
WELSH STATUTORY INSTRUMENTS

2012 No. 3097

The Education (Student Support) (Wales) Regulations 2012

PART 2

ELIGIBILITY

Period of eligibility

6.—(1) A student's status as an eligible student is retained in connection with a designated course until that status terminates in accordance with this regulation or regulation 4.

(2) The period for which an eligible student retains the status referred to in paragraph (1) is the "period of eligibility" ("cyfnod cymhwysra").

(3) Subject to the following paragraphs and regulation 4, the "period of eligibility" terminates at the end of the academic year in which the student completes the designated course.

(4) The period of eligibility terminates when the eligible student—

- (a) withdraws from the eligible student's designated course in circumstances where the Welsh Ministers have not transferred or converted or will not transfer or convert the eligible student's status as an eligible student under regulation 8, regulation 88 or regulation 113; or
- (b) abandons or is expelled from the eligible student's designated course.

(5) The Welsh Ministers may terminate the period of eligibility where the eligible student has shown by the eligible student's conduct that the eligible student is unfitted to receive support.

(6) If the Welsh Ministers are satisfied that an eligible student has failed to comply with any requirement to provide information under these Regulations 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 these Regulations;
- (c) treat any support paid to the student under these Regulations as an overpayment which may be recovered under regulations 74, 92, 118, 128 and paragraph 15 of Schedule 4.

(7) Where the period of eligibility terminates before the end of the academic year in which the student completes the designated course, the Welsh Ministers may, at any time, renew the period of eligibility for such period as they determine.

(8) Despite paragraph (1), a new system eligible student or 2006 gap year student who has not attended a previous course is only eligible for a grant for fees, fee grant, new fee grant, fee contribution loan, fee loan or a grant for living costs in respect of the present course for the number of academic years equal to **OD+R+1**.

(9) Despite paragraph (1) and subject to paragraph (11), a new system eligible student or 2006 gap year student who has attended a previous course is only eligible for a grant for fees, fee grant,

new fee grant, fee contribution loan, fee loan or a grant for living costs in respect of the present course for the number of academic years equal to $(OD+R+1) - PC$, except that—

- (a) no deduction equivalent to **PC** applies in the case of a teacher training student or a 2012 accelerated graduate entry student; and
 - (b) in the case of an eligible student who did not successfully complete the latest previous course because of compelling personal reasons—
 - (i) one additional year is added; and
 - (ii) a further additional year may be added if the Welsh Ministers consider it appropriate to do so having regard to those reasons.
- (10) Paragraph (11) applies to—
- (a) a new system eligible student who is on an end-on course of the kind described in paragraph (a) or (b) of the definition of “end-on course” in regulation 2;
 - (b) a new system eligible student who—
 - (i) has completed a full-time course listed in paragraph 2 or 3 of Schedule 2;
 - (ii) is on a full-time first degree course (other than a first degree course for the initial training of teachers) that the student did not begin immediately after the course referred to in paragraph (i); and
 - (iii) has not taken a full-time first degree course after the course referred to in paragraph (i) and before the present course;
 - (c) a new system eligible student who—
 - (i) has completed a full-time foundation degree course;
 - (ii) is on a full-time honours degree course that the student did not begin immediately after the course referred to in paragraph (i) and before the present course; and
 - (iii) has not taken a full-time first degree course after the course referred to in paragraph (i) and before the present course; and
 - (d) an old system eligible student who is a student on an end-on course of the kind described in paragraphs (a) and (b) of the definition of “end-on course” in regulation 2.

(11) Despite paragraph (1), an eligible student to whom this paragraph applies is only eligible for a grant for fees, fee grant, new fee grant, fee contribution loan, fee loan or a grant for living costs in respect of the present course for the number of academic years equal to $(D + X) - PrC$.

(12) Despite paragraph (1), a continuing student is only eligible for a grant for fees, a fee contribution loan or a grant for living costs in respect of the present course for the number of academic years equal to $(A+R+1) - Y$.

(13) Despite paragraph (1) and subject to paragraph (14), a transferring student is only eligible for a grant for fees, fee grant, new fee grant, fee contribution loan, fee loan or a grant for living costs in respect of the present course for the number of academic years equal to $(A+R+1) - Y$.

(14) A transferring student starting the first full academic year of a further course to which the student transfers under regulation 8 on or after 1 September 2011 is only eligible for a grant for fees, fee grant, new fee grant, fee contribution loan, fee loan or a grant for living costs in respect of the further course for the number of years equal to $(A+R+1) - Y - Z$.

(15) In any case where the number of academic years for which a grant for fees, fee grant, new fee grant, fee contribution loan, fee loan or a grant for living costs is available in accordance with this regulation is less than the number of academic years that make up the period ordinarily required for the completion of the present course, the academic years in which the student is eligible for such a grant or loan for fees or a grant for living costs are the latest years of the present course.

(16) In this regulation—

- (a) **A** is the number of academic years from 31 August 2006 that make up the period ordinarily required for the completion of the present course or, in the case of a transferring student, the previous course;
 - (b) **D** is the greater of 3 and the number of academic years that make up the ordinary duration of the course;
 - (c) **OD** is the number of academic years that make up the period ordinarily required for the completion of the present course;
 - (d) **PC** is the number of years of attendance by the eligible student on a previous course;
 - (e) **X** is 1 where the ordinary duration of the preliminary course was less than three years and 2 where the ordinary duration of the preliminary course was three years;
 - (f) **R** is the number of repeated academic years on the present course starting on or after 1 September 2006 that are repeats of preceding academic years that the eligible student was unable to complete successfully because of compelling personal reasons;
 - (g) **PrC** is the number of academic years that the student spent on the preliminary course excluding any years of repeat study for compelling personal reasons;
 - (h) **Y** is the number of years of the present course, or the previous course in the case of a transferring student, in respect of which it has been determined before 1 September 2006 under regulations made under section 22 of the 1998 Act that support was not available;
 - (i) **Z** is the number of academic years spent on a previous course beginning on or after 1 September 2006;
 - (j) “continuing student” (“*myfyriwr sy'n parhau*”) is an old system eligible student who started the present course before 1 September 2006 and is continuing on that course after 31 August 2012;
 - (k) “teacher training student” (“*myfyriwr ar gwrs hyfforddi athrawon*”) means a student who is not a qualified teacher attending a course for the initial training of teachers where the duration of the course does not exceed 2 years and where the course is—
 - (i) a full-time course; or
 - (ii) a part-time course (the duration of which being expressed as its full-time equivalent) and either the course—
 - (aa) began before 1 September 2010;
 - (bb) begins on or after 1 September 2010 where the student transfers to the course pursuant to regulation 8 from a course for the initial training of teachers beginning before 1 September 2010; or
 - (cc) 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;
 - (l) “transferring student” (“*myfyriwr sy'n trosglwyddo*”) means an old system eligible student who—
 - (i) began a designated course on or after 1 September 2006 and is continuing on that course after 31 August 2012; or
 - (ii) begins a designated course on or after 1 September 2012 and whose status as an eligible student transferred to the course as a result of one or more transfers of that status by the Welsh Ministers pursuant to regulations made under section 22 of the 1998 Act from a designated course that the eligible student began before 1 September 2006.
- (17) In calculating the number of years for the purpose of this regulation, attendance for part of an academic year is treated as a whole academic year.

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

(19) The Welsh Ministers may confer eligibility to a grant for fees, fee grant, new fee grant, fee contribution loan, fee loan or a grant for living costs otherwise than in accordance with paragraphs (8) to (16).

(20) For the purposes of this regulation and subject to the exceptions in paragraphs (22), (23) and (24) a “previous course” is any full-time higher education course or any part-time course for the initial training of teachers which the student began to attend or, in the case of a compressed degree course or a designated distance learning course, undertake before the present course and which meets one or both of the conditions in paragraph (21).

(21) The conditions referred to in paragraph (20) are—

- (a) the course is provided by an institution in the United Kingdom which was publicly funded for some or all of the academic years during which the student took the course; or
- (b) any scholarship, exhibition, bursary, grant, allowance or award of any description which was paid in respect of the student’s attending or, in the case of a compressed degree course or a designated distance learning course, undertaking the course to defray fees was from public funds or funds attributable to public funds.

(22) A course which would otherwise be a previous course will not be treated as such if—

- (a) the present course is a course for the initial training of teachers;
- (b) the duration of the present course does not exceed two years where the present course is—
 - (i) a full-time course; or
 - (ii) a part-time course (the duration of which being expressed as its full-time equivalent) and either the present course—
 - (aa) began before 1 September 2010;
 - (bb) begins on or after 1 September 2010 where the student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers beginning before 1 September 2010; or
 - (cc) 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; and
- (c) the student is not a qualified teacher.

(23) A course for the Certificate in Education which would otherwise be a previous course will not be treated as such if—

- (a) the present course is a course for the degree (including an honours degree) of Bachelor of Education;
- (b) the student transferred to the present course from the course for the Certificate in Education before the completion of that course or began the present course on completion of the course for the Certificate in Education.

(24) A course for the degree (other than an honours degree) of Bachelor of Education will not be treated as a previous course if—

- (a) the present course is a course for the honours degree of Bachelor of Education;
- (b) the student transferred to the present course from the course for the degree (other than an honours degree) of Bachelor of Education before the completion of that course or began the present course on completion of the course for the degree (other than an honours degree) of Bachelor of Education.