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## WELSH STATUTORY INSTRUMENTS

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# 2017 No. 523

## The Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017

### PART 1 GENERAL

#### **Title, commencement and application**

**1.**—(1) The title of these Regulations is the Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017.

(2) These Regulations come into force on 28 April 2017 and apply in relation to Wales.

(3) These Regulations apply in relation to the provision of postgraduate master's degree loans to students in relation to courses which begins on or after 1 August 2017 whether anything done under these Regulations is done before, on or after 1 August 2017.

#### **Interpretation**

**2.**—(1) In these Regulations, except where the context otherwise requires—

“the 1998 Act” (“*Deddf 1998*”) means the Teaching and Higher Education Act 1998;

“academic authority” (“*awdurdod academaidd*”) means, in relation to an institution, the governing body or other body having the functions of a governing body and includes a person acting with the authority of that body;

“academic year” (“*blwyddyn academaidd*”) means the period of twelve months beginning on 1 January, 1 April, 1 July or 1 September of the calendar year in which the academic year of the course in question begins according to whether that academic year begins on or after 1 January and before 1 April, on or after 1 April and before 1 July, on or after 1 July and before 1 August or on or after 1 August and on or before 31 December, respectively;

“course” (“*cwrs*”) means, unless the context otherwise requires, a taught programme of study, a programme of research, or a combination of both, and which may include one or more periods of work experience, and which leads, on successful completion, to the award of a postgraduate master's degree;

“designated course” (“*cwrs dynodedig*”), means a course designated by regulation 4(1) or by the Welsh Ministers under regulation 4(6);

“Directive 2004/38” (“*Cyfarwyddeb 2004/38*”) means Directive 2004/38/EC of the European Parliament and of the Council(1) on the right of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

“distance learning course” (“*cwrs dysgu o bell*”) means a course in relation to which a student undertaking the course is not required to be in attendance by the institution providing

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(1) OJ No L158, 30.04.2004, p. 77-123.

the course, other than to satisfy any requirement imposed by the institution to attend any institution—

- (a) for the purpose of registration, enrolment or any examination; or
- (b) on a weekend or during any vacation;

“electronic signature” (“*llofnod electronig*”) is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both;

“eligible prisoner” (“*carcharor cymwys*”) means a prisoner—

- (a) who begins a designated course or on or after 1 August 2017;
- (b) who has been authorised by the prison Governor or Director or other appropriate authority to study the designated course; and
- (c) whose earliest release date is within 4 years of the first day of the first academic year of the designated course;

“eligible student” (“*myfyriwr cymwys*”) has the meaning given in regulation 3;

“equivalent or higher qualification” (“*cymhwyster cyfatebol neu uwch*”) means a qualification determined in accordance with paragraph (2) to be an equivalent or higher qualification;

“EU national” (“*gwaldolyn UE*”) means a national of a Member State of the EU;

“fees” (“*ffioedd*”) has the meaning given in section 41(1) of the Higher Education Act 2004(2);

“full-time equivalent” (“*cwrs llawnamser cyfatebol*”) means a full-time course leading to a postgraduate master’s degree in the same subject as the part-time course in question;

“healthcare bursary” (“*bwrsari gofal iechyd*”) means a bursary or award of similar description under section 63 of the Health Services and Public Health Act 1968(3) or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(4);

“information” (“*gwybodaeth*”) includes documents;

“Islands” (“*Ynysoedd*”) means the Channel Islands and the Isle of Man;

“period of eligibility” (“*cyfnod cymwystra*”) has the meaning given in regulation 5 in relation to an eligible student;

“periods of work experience” (“*cyfnodau o brofiad gwaith*”) means—

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- (2) 2004 c. 8. Section 41(1) has been amended but those amendments are not relevant to these Regulations.
- (3) 1968 c. 46; section 63 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 7, the National Health Service Reorganisation Act 1973 (c. 32), Schedules 4 and 5, the National Health Service Act 1977 (c. 49), Schedules 15 and 16, the National Health Service (Scotland) Act 1978 (c. 29), Schedules 16 and 17, the Local Government Act 1985 (c. 51), Schedule 17, the Health and Medicines Act 1988 (c. 49), section 20, section 25(2) and Schedule 3, the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, the Health Authorities Act 1995 (c. 17), Schedule 1, the Local Government Reorganisation (Wales) (Consequential Amendments No. 2) Order 1996 (S.I. 1996/1008), the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, the Health Act 1999 (c. 8), Schedule 4, the Health and Social Care Act 2001 (c. 15), Schedule 5, the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedules 2, 5 and 9, S.I. 2002/2202, article 4(a) and (b), the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), Schedule 1, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedules 4, 11 and 14, the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) Order 2004 (S.I. 2004/288), article 7, the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004 (S.I. 2004/480); the Children Act 2004 (c. 31), section 55; S.I. 2004/957, the Schedule; the National Health Service (Consequential Provisions) Act 2006 (c. 43), Schedule 1, S.I. 2007/961, the Schedule, the Health Act 2009 (c. 21), Schedule 1 and the Health and Social Care Act 2012 (c. 7), Schedule 5 and the Social Services and Wellbeing (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413) (W. 131).
- (4) S.I. 1972/1265 (N.I. 14).

- (a) periods of industrial, professional or commercial experience associated with the designated course at an institution, but at a place outside that institution;
- (b) periods during which a student is employed and residing in a country whose language is one that the student is studying for that student's designated course (provided that the period of residence in that country is a requirement of that student's course and the study of one or more modern languages accounts for not less than one half of the total time spent studying on the course);

“person with leave to enter or remain” (“*person sydd â chaniatâd i ddod i mewn neu i aros*”) means a person (“A” in this definition)—

- (a) who has—
  - (i) applied for refugee status but has as a result of that application been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although A is considered not to qualify for recognition as a refugee it is thought right to allow A to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave; or
  - (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow A to enter or remain in the United Kingdom on the grounds of discretionary leave;
- (b) who has been granted leave to enter or to remain accordingly;
- (c) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(5)); and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the period since A was granted leave to enter or remain;

“postgraduate master’s degree loan” (“*benthyciad at radd feistr ôl-raddedig*”) means a loan payable to an eligible student under Part 4 of these Regulations;

“prisoner” (“*carcharor*”) means a person who is serving a sentence of imprisonment in the United Kingdom including a person who is detained in a young offender institution;

“private institution” (“*sefydliad preifat*”) means an institution which is not publicly funded;

“public funds” (“*cronfeydd cyhoeddus*”) means moneys provided by Parliament including funds provided by the Welsh Ministers;

“publicly funded” (“*a gyllidir yn gyhoeddus*”, “*cael ei gyllido'n gyhoeddus*”) means maintained or assisted by recurrent grants out of public funds, and related expressions are to be interpreted accordingly;

“refugee” (“*ffoadur*”) means a person who is recognised by Her Majesty’s government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28 July 1951(6) as extended by the Protocol thereto which entered into force on 4 October 1967(7);

“right of permanent residence” (“*hawl i breswyllo'n barhaol*”) means a right arising under Directive 2004/38 to reside in the United Kingdom permanently without restriction;

(5) 2002 c. 41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19), Schedules 2 and 4, the Immigration, Asylum and Nationality Act 2006 (c. 13), section 9, S.I. 2010/21, Immigration Act 2014 (c. 22), Schedule 9 Part 4, S.I. 2011/2581, S.I. 2014/2924 and S.I. 2016/360.

(6) Cmnd. 9171.

(7) Cmnd. 3906 (out of print).

“student loans legislation” (“*y ddeddfwriaeth ar fenthyciadau i fyfyrwyr*”) means the Education (Student Loans) Act 1990(8), the Education (Student Loans) (Northern Ireland) Order 1990(9), the Education (Scotland) Act 1980(10) and regulations made under those Acts or that Order, the Education (Student Support) (Northern Ireland) Order 1998(11) and regulations made under that Order or the 1998 Act and regulations made under the 1998 Act;

“student support regulations” (“*rheoliadau cymorth i fyfyrwyr*”) means the Education (Student Support) (Wales) Regulations 2017(12);

“Turkish worker” (“*gweithiwr Twrcaidd*”) means a Turkish national who—

- (a) is ordinarily resident in the United Kingdom and Islands; and
- (b) is, or has been, lawfully employed in the United Kingdom.

(2) The Welsh Ministers may determine that a qualification is an equivalent or higher qualification if—

- (a) an eligible student holds a higher education qualification from any institution whether or not in the United Kingdom; and
- (b) the qualification referred to in sub-paragraph (a) is a postgraduate master’s degree from an institution in the United Kingdom or is of an academic level which, in the opinion of the Welsh Ministers, is equivalent to or higher than a qualification to which the designated course leads.

## PART 2

### ELIGIBILITY

#### Eligible students

3.—(1) An eligible student qualifies for a postgraduate master’s degree loan in connection with a designated course subject to and in accordance with these Regulations.

(2) Subject to paragraphs (3) to (8), a person is an eligible student in connection with a designated course if in assessing the person’s application for a postgraduate master’s degree loan under regulation 9 the Welsh Ministers determine that the person falls within one of categories set out in Part 2 of Schedule 1.

(3) A person (“A”) is not an eligible student if—

- (a) A has reached the age of 60 on the first day of the academic year in which the designated course starts;
- (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 a postgraduate master’s degree loan;
- (e) A is a prisoner, unless A is an eligible prisoner;

(8) 1990 c. 6; repealed by the Teaching and Higher Education Act 1998 (c. 30), Schedule 4, with savings see the Teaching and Higher Education Act 1998 (Commencement No. 2 and Transitional Provisions) Order 1998 ([S.I. 1998/2004](#)) (C. 46).

(9) [S.I. 1990/1506 \(N.I. 11\)](#), amended by [S.I. 1996/274 \(N.I. 1\)](#), Article 43 and Schedule 5 Part II, [S.I. 1996/1918 \(N.I. 15\)](#), Article 3 and the Schedule and [S.I. 1998/258 \(N.I. 1\)](#), Articles 3 to 6 and revoked, with savings, by SR ([N.I. 1998 No. 306](#)).

(10) 1980 c. 44.

(11) [S.I. 1998/1760 \(N.I. 14\)](#) to which there have been amendments not relevant to these Regulations.

(12) [S.I. 2017/47 \(W. 21\)](#).

- (f) A is enrolled on a course which is a designated course under regulation 5 (designated courses), 66 (designated distance learning courses) or 83 (designated part-time courses) of the student support regulations and is receiving support under the student support regulations for that course;
- (g) A has already obtained an equivalent or higher qualification;
- (h) A is already enrolled on a designated course and is in receipt of a postgraduate master's degree loan under these Regulations for that course;
- (i) subject to paragraph (8), A has previously received a postgraduate master's degree loan under these Regulations;
- (j) there has been bestowed on or paid to A in relation to A undertaking the course—
  - (i) a healthcare bursary;
  - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007(13);
  - (iii) any allowance, bursary or award of similar description made under section 67(4)(a) of the Care Standards Act 2000(14) save to the extent that A is eligible for such a payment in respect of travel expenses; or
  - (iv) any allowance, bursary or award of similar description made under section 116(2) (a) of the Regulation and Inspection of Social Care (Wales) Act 2016(15) save to the extent that A is eligible for such a payment in respect of travel expenses; or
- (k) A has previously received a loan in respect of a course other than under these Regulations, where that loan was provided out of funds provided by a government authority within the United Kingdom.

(4) Where the eligible student is undertaking a designated course which is a distance learning course, the student does not qualify for support in respect of that course unless the Welsh Ministers consider that the student is undertaking the course in Wales on the first day of the course, whether the course is a designated course at that date or is designated on a later date during the academic year.

(5) An eligible student ceases to be eligible for a postgraduate master's degree loan in respect of a distance learning course if the Welsh Ministers consider that the student is undertaking the course outside the United Kingdom notwithstanding whether that student has previously been considered by the Welsh Ministers to be undertaking their course within the United Kingdom.

(6) Paragraphs (4) and (5) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of Schedule 1.

(7) For the purposes of paragraph (3)(b) and (c), “loan” means a loan made under any provision of the student loans legislation.

(8) The Welsh Ministers may deem a person who has previously received a postgraduate master's degree loan under these Regulations in relation to a designated course to be an eligible student where the Welsh Ministers are of the view that the person had not been able to complete the designated course to which the previous postgraduate master's degree loan related due to compelling personal reasons.

(9) The Welsh Ministers may only exercise their discretion under paragraph (8) once in respect of a particular student.

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(13) S.S.I. 2007/151, as amended by S.S.I. 2007/503, S.S.I. 2008/206, S.S.I. 2009/188, S.S.I. 2009/309, S.S.I. 2012/72, S.S.I. 2013/80 and S.S.I. 2016/82.

(14) 2000 c. 14. There are amendments not yet in force (see the Regulation and Inspection of Social Care (Wales) Act 2016, section 185, Schedule 3, Part 2, paragraphs 40 and 43(d)).

(15) 2016 anaw 2. This provision is not yet in force.

## Designated courses

- 4.—(1) Subject to paragraphs (5) and (6), a course is a designated course for the purposes of section 22(1) of the 1998 Act and regulation 3 if it is—
- (a) a course which falls within paragraph (2);
  - (b) one of the following—
    - (i) wholly provided by a publicly funded institution;
    - (ii) provided by a publicly funded institution situated in the United Kingdom on behalf of a publicly funded institution; or
    - (iii) provided by a publicly funded institution in conjunction with an institution which is situated outside the United Kingdom;
  - (c) substantially provided in the United Kingdom; and
  - (d) a course which—
    - (i) leads 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(**16**); and
    - (ii) the teaching and supervision which comprise the course has been approved by that body.
- (2) For the purpose of paragraph (1)(a) the course must be one of the following—
- (a) a full-time course of one or two academic years' duration;
  - (b) a part-time course which is ordinarily possible to complete in no more than twice the period ordinarily required to complete its one or two academic year full-time equivalent; or
  - (c) a part-time course that does not have a full-time equivalent and which it is ordinarily possible to complete in up to three academic years.
- (3) For the purposes of paragraph (1)(b) and (c)—
- (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 course is substantially provided in the United Kingdom where at least half of the teaching and supervision which comprise the course is provided in the United Kingdom;
  - (c) a university and any constituent college or institution in the nature of a college of a university is to be regarded as publicly funded if either the university or the constituent college or institution is publicly funded;
  - (d) an institution is not to be regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(**17**); and
  - (e) a course is not to be regarded as provided on behalf of a publicly funded educational institution where a part of the course is provided by a private institution.
- (4) The designated course may, but need not, be a distance learning course.
- (5) A course is not a designated course for the purposes of regulation 3 if it is recognised as a designated course for the purposes of regulations 5 or 83 of the student support regulations.
- (6) For the purposes of section 22 of the 1998 Act(**18**) and regulation 3, the Welsh Ministers may designate courses of higher education which are not designated under paragraph (1).

(16) 1988 c. 40; section 214(2) was amended by the Further and Higher Education Act 1992 (c.13), section 93 and Schedule 8.

(17) 1992 c. 13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 27.

(18) 1998 c. 30.

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

### **Period of eligibility**

**5.**—(1) A student’s status as an eligible student is retained in connection with a designated course until the status terminates in accordance with this regulation or regulation 3.

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

(3) Subject to the following paragraphs and regulation 3, 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—

(a) the eligible student (“A”) withdraws from A’s designated course in circumstances where the Welsh Ministers are not obliged under regulation 6 to transfer A’s status as an eligible student to another course; or

(b) A abandons or is expelled from A’s designated course.

(5) The Welsh Ministers may terminate the period of eligibility where A has shown by A’s conduct that A is unfitted to receive a postgraduate master’s degree loan.

(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 a postgraduate master’s degree loan;

(c) treat any postgraduate master’s degree loan paid to the student as an overpayment which may be recovered under regulation 17.

(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.

### **Transfer of status**

**6.**—(1) Where an eligible student (“A”) transfers to another course, the Welsh Ministers must transfer A’s status as an eligible student to that course where—

(a) the Welsh Ministers receive a request from the eligible student to do so;

(b) the Welsh Ministers 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) on the recommendation of the academic authority A ceases one designated course and starts to undertake another designated course at the same institution; or

(b) A starts to undertake a designated course at another institution.

(3) Where A transfers under paragraph (1), A is entitled to receive in connection with the course to which A transfers, the remainder of the postgraduate master’s degree loan, if any, in accordance with regulation 13 and, where relevant, regulation 16, in respect of the course from which A transfers.

**Students becoming eligible during a course**

7. Where one of the events listed in regulation 8 occurs during the currency of a student's course, a student may qualify for a postgraduate master's degree loan, provided the student complies with the application provisions set out in Part 3.

**Events**

8. The events are—

- (a) the student's course becomes a designated course;
- (b) the student or the student's spouse, civil partner or parent is recognised as a refugee or becomes a person with leave to enter or remain;
- (c) a state accedes to the EU where the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;
- (d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EU national;
- (e) the student acquires the right of permanent residence;
- (f) the student becomes the child of a Turkish worker;
- (g) the student becomes a person described in paragraph 6(1)(a) of Schedule 1;
- (h) the student becomes the child of a Swiss national; or
- (i) the student commences a designated course after the start date of the designated course as the relevant academic authority has permitted the student to commence the course at this later start date.

## PART 3

### APPLYING FOR SUPPORT

**Applications for a postgraduate master's degree loan**

9.—(1) A person (“the applicant”) must apply for a postgraduate master's degree loan in connection with a designated course by completing and submitting to the Welsh Ministers an application in such form and accompanied by such documentation as the Welsh Ministers may require.

(2) The Welsh Ministers may take such steps and make such inquiries as they consider necessary to determine whether the applicant is an eligible student.

(3) The Welsh Ministers must notify the applicant of whether or not the applicant qualifies for a postgraduate master's degree loan.

**Time limits**

10.—(1) Subject to paragraph (3), the application must reach the Welsh Ministers no later than the end of the ninth month of the academic year during which it is submitted.

(2) Subject to paragraph (3), where the applicant is applying to amend the amount of the postgraduate master's degree loan under regulation 12(3), the application must reach the Welsh Ministers no later than the end of the ninth month of the academic year during which it is submitted.

(3) Paragraphs (1) or (2) do not apply where the Welsh Ministers consider that having regard to the circumstances of the particular case the time limit should not apply, in which case the application to amend the amount must reach the Welsh Ministers not later than such date as they specify in writing.

#### **Requirement to enter into a contract for a loan**

**11.**—(1) To receive a postgraduate master’s degree loan a student must enter into a contract with the Welsh Ministers on terms to be decided by the Welsh Ministers.

(2) Where the Welsh Ministers require a contract to be signed by a student, an electronic signature in such form as the Welsh Ministers may specify satisfies such a requirement.

### **PART 4**

### **THE LOAN**

#### **Amount of postgraduate master’s degree loan**

**12.**—(1) Subject to paragraph (2), a person may apply for a postgraduate master’s degree loan of up to £10,280 towards the costs of undertaking a designated course.

(2) Subject to regulation 16(5), where an eligible prisoner applies for a postgraduate master’s degree loan the amount of the loan must not exceed the lesser of—

- (a) the fees payable in respect of the course, and
- (b) £10,280.

(3) Except where regulation 16(5) to (6) applies an eligible student may apply to the Welsh Ministers to amend the amount of postgraduate master’s degree loan for which the student has applied, provided that—

- (a) in aggregate, the amounts of postgraduate master’s degree loan applied for do not exceed the applicable amounts set out in paragraphs (1) and (2);
- (b) such application is made in accordance with regulation 10(2).

(4) If the Welsh Ministers have determined under regulation 9(2) that the applicant is an eligible student, the Welsh Ministers must pay the amount the eligible student has applied for and for which the eligible student qualifies in accordance with regulation 13, provided that the amount applied for is in accordance with paragraphs (1) or (2), as applicable.

#### **Payment of postgraduate master’s degree loan**

**13.**—(1) The Welsh Ministers may pay the postgraduate master’s degree loan for which a student qualifies under these Regulations—

- (a) either as a lump sum or by instalments; and
- (b) at such times, and in such manner, as the Welsh Ministers consider appropriate.

(2) The Welsh Ministers may make it a condition of entitlement to payment that the eligible student must provide the Welsh Ministers with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(3) In the case of an eligible prisoner, the Welsh Ministers must pay the postgraduate master’s degree loan for which an eligible prisoner qualifies to the institution to which the eligible prisoner is liable to make payment for the fees payable in connection with the designated course or to such third party that the Welsh Ministers consider appropriate for the purpose of ensuring the payment of such fees to the relevant institution.

(4) The Welsh Ministers must not pay the postgraduate master's degree loan or any instalment of the loan for which an eligible student qualifies unless they have received from the relevant academic authority confirmation (in such form as may be required by the Welsh Ministers) of the student's attendance on the designated course.

(5) The academic authority must forthwith inform the Welsh Ministers and provide the Welsh Ministers with particulars if the student withdraws, is suspended or is expelled from the designated course, or is otherwise absent.

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

### **Provision of United Kingdom national insurance number**

14.—(1) The Welsh Ministers may make it a condition of entitlement to payment of the postgraduate master's degree loan or any instalment of the loan that an eligible student must provide the Welsh Ministers with the student's United Kingdom national insurance number.

(2) Subject to paragraph (3), where the Welsh Ministers have imposed a condition under paragraph (1), they must not make payment of the postgraduate master's degree loan or any instalment of the loan to the eligible student, or in the case of an eligible prisoner to the institution or relevant third party, before they are satisfied that the eligible student has complied with that condition.

(3) Despite paragraph (2), the Welsh Ministers may make payment of the postgraduate master's degree loan or any instalment of the loan to an eligible student if they are satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible student having complied with the condition imposed under paragraph (1).

### **Absence from course**

15.—(1) Subject to paragraphs (2) to (4), if the Welsh Ministers receive notice under regulation 13(5) or paragraph 2(a) to (d) of Schedule 2 to these Regulations, the Welsh Ministers may not make any further payment of the postgraduate master's loan in respect of the eligible student to which the notice relates.

(2) Further payments may be made despite the student's lack of attendance if, in the opinion of the Welsh Ministers, those payments would be appropriate in all the circumstances during the student's absence.

(3) If the eligible student recommences the designated course the student must notify the Welsh Ministers and give full details of the length and cause of the preceding absence.

(4) After considering the student's notification under paragraph (3), the Welsh Ministers may recommence any remaining payments of the postgraduate master's loan under regulation 13, if, in the opinion of the Welsh Ministers, it would be appropriate in all the circumstances for such payment to be made.

### **Effect of becoming, or ceasing to be, an eligible prisoner**

16.—(1) Paragraph (2) applies where an eligible student who is in receipt of a postgraduate master's degree loan becomes an eligible prisoner and continues to undertake a designated course.

(2) The Welsh Ministers must—

(a) adjust future payment of the postgraduate master's degree loan or future instalments of the postgraduate master's degree loan, so that the total of the postgraduate master's degree

loan awarded does not exceed the amount to which the student, as an eligible prisoner, is entitled to under regulation 12(2); and

- (b) pay any remaining sum of the postgraduate master's degree loan, or any future instalments of the postgraduate master's degree loan, in accordance with regulation 13(3).

(3) Paragraphs (4) to (6) apply where an eligible prisoner who is in receipt of a postgraduate master's degree loan ceases to be an eligible prisoner and remains an eligible student, and continues to undertake a designated course.

(4) The Welsh Ministers must pay the remaining sum of the postgraduate master's degree loan, or future instalments of the postgraduate master's degree loan, if any, in accordance with regulation 13(1).

(5) Where an eligible student ("A") ceases to be an eligible prisoner and would have qualified for a higher amount of postgraduate master's degree loan had A not been an eligible prisoner when A's loan application was originally determined in accordance with these Regulations, A may, subject to paragraph (6), apply for the amount of loan to be increased.

(6) The maximum amount of the increase in A's postgraduate master's degree loan for which A may apply under paragraph (5) is the amount which is calculated by reference to the following formula—

$$\frac{(F - R)}{M} \times T$$

where—

F equals the amount which A would have qualified for if A had not been an eligible prisoner;

R equals the amount which A qualifies for as an eligible prisoner;

T is the number of days of the course which remain when A ceases to be an eligible prisoner beginning with the day after the day on which A ceases to be an eligible prisoner; and

M is the total number of the days of the duration of the course.

### **Overpayments of a postgraduate master's degree loan**

**17.—(1)** Any overpayment of a postgraduate master's degree loan is recoverable by the Welsh Ministers from—

- (a) the institution or third party which received the monies of the postgraduate master's degree loan where payment was made to such institution or third party; or
- (b) the student who received the postgraduate master's degree loan.

(2) A student must, if so required by the Welsh Ministers, repay any amount of the postgraduate master's degree loan paid to the student or paid in respect of the student, which for whatever reason exceeds the amount of loan to which the student is entitled.

(3) An overpayment of a postgraduate master's degree loan may be recovered from a student under paragraph (1)(b) in whichever one or more of the following ways the Welsh Ministers consider appropriate in all the circumstances—

- (a) by subtracting the overpayment from any amount of the postgraduate master's degree loan which remains to be paid;
- (b) by subtracting the overpayment from any kind of grant or loan payable to the student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;
- (c) by requiring the student to repay the postgraduate master's loan in accordance with regulations made under section 22 of the 1998 Act;

(d) by taking such other action for the recovery of an overpayment as is available to them.

### **Repayment**

**18.—(1)** The Welsh Ministers may at any time require an applicant or eligible student to enter into an agreement to repay a postgraduate master’s degree loan by a particular method.

(2) Where the Welsh Ministers have required an agreement as to the method of repayment under this regulation, the Welsh Ministers may withhold any payment of a postgraduate master’s degree loan until the applicant or eligible student provides what has been required.

## PART 5

### INFORMATION REQUIREMENTS

#### **Information requirements**

**19.—(1)** Schedule 2 applies in respect of the provision of information by an applicant and an eligible student.

(2) The Welsh Ministers may at any time request from an applicant or eligible student information that the Welsh Ministers consider is required to recover a postgraduate master’s degree loan.

(3) The Welsh Ministers may at any time request from an applicant or eligible student sight of their valid national identity card, valid passport issued by the state of which they are a national or their birth certificate.

(4) Where the Welsh Ministers have requested information under this regulation, the Welsh Ministers may withhold any payment of a postgraduate master’s degree loan until the applicant or eligible student provides what has been requested or provides a satisfactory explanation for not complying with the request.

*Kirsty Williams*  
Cabinet Secretary for Education, one of the  
Welsh Ministers

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