
WELSH STATUTORY INSTRUMENTS

2016 No. 77 (W. 34)

EDUCATION, WALES

**The Education (Student Support)
(Wales) (Amendment) Regulations 2016**

| | | |
|--------------------------------------------------------|---------|------------------|
| <i>Made</i> | - - - - | 26 January 2016 |
| <i>Laid before the National Assembly for Wales</i> | - - | 29 January 2016 |
| <i>Coming into force</i> | - - | 22 February 2016 |

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 22 and 42(6) of the Teaching and Higher Education Act 1998⁽¹⁾, and now exercisable by them⁽²⁾, make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Student Support) (Wales) (Amendment) Regulations 2016.

(2) This regulation and regulations 2, 4, 5, 8, 10, 12(2), 14 and 16 come into force on 22 February 2016.

(3) All other regulations and the Schedule—

(a) come into force on 22 February 2016; and

(b) apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2016 whether anything done under these Regulations is done before, on or after 1 September 2016.

(4) These regulations apply in relation to Wales.

(1) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11, the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6, the Finance Act 2003 (c. 14), section 147, the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 257, the Education Act 2011 (c. 21), section 76 and S.I. 2013/1881. See section 43(1) of the Teaching and Higher Education Act 1998 for the definition of “prescribed” and “regulations”.

(2) The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 (except so far as they relate to the making of any provision authorised by subsection (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22) were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004 (c. 8) and the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) Order 2005 (S.I. 2005/1833 (W. 149) (C. 79)) as amended by S.I. 2006/1660 (W. 159) (C. 56). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2) of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Amendment of the Education (Student Support) (Wales) Regulations 2015

2. The Education (Student Support) (Wales) Regulations 2015⁽³⁾ are amended in accordance with regulations 3 to 18.

3. In regulation 2 (interpretation), in paragraph (1)—

(1) after the definition of “end-on course” insert—

““entitlement period” (“*cyfnod hawlogaeth*”) has the meaning given in regulation 28(3A);”

(2) after the definition of “universal healthcare bursary” insert—

““valid declaration of eligibility” (“*datganiad cymhwysra dilys*”) has the meaning given in regulation 28(3A).”

4. In regulation 5 (designated courses) after paragraph (8) insert—

“(9) The Welsh Ministers may revoke or suspend the designation of a course which is designated under paragraph (8).”

5. In regulation 10 (time limits), in paragraph (2)(e) for “22(4)” substitute “22(7)”.

6. For regulation 12 (requirement to enter into a contract for a loan), substitute—

“Requirement to enter into a contract for a loan

12.—(1) To receive a loan an eligible student must enter into a contract with the Welsh Ministers on terms to be decided by the Welsh Ministers.

(2) The Welsh Ministers may require an eligible student to sign a contract by means of an electronic signature in such form as the Welsh Ministers may specify.”

7. In regulation 28 (grants for dependants – childcare grant)—

(1) In paragraph (2), after “paragraphs 3” insert “, (3B)”.

(2) After paragraph (3) insert—

“(3A) In these Regulations, “entitlement period” and “valid declaration of eligibility” have the same meaning as they have for the purposes of the Childcare Payments Act 2014⁽⁴⁾ and regulations made under that Act.

(3B) An eligible student does not qualify for a grant under this regulation during any entitlement period for which an eligible student or an eligible student’s partner has made a valid declaration of eligibility under the Childcare Payments Act 2014 in relation to any child.”

8. In the English text in regulation 37 (maintenance grant – new system eligible students who are not new cohort students), in paragraph (3)(a) after “£3,000” omit the comma.

9. In regulation 67 (overpayments), after paragraph (13) insert—

“(14) For the purpose of this regulation reference to an eligible student includes a person who has received support under Part 5 or 6 but who does not satisfy the requirements of regulation 4 (eligible students).”

10. In regulation 71 (designated distance learning courses), after paragraph (5) insert—

“(6) The Welsh Ministers may revoke or suspend the designation of a course which is designated under this regulation.”

11. In regulation 85 (overpayments), after paragraph (10) insert—

⁽³⁾ S.I. 2015/54 (W. 5), amended by S.I. 2015/1505 (W. 173).

⁽⁴⁾ 2014 c. 28.

“(11) For the purpose of this regulation reference to an eligible distance learning student includes a person who has received support under this Part but who does not satisfy the requirements of regulation 69 (eligible distance learning student).”

12. In regulation 88 (designated part-time courses)—

(1) after paragraph (1)(d) insert—

“(dd) for a course beginning on or after 1 September 2016 which falls within paragraph 1, 2, 4, 6, 7 or 8 of Schedule 2, it is a course leading to an award granted or to be granted by a body falling within section 214(2)(a) or (b) of the Education Reform Act 1988(5).”

(2) after paragraph (7) insert—

“(8) The Welsh Ministers may revoke or suspend the designation of a course which is designated under paragraph (6).”

13. In regulation 97 (part-time childcare grant)—

(1) In paragraph (2), after “paragraphs (3)” insert “, (3A)”.

(2) After paragraph (3) insert—

“(3A) An eligible student does not qualify for a grant under this regulation during any entitlement period for which an eligible student or an eligible student’s partner has made a valid declaration of eligibility under the Childcare Payments Act 2014 in relation to any child.”

14. In regulation 100 (part-time grants for dependants – interpretation)—

(1) in paragraph (1)(j) for “(i), (j), (k)” substitute “(p), (q), (r)”;

(2) in paragraph (1)(j) for “(2) and (3)” substitute “(3) and (4)”;

(3) in paragraph (1)(q) for “(h)” substitute “(j)”;

(4) in paragraph (1)(r) for “(h)” substitute “(j)”;

(5) in paragraph (5) for “(5)” substitute “(6)”;

(6) in paragraph (6) for “(4)” substitute “(5)”.

15. In regulation 114 (overpayments), after paragraph (10) insert—

“(11) For the purpose of this regulation reference to an eligible part-time student includes a person who has received support under this Part but who does not satisfy the requirements of regulation 86 (eligible part-time students).”

16. In regulation 117 (designated postgraduate courses)—

(1) in the English text in paragraph (1)(c) after “institution” in the second place it occurs, insert “in”;

(2) after paragraph (4) insert—

“(5) The Welsh Ministers may revoke or suspend the designation of a course which is designated under paragraph (4).”

17. In regulation 124 (overpayments), after paragraph (9) insert—

“(10) For the purpose of this regulation reference to an eligible postgraduate student includes a person who has received support under this Part but who does not satisfy the requirements of regulation 115 (eligible postgraduate students).”

(5) 1988 c. 40; section 214(2) was amended by the Further and Higher Education Act 1992 (c. 13), Schedule 8.

18. The Schedule to these Regulations has effect to substitute the figure in the third column of the table for the figure in the second column where it appears in the regulation of the Education (Student Support) (Wales) Regulations 2015 set out in the first column.

26 January 2016

Huw Lewis
Minister for Education and Skills, one of the
Welsh Ministers

SCHEDULE

Regulation 18

Amendment to figures

| <i>Provision in the Education (Student Support) (Wales) Regulations 2015</i> | <i>Existing figure</i> | <i>New figure</i> |
|----------------------------------------------------------------------------------|------------------------|-------------------|
| Regulation 17 | | |
| (3)(a) | £5,190 | £5,100 |
| (3)(b) | £3,810 | £3,900 |
| (4)(a) | £2,605 | £2,560 |
| (4)(b) | £1,895 | £1,940 |
| Regulation 19 | | |
| (3)(a) | £3,805 | £3,925 |
| (3)(a) | £1,895 | £1,955 |
| Regulation 21 | | |
| (3)(a) | £3,810 | £3,900 |
| (4)(a) | £1,895 | £1,940 |
| Regulation 46 | | |
| (2) (i) category 1 | £4,162 | £4,786 |
| (2) (ii) category 2 | £7,532 | £8,662 |
| (2) (iii) category 3 | £6,410 | £7,372 |
| (2) (iv) category 4 | £6,410 | £7,372 |
| (2) (v) category 5 | £5,376 | £6,183 |
| (3) (i) category 1 | £3,767 | £4,333 |
| (3) (ii) category 2 | £6,858 | £7,887 |
| (3) (iii) category 3 | £5,575 | £6,412 |
| (3) (iv) category 4 | £5,575 | £6,412 |
| (3) (v) category 5 | £4,980 | £5,727 |
| Regulation 47 | | |
| (2) (a) category 1 | £4,162 | £4,786 |
| (2) (b) category 2 | £7,532 | £8,662 |
| (2) (c) category 3 | £6,410 | £7,372 |
| (2) (d) category 4 | £6,410 | £7,372 |
| (2) (e) category 5 | £5,376 | £6,183 |
| (3) (a) category 1 | £3,767 | £4,333 |
| (3) (b) category 2 | £6,858 | £7,887 |
| (3) (c) category 3 | £5,575 | £6,412 |
| (3) (d) category 4 | £5,575 | £6,412 |

Status: This is the original version (as it was originally made).

| <i>Provision in the Education (Student Support) (Wales) Regulations 2015</i> | <i>Existing figure</i> | <i>New figure</i> |
|----------------------------------------------------------------------------------|------------------------|-------------------|
| (3) (e) category 5 | £4,980 | £5,727 |
| Regulation 48 | | |
| (2) (i) category 1 | £4,162 | £4,786 |
| (2) (ii) category 2 | £7,532 | £8,662 |
| (2) (iii) category 3 | £6,410 | £7,372 |
| (2) (iv) category 4 | £6,410 | £7,372 |
| (2) (v) category 5 | £5,376 | £6,183 |
| (3) (i) category 1 | £3,767 | £4,333 |
| (3) (ii) category 2 | £6,858 | £7,887 |
| (3) (iii) category 3 | £5,575 | £6,412 |
| (3) (iv) category 4 | £5,575 | £6,412 |
| (3) (v) category 5 | £4,980 | £5,727 |
| Regulation 49 | | |
| (2) (i) category 1 | £4,162 | £4,786 |
| (2) (ii) category 2 | £7,532 | £8,662 |
| (2) (iii) category 3 | £6,410 | £7,372 |
| (2) (iv) category 4 | £6,410 | £7,372 |
| (2) (v) category 5 | £5,376 | £6,183 |
| (3) (i) category 1 | £3,767 | £4,333 |
| (3) (ii) category 2 | £6,858 | £7,887 |
| (3) (iii) category 3 | £5,575 | £6,412 |
| (3) (iv) category 4 | £5,575 | £6,412 |
| (3) (v) category 5 | £4,980 | £5,727 |
| Regulation 50 | | |
| (1)(a) (i) category 1 | £1,976 | £2,272 |
| (1)(a) (ii) category 2 | £3,703 | £4,259 |
| (1)(a) (iii) category 3 | £2,634 | £3,030 |
| (1)(a) (iv) category 4 | £2,634 | £3,030 |
| (1)(a) (v) category 5 | £2,634 | £3,030 |
| (1)(b) (i) category 1 | £1,976 | £2,272 |
| (1)(b) (ii) category 2 | £3,703 | £4,259 |
| (1)(b) (iii) category 3 | £3,150 | £3,623 |
| (1)(b) (iv) category 4 | £3,150 | £3,623 |
| (1)(b) (v) category 5 | £2,634 | £3,030 |

| <i>Provision in the Education (Student Support) (Wales) Regulations 2015</i> | <i>Existing figure</i> | <i>New figure</i> |
|------------------------------------------------------------------------------|------------------------|-------------------|
| (1)(c) (i) category 1 | £3,121 | £3,590 |
| (1)(c) (ii) category 2 | £5,649 | £6,497 |
| (1)(c) (iii) category 3 | £4,807 | £5,529 |
| (1)(c) (iv) category 4 | £4,807 | £5,529 |
| (1)(c) (v) category 5 | £4,032 | £4,637 |
| (2)(a) (i) category 1 | £1,501 | £1,727 |
| (2)(a) (ii) category 2 | £2,831 | £3,256 |
| (2)(a) (iii) category 3 | £2,053 | £2,361 |
| (2)(a) (iv) category 4 | £2,053 | £2,361 |
| (2)(a) (v) category 5 | £2,053 | £2,361 |
| (2)(b) (i) category 1 | £1,501 | £1,727 |
| (2)(b) (ii) category 2 | £2,831 | £3,256 |
| (2)(b) (iii) category 3 | £2,302 | £2,648 |
| (2)(b) (iv) category 4 | £2,302 | £2,648 |
| (2)(b) (v) category 5 | £2,053 | £2,361 |
| (2)(c) (i) category 1 | £2,825 | £3,250 |
| (2)(c) (ii) category 2 | £5,143 | £5,915 |
| (2)(c) (iii) category 3 | £4,181 | £4,809 |
| (2)(c) (iv) category 4 | £4,181 | £4,809 |
| (2)(c) (v) category 5 | £3,735 | £4,295 |
| Regulation 61 | | |
| (3)(a) category 1 | £3,121 | £3,590 |
| (3)(b) category 2 | £5,649 | £6,497 |
| (3)(c) category 3 | £4,807 | £5,529 |
| (3)(d) category 4 | £4,807 | £5,529 |
| (3)(e) category 5 | £4,032 | £4,637 |
| (4)(a) category 1 | £2,825 | £3,250 |
| (4)(b) category 2 | £5,143 | £5,915 |
| (4)(c) category 3 | £4,181 | £4,809 |
| (4)(d) category 4 | £4,181 | £4,809 |
| (4)(e) category 5 | £3,735 | £4,295 |

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Education (Student Support) (Wales) Regulations 2015 (“the 2015 Regulations”) provide for financial support for students who are ordinarily resident in Wales and taking designated higher education courses in respect of academic years beginning on or after 1 September 2015.

These Regulations make amendments to the 2015 Regulations, which will apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2016. These Regulations also correct typographical errors in the 2015 Regulations.

Regulation 3 amends regulation 2 of the 2015 Regulations by inserting in paragraph (1) a definition of “entitlement period” and “valid declaration of eligibility”. These definitions relate to the amendments made to the 2015 Regulations by regulations 7 and 13.

Regulation 4 amends regulation 5 of the 2015 Regulations. It provides for the Welsh Ministers to suspend or revoke the designation of a course made under regulation 5 of the 2015 Regulations.

Regulation 5 corrects an error in the 2015 Regulations.

Regulation 6 amends regulation 12 of the 2015 Regulations. It allows the Welsh Ministers to require a student to sign a contract relating to a loan by means of an electronic signature.

Regulation 7 amends regulation 28 of the 2015 Regulations relating to eligibility for a childcare grant. An eligible student will not qualify for a childcare grant during any period in which an eligible student or an eligible student’s partner has made a valid declaration of eligibility under the Childcare Payments Act 2014.

Regulation 8 corrects an error in the English text of the 2015 Regulations.

Regulation 9 amends provisions relating to overpayments in regulation 67 of the 2015 Regulations. A person is to be treated for the purposes of regulation 67 as an eligible student notwithstanding that they do not satisfy the relevant eligibility criteria in the 2015 Regulations.

Regulation 10 amends regulation 71 of the 2015 Regulations. It provides for the designation of a course under regulation 71 to be suspended or revoked.

Regulation 11 amends provisions relating to overpayments in regulation 85 of the 2015 Regulations. The effect of this amendment is similar to regulation 9.

Regulation 12 amends regulation 88 of the 2015 Regulations. For certain part-time courses to be designated as eligible for student support, a course must lead to an award granted by a body which is authorised to grant degrees by a Royal Charter, under an Act or by another body permitted to act on such a body’s behalf. Regulation 12 also provides for the designation of a course under regulation 88 to be suspended or revoked.

Regulation 13 amends regulation 97 of the 2015 Regulations (part-time childcare grant). The effect of the change is similar to the amendments made by regulation 7 relating to the eligibility of full-time students to receive a childcare grant.

Regulation 14 corrects errors in the 2015 Regulations.

Regulation 15 amends provisions relating to overpayments in regulation 114 of the 2015 Regulations. The effect of this amendment is similar to those in regulation 9.

Regulation 16 corrects an error in the English text of the 2015 Regulations and provides for the designation of a course under regulation 117 of the 2015 Regulations to be suspended or revoked.

Regulation 17 amends provisions relating to overpayments in regulation 124 of the 2015 Regulations. The effect of this amendment is similar to those in regulation 9.

Regulation 18 introduces the Schedule. The Schedule substitutes various figures in regulations 17, 19, 21, 46, 47, 48, 49, 50 and 61 of the 2015 Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Higher Education Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.