) determine that the student no longer qualifies for any particular support or particular amount of support under this Part;
- (c) treat any support paid to the student as an overpayment which may be recovered under regulation 118.

(8) Where the period of eligibility terminates—

- (a) before the end of the academic year in which the eligible part-time student completes the designated part-time course; and
- (b) otherwise than under paragraph (5),

the Welsh Ministers may, at any time, renew, or extend the period of eligibility for such period as they determine.

#### Commencement Information

**I4** Reg. 96 in force at 4.1.2013, see [reg. 1\(2\)](#)

### Support for part-time courses (fee grant and grant for books, travel and other expenditure)

97.—(1) For the purposes of this regulation, the support available is—

- (a) a grant in respect of fees not exceeding the lesser of the following amounts—
  - (i) the amount of basic fee grant (calculated in accordance with the following paragraphs), or
  - (ii) the "actual fees" (*"ffioedd gwirioneddol"*), being the amount of fees charged in respect of an academic year of the designated part-time course; and
- (b) a grant not exceeding £1,155 for books, travel and other expenditure in connection with the designated part-time course.

(2) The basic fee grant varies according to the intensity of study.

The intensity of study is calculated as follows and expressed as a percentage

$$\frac{PT}{FT} \times 100$$

where

PT is the number of modules, credits, credit points, points or other units to be awarded to the eligible part-time student by the academic authority if the eligible part-time student successfully completes the academic year in connection with which the eligible part-time student is applying for support under regulation 109;

FT is—

- (a) where the course is provided by or on behalf of the Open University, 120;
- (b) where the course is provided by or on behalf of any other institution, the number of modules, credits, credit points, points or other units that a standard full-time student would be required to obtain in each academic year in order to complete the full-time equivalent within the period ordinarily required to complete that course.

(3) For the purposes of paragraph (2)—

- (a) “full-time equivalent” (“*cwrs llawnamser cyfatebol*”) and “standard full-time student” (“*myfyriwr llawnamser safonol*”) are to be interpreted in accordance with regulation 95; and
- (b) “the period ordinarily required to complete the full-time equivalent” (“*cyfnod y mae ei angen fel arfer i gwblhau'r cwrs llawnamser cyfatebol*”) is to be calculated in accordance with regulation 95.

(4) The “basic fee grant” (“*grant ffioedd sylfaenol*”) is—

- (a) £690 where the intensity of study is less than 60 per cent (“level 1”);
- (b) £820 where the intensity of study is 60 per cent or more but less than 75 per cent (“level 2”);
- (c) £1,025 where the intensity of study is 75 per cent or more (“level 3”).

(5) Subject to paragraph (6) and regulation 112(6), the amount of support payable under this regulation in respect of an academic year is as follows—

- (a) if at the date of the application the eligible part-time student or the eligible part-time student’s partner is entitled—
  - (i) under Part VII of the Social Security Contributions and Benefits Act 1992 to income support, housing benefit or council tax benefit;
  - (ii) under Part 1 of the Jobseekers Act 1995 to income-based jobseekers allowance or under section 2 of the Employment and Training Act 1973 to an allowance under the arrangements known as the New Deal; or
  - (iii) under Part 1 of the Welfare Reform Act 2007 to an income-related employment and support allowance;

the maximum amount of support available under paragraph (1) is payable;

- (b) where the relevant income is less than £16,865, the maximum amount of support available under paragraph (1) is payable;
- (c) where the relevant income is £16,865, the maximum amount of support available under paragraph (1)(b) is payable together with £50 less than the maximum amount of support available under paragraph (1)(a);
- (d) where the relevant income exceeds £16,865 but is less than £25,435, the maximum amount of support available under paragraph (1)(b) is payable and the amount of support payable under paragraph (1)(a) is the amount determined in accordance with paragraph (6);
- (e) where the relevant income is £25,435, the maximum amount of support available under paragraph (1)(b) is payable and the amount of support payable under paragraph (1)(a) is £50;



- (f) where the relevant income exceeds £25,435 but is less than £26,095 the maximum amount of support available under paragraph (1)(b) is payable and no support is payable under paragraph (1)(a);
  - (g) where the relevant income is £26,095 or more but less than £28,180 no support is available under paragraph (1)(a) and the amount of support payable under paragraph (1)(b) is the amount left after deducting from the maximum amount of support available under paragraph (1)(b) £1 for every £1,886 by which the relevant income exceeds £26,095;
  - (h) where the relevant income is £28,180 no support is payable under paragraph (1)(a) and the amount of support payable under paragraph (1)(b) is £50;
  - (i) where the relevant income exceeds £28,180 no support is payable under paragraph (1).
- (6) Where paragraph (5)(d) applies, the amount of support payable under paragraph (1)(a) is determined by deducting from the maximum amount of support available under paragraph (1)(a) one of the following amounts—
- (a) £50 plus a further £1 for each complete £14.52, £11.90 or £9.26 by which the relevant income exceeds £16,865 according to whether the intensity of study is level 1, 2 or 3, respectively; or
  - (b) where the basic fee grant is greater than the actual fees, an amount equal to that left after deducting from the amount calculated under sub-paragraph (a) the difference between the basic fee grant and the actual fees (unless the amount is a negative number in which case the maximum amount of support available under paragraph (1)(a) is payable).
- (7) For the purposes of this regulation—
- (a) “child” (“*plentyn*”) in relation to an eligible part-time student includes any child of the eligible part-time student’s partner and any child for whom the eligible part-time student has parental responsibility;
  - (b) “current financial year” (“*y flwyddyn ariannol gyfredol*”) means the financial year which includes the first day of the academic year in respect of which a person is being assessed for support under this Part;
  - (c) “dependent” (“*dibynnol*”) means wholly or mainly financially dependent;
  - (d) “financial year” (“*blwyddyn ariannol*”) means the period of twelve months for which the income of the eligible part-time student is computed for the purposes of the income tax legislation which applies to it;
  - (e) “income” (“*incwm*”) means gross income from all sources excluding—
    - (i) any payment made under section 23C(5A) of the Children Act 1989; and
    - (ii) any tax credits awarded pursuant to any claims under section 3 of the Tax Credits Act 2002;
  - (f) subject to sub-paragraph (g), “partner” (“*partner*”) means any of the following-
    - (i) the spouse of an eligible part-time student;
    - (ii) the civil partner of an eligible part-time student;
    - (iii) a person ordinarily living with an eligible part-time student as if the person were the eligible part-time student’s spouse where an eligible part-time student is aged 25 or over on the first day of the academic year in respect of which the eligible part-time student is being assessed for support under this Part and where the eligible part-time student began the specified designated part-time course before 1 September 2005;
    - (iv) a person ordinarily living with an eligible part-time student as if the person were the eligible part-time student’s spouse or civil partner where an eligible part-time student begins the specified designated part-time course on or after 1 September 2005;

(g) a person who would otherwise be a partner under sub-paragraph (f) is not treated as a partner if—

(i) in the opinion of the Welsh Ministers, that person and the eligible part-time student are separated; or

(ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible part-time student;

(h) “preceding financial year” (“*blwyddyn ariannol flaenorol*”) means the financial year immediately preceding the current financial year;

(i) “relevant income” (“*incwm perthnasol*”) has the meaning given in paragraph (8).

(8) Subject to paragraph (9), an eligible part-time student’s relevant income is equal to the eligible part-time student’s financial resources in the preceding financial year less—

(i) £2,000 in respect of the eligible part-time student’s partner;

(ii) £2,000 in respect of the only or eldest child who is dependent on the eligible part-time student or the eligible part-time student’s partner; and

(iii) £1,000 in respect of each other child who is dependent on the eligible part-time student or the eligible part-time student’s partner.

(9) Where the Welsh Ministers are satisfied that an eligible part-time student’s financial resources in the preceding financial year are greater than the eligible part-time student’s financial resources in the current financial year and that the difference between the two amounts is £1,000 or more, they must assess that student’s financial resources by reference to those resources in the current financial year.

(10) In this regulation, an eligible part-time student’s financial resources in a financial year means the aggregate of the eligible part-time student’s income for that year together with the aggregate of the income for that year of any person who at the date of the application for support under this Part is the eligible part-time student’s partner.

(11) In this regulation “specified designated part-time course” (“*cwrs rhan-amser dynodedig a bennir*”) means the course in respect of which the person is applying for support under this Part or, where the student’s status as an eligible part-time student has been transferred to the present part-time course as a result of one or more transfers of that status by the Welsh Ministers from a part-time course (the “initial course”) in connection with which the Welsh Ministers determined the student to be an eligible part-time student pursuant to regulations made under section 22 of the 1998 Act, the specified designated part-time course is the initial course.

#### Commencement Information

**I5** Reg. 97 in force at 4.1.2013, see [reg. 1\(2\)](#)

### Grants for disabled part-time students' living costs

**98.**—(1) An eligible part-time student qualifies in accordance with this regulation for a grant for disabled part-time students' living costs to assist with the additional expenditure which the Welsh Ministers are satisfied the student is obliged to incur in connection with the eligible part-time student undertaking a designated part-time course by reason of a disability to which the eligible part-time student is subject.

(2) Subject to paragraph (3), the amount of grant for which an eligible part-time student qualifies under this regulation is the amount that the Welsh Ministers consider appropriate.

(3) The amount of the grant must not exceed—

- (a) £15,885 in respect of an academic year for expenditure on a non-medical personal helper;
- (b) £5,332 in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;
- (c) the additional expenditure incurred—
  - (i) within the United Kingdom for the purpose of attending the institution;
  - (ii) within or outside the United Kingdom for the purpose of attending, as a part of the eligible part-time student's course, any period of study at an overseas institution or for the purpose of attending the Institute;
- (d) £1,338 in respect of an academic year for any other expenditure including expenditure incurred for the purposes referred to in sub-paragraph (a) or (b) which exceeds the specified maxima.

**Commencement Information**

**I6** Reg. 98 in force at 4.1.2013, see [reg. 1\(2\)](#)

**Part-time grants for dependants — general**

**99.**—(1) An eligible part-time student qualifies for part-time grants for dependants provided that—

- (a) the part-time student is not excluded from qualification by any of the following paragraphs, regulation 93 or regulation 96; and
- (b) the part-time student satisfies the qualifying conditions for the particular grant for which the student is applying.

(2) An eligible part-time student does not qualify for part-time grants for dependants if the eligible part-time student is a prisoner.

**100.**—(1) The part-time grants for dependants consist of the following elements—

- (a) part-time adult dependants' grant;
- (b) part-time childcare grant;
- (c) part-time parents' learning allowance.

(2) The qualifying conditions for each element are set out in regulations 101 to 108 and the amounts payable in respect of each element are determined in accordance with those regulations.

(3) A deduction may be made from any element of the part-time grants for dependants in accordance with regulations 106 and 107.

**Commencement Information**

**I7** Reg. 99 in force at 4.1.2013, see [reg. 1\(2\)](#)

**I8** Reg. 100 in force at 4.1.2013, see [reg. 1\(2\)](#)

**Part-time adult dependants' grant**

**101.**—(1) An eligible part-time student qualifies for a part-time adult dependants' grant in connection with the eligible part-time student's attendance on a designated part-time course in accordance with this regulation.

(2) The part-time adult dependants' grant is available in respect of one dependant of an eligible part-time student who is either—

- (a) the eligible part-time student's partner; or
- (b) an adult dependant of the eligible part-time student whose net income does not exceed £3,923.

(3) The amount of part-time adult dependants' grant payable in respect of an academic year is calculated in accordance with regulations 104 and 106 to 108, the basic amount being—

- (a) £2,732; or
- (b) where the person in respect of whom the eligible part-time student is applying for part-time adult dependants' grant is ordinarily resident outside the United Kingdom, such amount not exceeding £2,732 as the Welsh Ministers consider reasonable in the circumstances.

#### Commencement Information

**I9** Reg. 101 in force at 4.1.2013, see [reg. 1\(2\)](#)

### Part-time childcare grant

**102.**—(1) An eligible part-time student qualifies, in connection with the eligible part-time student's attendance on a designated part-time course, for a part-time childcare grant in accordance with this regulation.

(2) Subject to paragraphs (3) and (4), the part-time childcare grant is available in respect of an academic year in which the eligible part-time student incurs prescribed childcare charges for—

- (a) a dependent child who is under the age of 15 immediately before the beginning of the academic year; or
- (b) a dependent child who has special educational needs within the meaning of section 312 of the Education Act 1996(2) and is under the age of 17 immediately before the beginning of the academic year.

(3) An eligible part-time student does not qualify for a grant under this regulation if the eligible part-time student or the eligible part-time student's partner has elected to receive the childcare element of the working tax credit under Part I of the Tax Credits Act 2002(3).

(4) An eligible part-time student does not qualify for a grant under this regulation if the prescribed childcare charges that the eligible part-time student incurs are paid or to be paid by the student to the eligible part-time student's partner.

(5) Subject to paragraph (6), regulation 104 and regulations 106 to 108, the basic amount of childcare grant for each week is—

- (a) for one dependent child, 85 per cent of the prescribed childcare charges, subject to a maximum amount of £161.50 per week; or
- (b) for two or more dependent children, 85 per cent of the prescribed childcare charges, subject to a maximum amount of £ 274.55 per week,

except that the eligible part-time student does not qualify for any such grant in respect of each week falling within the period between the end of the course and the end of the academic year in which the course ends.

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- (2) [1996 c. 56](#); section 312 was amended by the Education Act [1997 \(c. 44\)](#), Schedule 7, paragraph 23, the School Standards and Framework Act [1998 \(c. 31\)](#), section 140, paragraph 71 of Schedule 30 and Schedule 31, the Learning and Skills Act [2000 \(c. 21\)](#), Schedule 9, paragraph 56 and the Education and Inspections Act [2006 \(c. 40\)](#), Schedule 1, paragraph 3, the Apprenticeships, Skills, Children and Learning Act [2009 \(c. 22\)](#), section 59 and Schedule 2 and [S.I.2010/1158](#).
  - (3) [2002 c. 21](#) to which there are amendments not relevant to these Regulations.

- (6) For the purposes of calculating the basic amount of part-time childcare grant—
- (a) a week runs from Monday to Sunday; and
  - (b) where a week in respect of which prescribed childcare charges are incurred falls partly within and partly outside the academic year in respect of which part-time childcare grant is payable under this regulation, the maximum weekly amount of grant is calculated by multiplying the relevant maximum weekly amount in paragraph (5) by the number of days of that week falling within the academic year and dividing the product by seven.

#### Commencement Information

**I10** Reg. 102 in force at 4.1.2013, see [reg. 1\(2\)](#)

### Part-time parents' learning allowance

**103.**—(1) An eligible part-time student qualifies in connection with the student's attendance on a designated part-time course for the part-time parents' learning allowance if the student has one or more dependants who are dependent children.

(2) The amount of part-time parents' learning allowance payable in respect of an academic year is calculated in accordance with regulations 104 and 106 to 108, the basic amount being £1,557.

#### Commencement Information

**I11** Reg. 103 in force at 4.1.2013, see [reg. 1\(2\)](#)

### Part-time grants for dependants — initial calculations

**104.**—(1) Subject to the following paragraphs and regulations 106 to 108, the amount payable in respect of a particular element of the part-time grants for dependants for which the eligible part-time student qualifies is the amount of that element remaining after applying, until it is extinguished, an amount equal to  $(A - B)$  as follows and in the following order—

- (a) to reduce the basic amount of the part-time adult dependants' grant where the eligible part-time student qualifies for that element under regulation 101;
  - (b) to reduce the basic amount of the part-time childcare grant for the academic year where the eligible part-time student qualifies for that element under regulation 102; and
  - (c) to reduce the basic amount of the part-time parents' learning allowance where the eligible part-time student qualifies for that element under regulation 103.
- (2) In this regulation and subject to paragraph (8)—
- A** is the aggregate of the net income of each of the eligible part-time student's dependants; and
- B** is—
- (a) £1,159 where the eligible part-time student has no dependent child;
  - (b) £3,473 where the eligible part-time student is not a lone parent and has one dependent child;
  - (c) £4,632 where the eligible part-time student—
    - (i) is not a lone parent and has more than one dependent child; or
    - (ii) is a lone parent and has one dependent child;

- (d) £5,797 where the eligible part-time student is a lone parent and has more than one dependent child.
- (3) Subject to paragraphs (5), (6) and (13), where **B** is greater than or equal to **A**, the basic amount of each element of the part-time grants for dependants for which the eligible part-time student qualifies is payable.
- (4) Where (**A** – **B**) is equal to or exceeds the aggregate of the basic amounts of the elements of the part-time grants for dependants for which the eligible part-time student qualifies, the amount payable in respect of each element is nil.
- (5) The amount of the part-time adult dependants' grant calculated under paragraph (1) in respect of an adult dependant is reduced by one half where—
- (a) the eligible part-time student's partner—
    - (i) is an eligible part-time student; or
    - (ii) holds a statutory award; and
  - (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which that partner is entitled under the statutory award.
- (6) The amount of the part-time childcare grant calculated under paragraph (1) is reduced by one half where—
- (a) the eligible part-time student's partner—
    - (i) is an eligible part-time student; or
    - (ii) holds a statutory award; and
  - (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which that partner is entitled under the statutory award.
- (7) Where the amount of the part-time parents' learning allowance calculated under paragraph (1) is £0.01 or more but less than £50, the amount of part-time parents' learning allowance payable is £50.
- (8) Paragraphs (9) to (12) apply where, in the course of the academic year, any of the following occurs—
- (a) there is a change in the number of the eligible part-time student's dependants;
  - (b) a person becomes or ceases to be a dependant of the eligible part-time student;
  - (c) the eligible part-time student becomes or ceases to be a lone parent;
  - (d) a student becomes an eligible part-time student as a result of an event referred to in regulation 94(4)(a), (b), (e), (f), (g), (h) or (i).
- (9) For the purposes of determining the respective values of **A** and **B** and whether part-time adult dependants' grant or part-time parents' learning allowance is payable, the Welsh Ministers must determine the following in relation to each relevant quarter by reference to the eligible part-time student's circumstances in the relevant quarter—
- (a) how many dependants the eligible part-time student is to be treated as having;
  - (b) who those dependants are;
  - (c) whether the eligible part-time student is to be treated as a lone parent.
- (10) The amount of part-time grants for dependants for the academic year is the aggregate of the amounts of part-time adult dependants' grant and part-time parents' learning allowance calculated in respect of each relevant quarter under paragraph (11) and the amount of any part-time childcare grant for the academic year.

(11) The amount of part-time adult dependants' grant and part-time parents' learning allowance in respect of a relevant quarter is one third of what that grant or allowance would be for the academic year if the eligible part-time student's circumstances in the relevant quarter as determined under paragraph (9) applied for the duration of the academic year.

(12) In this regulation, a "relevant quarter" ("*chwarter perthnasol*") means—

- (a) in the case of a person referred to in paragraph (8)(d), a quarter which begins after the relevant event occurs other than a quarter during which, in the opinion of the Welsh Ministers, the longest of any vacation occurs;
- (b) otherwise, a quarter other than the one quarter during which, in the opinion of the Welsh Ministers, the longest of any vacation occurs.

(13) A deduction may be made in accordance with regulations 106 and 107 from the amount payable in respect of a particular element of the part-time grants for dependants calculated under this Part.

#### Commencement Information

**I12** Reg. 104 in force at 4.1.2013, see [reg. 1\(2\)](#)

### Part-time grants for dependants — interpretation

**105.**—(1) In regulations 99 to 104—

- (a) subject to paragraph (4), "adult dependant" ("*dibynnydd mewn oed*") means, in relation to an eligible part-time student, an adult person dependent on the eligible part-time student other than the eligible part-time student's child, the eligible part-time student's partner (including a spouse or civil partner from whom the Welsh Ministers consider the eligible part-time student is separated) or the eligible part-time student's former partner;
- (b) "child" ("*plentyn*") in relation to an eligible part-time student includes any child of the eligible part-time student's partner who is dependent on the eligible part-time student and any child for whom the eligible part-time student has parental responsibility who is dependent on the eligible part-time student;
- (c) "dependant" ("*dibynnydd*") means, in relation to an eligible part-time student, the eligible part-time student's partner, the eligible part-time student's dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;
- (d) "dependent" ("*dibynno*") means wholly or mainly financially dependent;
- (e) "dependent child" ("*plentyn dibynno*") means, in relation to an eligible part-time student, a child dependent on the eligible part-time student;
- (f) "lone parent" ("*rhiant unigol*") means an eligible part-time student who does not have a partner and who has a dependent child;
- (g) "net income" ("*incwm net*") has the meaning given in paragraph (6);
- (h) subject to sub-paragraphs (i), (j), (k) and paragraphs (2) and (3) "partner" ("partner") means any of the following—
  - (i) the spouse of an eligible part-time student;
  - (ii) the civil partner of an eligible part-time student;
  - (iii) a person ordinarily living with an eligible part-time student as if the person were the eligible part-time student's spouse where an eligible part-time student is aged 25 or over on the first day of the academic year in respect of which household income falls

- to be assessed for the purposes of Schedule 6 and began the designated part-time course on or after 1 September 2000;
- (iv) a person ordinarily living with an eligible part-time student as if the person were the eligible part-time student's civil partner where an eligible part-time student is aged 25 or over on the first day of the academic year in respect of which household income falls to be assessed for the purposes of Schedule 6 and began the designated part-time course on or after 1 September 2005;
- (i) unless otherwise indicated, a person who would otherwise be a partner under sub-paragraph (h) is not treated as a partner if—
- (i) in the opinion of the Welsh Ministers, that person and the eligible part-time student are separated; or
- (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible part-time student;
- (j) for the purposes of the definition of “adult dependant” (“*dibynnydd mewn oed*”), a person is to be treated as a partner if the person would be a partner under sub-paragraph (h) but for the fact that the eligible part-time student with whom the person is ordinarily living is not aged 25 or over on the first day of the academic year in respect of which household income falls to be assessed for the purposes of Schedule 6;
- (k) for the purposes of the definitions of “child” (“*plentyn*”) and “lone parent” (“*rhiant unigol*”), a person is to be treated as a partner if the person would be a partner under sub-paragraph (h) but for the date on which the eligible part-time student began the specified designated part-time course or the fact that the eligible part-time student with whom the person is ordinarily living is not aged 25 or over on the first day of the academic year in respect of which household income falls to be assessed for the purposes of Schedule 6.
- (2) For the purposes of regulation 102—
- (a) paragraph (1)(i) does not apply; and
- (b) a person is to be treated as a partner if the person would be a partner under paragraph (1)(h) but for the fact that the eligible part-time student with whom the person is ordinarily living is not aged 25 or over on the first day of the academic year in respect of which household income falls to be assessed for the purposes of Schedule 6.
- (3) For the purposes of determining whether a person is the former partner of an eligible part-time student's partner, “partner” (“*partner*”) in relation to an eligible part-time student's partner means—
- (a) the spouse of an eligible part-time student's partner;
- (b) the civil partner of an eligible part-time student's partner;
- (c) where the eligible part-time student began the specified designated part-time course on or after 1 September 2000, a person (“A”) ordinarily living with an eligible part-time student's partner (“B”) as if A were B's spouse;
- (d) where the eligible part-time student began the specified designated part-time course on or after 1 September 2005, a person (“A”) ordinarily living with an eligible part-time student's partner (“B”) as if A were B's civil partner.
- (4) Subject to paragraph (5), for the purposes of the definitions of “adult dependant” (“*dibynnydd mewn oed*”) and “dependent child” (“*plentyn dibynnol*”), the Welsh Ministers may treat an adult person or child as dependent on an eligible part-time student if they are satisfied that the adult person or child—
- (a) is not dependent on only—
- (i) the eligible part-time student; or
- (ii) the eligible part-time student's partner; but



- (b) is dependent on the eligible part-time student and the eligible part-time student's partner together.
- (5) The Welsh Ministers must not treat an adult person ("A") as dependent on an eligible part-time student in accordance with paragraph (4), if A is—
- (a) the spouse or civil partner of the eligible part-time student's partner (including a spouse or civil partner from whom the Welsh Ministers consider the eligible part-time student's partner is separated); or
  - (b) the former partner of the eligible part-time student's partner.
- (6) Subject to paragraph (7), a dependant's net income is the dependant's income from all sources for the academic year in question reduced by the amount of income tax and social security contributions payable in respect of it but disregarding—
- (a) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the dependant is subject;
  - (b) child benefit payable under Part IX of the Social Security Contributions and Benefits Act 1992(4);
  - (c) any financial support payable to the dependant by a local authority in accordance with regulations made under sections 2, 3 and 4 of the Adoption and Children Act 2002(5);
  - (d) any guardian's allowance to which the dependant is entitled under section 77 of the Social Security Contributions and Benefits Act 1992;
  - (e) in the case of a dependant with whom a child being looked after by a local authority is boarded out, any payment made to that dependant in pursuance of section 23 of the Children Act 1989(6);
  - (f) any payment made to the dependant under section 23C(5A) of the Children Act 1989;
  - (g) any payments made to the dependant under section 15 of and Schedule 1 to the Children Act 1989 in respect of a person who is not the dependant's child or any assistance given by a local authority pursuant to section 24 of that Act(7); and
  - (h) any child tax credit to which the dependant is entitled under Part I of the Tax Credits Act 2002(8).
- (7) Where an eligible part-time student or the eligible part-time student's partner makes any recurrent payments which were previously made by the eligible part-time student in pursuance of an obligation incurred before the first academic year of the eligible part-time student's course, the eligible part-time student's partner's net income is the net income calculated in accordance with paragraph (2) reduced by—
- (a) an amount equal to the payments in question for the academic year, if in the opinion of the Welsh Ministers, the obligation had been reasonably incurred; or
  - (b) such lesser amount, if any, as the Welsh Ministers consider appropriate if, in their opinion, a lesser obligation could reasonably have been incurred.
- (8) For the purposes of paragraph (6), where the dependant is a dependent child and payments are made to the eligible part-time student towards the dependent child's maintenance, those payments are to be treated as the dependent child's income.

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(4) 1992 c. 4 to which there are amendments not relevant to these Regulations.

(5) 2002 c. 38.

(6) 1989 c. 41. Section 23 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 16, paragraph 12, the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 14, the Children Act 2004 (c. 31), section 49(3) and the Children and Young Persons Act 2008 (c. 23), section 39 and Schedule 3, paragraphs 1 and 7.

(7) There are amendments to sections 15 and 24 and Schedule 1 which are not relevant to these Regulations.

(8) 2002 c. 21 to which there are amendments not relevant to these Regulations.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Student Support) (Wales) Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

#### Commencement Information

**I13** Reg. 105 in force at 4.1.2013, see [reg. 1\(2\)](#)

#### Part-time grants for dependants — calculation of contribution

**106.**—(1) An eligible part-time student's contribution in respect of an academic year and part-time dependants' grants payable in respect of that year is the amount, if any, calculated under Schedule 6.

(2) The Welsh Ministers may require an eligible part-time student to provide from time to time such information as they consider necessary as to the income of any person whose means are relevant to the assessment of the student's contribution.

#### Commencement Information

**I14** Reg. 106 in force at 4.1.2013, see [reg. 1\(2\)](#)

#### Part-time grants for dependants — application of contribution

**107.**—(1) An amount equal to the contribution or the remainder of the contribution, as the case may be, calculated under Schedule 6, is to be applied until it is extinguished against the amount of the particular element of part-time grants for dependants for which the eligible part-time student qualifies as follows—

- (a) first, to reduce **PTADG**;
  - (b) second, to reduce **PTCCG**;
  - (c) third, to reduce **PTPLA**.
- (2) In this regulation—
- (a) **PTADG** is the amount, if any, of the part-time adult dependants' grant calculated in accordance with regulation 104;
  - (b) **PTCCG** is the amount, if any, of the part-time childcare grant calculated in accordance with regulation 104;
  - (c) **PTPLA** is the amount, if any, of the part-time parents' learning allowance calculated in accordance with regulation 104 (except the first £50 of the allowance).

#### Commencement Information

**I15** Reg. 107 in force at 4.1.2013, see [reg. 1\(2\)](#)

#### Part-time grants for dependants — final calculation

**108.**—(1) The amount payable in respect of a particular element of the part-time grants for dependants is determined in accordance with this regulation.

(2) The amount payable varies according to the intensity of study.

The intensity of study is calculated as follows and expressed as a percentage

$$\frac{PT}{FT} \times 100$$

where

PT and FT have the meanings given by regulation 97(2) and (3).

- (3) In the case of part-time adult dependants' grant, where the intensity of study is—
- (a) 50 per cent or more but less than 60 per cent, the amount payable is equal to 50 per cent of the resulting amount;
  - (b) 60 per cent or more but less than 75 per cent, the amount payable is equal to 60 per cent of the resulting amount;
  - (c) 75 per cent or more, the amount payable is equal to 75 per cent of the resulting amount.
- (4) For the purposes of paragraph (3), “the resulting amount” (“*y swm sy'n deillio o hyn*”) means the amount of part-time adult dependants' grant determined in accordance with regulation 104 with deductions (if any) having been applied in accordance with regulation 107.
- (5) In the case of part-time childcare grant, where the intensity of study is—
- (a) 50 per cent or more but less than 60 per cent, the amount payable is equal to 50 per cent of the resulting amount;
  - (b) 60 per cent or more but less than 75 per cent, the amount payable is equal to 60 per cent of the resulting amount;
  - (c) 75 per cent or more, the amount payable is equal to 75 per cent of the resulting amount.
- (6) For the purposes of paragraph (5), “the resulting amount” (“*y swm sy'n deillio o hyn*”) means the amount of part-time childcare grant determined in accordance with regulation 104 with deductions (if any) having been applied in accordance with regulation 107.
- (7) In the case of part-time parents' learning allowance, where the intensity of study is—
- (a) 50 per cent or more, but less than 60 per cent, the amount payable is equal to 50 per cent of the resulting amount;
  - (b) 60 per cent or more but less than 75 per cent, the amount payable is equal to 60 per cent of the resulting amount;
  - (c) 75 per cent or more, the amount payable is equal to 75 per cent of the resulting amount.
- (8) For the purposes of paragraph (7), “the resulting amount” (“*y swm sy'n deillio o hyn*”) means the amount of part-time parents' learning allowance determined in accordance with regulation 104 with deductions (if any) having been applied in accordance with regulation 107.
- (9) No element of part-time grants for dependants is payable where the intensity of study is less than 50 per cent.

**Commencement Information**

**I16** Reg. 108 in force at 4.1.2013, see [reg. 1\(2\)](#)

**Applications for support**

**109.**—(1) A person must apply for support in connection with each academic year of a designated part-time course by completing and submitting to the Welsh Ministers an application in such form as the Welsh Ministers may require.

- (2) The application must be accompanied by—
- (a) a declaration under regulation 111(2) to (6) completed by the academic authority; and
  - (b) such additional documentation as the Welsh Ministers may require.

(3) Subject to paragraph (4), the application must reach the Welsh Ministers within a period of nine months beginning with the first day of the academic year of the course in respect of which it is submitted.

(4) Paragraph (3) does not apply where—

- (a) one of the events listed in regulation 94(4) occurs after the first day of the academic year in respect of which the applicant is applying for support under this Part, in which case the application must reach the Welsh Ministers within a period of nine months beginning with the day on which the event occurred;
- (b) the applicant is applying for a grant for disabled part-time students' living costs, in which case the application must reach the Welsh Ministers as soon as is reasonably practicable; or
- (c) the Welsh Ministers consider that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the Welsh Ministers not later than such date as they specify.

(5) The Welsh Ministers may take such steps and make such inquiries as they consider necessary to determine whether the applicant is an eligible part-time student, whether the applicant qualifies for support under this Part and the amount of support payable, if any.

(6) The Welsh Ministers must notify the applicant in writing of whether or not the applicant qualifies for support under this Part and, if the applicant does qualify, the amount of support payable in respect of the academic year, if any.

#### Commencement Information

**I17** Reg. 109 in force at 4.1.2013, see [reg. 1\(2\)](#)

### Assistance with fees in respect of attendance on a course in England, Northern Ireland or Scotland

**110.**—(1) The Welsh Ministers may pay support under this Part to assist with fees to an eligible part-time student in connection with the eligible part-time student's attendance on a designated part-time course in England, Northern Ireland or Scotland.

(2) The support paid under paragraph (1) must not exceed the lesser of—

- (a) the maximum amount of support that would have been payable to the eligible part-time student under regulation 97(1)(a) had the eligible part-time student been undertaking the course in Wales; and
- (b) the maximum amount of support to assist with fees that in the opinion of the Welsh Ministers would have been payable to the eligible part-time student according to whether the eligible part-time student attends the designated part-time course in England, Northern Ireland or Scotland—
  - (i) pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act had the eligible part-time student been ordinarily resident in England and undertaking the part-time course in England;
  - (ii) pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998 had the eligible part-time student been ordinarily resident in Northern Ireland and undertaking the part-time course in Northern Ireland; or

- (iii) from funds of the Scottish Further and Higher Education Funding Council<sup>(9)</sup> had the eligible part-time student been ordinarily resident in Scotland and undertaking the part-time course in Scotland.

**Commencement Information**

**I18** Reg. 110 in force at 4.1.2013, see [reg. 1\(2\)](#)

**Information and other matters**

**111.**—(1) Schedule 3 applies in respect of the provision of information by an applicant and an eligible part-time student.

(2) Subject to paragraph (3), the appropriate academic authority must, on the request of the applicant, complete a declaration in such form as may be required by the Welsh Ministers to accompany the application for support under regulation 109.

(3) An academic authority is not required to complete a declaration if it is unable to give the confirmation required by sub-paragraphs (4)(a)(ii), or 4(b)(ii).

(4) In this Part, “declaration” (“*datganiad*”) means—

(a) where the applicant is applying for support in connection with the designated part-time course for the first time, a statement that—

(i) provides the course information; and

(ii) confirms that the applicant has undertaken at least two weeks of the designated part-time course;

(b) in any other case, a statement that—

(i) provides the course information; and

(ii) confirms that the applicant has enrolled to undertake the academic year of the designated part-time course in respect of which the applicant is applying for support under this Part.

(5) In this regulation, “course information” (“*gw bodaeth am y cwrs*”) means—

(a) the amount of fees being charged in respect of the academic year in respect of which the applicant is applying for support under this Part;

(b) the intensity of study;

(c) certification by the academic authority that it considers—

(i) the course to be a designated part-time course;

(ii) that it will be possible for the applicant to complete the course within the period specified in regulation 95(1)(c).

(6) For the purposes of paragraph (5)(c)(ii) the academic authority must have regard to—

(a) any increase in intensity of study that would be required for the applicant to complete the course within the period specified in regulation 95(1)(c);

(b) any parts of the course which the applicant has been required to repeat.

(7) An academic authority must notify the Welsh Ministers as soon as is reasonably practicable when any one of the following events occurs—

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(9) This body was established under section 1 of the [Further and Higher Education \(Scotland\) Act 2005](#) (asp 6).

- (a) an eligible part-time student ceases to attend or undertake a designated part-time course during the academic year in respect of which the student is claiming support under this Part and the academic authority has determined or agreed that the student will not return during that academic year;
- (b) changes are made or occur to any of the course information submitted as part of a declaration under paragraphs (2) to (6).

(8) Where an academic authority gives notice to the Welsh Ministers under paragraph (7), the academic authority must also provide the Welsh Ministers with such further information as the Welsh Ministers may require in relation to the relevant event in paragraph (7).

(9) For the purposes of paragraph (8) “relevant event” (“*digwyddiad perthnasol*”) means the event or events under paragraph (7) which form the subject of the notice given under paragraph (7).

#### Commencement Information

**I19** Reg. 111 in force at 4.1.2013, see [reg. 1\(2\)](#)

#### Transfer of status

**112.**—(1) Where an eligible part-time student transfers from a designated part-time course to another designated part-time course, the Welsh Ministers must transfer the student’s status as an eligible part-time student to that other course where—

- (a) they receive a request from the eligible part-time student to do so;
  - (b) they are satisfied that one or more of the grounds for transfer in paragraph (2) applies; and
  - (c) the period of eligibility has not terminated.
- (2) The grounds for transfer are—
- (a) the eligible part-time student starts to undertake another designated part-time course at the same institution;
  - (b) the eligible part-time student starts to undertake a designated part-time course at another institution; or
  - (c) after commencing a designated part-time course for a first degree (other than an honours degree) the eligible part-time student is, before the completion of that course, admitted to a designated part-time course for an honours degree in the same subject at the same institution.

(3) Subject to paragraph (4), an eligible part-time student who transfers under paragraph (1) is entitled, for the remainder of the academic year in which the eligible part-time student transfers, to continue to receive in connection with the course to which the eligible part-time student transfers the support under this Part for which the Welsh Ministers have determined the eligible part-time student qualifies in respect of the course from which the eligible part-time student transfers.

(4) The Welsh Ministers may re-assess the amount of support payable after the transfer in accordance with this Part.

(5) An eligible part-time student who transfers under paragraph (1) after the Welsh Ministers have determined the eligible part-time student’s support under this Part in connection with the academic year of the course from which the eligible part-time student is transferring but before the eligible part-time student completes that year may not apply for another grant under regulation 97(1)(b), regulation 98 or regulations 99 to 108 in connection with the academic year of the course to which the eligible part-time student transfers.

(6) Where an eligible part-time student transfers under paragraph (1), the maximum amount of support under regulation 97(1)(a) in respect of the academic year to and from which the eligible part-time student transfers is the amount of support with fees available in connection with the course which has the highest intensity of study as defined in regulation 97.

#### Commencement Information

**I20** Reg. 112 in force at 4.1.2013, see [reg. 1\(2\)](#)

#### Conversion of status

**113.**—(1) Where an eligible student ceases to undertake a designated course and transfers to a designated part-time course at the same or at another institution, the Welsh Ministers must convert the student's status as an eligible student to that of an eligible part-time student in connection with the course to which the eligible student is transferring where—

- (a) they receive a request from the eligible student to do so; and
- (b) the period of eligibility has not terminated.

(2) Where, before completing the designated course, the eligible student transfers to a part-time course in the same subject leading to the same qualification at the same institution, the part-time course is treated as satisfying regulation 95(1)(b) and (c) if the period of part-time study to be undertaken by that student is of at least one academic year's duration and does not exceed twice the period normally required to complete the remainder of the designated course from which that student transfers.

(3) The following applies to an eligible student who transfers under paragraph (1)—

- (a) where the Welsh Ministers have determined to pay an amount of grant to that student under regulation 29 in periodic instalments, no payment in respect of that amount of grant may be made in respect of any instalment period beginning after the date on which that student became an eligible part-time student;
- (b) the maximum amount of grant to which that student would, apart from this regulation, be entitled pursuant to regulation 98 in connection with that student undertaking a designated part-time course in respect of that academic year is reduced by one third where that student became an eligible part-time student during the second quarter of the academic year and by two thirds where that student became an eligible part-time student in a later quarter of that year;
- (c) where an amount of grant for any purpose has been paid to the student under regulation 29 in a single instalment, the maximum amount of grant payable to that student pursuant to regulation 98 for that purpose is reduced (or, where sub-paragraph (b) applies, further reduced) by the amount of grant paid to that student for that purpose pursuant to regulation 29, and where the resulting amount is nil or a negative amount that amount is nil;
- (d) where immediately before that student became an eligible part-time student that student was eligible to apply, but had not applied, for a loan for living costs in respect of that year, or had not applied for the maximum amount or increased maximum for which that student was entitled, that student may apply for such a loan or such additional amount of loan as if that student had continued to be an eligible student and in the circumstances mentioned in paragraph (4) the maximum or increased maximum amount of such loan for the academic year is reduced in accordance with that paragraph;
- (e) where the Welsh Ministers have determined to pay an amount of grant or allowance to that student under regulations 31 to 34 in periodic instalments, no payment in respect of

that amount may be made in respect of any instalment period beginning after the date on which that student becomes an eligible part-time student;

- (f) the maximum amount of part-time grants for dependants to which that student would, apart from this regulation, be entitled pursuant to regulations 99 to 108 in connection with that student undertaking a designated part-time course in respect of that academic year is reduced by one third where that student became an eligible part-time student during the second quarter of the academic year and by two thirds where that student became an eligible part-time student in a later quarter of that year; and
- (g) where an amount of grant or allowance has been paid to that student under regulations 31 to 34 in a single instalment, the maximum amount of grant or allowance payable to that student pursuant to regulations 99 to 108 is reduced (or where sub-paragraph (f) applies, further reduced) by the amount of analogous grant or allowance paid to that student pursuant to regulations 31 to 34, and where the resulting amount is nil or a negative amount that amount is nil.

(4) Where the request under paragraph (1) is made during the first quarter of the academic year in respect of which the loan is payable the maximum amount or increased maximum amount of loan (as the case may be) is reduced by two thirds and where the request is made during the second quarter of that year that amount is reduced by one third.

(5) Where an eligible distance learning student ceases to undertake a designated distance learning course and transfers to a designated part-time course at the same or at another institution, the Welsh Ministers must convert that student's status as an eligible distance learning student to that of an eligible part-time student in connection with the course to which the eligible distance learning student is transferring where—

- (a) they receive a request from the eligible distance learning student to do so; and
- (b) the period of eligibility has not terminated.

(6) Where, before completing the designated distance learning course the eligible distance learning student transfers to a part-time course in the same subject leading to the same qualification at the same institution, the part-time course is to be treated as satisfying regulation 95(1)(b) and (c) if the period of part-time study to be undertaken by that student is of at least one academic year's duration and does not exceed twice the period ordinarily required to complete the remainder of the designated distance learning course from which that student transfers.

(7) Subject to paragraph (8), an eligible distance learning student who transfers under paragraph (5) is entitled to receive in connection with the academic year of the course to which that student transfers the remainder of the support for which the Welsh Ministers have determined that student qualifies under Part 11 in respect of the academic year of the designated distance learning course from which that student transfers.

(8) The Welsh Ministers may re-assess the amount of support payable after the transfer in accordance with this Part.

(9) A student who transfers under paragraph (5) after the Welsh Ministers have determined that student's support under Part 11 in connection with the academic year of the distance learning course from which that student is transferring but before that student completes that year—

- (a) may not apply for a grant under regulation 97(1)(b) if that student has already applied for a grant under regulation 80(1)(b);
- (b) may not apply for a grant under regulation 98 if that student has already applied for a grant under regulation 83.

(10) Where a student transfers under paragraph (5), the total amount of support paid to that student under regulation 80(1)(a) and 97(1)(a) in respect of—

- (a) the academic year from which that student transfers; and



(b) the academic year to which that student transfers;

must not exceed the amount of support determined to be payable to that student under regulation 80(1) (a).

(11) Where a student transfers under paragraph (5), the maximum amount of part-time grants for dependants to which that student would, apart from this regulation, be entitled pursuant to regulations 99 to 108 in connection with that student undertaking a designated part-time course in respect of that academic year is reduced by one third where that student became an eligible part-time student during the second quarter of the academic year and by two thirds where that student became an eligible part-time student in a later quarter of that year.

(12) Where an eligible part-time student ceases to undertake a designated part-time course and transfers to a designated course at the same or at another institution, the Welsh Ministers must convert that student's status as an eligible part-time student to that of an eligible student in connection with the course to which the eligible part-time student is transferring where—

- (a) they receive a request from the eligible part-time student to do so; and
- (b) the period of eligibility has not terminated.

(13) The following applies to a student who transfers under paragraph (12)—

- (a) where the Welsh Ministers have determined to pay an amount of grant to that student pursuant to regulation 98 in periodic instalments no payment in respect of that amount of grant may be made in respect of any instalment period beginning after the date on which that student became an eligible student;
- (b) subject to sub-paragraphs (c) and (f), any support to which that student is entitled under this Part in respect of the academic year in which that student transfers is ignored in determining the amount of support to which that student may be entitled in respect of that year under Parts 4 to 6;
- (c) where the Welsh Ministers have determined to pay an amount of any grant or allowance to that student pursuant to regulations 99 to 108 in periodic instalments, no payment in respect of that amount may be made in respect of any instalment period beginning after the date on which that student becomes an eligible student;
- (d) the maximum amount of any support under Parts 5 or 6 to which that student would, apart from this regulation, be entitled in connection with a designated course in respect of that academic year is reduced by one third where that student became an eligible student during the second quarter of that academic year and by two thirds where that student became an eligible student in a later quarter of that year;
- (e) where an amount of grant for any purpose has been paid to that student pursuant to regulation 98 in a single instalment, the maximum amount of grant payable to that student under regulation 29 for that purpose is reduced (or, where sub-paragraph (d) applies, further reduced) by the amount of grant paid to that student for that purpose pursuant to regulation 98 and where the resulting amount is nil or a negative amount that amount is nil; and
- (f) where an amount of grant or allowance has been paid to that student pursuant to regulations 99 to 108 in a single instalment the maximum amount of the analogous grant or allowance payable to that student pursuant to regulations 31 to 34 is reduced (or where sub-paragraph (d) applies, further reduced) by the amount of grant or allowance paid to that student pursuant to regulations 99 to 108 and where the resulting amount is nil or a negative amount that amount is nil.

(14) Where an eligible part-time student ceases to undertake a designated part-time course and transfers to a designated distance learning course at the same or at another institution, the Welsh Ministers must convert that student's status as an eligible part-time student to that of an eligible

distance learning student in connection with the course to which the eligible part-time student is transferring where—

- (a) they receive a request from the eligible part-time student to do so; and
- (b) the period of eligibility has not terminated.

(15) Subject to paragraph (16), a student who transfers under paragraph (14) is entitled to receive in connection with the academic year of the course to which the student transfers the remainder of the support for which the Welsh Ministers have determined the student qualifies under this Part in respect of the academic year of the designated part-time course from which the student transfers.

(16) The Welsh Ministers may re-assess the amount of support payable after the transfer in accordance with Part 11.

(17) An eligible part-time student who transfers under paragraph (14) after the Welsh Ministers have determined that student's support in connection with the academic year of the part-time course from which that student is transferring but before that student completes that year—

- (a) may not apply for a grant under regulation 80(1)(b) if that student has already applied for a grant under regulation 97(1)(b);
- (b) may not apply for a grant under regulation 83 if that student has already applied for a grant under regulation 98.

(18) Where a student transfers under paragraph (14), the total amount of support paid to that student under regulations 80(1)(a) and 97(1)(a) in respect of—

- (a) the academic year from which that student transfers; and
- (b) the academic year to which that student transfers;

must not exceed the maximum amount of support determined to be payable to that student under regulation 97(1)(a).

#### Commencement Information

**I21** Reg. 113 in force at 4.1.2013, see [reg. 1\(2\)](#)

### Payment of support to eligible part-time students

**114.**—(1) Payments of the grant for books, travel and other expenditure and the grant for disabled part-time students' living costs may 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 part-time 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.

(2) Where the Welsh Ministers cannot make a final assessment on the basis of the information provided by the student, they may make a provisional assessment and payment of the grant for books, travel and other expenditure and the grant for disabled part-time students' living costs.

(3) The Welsh Ministers may pay the grant for books, travel and other expenditure and the grant for disabled part-time students' living costs in instalments or in a single lump sum.

(4) Subject to paragraph (5), the Welsh Ministers may pay the grant for books, travel and other expenditure and the grant for disabled part-time students' living costs at such times as they consider appropriate.

(5) The Welsh Ministers must not pay the first instalment or, where it has been determined not to pay support in instalments, make any payment of the grant for books, travel and other expenditure or the grant for disabled part-time students' living costs under regulation 98 before they have received the declaration under regulation 111(2) to (6) unless an exception referred to in paragraph (6) applies.

- (6) For the purposes of paragraph (5), an exception applies if—
- (a) a grant for disabled part-time students' living costs under regulation 98 is payable in which case that particular grant may be paid before the Welsh Ministers have received a declaration;
  - (b) the Welsh Ministers have determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving a declaration.

**115.**—(1) Subject to the following paragraphs, the Welsh Ministers may pay part-time grants for dependants in such instalments (if any) and at such times as they consider appropriate.

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

(3) The Welsh Ministers must not pay the first instalment or, where it has been determined not to pay a part-time grant for dependants by instalments, make any payment of such a grant to an eligible part-time student before they have received an attendance confirmation unless the exception in paragraph (4) applies.

(4) The exception referred to in paragraph (3) 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.

(5) Where a final assessment cannot be made on the basis of the information provided by the eligible part-time student, the Welsh Ministers may make a provisional assessment and payment of part-time grants for dependants.

(6) Payments of a part-time grant for dependants 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 part-time 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.

(7) No support by way of part-time grants for dependants is payable in respect of any payment period beginning after an eligible part-time student's period of eligibility terminates.

(8) Where an eligible part-time student's period of eligibility terminates on or after the relevant date, the Welsh Ministers must determine—

- (a) the amount of each part-time grant for dependants for which that student qualifies that would be payable in respect of the relevant payment period if the eligible part-time student's period of eligibility had not terminated (the "full amount"); and
- (b) how much of the full amount is payable in respect of the period which runs from the first day of the relevant payment period up to and including the day on which the eligible part-time student's period of eligibility terminated (the "partial amount").

(9) In this regulation, the "relevant date" ("*y dyddiad perthnasol*") is the date on which the first term of the academic year in question actually begins.

(10) If the Welsh Ministers have made a payment of a part-time grant for dependants in respect of the relevant payment period before the point in that period at which the eligible part-time student's period of eligibility terminated and that payment exceeds the partial amount of that grant—

- (a) they may treat the excess as an overpayment of that grant; or
- (b) if they consider that it is appropriate to do so they may extend that student's period of eligibility in respect of that part-time grant for dependants until the end of the relevant payment period and determine that the full amount of the grant is payable in respect of that payment period.

(11) If a payment of a part-time grant for dependants in respect of the relevant payment period is due to be made or is made after the eligible part-time student's period of eligibility has terminated, the amount of that part-time grant for dependants payable is the partial amount unless the Welsh

Ministers consider it appropriate to extend the period of eligibility in respect of that grant until the end of the relevant payment period and to determine that the full amount of that grant is payable in respect of that relevant payment period.

(12) No support by way of part-time grants for dependants is payable in respect of a payment period during any part of which an eligible part-time student is absent from that 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 reason for the student's absence, the length of the absence and the financial hardship which not paying the support would cause.

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

(15) Where, after the Welsh Ministers have made any payment of support by way of a part-time grant for dependants, they make a determination of the amount of such a grant for which the eligible part-time student qualifies either for the first time or by way of a revision of a provisional or other determination of that amount—

- (a) if the determination increases the amount of that grant for which the eligible part-time student qualifies they must pay the additional amount and may do so in such instalments (if any) and at such times as they consider appropriate;
- (b) if the determination decreases the amount of that grant for which the eligible part-time student qualifies they must subtract the amount of the decrease from the amount of that grant which remains to be paid;
- (c) if the amount of the decrease is greater than the amount of that grant remaining to be paid the latter amount is reduced to nil and the balance subtracted from any other element of part-time grants for dependants for which the eligible part-time student qualifies in respect of the academic year;
- (d) any remaining overpayment is recoverable in accordance with regulation 118.

#### Commencement Information

**I22** Reg. 114 in force at 4.1.2013, see [reg. 1\(2\)](#)

**I23** Reg. 115 in force at 4.1.2013, see [reg. 1\(2\)](#)

#### Interpretation of regulation 115

**116.** In regulation 115—

- (a) “attendance confirmation” (“*cadarnhad o bresenoldeb*”) means confirmation in writing from the academic authority—
  - (i) that the eligible part-time student has enrolled for the academic year where the eligible part-time student—
    - (aa) is applying for one or more elements of the part-time grants for dependants (“part-time support” in this regulation) in connection with a designated part-time course for the first time;
    - (bb) has a disability; and
    - (cc) is undertaking the course but not attending (regardless of whether the reason for not attending relates to the student's disability);

- (ii) that the eligible part-time student has been present at the institution and begun to attend the course where—
    - (aa) the student is applying for part-time support in connection with a designated part-time course for the first time;
    - (bb) the student’s status as an eligible part-time student has not been transferred to the designated part-time course from another course at the same institution; and
    - (cc) sub-paragraph (i)(cc) does not apply;
  - (iii) that the eligible part-time student has enrolled for the academic year where the eligible part-time student is applying for part-time support in connection with a designated part-time course—
    - (aa) other than for the first time; or
    - (bb) for the first time after the student’s status as an eligible part-time student has been transferred to that course from another course at the same institution;
- (b) “payment period” (“*cyfnod talu*”) means a period in respect of which the Welsh Ministers pay the support under regulations 99 to 108 or would have paid such support if the eligible part-time student’s period of eligibility had not terminated.

**Commencement Information**

**I24** Reg. 116 in force at 4.1.2013, see [reg. 1\(2\)](#)

**Payment of grants for fees**

**117.**—(1) Subject to paragraphs (2) and (3), the Welsh Ministers must pay the grant in respect of fees for which the eligible part-time student qualifies to the appropriate academic authority after a written request for payment has been received which the Welsh Ministers consider to be a valid request.

(2) The Welsh Ministers may make payments under paragraph (1) at such times and in such instalments (if any) as they see fit.

(3) The Welsh Ministers may make provisional payments under paragraph (1) in such cases as they deem appropriate.

**Commencement Information**

**I25** Reg. 117 in force at 4.1.2013, see [reg. 1\(2\)](#)

**Overpayments**

**118.**—(1) Any overpayment of a grant in respect of fees is recoverable by the Welsh Ministers from the academic authority.

(2) An eligible part-time student must, if so required by the Welsh Ministers, repay any amount paid to the eligible part-time student under this Part which for whatever reason exceeds the amount of grant to which the eligible part-time student is entitled under this Part.

(3) The Welsh Ministers must recover an overpayment of a grant for books, travel and other expenditure, a grant for disabled part-time students' living costs and a part-time grant for dependants unless they consider that it is not appropriate to do so.

(4) The methods of recovery are—

- (a) subtracting the overpayment from any kind of grant payable to the eligible part-time student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;
- (b) taking such other action for the recovery of an overpayment as is available to them.

(5) A payment of the grant for disabled part-time students' living costs or a part-time grant for dependants made before the relevant date is an overpayment if the eligible part-time student withdraws from the course before the relevant date unless the Welsh Ministers decide otherwise.

(6) In this regulation, the “relevant date” (“*dyddiad perthnasol*”) is the date on which the first term of the academic year in question actually begins.

(7) In either of the circumstances in paragraph (8) or (9), there is an overpayment of the grant for disabled part-time students' living costs unless the Welsh Ministers decide otherwise.

(8) The circumstances referred to in paragraph (7) are—

- (a) the Welsh Ministers apply all or part of the grant for disabled part-time students' living costs to the purchase of specialist equipment on behalf of the eligible part-time student;
- (b) the student’s period of eligibility terminates after the relevant date; and
- (c) the equipment has not been delivered to the student before the student’s period of eligibility terminates.

(9) The circumstances referred to in paragraph (7) are—

- (a) the eligible part-time student’s period of eligibility terminates after the relevant date; and
- (b) a payment of the grant for disabled part-time students' living costs in respect of specialist equipment is made to the student after the eligible part-time student’s period of eligibility terminates.

(10) Where there is an overpayment of the grant for disabled part-time students' living costs, the Welsh Ministers may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if they consider it is appropriate to do so.

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**Commencement Information**

**I26** Reg. 118 in force at 4.1.2013, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Student Support) (Wales) Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulations continued by [S.I. 2017/47 reg. 3\(12\)](#) (This S.I. is amended by [S.I. 2018/191](#))
- Regulations revoked by [S.I. 2013/3177 reg. 3\(1\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [reg. 35\(6\)\(i\)](#) inserted by [S.I. 2013/1965 reg. 15\(c\)](#)
- [reg. 81\(1\)\(a\)\(iv\)\(v\)](#) inserted by [S.I. 2013/1965 reg. 19\(c\)](#)
- [reg. 97\(5\)\(a\)\(iv\)\(v\)](#) inserted by [S.I. 2013/1965 reg. 20\(b\)](#)
- [reg. 105\(6\)\(i\)](#) inserted by [S.I. 2013/1965 reg. 22\(c\)](#)