
WELSH STATUTORY INSTRUMENTS

2015 No. 54

The Education (Student Support) (Wales) Regulations 2015

PART 11

SUPPORT FOR FULL-TIME DISTANCE LEARNING COURSES

Support for distance learning courses

- 73.**—(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) £1,025; or
 - (ii) the actual fees, being the amount of fees charged to the eligible distance learning student in respect of an academic year of the designated distance learning course; and
 - (b) a grant not exceeding £1,155 for books, travel and other expenditure in connection with the designated distance learning course.
- (2) An eligible distance learning student does not qualify for support under paragraph (1)(b) if the only paragraph in Part 2 of Schedule 1 into which the eligible distance learning student falls is paragraph 9.
- (3) An eligible distance learning student does not qualify for support under this regulation if—
- (a) the eligible distance learning student is a disabled student; and
 - (b) there has been bestowed on or paid to the eligible distance learning student in connection with the designated distance learning course—
 - (i) a healthcare bursary the amount of which is calculated by reference to the eligible distance learning student's income; or
 - (ii) a Scottish healthcare allowance whether or not the amount of such allowance is calculated by reference to the eligible distance learning student's income.
- (4) An eligible distance learning student does not qualify for support under this regulation unless the Welsh Ministers consider that the eligible distance learning student is undertaking the designated distance learning course in Wales on the first day of the first academic year.
- (5) An eligible distance learning student will no longer qualify for support under this regulation if the Welsh Ministers consider that the eligible distance learning student is undertaking the designated distance learning course outside the United Kingdom.
- (6) An eligible distance learning student does not qualify for support under this regulation if the eligible distance learning student has undertaken one or more distance learning courses for eight academic years in aggregate and the eligible distance learning student has received in respect of each of those academic years a loan or a grant of the kind described in paragraph (7).
- (7) The loans and grants 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 distance learning course pursuant to regulations made under section 22 of the 1998 Act;

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- (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 distance learning 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(1); or
- (c) a loan in respect of an academic year of a distance learning course made pursuant to regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980(2).

(8) Subject to paragraph (11), an eligible distance learning student does not qualify for support under this regulation if the eligible distance learning student holds a first degree from an educational institution in the United Kingdom.

(9) For the purposes of paragraph (8), 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 distance learning student who has completed the required modules, examinations or other forms of assessment for the eligible distance learning student's first degree course; and
- (b) that student is undertaking the present distance learning 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 educational institution after the award of the degree referred to in sub-paragraph (a)).

(10) No support is payable to an eligible distance learning student under these Regulations in connection with that student undertaking a distance learning course that is not a designated distance learning course.

(11) Paragraph (8) does not apply where the Welsh Ministers determine that the following conditions are satisfied in relation to an eligible distance learning student—

- (a) the eligible distance learning student has provided all information required by the Welsh Ministers in relation to a first degree held by the student from an educational institution in the United Kingdom;
- (b) that information is accurate; and
- (c) the Welsh Ministers have incorrectly provided notification that the eligible distance learning student qualifies for support under this regulation in respect of the present distance learning course.

(12) Where paragraph (11) applies an eligible distance learning student may qualify for support under this regulation in accordance with paragraphs (13) to (15).

(13) Subject to paragraph (15), if the Welsh Ministers make the determination under paragraph (11) before the first day of the first academic year of the present distance learning course then the eligible distance learning student may qualify for support under this regulation in respect of the first academic year of the present distance learning course.

(14) Subject to paragraph (15), if the Welsh Ministers make the determination under paragraph (11) on or after the first day of the first academic year of the present distance learning course then the eligible distance learning student may qualify for support under this regulation in respect of—

(1) [S.I. 1998/1760 \(N.I. 14\)](#), to which there are amendments not relevant to these Regulations.

(2) [1980 c. 44](#); section 73(f) was amended by the Teaching and Higher Education Act [1998 \(c. 30\)](#), section 29(1) and the Education (Graduate Endowment and Student Support) (Scotland) Act [2001 \(asp 6\)](#), section 3(2). Section 73B was inserted by section 29(2) of the Teaching and Higher Education Act 1998 and was amended by the Education (Graduate Endowment and Student Support) (Scotland) Act 2001, Schedule 6 to the Income Tax (Earnings and Pensions) Act [2003 \(c. 1\)](#) and section 34(1) of the Bankruptcy and Diligence etc. (Scotland) Act [2007 \(asp 3\)](#). Section 74 was amended by section 82 of and Schedule 10 to the Self-Governing Schools etc. (Scotland) Act [1989 \(c. 39\)](#). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act [1998 \(c. 46\)](#).

- (a) the academic year of the present distance learning course during which the Welsh Ministers make the determination; and
- (b) an academic year of the present distance learning course which the student has completed prior to the Welsh Ministers making the determination.

(15) An eligible distance learning student subject to a determination under paragraph (7) may qualify for support under this regulation otherwise than in accordance with paragraphs (13) and (14), where the Welsh Ministers consider this to be appropriate as a result of the exceptional circumstances of a particular case.

Commencement Information

II Reg. 73 in force at 19.2.2015, see [reg. 1\(2\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

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

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. 100\(7\)\(e\)](#) words inserted by [S.I. 2016/211 Sch. 3 para. 178\(a\)](#)
- [reg. 3\(7\)\(e\)](#) words inserted by [S.I. 2016/211 Sch. 3 para. 176\(a\)](#)
- [reg. 3\(7\)\(f\)](#) words inserted by [S.I. 2016/211 Sch. 3 para. 176\(b\)](#)
- [reg. 3\(7\)\(g\)](#) words inserted by [S.I. 2016/211 Sch. 3 para. 176\(c\)](#)
- [reg. 5\(9\)](#) inserted by [S.I. 2016/77 reg. 4](#)
- [reg. 28\(3A\)\(3B\)](#) inserted by [S.I. 2016/77 reg. 7\(2\)](#)
- [reg. 67\(14\)](#) inserted by [S.I. 2016/77 reg. 9](#)
- [reg. 71\(6\)](#) inserted by [S.I. 2016/77 reg. 10](#)
- [reg. 85\(11\)](#) inserted by [S.I. 2016/77 reg. 11](#)
- [reg. 88\(1\)\(dd\)](#) inserted by [S.I. 2016/77 reg. 12\(1\)](#)
- [reg. 88\(8\)](#) inserted by [S.I. 2016/77 reg. 12\(2\)](#)
- [reg. 97\(3A\)](#) inserted by [S.I. 2016/77 reg. 13\(2\)](#)
- [reg. 114\(11\)](#) inserted by [S.I. 2016/77 reg. 15](#)
- [reg. 115\(4\)\(a\)\(vi\)](#) inserted by [S.I. 2017/52 Sch. 1 para. 30\(2\)\(b\)](#)
- [reg. 117\(5\)](#) inserted by [S.I. 2016/77 reg. 16\(2\)](#)
- [reg. 124\(10\)](#) inserted by [S.I. 2016/77 reg. 17](#)