

---

WELSH STATUTORY INSTRUMENTS

---

**2018 No. 191 (W. 42)**

**EDUCATION, WALES**

**The Education (Student Support) (Wales) Regulations 2018**

*Made* - - - - 14 February 2018  
*Laid before the National  
Assembly for Wales* - - 16 February 2018  
*Coming into force* - - 12 March 2018

The Welsh Ministers, in exercise of powers conferred on the Secretary of State under sections 22 and 42(6) of the Teaching and Higher Education Act 1998 <sup>M1</sup> and now exercisable by them <sup>M2</sup>, make the following Regulations:

**Marginal Citations**

- M1** 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”.
- M2** The Secretary of State's functions in section 22(2)(a) to (i) and (k) were transferred to the National Assembly for Wales so far as they relate to making provision in relation to Wales by section 44 of the Higher Education Act 2004 (c. 8), with subsections (a),(c) and (k) being exercisable concurrently with the Secretary of State. The Secretary of State's function in section 42 was transferred, in so far as exercisable in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, article 2 Schedule 1 (SI 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

**PART 1 E+W**

**TITLE, COMMENCEMENT AND APPLICATION**

**Title and commencement E+W**

1.—(1) The title of these Regulations is the Education (Student Support) (Wales) Regulations 2018.

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

(2) These Regulations come into force on 12 March 2018.

### Application **E+W**

2.—(1) These Regulations apply in relation to Wales.

(2) These Regulations apply to the provision of support to students in relation to a course which begins on or after 1 August 2018 regardless of whether anything done under these Regulations is done before, on or after 1 August 2018.

(3) But these Regulations do not apply to the provision of support to students in relation to such a course if—

- (a) the course is one in relation to which the student's status has transferred under regulation 8, 75, 102 or 114 of, or paragraph 11 of Schedule 4 to, the Education (Student Support) (Wales) Regulations 2017 (“the 2017 Regulations”) <sup>M3</sup>, or
- (b) the course is an end-on course within the meaning of the 2017 Regulations.

(4) For provision about support provided to students in relation to a course—

- (a) to which paragraph (3) applies, or
- (b) which begins before 1 August 2018,

see the 2017 Regulations as amended by Schedule 6 to these Regulations.

#### Marginal Citations

**M3** [S.I. 2017/47](#) (W.21).

## PART 2 **E+W**

### OVERVIEW

#### **E+W**

3.—(1) The remaining Parts of these Regulations are arranged as follows.

(2) Part 3 introduces 2 Schedules—

- (a) Schedule 1, which contains provisions about the interpretation of certain key terms, and
- (b) Schedule 7, which contains an index of the terms defined in these Regulations.

(3) Part 4 comprises 2 Chapters containing provision about the key concepts which determine eligibility for support under these Regulations—

- (a) Chapter 1 makes provision about determining whether a course is designated for the purposes of these Regulations and is therefore a course in respect of which a student may be eligible for support;
- (b) Chapter 2 comprises 5 Sections making provision about how a student undertaking a designated course may be eligible for support under these Regulations—
  - (i) Section 1 sets out the criteria for determining whether a student is eligible for support (see in particular Schedule 2 which sets out the categories of eligible student) and includes provision about the exceptions which may mean that a student is not eligible;
  - (ii) Section 2 makes provision about the period for which a student may remain eligible for support, including in cases where a student undertakes more than one course;

- (iii) Section 3 sets out the rules for the early termination of a student's eligibility, for example as a result of the student's misconduct;
  - (iv) Section 4 sets out the restrictions on support available under these Regulations in cases where a student has undertaken previous study, such as a previous degree;
  - (v) Section 5 deals with cases where a student transfers from one designated course to another, including provision about reassessing the amount payable to a student in such circumstances and provision dealing with cases where a student transfers from full-time study to part-time and *vice versa*.
- (4) Part 5 makes administrative provision about—
- (a) applications for support under these Regulations;
  - (b) requirements imposed on applicants and eligible students to provide information;
  - (c) contracts for loans applied for under these Regulations.
- (5) Part 6 make provision about tuition fee loans including provision about—
- (a) the qualifying conditions that a student must meet in order to qualify for a tuition fee loan, and
  - (b) the amounts of loan available to various categories of eligible student.
- (6) Part 7 comprises 4 Chapters containing provision about the main grant support available to eligible students in respect of living and study costs, in particular—
- (a) Chapter 1 sets out the qualifying conditions that must be met for a student to qualify for a grant under Chapters 2 or 3;
  - (b) Chapter 2 makes provision about base grant, specifying the amount of base grant available;
  - (c) Chapter 3 makes provision about maintenance grant, including provision about—
    - (i) the amount of grant available;
    - (ii) how the amount of grant available is reduced in relation to the household income of the student (see Schedule 3 for provision about how to calculate household income);
    - (iii) cases where a student's household income is not relevant and the maximum amount of grant is available;
  - (d) Chapter 4 contains provisions determining when an amount of grants payable under this Part may be classified as special support as a result of the student satisfying certain conditions in connection with entitlement to benefits or credits, including provision specifying the amount to be so classified.
- (7) Part 8 makes provision about maintenance loans including provision about—
- (a) the maximum amount of loan available;
  - (b) how the maximum amount of loan available is to be reduced in relation to the amount of maintenance grant payable to an eligible student.
- (8) Part 9 makes provision about disabled student's grant which is a grant available to certain eligible students with a disability undertaking a designated course in respect of certain additional costs set out in the Part which are incurred by reason of the student's disability.
- (9) Part 10 makes provision about grants for travel costs incurred by certain eligible students.
- (10) Part 11 comprises 5 Chapters about additional grants available to eligible students with dependants (“grants for dependants” or “GfDs”), in particular—
- (a) Chapter 1 sets out what the 3 GfDs are and includes provision about the qualifying conditions and defined terms common to each of the GfDs;

---

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

---

- (b) Chapter 2 makes provision about adult dependants grant including provision about the qualifying criteria and the maximum amount of grant available;
  - (c) Chapter 3 makes similar provision in respect of parents' learning grant;
  - (d) Chapter 4 makes provision about childcare grant including provision about the qualifying conditions, the types of childcare for which support is available and how to calculate the maximum amount of childcare grant available;
  - (e) Chapter 5 sets out how to calculate the amount of GfDs payable to a student, including reducing the amount payable by reference to income (see Schedule 3 for provision about calculating income for the purposes of these provisions).
- (11) Part 12 makes provision about cases where a student may become eligible for support under these Regulations after the academic year has begun.
- (12) Part 13 comprises 4 Chapters about payments, overpayments and the recovery of overpayments, in particular—
- (a) Chapter 1 makes provision permitting payments to be made on the basis of provisional decisions;
  - (b) Chapter 2 makes provision about the payment of tuition fee loans, including provision about when the loan may be paid and the requirements to be met before payments are made;
  - (c) Chapter 3 makes similar provision in respect of the payment of grants or maintenance loans;
  - (d) Chapter 4 makes provision about overpayments, including provision specifying what constitutes an overpayment and how an overpayment may be recovered.
- (13) Part 14 comprises 2 Chapters about restrictions on payments and amounts that may be payable to an eligible student, in particular—
- (a) Chapter 1 sets out restrictions on the payment of grants and maintenance loans, including provision about—
    - (i) requiring bank account details prior to payments being made;
    - (ii) calculating the reduction in an amount payable as a result of a period of absence;
    - (iii) calculating the reduction in an amount payable as a result of eligibility ending or being terminated;
  - (b) Chapter 2 sets out restrictions on the payment of loans, including provision—
    - (i) restricting payment of a loan if the student fails to provide a National Insurance number;
    - (ii) withholding payment of a loan if the student fails to provide certain requested information.
- (14) Part 15 introduces Schedule 4 which makes provision about disabled postgraduate student's grant, which is a grant available to certain postgraduate students undertaking a designated postgraduate course in respect of living costs which are incurred by reason of the student's disability.
- (15) Part 16 introduces Schedule 5 which makes provision about loans available for college fees payable by certain students undertaking certain courses at the University of Oxford or the University of Cambridge (Oxbridge college fee loans).
- (16) Part 17 introduces Schedule 6 which contains amendments to the 2017 Regulations.

## PART 3 E+W

### INTERPRETATION AND INDEX

#### Interpretation and index E+W

4.—(1) Schedule 1 makes provision about the interpretation of certain key terms for the purposes of these Regulations.

(2) Schedule 7, which is the final Schedule to these Regulations, contains the index of defined terms.

## PART 4 E+W

### KEY CONCEPTS

#### CHAPTER 1 E+W

### DESIGNATED COURSES

#### Designated courses E+W

5. In these Regulations (and for the purposes of section 22 of the Teaching and Higher Education Act 1998 (“the 1998 Act”)), a course is a designated course if it—

- (a) satisfies each of the conditions in regulation 6(1), and
- (b) does not fall within any of the exceptions in regulation 7(1).

#### Designated courses – conditions E+W

6.—(1) The conditions are—

##### *Condition 1*

The course is one of the following—

- (a) a first degree course;
- (b) a course for the Diploma of Higher Education;
- (c) a course for the Higher National Diploma or Higher National Certificate of—
  - (i) the Business and Technology Education Council, or
  - (ii) the Scottish Qualification Authority;
- (d) a course for the certificate of Higher Education;
- (e) a course for the initial training of teachers;
- (f) a course for the further training of youth and community workers;
- (g) a course in preparation for a professional examination of a standard higher than that of—
  - (i) an examination at advanced level for the General Certificate of Education or at higher level for the Scottish Certificate of Education, or
  - (ii) an examination for the National Certificate or the National Diploma of either of the bodies mentioned in paragraph (c),so long as a first degree (or equivalent qualification) is not normally required for entry to the course;
- (h) a course—

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

- (i) providing education (whether or not in preparation for an examination) the standard of which is higher than that of a course mentioned in paragraph (g) but not higher than that of a first degree course, and
- (ii) for entry to which a first degree (or equivalent qualification) is not normally required.

*Condition 2*

The course is either—

- (a) a full-time course,
- (b) a sandwich course, or
- (c) a part-time course.

*Condition 3*

The duration of the course is at least one academic year.

*Condition 4*

Where the course is a full-time course, it is provided by—

- (a) a recognised educational institution (whether alone or in conjunction with an institution situated outside the United Kingdom),
- (b) a charity within the meaning given by section 1 of the Charities Act 2011 <sup>M4</sup> on behalf of a Welsh regulated institution, or
- (c) a publicly funded institution on behalf of an English regulated institution.

Where the course is a part-time course, it is provided by a publicly funded institution (whether alone or in conjunction with an institution situated outside the United Kingdom).

*Condition 5*

At least half of the teaching and supervision which comprise the course is provided in the United Kingdom.

*Condition 6*

The course 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 <sup>M5</sup> unless the course falls within paragraph (c) or (e) of Condition 1.

(2) For the purposes of Condition 4—

- (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 constituent institution in the nature of a college, of a university is regarded as a recognised educational institution if either the university or the constituent college or institution is a recognised educational institution;
- (c) an institution is not regarded as a recognised educational institution by reason only that it is a connected institution within the meaning of section 65(3B) of the Further and Higher Education Act 1992 which receives from the governing body of another institution the whole or part of any grants, loans or other payments provided to that other institution in accordance with section 65(3A) of that Act <sup>M6</sup>.

(3) In this regulation, if paragraph (4) applies to a course, it is considered to be a single course for a first degree (or equivalent qualification) even if the course leads to another degree or qualification being conferred before the degree (or equivalent qualification) (regardless of whether part of the course is optional).

- (4) This paragraph applies to a course—
- (a) the standard of which is not higher than a first degree, and
  - (b) which leads to a qualification as a medical doctor, dentist, veterinary surgeon, architect, landscape architect, landscape designer, landscape manager, town planner or town and country planner.

#### Marginal Citations

- M4** 2011 c. 25.
- M5** 1988 c.40; section 214(2) was amended by the [Further and Higher Education Act 1992 \(c. 13\)](#), [section 93](#) and Schedule 8.
- M6** 1992 c. 13; subsections (3B) and (3A) of section 65 were inserted by the [Teaching and Higher Education Act 1998 \(c.30\)](#), [section 27](#).

#### Designated courses – exceptions **E+W**

- 7.—(1) The exceptions are—

##### *Exception 1*

A course taken as part of an employment-based teacher training scheme.

##### *Exception 2*

A course falling within paragraph (g) or (h) of Condition 1 of regulation 6(1) if the governing body of a maintained school has arranged for the provision of the course to a pupil of the school.

- (2) For the purposes of Exception 1, “employment-based teacher training scheme” means—
- (a) a scheme established by the Welsh Ministers under Regulation 8 of the Education (School Teachers' Qualifications) (Wales) Regulations 2004<sup>M7</sup> or under Regulation 8 of the School Teachers' Qualifications (Wales) Regulations 2012<sup>M8</sup> whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a maintained school, independent school or other institution except a pupil referral unit;
  - (b) a scheme established by the Secretary of State whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a school, city college, Academy, independent school or other institution except a pupil referral unit.
- (3) For the purposes of Exception 2, “maintained school” means—
- (a) a community, foundation or voluntary school,
  - (b) a community or foundation special school, or
  - (c) a maintained nursery school.

#### Marginal Citations

- M7** [S.I. 2004/1729](#) (W. 173), as amended by [S.I. 2007/2811](#) (W. 238), [S.I. 2008/215](#) (W. 26) and [S.I. 2010/1142](#) (W.101). [S.I. 2004/1729](#) was revoked, with savings, by [S.I. 2012/724](#) (W. 96).
- M8** [S.I. 2012/724](#) (W. 96)

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

## Designation of other courses **E+W**

8.—(1) The Welsh Ministers may specify that a course is to be treated as a designated course despite the fact that, but for the specification, it would not otherwise be a designated course<sup>M9</sup>.

(2) The Welsh Ministers may suspend or revoke the specification of a course made under paragraph (1).

### Marginal Citations

**M9** See <http://www.studentfinancewales.co.uk/practitioners/policy-information/designated-courses.aspx> for a list of designated courses specified, suspended or revoked by the Welsh Ministers under this regulation.

## CHAPTER 2 **E+W**

### ELIGIBILITY

#### SECTION 1

#### *Eligible students*

## Eligible students **E+W**

9.—(1) A person is an eligible student in connection with a designated course that the person is undertaking if—

- (a) the person falls within one of the categories of persons set out in Schedule 2 and none of the exceptions set out in regulation 10 apply to the person, or
- (b) the person's circumstances fall within one of the cases set out in regulation 11.

(2) A person may, at any given time, be an eligible student only in connection with one designated course.

## Eligible students - exceptions **E+W**

10.—(1) A person (“P”) is not an eligible student if any of the following exceptions applies—

### *Exception 1*

Where the designated course is a full-time course, an award within the meaning of the Education (Mandatory Awards) Regulations 2003<sup>M10</sup> has been bestowed on P in respect of the course.

### *Exception 2*

Where the designated course is a full-time course, P is eligible for a loan in relation to an academic year of the designated course under the Education (Student Loans) (Northern Ireland) Order 1990<sup>M11</sup>.

### *Exception 3*

In respect of P undertaking the designated course, P has been bestowed or paid—

- (a) where the course is a full-time course—
  - (i) a healthcare bursary, the amount of which is not calculated by reference to P's income (unless it is a bursary grant for living costs), or
  - (ii) an allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007<sup>M12</sup>;



- (b) where the course is a part-time course—
- (i) a healthcare bursary (whether or not calculated by reference to P's income),
  - (ii) an allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007, or
  - (iii) a Scottish healthcare allowance (whether or not calculated by reference to P's income).

*Exception 4*

P is in breach of an obligation to repay a student loan.

*Exception 5*

P has reached the age of 18 and has not ratified an agreement for a student loan made with P when P was under 18.

*Exception 6*

The Welsh Ministers think that P's conduct is such that P is not fit to receive support.

*Exception 7*

P is a prisoner.

But P may be an eligible student despite being a prisoner if—

- (a) P's application for support is in respect of the academic year during which P enters or is released from prison,
  - (b) P's present course is a full-time end-on course, or
  - (c) P has been authorised by the prison Governor or Director or other appropriate authority to study the present course and P's earliest release date is within 6 years of the first day of the first academic year of the course.
- (2) In Exception 3, “bursary grant for living costs” is a grant for living costs made available under the NHS Wales Bursary Scheme.
- (3) In Exceptions 4 and 5, “student loan” means a loan made under—
- (a) the Education (Student Loans) Act 1990 <sup>M13</sup>;
  - (b) the Education (Scotland) Act 1980;
  - (c) the Education (Student Loans) (Northern Ireland) Order 1990 <sup>M14</sup>;
  - (d) the Education (Student Support) (Northern Ireland) Order 1998 <sup>M15</sup>;
  - (e) regulations made under any of those Acts or Orders;
  - (f) these Regulations or any other regulations made under the 1998 Act.
- (4) In these Regulations—
- “healthcare bursary” (“*bwrsari iechyd*”) means a bursary or award of similar description under—
- (a) section 63(6) of the Health Services and Public Health Act 1968 <sup>M16</sup>, but not a payment made out of the Learning Support Fund;
  - (b) Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972 <sup>M17</sup>;
- “Learning Support Fund” (“*Cronfa Cymorth Dysgu*”) means the fund made available by NHS England to certain students in respect of qualifying healthcare courses;
- “Scottish healthcare allowance” (“*lwfans gofal iechyd yr Alban*”) means an allowance under sections 73(f) and 74(1) of the Education (Scotland) Act 1980 <sup>M18</sup> granted in respect of P

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

attending a course leading to a qualification in a healthcare profession other than that of a medical doctor or dentist.

#### Marginal Citations

- M10** S.I. 2003/1994, amended by SI 2004/1038, S.I. 2004/1792, S.I. 2005/2083, S.I. 2005/3137, S.I. 2005/3482, S.I. 2006/930, S.I. 2007/1629, S.I. 2008/1477, S.I. 2010/1142 (W.101), S.I. 2010/1172, S.I. 2011/1043, S.I. 2014/107, S.I. 2016/211 and the Education Act 2005 section 74.
- M11** 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 (NI) 1998 No 306.
- M12** 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. 2017/180.
- M13** 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).
- M14** 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 (NI) 1998 No 306.
- M15** S.I. 1998/1760 (N.I. 14).
- M16** 1968 c.46.
- M17** S.I. 1972/1265 (N.I. 14).
- M18** 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)** and section 74 was amended by the Self Governing Schools etc. (Scotland) Act 1989 (c. 39), **section 82** and Schedule 10, paragraph 8(17).

#### Eligible students continuing on a course **E+W**

- 11.—(1) Paragraph (2) applies to a person (“P”) if—
- P's circumstances fall within one of the cases in paragraph (3), and
  - Exception 3 in Regulation 10 does not apply in respect of the year for which P is applying for support.
- (2) Where this paragraph applies, P is an eligible student and accordingly—
- P need not fall within any of the categories of student set out in Schedule 2, and
  - none of the exceptions set out in Regulation 10 (other than Exception 3) prevent P from being an eligible student.
- (3) The cases are—

##### Case 1

- P was an eligible student in connection with an earlier academic year of P's present course, and
- P was ordinarily resident in Wales on the first day of the first academic year of that course.

##### Case 2

- P's present course is an end-on course,
- P was an eligible student in connection with the course (the “earlier course”) in relation to which P's present course is an end-on course,

- (c) P's period of eligibility for the earlier course ended only because P had completed that earlier course, and
- (d) P was ordinarily resident in Wales on the first day of the first academic year of the earlier course.

#### Case 3

- (a) P was an eligible student in connection with a designated course (the “earlier course”) other than the present course,
- (b) P's status as an eligible student in connection with the earlier course has been transferred to the present course (see Section 5), and
- (c) P was ordinarily resident in Wales on the first day of the first academic year of the earlier course.

## SECTION 2

### Period of eligibility

#### Period of eligibility – general rule **E+W**

**12.**—(1) A student's status as an eligible student in connection with a designated course is retained until the end of the student's period of eligibility unless terminated in accordance with regulation 19, 20, 22 or 23.

(2) A student's period of eligibility ends at the end of the academic year in which the student completes the designated course.

(3) But if—

- (a) the designated course is a full-time or sandwich course, and
- (b) regulation 14, 15 or 16 applies to the student,

the student's period of eligibility for the course is restricted to the maximum period of eligibility specified in the applicable regulation for the category of support specified in that regulation.

(4) Where a student's eligibility for support is restricted under regulation 14, 15 or 16 so that the number of academic years in respect of which the category of support specified in the regulation in question is available is less than the ordinary duration of the present course, the category of support so specified is available in respect of the latest academic years of the course.

#### Part-time courses – no eligibility for years of low intensity study **E+W**

**13.** Where an eligible student is undertaking a part-time course, the student is not eligible for support under these Regulations in respect of an academic year where the intensity of study for that year is less than 25% (see paragraph 5 of Schedule 1 for how to calculate the intensity of study for an academic year).

#### Maximum period of eligibility – tuition fee loans and grants for new students **E+W**

**14.**—(1) This regulation applies to an eligible student who—

- (a) is undertaking a full-time or sandwich course, and
- (b) has not undertaken a previous course.

(2) Where this regulation applies, the maximum period of eligibility for a tuition fee loan, a base grant, a maintenance grant [<sup>F1</sup>or] a grant for travel <sup>F2</sup>... is the period calculated as follows—

Ordinary duration of the present course.

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

*Plus*

Number of academic years repeated by the eligible student for compelling personal reasons.

*Plus*

One year.

#### Textual Amendments

- F1** Word in reg. 14(2) substituted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **3(a)**
- F2** Words in reg. 14(2) omitted (30.7.2018) by virtue of [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **3(b)**

#### Maximum period of eligibility – tuition fee loans and specified grants for students who undertook a previous course **E+W**

**15.**—(1) This regulation applies to an eligible student who—

- (a) is undertaking a full-time or sandwich course, and
- (b) has undertaken a previous course.

(2) Where this regulation applies, the maximum period of eligibility for a tuition fee loan, a base grant, a maintenance grant or a grant for travel is the period calculated as follows—

Ordinary duration of the present course.

*Plus*

Number of academic years repeated by the eligible student for compelling personal reasons.

*Plus*

One year.

*Less*

Number of academic years undertaken by the eligible student on the previous course or courses (if the student has undertaken more than one previous course).

But no deduction is to be made if the student is a teacher training student or is undertaking an accelerated graduate entry course.

(3) If the eligible student did not successfully complete the latest previous course for compelling personal reasons—

- (a) one additional year is to be added to the calculation made under paragraph (2), and
- (b) a further additional year may be added if the Welsh Ministers think it appropriate to do so having regard to those reasons.

(4) If the Welsh Ministers determine that regulation 18 applies to a student, they may add one or more additional years to the calculation made under paragraph (2) as they think appropriate.

(5) Where this regulation and regulation 16 apply to an eligible student, the student's maximum period of eligibility for a—

- (a) tuition fee loan,
- (b) base grant,
- (c) maintenance grant, or
- (d) grant for travel.

is to be calculated in accordance with regulation 16.

(6) In paragraph (2), “teacher training student” means a student who is not a qualified teacher undertaking a full-time course for the initial training of teachers the duration of which is no more than 2 years.

### Maximum period of eligibility – tuition fee loans and grants for certain continuing students **E+W**

16.—(1) This regulation applies to—

- (a) an eligible student whose present course is a full-time end-on course (the course in relation to which the present course is an end-on course being referred to in paragraph (2) as the “preliminary course”);
- (b) an eligible student—
  - [<sup>F3</sup>(i) who has completed a relevant course (the “preliminary course”),]
  - (ii) whose present course is 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 preliminary course, and
  - (iii) who has not undertaken a full-time first degree course after the preliminary course and before the present course;
- (c) an eligible student—
  - (i) who has completed a full-time foundation degree course [<sup>F4</sup>or ordinary degree course] (the “preliminary course”),
  - (ii) whose present course is a full-time honours degree course that the student did not begin immediately after the preliminary course, and
  - (iii) who has not undertaken a full-time first degree course after the preliminary course and before the present course.

(2) Where this regulation applies, the maximum period of eligibility for a tuition fee loan, a base grant, a maintenance grant [<sup>F5</sup>or], a grant for travel <sup>F6</sup>... is the period calculated as follows—

The greater of three years or the ordinary duration of the present course.

*Plus*

The greater of one year or the ordinary duration minus one year of the preliminary course (or preliminary courses in total if the student completed more than one course which is to be treated as a preliminary course).

*Less*

Number of academic years undertaken by the eligible student on the preliminary course (or preliminary courses) excluding years repeated by the eligible student for compelling personal reasons.

(3) If the Welsh Ministers determine that regulation 18 applies to a student, they may add one or more additional years to the calculation made under paragraph (2) as they think appropriate.

[<sup>F7</sup>(4) In paragraph (1)(b)(i), “relevant course” means a full-time course for the—

- (a) Diploma of Higher Education,
- (b) Certificate of Higher Education, or
- (c) Higher National Diploma or Higher National Certificate of either the Business and Technology Education Council or the Scottish Qualification Authority.]

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

### Textual Amendments

- F3** Reg. 16(1)(b)(i) substituted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **4(a)**
- F4** Words in reg. 16(1)(c)(i) inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **4(b)**
- F5** Word in reg. 16(2) substituted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **4(c)(i)**
- F6** Words in reg. 16(2) omitted (30.7.2018) by virtue of [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **4(c)(ii)**
- F7** Reg. 16(4) inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **4(d)**

### Maximum period of eligibility – interpretation **E+W**

17.—(1) For the purposes of regulations 12 and 14 to 16, the “ordinary duration” of a course is the number of academic years ordinarily required to complete it.

(2) For the purposes of calculating—

- (a) a student's maximum period of eligibility under regulation 14(2), 15(2) or 16(2), or
- (b) whether a student's period of eligibility has ended,

any part-year undertaken by the student is to be counted as a whole academic year.

(3) In regulations 14 and 15, “previous course” means a course which—

- (a) is—
  - (i) a full time higher education course, or
  - (ii) a part-time course for the initial training of teachers, that the student began to undertake before the present course,
- (b) meets one of the conditions set out in paragraph (4), and
- (c) is not excluded from being a previous course by virtue of paragraph (5), (6) or (7).

(4) The conditions are—

#### *Condition 1*

The course is provided by an institution in the United Kingdom which was a recognised educational institution for some or all of the academic years during which the student undertook the course.

#### *Condition 2*

The course is one in relation to which—

- (a) a scholarship, exhibition, bursary, grant, allowance or award of any description was paid in respect of the student undertaking the course to defray fees, and
  - (b) the payment was provided by a publicly funded institution.
- (5) A course which falls within paragraph (3)(a) and (b) is nevertheless not a previous course if—
- (a) the present course is a full-time course for the initial training of teachers of no more than two years duration, and
  - (b) the student is not a qualified teacher.

(6) A course for the Certificate in Education which falls within paragraph (3)(a) and (b) is nevertheless not a previous course if—

- (a) the present course is a course for the degree (including an honours degree) of Bachelor of Education, and
  - (b) the student—
    - (i) transferred to the present course from the course for the Certificate in Education before the completion of that course, or
    - (ii) began the present course on completion of the course for the Certificate in Education.
- (7) A course for the degree (other than an honours degree) of Bachelor of Education is not a previous course if—
- (a) the present course is a course for the honours degree of Bachelor of Education, and
  - (b) the student—
    - (i) 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
    - (ii) began the present course on completion of the course for the degree (other than an honours degree) of Bachelor of Education.

#### **Extension of maximum period where student receives incorrect notification** E+W

- 18.**—(1) This regulation applies to an eligible student (“P”)—
- (a) whose maximum period of eligibility is to be calculated in accordance with regulation 15 or 16,
  - (b) who has provided all the information required by the Welsh Ministers in relation to—
    - (i) a previous course undertaken by P, and
    - (ii) any qualifications held by P, and
  - (c) who has received a notification from the Welsh Ministers stating an incorrect maximum period of eligibility.
- (2) But this regulation does not apply if the notification is incorrect because the information provided by P was materially inaccurate.

### *SECTION 3*

#### *Termination of eligibility*

#### **Early termination of eligibility** E+W

- 19.**—(1) An eligible student's (“P's”) period of eligibility terminates at the end of the day on which—
- (a) P withdraws from P's designated course and the Welsh Ministers do not transfer P's status as an eligible student under regulation 28, or
  - (b) P abandons or is expelled from P's designated course.
- (2) Where—
- (a) an eligible student's (“P's”) designated course is a distance learning course, and
  - (b) P undertakes the course outside the United Kingdom,

P's period of eligibility terminates at the beginning of the first day on which P undertakes the course outside the United Kingdom.

- (3) But paragraph (2) does not apply where P is undertaking a distance learning course outside the United Kingdom because P or a close relative of P is serving as a member of the armed forces.

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

### **Misconduct and failure to provide accurate information** E+W

**20.**—(1) The Welsh Ministers may terminate an eligible student's period of eligibility if they are satisfied that the student's conduct is such that the student is no longer fit to receive support.

- (2) Paragraph (3) applies if the Welsh Ministers are satisfied that an eligible student—
- (a) has failed to comply with a requirement to provide information or documentation under these Regulations, or
  - (b) has provided information or documentation which was materially inaccurate.
- (3) Where this paragraph applies, the Welsh Ministers may—
- (a) terminate the student's period of eligibility;
  - (b) determine that the student does not qualify for a particular category of support or amount of such support.

### **Reinstatement of eligibility after termination** E+W

**21.**—(1) Where a student's period of eligibility terminates under regulation 19 or 20 during the academic year in which the student completes the present course, the Welsh Ministers may reinstate the student's period of eligibility for such period as they think appropriate.

(2) But a reinstated period of eligibility may not extend beyond the end of the maximum period of eligibility calculated in accordance with Section 2 of this Chapter.

### **Refugees who cease to have leave to remain** E+W

- 22.**—(1) This regulation applies where—
- (a) a person (“P”) was a Category 2 eligible student (see Schedule 2) in connection with an application for support—
    - (i) for an earlier year of the present course,
    - (ii) for a full-time course in relation to which the present course is a full-time end-on course, or
    - (iii) for a course from which P's status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and
  - (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the refugee status of—
    - (i) P, or
    - (ii) the person whose status as a refugee meant that P was a Category 2 eligible student, 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)

(2) Where this regulation applies, P's status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.

(3) In this regulation, “refugee” has the meaning given by paragraph 11 of Schedule 2.

#### **Marginal Citations**

**M19** 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, the [Immigration Act 2014 \(c. 22\)](#), [Schedule 9](#).



**[<sup>F8</sup>Persons who cease to have stateless leave E+W**

**22A.**—(1) This regulation applies where—

- (a) a person (“P”) was a Category 2A eligible student (see Schedule 2) in connection with an application for support—
  - (i) for an earlier year of the present course,
  - (ii) for a full time-course in relation to which the present course is a full-time end-on course, or
  - (iii) for a course from which P’s status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the period for which—
  - (i) P, or
  - (ii) the person, who, as a result of being a person granted stateless leave, caused P to be a Category 2A eligible student,  
is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no application for administrative review in accordance with the immigration rules is pending.

(2) Where this regulation applies, P’s status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.]

**Textual Amendments**

**F8** Reg. 22A inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), 5

**Other persons who cease to have leave to enter or remain E+W**

**23.**—(1) This regulation applies where—

- (a) a person (“P”) was a Category 3 eligible student (see Schedule 2) in connection with an application for support—
  - (i) for an earlier year of the present course,
  - (ii) for a full-time course in relation to which the present course is a full-time end-on course, or
  - (iii) for a course from which P’s status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the period for which—
  - (i) P, or
  - (ii) the person who, as a result of having leave to enter or remain, caused P to be a category 3 eligible student,  
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).

(2) Where this regulation applies, P’s status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

## SECTION 4

### Previous study

#### Full-time students – restrictions on support for honours graduates **E+W**

**24.**—(1) If an eligible student undertaking a full-time course has attained an honours degree from an institution in the United Kingdom (an “honours graduate”) the student does not qualify for a tuition fee loan, base grant, maintenance grant or maintenance loan under these Regulations unless the student—

- (a) falls within one of the Cases set out in paragraph (2), and
  - (b) in each Case, satisfies the particular qualifying conditions relating to the support in question.
- (2) The Cases are—

##### Case 1

An honours graduate may qualify for support under these Regulations if the present course is—

- (a) a course for the initial training of teachers of no more than two years duration, and the graduate is not a qualified teacher, or
- (b) an accelerated graduate entry course.

##### Case 2

An honours graduate may qualify for a maintenance loan if any of the following applies—

- (a) the present course leads to a qualification as a social worker, medical doctor, dentist, veterinary surgeon or architect;
- (b) the graduate is to receive any payment under—
  - (i) a healthcare bursary, the amount of which is calculated by reference to the graduate's income, or
  - (ii) a Scottish healthcare allowance, the amount of which is calculated by reference to the graduate's income in respect of any academic year of the present course;
- (c) the present course is a course for the initial training of teachers.

##### Case 3

Despite paragraph (1), if—

- (a) the present course is considered to be a single course by virtue of regulation 6(3) and (4), and
- (b) the course leads to an honours degree from an institution in the United Kingdom being conferred on the eligible student before the final degree or equivalent qualification,

the conferring of that honours degree does not prevent the student from qualifying for support under these Regulations in respect of any part of that single course.

##### Case 4

Regulation 26 applies.

#### Part-time students – restrictions on support for graduates **E+W**

**25.**—(1) If an eligible student undertaking a part-time course has attained a first degree from an institution in the United Kingdom (a “graduate”) the student does not qualify for support under these

Regulations other than a disabled student's grant unless the student falls within one of the Cases set out in paragraph (2).

(2) The Cases are—

*Case 1*

The first degree—

- (a) was not an honours degree, and
- (b) was awarded to the graduate on completion of the modules, examinations or other forms of assessment required for that first degree,

and the graduate is undertaking the present course so as to obtain an honours degree on completion of the required modules, examinations or other forms of assessment (whether or not the graduate continues the course at the same institution from which the first degree was awarded).

*Case 2*

The present course is a course for the initial training of teachers of no more than four years duration and the graduate is not a qualified teacher.

*Case 3*

The present course leads to an honours degree and is either—

- (a) a course concerned with the study of the history, grammar and use of Welsh, or
- (b) a course listed in the Joint Academic Coding System in one of the following subject areas—
  - (i) engineering;
  - (ii) technology;
  - (iii) computer science;
  - (iv) subjects allied to medicine;
  - (v) biological sciences;
  - (vi) veterinary sciences, agriculture and related subjects;
  - (vii) physical sciences;
  - (viii) mathematical sciences.

*Case 4*

Regulation 26 applies.

(3) In Case 3 “the Joint Academic Coding System” means version 3 of the Joint Academic Coding System maintained by the Universities and Colleges Admissions Service and the Higher Education Statistics Agency <sup>M20</sup>.

**Marginal Citations**

**M20** see <https://www.hesa.ac.uk/support/documentation/jacs>

**Restrictions lifted where incorrect notification received** **E+W**

**26.**—(1) This regulation applies where—

- (a) an honours graduate within the meaning of regulation 24 or a graduate within the meaning of regulation 25 (“G”) has provided all the information required by the Welsh Ministers in relation to an honours degree or, as the case may be, a first degree, previously attained, and

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

- (b) G receives notification from the Welsh Ministers incorrectly stating that G qualifies for support under these Regulations.
- (2) Where this regulation applies, G may qualify for the support specified in the notification for such period as the Welsh Ministers think appropriate.
- (3) But this regulation does not apply if the notification is incorrect because the information provided by G was materially inaccurate.

#### **Further restriction on support for part-time students** E+W

**27.**—(1) An eligible student undertaking a part-time course does not qualify for support under these Regulations other than a disabled student's grant if the student—

- (a) has undertaken one or more part-time courses for an aggregate of at least—
    - (i) 8 academic years (where that course or the earliest of those courses began before 1 September 2014), or
    - (ii) 16 academic years (where that course or the earliest of those courses began on or after 1 September 2014), and
  - (b) has received relevant support in respect of at least 8 or, as the case may be, 16 of those academic years of the part-time course or courses.
- (2) In paragraph (1)(b), “relevant support” means—
- (a) a loan, a grant in respect of fees or a grant for books, travel and other expenditure made in respect of an academic year—
    - (i) under these Regulations or any other regulations made under section 22 of the 1998 Act, or
    - (ii) under regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998 <sup>M21</sup>;
  - (b) a loan made in respect of an academic year under regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980 <sup>M22</sup>.

#### **Marginal Citations**

**M21** S.I.1998/1760 (N.I. 14) to which there are amendments not relevant to these Regulations.

**M22** 1980 c.44; section 73B was inserted by section 29(2) of the Teaching and Higher Education Act 1998 (c.30) and was amended by the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6), **Schedule 6** to the Income Tax (Earnings and Pensions) Act 2003 (c.1), **section 34(1)** of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) and Schedule 8 to the Bankruptcy (Scotland) Act 2016 (asp 21).

## *SECTION 5*

### *Transfers and conversions*

#### **Transfer of status** E+W

**28.**—(1) Where an eligible student transfers from a designated course (in this Section, the “old course”) to another designated course (in this Section, the “new course”), the Welsh Ministers must transfer the student's status as an eligible student to the new course if—

- (a) they receive a request from the student to do so,
- (b) they are satisfied that one of the grounds of transfer applies (see paragraph (2)), and

- (c) the student's period of eligibility has not ended or been terminated.
- (2) The grounds of transfer are—

*First ground*

The eligible student ceases the old course and undertakes the new course at the same institution.

Including—

- (a) where the old course is not a compressed degree course, undertaking the same course as a compressed degree course, or
- (b) where the old course is a compressed degree course, undertaking the same course on a non-compressed basis.

*Second ground*

The eligible student undertakes the new course at another institution.

*Third ground*

After commencing a course for the Certificate in Education, the eligible student is, on or before the completion of that course, admitted to a designated course for the degree (including an honours degree) of Bachelor of Education.

*Fourth ground*

After commencing a course for the degree (other than an honours degree) of Bachelor of Education, the eligible student is, on or before completion of that course, admitted to a designated course for the honours degree of Bachelor of Education.

*Fifth ground*

After commencing a course for a first degree (other than an honours degree) the eligible student is, before the completion of that course, admitted to a designated course for an honours degree in the same subject at the same institution.

**Effect of transfer – tuition fee loans E+W**

**29.** Where the Welsh Ministers transfer an eligible student's status under regulation 28 during an academic year, the amount of tuition fee loan payable in respect of that academic year is to be determined by the Welsh Ministers as follows—

*Step 1*

Calculate, in accordance with Part 6, the amounts of tuition fee loan that would have been payable in respect of—

- (a) the old course, and
- (b) the new course,

for the whole academic year.

*Step 2*

Reduce those amounts by such proportion as the Welsh Ministers think appropriate having regard to—

- (a) the day on which the transfer occurs, and
- (b) the need to ensure that no amount is payable in respect of both courses for the same period.

**Effect of transfer – grants and maintenance loans** **E+W**

**30.**—(1) This regulation applies where the Welsh Ministers transfer an eligible student's status under regulation 28 during an academic year.

(2) If regulation 31 applies to the transfer, the total amount of any grants and maintenance loan payable to the eligible student for the academic year must be reassessed in accordance with that regulation.

(3) If regulation 31 does not apply to the transfer—

- (a) the Welsh Ministers may re-assess the amount of any grants and maintenance loan payable to the eligible student for the academic year, but
- (b) if no re-assessment is made, the total amount of any grants and maintenance loan payable to the eligible student is the amount which the Welsh Ministers assessed as the amount payable to the student for the academic year in respect of the old course.

(4) Paragraph (5) applies where the transfer occurs after the Welsh Ministers have assessed the amount of any grants or maintenance loan payable to the eligible student for the academic year in respect of the old course but before the student completes that year.

(5) Where this paragraph applies, the eligible student may not apply in respect of the academic year of the new course for another grant or loan of a kind for which the student has already applied in respect of the academic year of the old course (unless specifically permitted to do so by these Regulations).

(6) Where, immediately before the transfer, the eligible student—

- (a) was eligible to apply for a maintenance loan for the academic year of the old course, and
- (b) had not applied for the maximum amount for which the student was entitled,

paragraph (5) does not prevent the student from applying for an additional amount of loan (whether or not a reassessment is made under this regulation or regulation 31).

(7) Where an eligible student has applied for a disabled student's grant for the academic year in which the transfer occurs, paragraph (5) does not prevent the student from making a further such application—

- (a) for a purpose for which the student has not already applied, or
- (b) for an additional amount in respect of a purpose for which the student has already applied.

**Transfers involving conversions between part-time and full-time study** **E+W**

**31.**—(1) This regulation applies where, in relation to a transfer under regulation 28—

- (a) the old course is a full-time course and the new course is a part-time course, or
- (b) the old course is a part-time course and the new course is a full-time course.

(2) Where this regulation applies, the total amount of any grants and maintenance loan payable to the eligible student for the academic year is to be reassessed by the Welsh Ministers as follows—

*Step 1*

Calculate, in accordance with Parts 7 to 11, the amounts of any grants and maintenance loan that would have been payable in respect of—

- (a) the old course, and
- (b) the new course,

for the whole academic year.

*Step 2*

Reduce those amounts by multiplying them by the appropriate fraction.

The total of the two amounts arrived at under Step 2 is the total amount of grants and maintenance loan payable to the student for the academic year during which the transfer occurs.

(3) In Step 2 of paragraph (2), the appropriate fraction in relation to the old course is the fraction where—

- (a) the numerator is the number of days in the academic year up to and including the day on which the transfer occurs, and
- (b) the denominator is the total number of days in the academic year.

(4) In Step 2 of paragraph (2), the appropriate fraction in relation to the new course is the fraction where—

- (a) the numerator is the number of days remaining in the academic year after the day on which the transfer occurs, and
- (b) the denominator is the total number of days in the academic year.

(5) For the avoidance of doubt, where the start date of the academic year of the new course is later than the start date of the academic year of the old course, references in paragraph (4) to the academic year are to the academic year of the new course.

## PART 5 E+W

### APPLICATIONS, PROVIDING INFORMATION AND LOAN CONTRACTS

#### Requirement to apply for support E+W

**32.**—(1) A person does not qualify for support as an eligible student in relation to an academic year unless the person makes an application for that support in relation to the academic year.

(2) An application under paragraph (1) must—

- (a) be in such form and contain such information as the Welsh Ministers may specify,
- (b) be accompanied by such documentation as the Welsh Ministers may require, and
- (c) reach the Welsh Ministers within the time limit specified in regulation 33.

#### Time limit for making application E+W

**33.**—(1) The general rule is that an application under regulation 32(1) must reach the Welsh Ministers no later than the end of the ninth month of the academic year to which it relates.

(2) But if any of the circumstances set out in Column 1 of Table 1 apply, an application must reach the Welsh Ministers within the time limit specified in the corresponding entry in Column 2.

**Table 1**

<i>Column 1 Circumstances relating to application for support</i>	<i>Column 2 Time limit for making application</i>
Applicant qualifies for support after the first day of the academic year following an event listed in regulation 80(2) or 81(3) or paragraph 4(2) of Schedule 5.	No later than the end of the period of nine months beginning with the day on which the event occurs.

---

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

---

Application is for a tuition fee loan, maintenance loan or Oxbridge college fee loan.	No later than one month before the end of the academic year to which the application relates.
Application is for an additional amount of tuition fee loan under regulation 42, maintenance loan under regulation 60 or Oxbridge college fee loan under paragraph 6(2) of Schedule 5.	
Application is for a disabled student's grant.	Application must reach the Welsh Ministers as soon as is reasonably practicable.
The Welsh Ministers think that, having regard to the circumstances of a particular case, it is appropriate to extend the time limit for making an application.	No later than the date specified in writing by the Welsh Ministers in the particular case.

---

### Welsh Ministers' decision on an application **E+W**

**34.**—(1) The Welsh Ministers may take any steps and make any inquiries as they think necessary to make a decision on an application under regulation 32.

(2) Those steps may include requiring the applicant to provide further information or documentation.

(3) The Welsh Ministers may make a provisional decision on an application under regulation 32 (see regulation 82 for provision about payments made on the basis of a provisional decision).

(4) A decision on an application made by the Welsh Ministers after a provisional decision has been made may—

- (a) confirm the provisional decision, or
- (b) substitute it with a different decision.

(5) The Welsh Ministers must notify the applicant of a decision (including a provisional decision) on an application under regulation 32.

(6) The notification must state—

- (a) whether the Welsh Ministers consider the applicant to be an eligible student,
- (b) if so, whether the eligible student qualifies for support in relation to the academic year,
- (c) if the student does qualify, the category of support for which the student qualifies and the amount payable for the academic year,
- (d) if the support includes a disabled student's grant, a breakdown of that grant specifying the amount payable in respect of each type of expenditure mentioned in regulation 63(2), and
- (e) in the case of a provisional decision, the fact that the decision is provisional and the consequences of that fact.

[<sup>F9</sup>**34A.**—(1) This regulation applies where—

- (a) a person (“P”) makes an application for support in accordance with regulation 32,
- (b) any information or documentation provided by P in, or in connection with, the application is not materially inaccurate, and
- (c) P receives notification from the Welsh Ministers under regulation 34(5) incorrectly stating that P is an eligible student.



(2) Despite the notification incorrectly stating that P is an eligible student, the Welsh Ministers may, for the purposes of these Regulations, treat P as being an eligible student.]

#### Textual Amendments

**F9** Reg. 34A inserted (30.7.2018) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814), regs. 1(2), 7

#### Requirements on eligible students to provide information **E+W**

**35.**—(1) An eligible student must, as soon as reasonably practicable after being requested to do so, provide the Welsh Ministers with such information or documentation as the Welsh Ministers may require—

- (a) for the purposes of determining—
  - (i) the eligibility of a student;
  - (ii) whether a student qualifies for a particular category of support;
  - (iii) the amount of support payable to a student;
  - (iv) whether an overpayment has been made to a student;
- (b) for any purpose relating to the recovery of an overpayment;
- (c) for any purpose relating to the repayment of a loan;
- (d) for any other purpose related to these Regulations that the Welsh Ministers think appropriate.

(2) A request under paragraph (1) may include requesting sight of an eligible student's—

- (a) valid passport issued by the state of which that student is a national,
- (b) valid national identity card, or
- (c) birth certificate.

(3) Where an event mentioned in paragraph (4) occurs in respect of an eligible student, the student must inform the Welsh Ministers as soon as is reasonably practicable after the event occurs.

(4) The events are—

- (a) the student withdraws from, abandons or is expelled from the present course;
- (b) the student transfers to another course (whether at the same or at a different institution);
- (c) the student otherwise ceases to undertake the present course and does not intend to or is not permitted to continue it for the remainder of the academic year;
- (d) the student is absent from the present course for—
  - (i) more than 60 days due to illness, or
  - (ii) for any period for any other reason;
- (e) the month for the start or completion of the present course changes;
- (f) the student's home or term-time—
  - (i) address,
  - (ii) telephone number, or
  - (iii) email address,changes.

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

(5) Information or documentation that is required to be provided to the Welsh Ministers under these Regulations must be provided in such form as the Welsh Ministers may specify.

(6) The Welsh Ministers may require that—

(a) an application under regulation 32;

(b) any other documentation provided to them under these Regulations,

must be signed in such manner (including electronically) as they may specify.

(7) The reference to an eligible student in paragraph (1) is to be treated as including a person who makes an application under regulation 32 even if the Welsh Ministers' decision on the application is that the person is not an eligible student.

(8) See regulation 20 for provision about the consequences of failing to comply with a requirement imposed by this regulation.

### **Requirement to enter into a contract for a loan** E+W

**36.**—(1) An eligible student may not receive a tuition fee loan or maintenance loan under these Regulations unless the student enters into a contract for the loan with the Welsh Ministers.

(2) The contract—

(a) must be in such form and on such terms, and

(b) may be required to be signed in such manner (including electronically),

as the Welsh Ministers specify.

(3) The contract may require the eligible student to repay a loan by a particular method.

(4) Where the Welsh Ministers have requested the student's agreement as to the method of repayment, they may withhold any payment of a maintenance loan until the student provides what has been requested.

### **Requirement on academic authority to notify when student leaves course** E+W

**37.** Where a tuition fee loan is payable to an eligible student—

(a) who has ceased to undertake the present course during the academic year, and

(b) whom the academic authority has determined or agreed will not return during that year,

the academic authority must inform the Welsh Ministers as soon as reasonably practicable that the student has ceased to undertake the course.

## **PART 6** E+W

### **TUITION FEE LOANS**

#### **Tuition fee loan** E+W

**38.** A tuition fee loan is a loan made available by the Welsh Ministers to an eligible student for the payment of tuition fees in respect of an academic year.

#### **Qualifying conditions for tuition fee loan** E+W

**39.** An eligible student qualifies for a tuition fee loan in respect of an academic year of the present course unless one of the following exceptions applies—

*Exception 1*

Where the present course is not an accelerated graduate entry course, the academic year is an Erasmus year of a course provided by an institution in Northern Ireland.

*Exception 2*

Where the present course is not an accelerated graduate entry course, the academic year is a year in respect of which a student is eligible to apply for—

- (a) a healthcare bursary, or
- (b) a Scottish healthcare allowance,

calculated by reference to the student's income (whether or not the calculation results in a nil amount).

*Exception 3*

Where the present course is a part-time course or an accelerated graduate entry course, the academic year is an Erasmus year of the course provided by an institution anywhere in the United Kingdom.

*Exception 4*

The present course is a distance learning course and the student is not in Wales on the first day of the first academic year of the course.

But this Exception does not apply where—

- (a) the student (“S”) or a close relative of S is a member of the armed forces,
- (b) S is not in Wales on the first day of the first academic year, and
- (c) S is not in Wales on that day because S or the close relative is serving as a member of the armed forces outside Wales.

**Amount of tuition fee loan** **E+W**

**40.**—(1) An amount of tuition fee loan in respect of an academic year may not exceed the lower of—

- (a) the tuition fees payable by the eligible student in respect of that year, or
- (b) the maximum loan amount.

(2) The maximum loan amount is calculated in accordance with Table 2 where—

- (a) Column 1 specifies the academic year in relation to which the maximum loan amounts in Column 5 are payable;
- (b) Column 2 specifies the category of student to whom the maximum loan amounts in Column 5 apply (see paragraph (3));
- (c) Column 3 specifies the type of course provider, where—
  - (i) “ordinary provider” means a provider falling within Condition 4 of Regulation 6(1);
  - (ii) “private institution” means an institution, which is not a recognised educational institution, providing a course specified as a designated course by the Welsh Ministers under regulation 8;

- (d) Column 4 specifies the location of the institution providing the course;
- (e) Column 5 specifies the maximum loan amount applicable in respect of the corresponding entries in Columns 1, 2, 3 and 4.

(3) The categories of students set out in Column 2 are—

*Category 1*

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

An eligible student undertaking a designated course who does not fall within Category 2, 3, 4 [<sup>F10</sup>, 5 or 6].

*Category 2*

An eligible student undertaking the final academic year of a full-time course which ordinarily requires attendance of less than 15 weeks in order to be completed.

*Category 3*

An eligible student undertaking an academic year of a sandwich course provided by an institution in the United Kingdom where—

- (a) the periods of full-time study undertaken at the institution during that academic year are in aggregate less than 10 weeks, or
- (b) the periods spent undertaking the course during that academic year and any previous academic years (which are not periods of full-time study at the institution), disregarding intervening vacations, are in aggregate more than 30 weeks.

*Category 4*

An eligible student undertaking an academic year of a course provided by an institution in the United Kingdom in conjunction with an institution which is outside the United Kingdom where—

- (a) the periods of full-time study undertaken at the institution in the United Kingdom during that academic year are in aggregate less than 10 weeks, or
- (b) the periods spent undertaking the course during that academic year and any previous academic years (which are not periods of full-time study at the institution in the United Kingdom), disregarding intervening vacations, are in aggregate more than 30 weeks.

<sup>F11</sup> ...

*Category 5*

An eligible student undertaking an accelerated graduate entry course.

<sup>F12</sup>*Category 6*

An eligible student undertaking an Erasmus year of a full-time course provided by an institution in England, Scotland or Wales.]

**Table 2**

<i>Column 1</i> <i>Academic year</i>	<i>Column 2</i> <i>Category of student</i>	<i>Column 3</i> <i>Course provider type</i>	<i>Column 4</i> <i>Location of course provider</i>	<i>Column 5</i> <i>Maximum loan amount</i>
Beginning on or after 1 September 2018	1	Ordinary provider	Wales	£9,000 for a full-time course £2,625 for a part-time course
			Elsewhere in UK	£9,250 for a full-time course £6,935 for a part-time course

<i>Column 1</i> <i>Academic year</i>	<i>Column 2</i> <i>Category of student</i>	<i>Column 3</i> <i>Course provider type</i>	<i>Column 4</i> <i>Location of course provider</i>	<i>Column 5</i> <i>Maximum loan amount</i>
		Private institution	Wales	£6,165 for a full-time course £2,625 for a part-time course
			Elsewhere in UK	£6,165 for a full-time course £4,625 for a part-time course
	2	Ordinary provider	Wales	£4,500
			Elsewhere in UK	£4,625
		Private institution	Wales and Elsewhere in UK	£3,080
	3	Ordinary provider	Wales	£1,800
			England	£1,850
			Scotland and Northern Ireland	£4,625
		Private institution	Wales and England	£1,230
			Scotland and Northern Ireland	£3,080
	4	Ordinary provider	Wales	£1,350
			England <sup>F13</sup>	£1,385
			...	
			[ <sup>F14</sup> Scotland and] Northern Ireland	£4,625
		Private institution	Wales, England and Scotland	£920
			Northern Ireland	£3,080
	5	Ordinary provider	Wales and Elsewhere in UK	£5,535

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Academic year</i>	<i>Category of student</i>	<i>Course provider type</i>	<i>Location of course provider</i>	<i>Maximum loan amount</i>
[ <sup>F15</sup> Beginning on or after 1 September 2018	6	Ordinary provider	Wales	£1,350
			England and Scotland	£1,385]

### Textual Amendments

- F10** Words in reg. 40(3) substituted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **8(a)(i)**
- F11** Words in reg. 40(3) omitted (30.7.2018) by virtue of [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **8(a)(ii)**
- F12** Words in reg. 40(3) inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **8(a)(iii)**
- F13** Words in reg. 40 Table 2 omitted (30.7.2018) by virtue of [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **8(b)(i)**
- F14** Words in reg. 40 Table 2 inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **8(b)(ii)**
- F15** Words in reg. 40 Table 2 inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **8(b)(iii)**

### Applying for a fee loan for less than the maximum amount **E+W**

**41.** An eligible student may apply under regulation 32 to borrow part of the tuition fee loan available in respect of an academic year.

### Further application for tuition fee loan up to maximum amount **E+W**

**42.** Where—

- (a) an eligible student applies for part of the tuition fee loan under regulation 41, or
- (b) an additional amount of tuition fee loan is made available to an eligible student following a transfer and reassessment made under Section 5 of Chapter 2 of Part 4,

the student may make a further application under regulation 32 for the remaining balance of the tuition fee loan available in respect of that academic year.

## PART 7 E+W

### BASE GRANT AND MAINTENANCE GRANT

#### CHAPTER 1 E+W

#### QUALIFYING CONDITIONS

##### Base grant and maintenance grant E+W

43. —A base grant and maintenance grant are grants made available by the Welsh Ministers to an eligible student in respect of the student's living and study costs.

##### Qualifying conditions for base grant and maintenance grant E+W

44.—(1) An eligible student qualifies for a base grant and a maintenance grant in respect of an academic year of the present course unless the eligible student falls within one of the following exceptions— *Exception 1* The eligible student is a prisoner, unless—

- (a) the present course is a part-time course, and
- (b) the eligible student enters or is released from prison in the academic year in question.

*Exception 2* The eligible student is a Category 6 eligible student by virtue only of paragraph 6(1) of Schedule 2 and does not fall within any of the other categories of eligible student specified in that Schedule. *Exception 3* The academic year is a year in respect of which the student is eligible to apply for—

- (a) a healthcare bursary, or
- (b) a Scottish healthcare allowance,

calculated by reference to the student's income (whether or not the calculation results in a nil amount).

*Exception 4* The present course is an accelerated graduate entry course. *Exception 5* The present course is a distance learning course and the student is not in Wales on the first day of the first academic year of the course. But this Exception does not apply where—

- (a) the student (“S”) or a close relative of S is a member of the armed forces,
- (b) S is not in Wales on the first day of the first academic year, and
- (c) S is not in Wales on that day because S or the close relative is serving as a member of the armed forces outside Wales.

*Exception 6* The eligible student is undertaking an academic year of a sandwich course during which the periods of full-time study are in aggregate less than 10 weeks (unless it is a year to which paragraph (2) applies).

(2) This paragraph applies to an academic year of a sandwich course if, as part of the course, the eligible student undertakes—

- (a) a period of work experience with a body in the United Kingdom specified in paragraph (3), or
- (b) unpaid research—
  - (i) in an institution in the United Kingdom, or
  - (ii) outside the United Kingdom if the eligible student is attending an institution outside the United Kingdom as part of the course.

(3) The bodies referred to in paragraph (2)(a) are—

- (a) a hospital;
- (b) a public health service laboratory;

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

- (c) a local authority or voluntary organisation exercising a function or carrying out activities relating to the care of children and young persons, health or welfare;
  - (d) a body providing prison or probation services in the United Kingdom;
  - (e) a health body listed in paragraph (4).
- (4) The health bodies are—
- (a) a Special Health Authority established under section 28 of the National Health Service Act 2006 <sup>M23</sup> or section 22 of the National Health Service (Wales) Act 2006 <sup>M24</sup>;
  - (b) an NHS trust established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006;
  - (c) an NHS foundation trust;
  - (d) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
  - (e) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978 <sup>M25</sup>;
  - (f) the Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 <sup>M26</sup>;
  - (g) the Regional Agency for Public Health and Social Well-being established under section 12 of that Act;
  - (h) a health and social care trust (formerly called a health and social services trust) established under the Health and Personal Social Services (Northern Ireland) Order 1991 <sup>M27</sup>;
  - (i) a special health and social care agency (formerly called a special health and social services agency) established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990 <sup>M28</sup>;
  - (j) the National Health Service Commissioning Board established under section 1H of the National Health Service Act 2006 or a clinical commissioning group established under section 11 of that Act <sup>M29</sup>;
  - (k) the National Institute for Health and Care Excellence established under section 232 of the Health and Social Care Act 2012 <sup>M30</sup>;
  - (l) the Health and Social Care Information Centre established under section 252 of that Act.

#### Marginal Citations

**M23** 2006 c. 41

**M24** 2006 c. 42

**M25** 1978 c. 29

**M26** 2009 c. 1 (N.I.)

**M27** 1991/194 (N.I. 1)

**M28** 1990/247 (N.I. 3)

**M29** 2006 c. 41; section 1H and section 11 were inserted by the [Health and Social Care Act 2012 \(c. 7\)](#), sections 9 and 10

**M30** 2012 c. 7



CHAPTER 2 **E+W**

## BASE GRANT

**Amount of base grant** **E+W**

45. In Table 3, Column 2 sets out the amount of base grant available for the academic year set out in the corresponding entry in Column 1.

Table 3

<i>Column 1 Academic year</i>	<i>Column 2 Base grant available</i>
Beginning on or after 1 September 2018	£1,000 for a full-time course £1,000 multiplied by the intensity of study for a part-time course

CHAPTER 3 **E+W**

## MAINTENANCE GRANT

**Amount of maintenance grant: full-time students** **E+W**

46.—(1) Table 4 sets out the maximum amounts of maintenance grant available to an eligible student undertaking a full-time course (a “full-time student”) where—

- (a) Column 1 specifies the academic year in relation to which the amounts of maintenance grant specified in Column 3 are payable;
- (b) Column 2 specifies the location in which the student is living (see paragraph 3 of Schedule 1);
- (c) Column 3 specifies the maximum amount of grant available in respect of the corresponding entries in Columns 1 and 2.

(2) Where—

- (a) the student's household income does not exceed £18,370, or
- (b) the student is a care leaver,

the amount of maintenance grant payable is the maximum amount of grant available in respect of the student's location.

(3) Where the student's household income exceeds £18,370 but is less than £59,200, the amount of maintenance grant payable to the student is the maximum amount of maintenance grant available reduced by £1 for every—

- (a) £6.937 of household income exceeding £18,370 where the student is living at home;
- (b) £4.475 of household income exceeding £18,370 where the student is living away from home, studying in London;
- (c) £5.750 of household income where the student is living away from home, studying elsewhere.

(4) Where the full-time student's household income is £59,200 or more, the amount of maintenance grant payable is £0.

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

**Table 4**

<i>Column 1 Academic year</i>	<i>Column 2 Location of full-time student</i>	<i>Column 3 Maximum amount of maintenance grant available to full-time student</i>
Beginning on or after 1 September 2018	Living at home	£5,885
	Living away from home, studying in London	£9,124
	Living away from home, studying elsewhere	£7,100

**Amount of maintenance grant: part-time students** E+W

47.—(1) Table 5 sets out the maximum amounts of maintenance grant available to an eligible student undertaking a part-time course (a “part-time student”) where—

- (a) Column 1 specifies the academic year in relation to which the amounts of maintenance grant specified in Column 2 are payable;
- (b) Column 2 specifies the maximum amount of grant available in respect of the corresponding academic year in Column 1.

(2) If—

- (a) a part-time student's household income does not exceed £25,000, or
- (b) the student is a care leaver,

the amount of maintenance grant payable to the student is the maximum amount available multiplied by the intensity of study of the present course.

(3) Where the part-time student's household income exceeds £25,000 but is less than £59,200, the amount of maintenance grant payable is calculated as follows— *Step 1* Reduce the maximum amount of maintenance grant available by £1 for every £6.84 of household income exceeding £25,000. *Step 2* Multiply the result of Step 1 by the intensity of study of the present course. The result is the amount of maintenance grant payable.

(4) Where the part-time student's household income [<sup>F16</sup>is £59,200 or more], the amount of maintenance grant payable is £0.

**Table 5**

<i>Column 1 Academic year</i>	<i>Column 2 Maximum amount of maintenance grant available to part-time student</i>
Beginning on or after 1 September 2018	£5,000

**Textual Amendments**

**F16** Words in reg. 47(4) substituted (30.7.2018) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814), regs. 1(2), 9

### Household income **E+W**

48. See Part 2 of Schedule 3 for provision about calculating an eligible student's household income.

### Meaning of care leaver **E+W**

49. An eligible student is a “care leaver” if the student—

- (a) is under the age of 25 on the first day of the first academic year of the present course,
- (b) is, or has been, a category of young person defined in, or by virtue of, section 104 of the Social Services and Well-being (Wales) Act 2014 <sup>M31</sup>, and
- (c) between the student's 14<sup>th</sup> birthday and the first day of the first academic year of the course, the student—
  - (i) was looked after, fostered or accommodated (within the meaning of sections 74 and 104 of the Social Services and Well-being (Wales) Act 2014) for an aggregate period of 13 weeks or more, or
  - (ii) was a person with respect to whom a special guardianship order (within the meaning given by section 14A of the Children Act 1989) <sup>M32</sup> was in force for a period of 13 weeks or more.

#### Marginal Citations

**M31** 2014 anaw. 4.

**M32** 1989 c.41; section 14A was inserted by the [Adoption and Children Act 2002 \(c. 38\)](#) and amended by the [Children and Families Act 2014 \(c. 6\)](#) and the [Children and Young Persons Act 2008 \(c. 23\)](#).

## CHAPTER 4 **E+W**

### SPECIAL SUPPORT PAYMENT

#### Special support payment **E+W**

50.—(1) Where an eligible student who qualifies for a base grant or, as the case may be, a maintenance grant, meets one of the qualifying conditions in regulation 51—

- (a) all of the base grant payable to the eligible student, and
- (b) an amount of maintenance grant payable to the student up to the maximum specified in regulation 52,

is to be treated as a special support payment.

(2) A special support payment is a payment which is intended to meet—

- (a) the cost of books and equipment;
- (b) travel expenses;
- (c) childcare costs,

in connection with an eligible student undertaking a designated course.

#### Special support payment: qualifying conditions **E+W**

51. An eligible student qualifies for a special support payment in respect of an academic year of the present course if the eligible student satisfies one of the following conditions— *Condition A* The eligible student, for the purposes of assessing entitlement to income support, falls within

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

a prescribed category of person for the purposes of section 124(1)(e) <sup>M33</sup> of the Social Security Contributions and Benefits Act 1992. *Condition B* The eligible student, for the purposes of assessing entitlement to housing benefit, is treated as being liable to make payments in respect of a dwelling prescribed by regulations made under section 130(2) of that Act <sup>M34</sup>. *Condition C* The eligible student, for the purposes of assessing entitlement to universal credit, is liable or is treated as being liable under regulation 25(3) of the Universal Credit Regulations 2013 <sup>M35</sup> to make payments in respect of accommodation the student occupies as his or her home.

#### Marginal Citations

- M33** 1992 c 4. There are amendments to section 124 which are not relevant to these Regulations and the section is repealed by the [Welfare Reform Act 2012 \(c. 3\)](#), [section 147](#) and Schedule 14 Part 1 subject to savings specified in SI 2013/358 article 9. Categories under section 124(1)(e) are prescribed by regulations. The relevant regulation is regulation 4ZA of the [Income Support \(General\) Regulations 1987 \(S.I. 1987/1967\)](#). Regulation 4ZA was inserted by [S.I. 1996/206](#) and amended by [S.I. 1997/2197](#), [S.I. 2000/1981](#), [S.I. 2001/3070](#), [S.I. 2008/1826](#), [S.I. 2009/2655](#), [S.I. 2009/3152](#) and [S.I. 2013/2536](#).
- M34** There are amendments to section 130 which are not relevant to these Regulations and the section is repealed by the [Welfare Reform Act 2012 \(c. 3\)](#), [section 147](#) and Schedule 14 Part 1 subject to savings specified in SI 2013/358 article 9. The relevant regulation is regulation 56 of the Housing Benefit Regulations 2006 [S.I. 2006/213](#) as amended by [S.I. 2008/1042](#), [S.I. 2008/1082](#), [S.I. 2012/757](#), [S.I. 2013/630](#), [S.I. 2013/2070](#) and SI 2017/901.
- M35** [S.I. 2013/376](#)

#### Maximum amount of maintenance grant treated as special support payment **E+W**

**52.** In Table 6, Column 2 sets out the maximum amount of maintenance grant payable as special support payment in respect of the academic year set out in the corresponding entry in Column 1.

**Table 6**

<i>Column 1 Academic year</i>	<i>Column 2 Maximum amount of maintenance grant payable as part of a special support payment</i>
Beginning on or after 1 September 2018	£4,161 for a full-time course £5,000 multiplied by the intensity of study for a part-time course

## PART 8 **E+W**

### MAINTENANCE LOAN

#### Maintenance loan **E+W**

**53.** A maintenance loan is a loan made available by the Welsh Ministers to an eligible student in respect of living costs for an academic year.

#### Qualifying conditions for a maintenance loan **E+W**

**54.** An eligible student qualifies for a maintenance loan in respect of an academic year of the present course unless one of the following exceptions applies— Exception 1 The eligible student is a prisoner, unless—

- (a) the present course is a part-time course, and
- (b) the eligible student enters or is released from prison in the academic year in question.

*Exception 2* The eligible student is a Category 6 eligible student by virtue only of paragraph 6(1) of Schedule 2 and does not fall within any of the other categories of eligible student specified in that Schedule. *Exception 3* The eligible student is aged 60 or over on the first day of the first academic year of the present course. *Exception 4* The present course is a distance learning course and the student is not in Wales on the first day of the first academic year of the course. But this Exception does not apply where—

- (a) the student (“S”) or a close relative of S is a member of the armed forces,
- (b) S is not in Wales on the first day of the first academic year, and
- (c) S is not in Wales on that day because S or the close relative is serving as a member of the armed forces outside Wales.

F17 ...

#### Textual Amendments

**F17** Words in [reg. 54](#) omitted (30.7.2018) by virtue of [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **10**

#### Amount of maintenance loan: full-time students **E+W**

**55.**—(1) Where an eligible student's present course is a full-time course (a “full-time student”), the amount of maintenance loan payable to the student is calculated as follows— Maximum amount of maintenance loan available to the student in respect of an academic year. *Minus* Amount of maintenance grant payable to the student under regulation 46.

(2) Table 7 sets out the maximum amounts of maintenance loan available in respect of a full-time student where—

- (a) Column 1 specifies the academic year in relation to which the amounts of maintenance loan specified in Column 4 apply;
- (b) Column 2 specifies the category of student to whom the maximum amounts in Column 4 apply;
- (c) Column 3 specifies the location in which the student is living (see paragraph 3 of Schedule 1);
- (d) Column 4 specifies the maximum amount of loan available in respect of the corresponding entries in Columns 1, 2 and 3.

(3) For the purposes of this regulation the categories of student are— *Category 1* An eligible student undertaking—

- (a) an academic year of a designated course, or
- (b) the first year of an accelerated graduate entry course,

who is not a Category 2 student. *Category 2* An eligible student undertaking—

- (a) an academic year in respect of which a student is eligible to apply for—
  - (i) a healthcare bursary, or
  - (ii) a Scottish healthcare allowance,

calculated by reference to the student's income (whether or not the calculation results in a nil amount), or

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

- (b) an academic year of a sandwich course during which the periods of full-time study undertaken by the student are in aggregate less than 10 weeks (unless it is a year to which regulation 44(2) applies).
- (4) This regulation is subject to regulation 56.

**Table 7**

<i>Column 1 Academic year</i>	<i>Column 2 Category of student</i>	<i>Column 3 Location of student</i>	<i>Column 4 Maximum amount of maintenance loan available to full-time student</i>
Beginning on or after 1 September 2018	Category 1	Living at home	£6,650
		Living away from home, studying in London	£10,250
		Living away from home, studying elsewhere	£8,000
	Category 2	Living at home	£3,325
		Living away from home, studying in London	£5,125
		Living away from home, studying elsewhere	£4,000

**Amount of maintenance loan payable: full-time students to whom special support payment payable E+W**

**56.**—(1) Where a special support payment is payable to a full-time student under regulation 50, the amount of maintenance loan payable to the student is the greater of—

- (a) the amount calculated under regulation 55(1), or
- (b) the minimum amount of maintenance loan payable in respect of the student's location.
- (2) In Table 8—
- (a) Column 1 specifies the academic year in relation to which the minimum loan amounts in Column 3 are payable;
- (b) Column 2 specifies the location in which the student is living (see paragraph 3 of Schedule 1);
- (c) Column 3 specifies the minimum loan amount payable in respect of the corresponding entries in Columns 1 and 2.

**Table 8**

<i>Column 1 Academic year</i>	<i>Column 2 Location of student</i>	<i>Column 3 Minimum amount of maintenance loan payable to full-time student where special support payable</i>
-------------------------------	-------------------------------------	---------------------------------------------------------------------------------------------------------------

Beginning on or after 1 September 2018	Living at home	£3,325
	Living away from home, studying in London	£5,125
	Living away from home, studying elsewhere	£4,000

**Increased maintenance loan for full-time students in extended years** E+W

57.—(1) Paragraph (2) applies where—

- (a) the present course is a full-time course, and
- (b) an eligible student is required to undertake the course for a period exceeding 30 weeks and 3 days in an academic year.

(2) Where this paragraph applies, the amount of loan payable to the student calculated under regulation 55 or, as the case may be, 56 is increased by the weekly amount specified in Column 3 of Table 9 for each week (or part of a week) that the student is required to undertake the course beyond the period of 30 weeks and 3 days.

(3) Paragraph (4) applies where—

- (a) the present course is a full-time course, and
- (b) an eligible student undertakes the course for a period of 45 weeks or more in any continuous period of 52 weeks.

(4) Where this paragraph applies, the amount of loan payable to the student calculated under regulation 55 or, as the case may be, 56 is increased by the weekly amount specified in Column 3 of Table 9 for each whole week in the 52 week period during which the student did not undertake the course.

(5) The increase in the amount of maintenance loan payable referred to in paragraph (4) applies in relation to the academic year into which the most weeks of the 52 week period fall.

(6) The maximum amount of maintenance loan payable to an eligible student may be increased under both paragraphs (2) and (4) in relation to the same academic year.

(7) In Table 9—

- (a) Column 1 specifies the academic year in relation to which the maintenance loan is payable;
- (b) Column 2 specifies the location in which the student is living (see paragraph 3 of Schedule 1);
- (c) Column 3 specifies the weekly amount by which the amount of loan payable is to increase in respect of the corresponding entries in Columns 1 and 2.

**Table 9**

<i>Column 1 Academic Year</i>	<i>Column 2 Location of student</i>	<i>Column 3 Weekly amount of increase to maintenance loan payable</i>
Beginning on or after 1 September 2018	Living at home	£80
	Living away from home, studying in London	£153

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

Living away from home, £120  
studying elsewhere

#### **Amount of maintenance loan: part-time students** E+W

**58.**—(1) Where an eligible student's present course is a part-time course (a “part-time student”), the amount of maintenance loan payable to the student is calculated as follows— Maximum amount of maintenance loan available to the student (see Table 10). *Minus* Amount of maintenance grant payable to the student under regulation 47.

(2) In Table 10, Column 1 specifies the academic year in relation to which the maximum amount of maintenance loan in Column 2 is available.

**Table 10**

<i>Column 1 Academic year</i>	<i>Column 2 Maximum amount of maintenance loan available to part-time student</i>
Beginning on or after 1 September 2018	£5,650 multiplied by the intensity of study

#### **Applying for maintenance loan for less than the maximum amount** E+W

**59.** An eligible student may apply under regulation 32 to borrow part of the amount of maintenance loan payable to the eligible student in respect of an academic year.

#### **Further application for maintenance loan up to maximum amount** E+W

**60.** Where—

- (a) an eligible student applies for part of the maintenance loan under regulation 59, or
- (b) an additional amount of maintenance loan is made available to an eligible student following a transfer and reassessment made under Section 5 of Chapter 2 of Part 4,

the student may make a further application under regulation 32 for the remaining balance of the maintenance loan payable in respect of that academic year.

## **PART 9** E+W

### **DISABLED STUDENT'S GRANT**

#### **Disabled student's grant** E+W

**61.**—(1) A disabled student's grant is a grant made available by the Welsh Ministers to an eligible student with a disability to assist with additional expenditure in respect of living costs which the student is obliged to incur in connection with the present course by reason of the student's disability.

(2) In these Regulations, “disability” is to be construed in accordance with section 6 of the Equality Act 2010.

#### **Qualifying conditions for disabled student's grant** E+W

**62.**—(1) An eligible student qualifies for a disabled student's grant in respect of an academic year of the present course if—



- (a) the student has a disability, and
  - (b) the student does not fall within any of the exceptions in paragraph (2).
- (2) The exceptions are— *Exception 1* The eligible student is a prisoner, unless—
- (a) the present course is a part-time course, and
  - (b) the eligible student enters or is released from prison in the academic year in question.

*Exception 2* The eligible student is a Category 6 eligible student by virtue only of paragraph 6(1) of Schedule 2 and does not fall within any of the other categories of eligible student specified in that Schedule. *Exception 3* The present course is a full-time course and the academic year is a year in respect of which the student is eligible to apply for—

- (a) a healthcare bursary, or
- (b) a Scottish healthcare allowance,

calculated by reference to the student's income (whether or not the calculation results in a nil amount).

*Exception 4* The eligible student is undertaking an academic year of an accelerated graduate entry course, other than the first year of the course. *Exception 5* The present course is a distance learning course and the student is not in Wales on the first day of the first academic year of the course. But this Exception does not apply where—

- (a) the student (“S”) or a close relative of S is a member of the armed forces,
- (b) S is not in Wales on the first day of the first academic year, and
- (c) S is not in Wales on that day because S or the close relative is serving as a member of the armed forces outside Wales.

*Exception 6* The eligible student is undertaking an academic year of a sandwich course during which the periods of full-time study are in aggregate less than 10 weeks (unless it is a year to which regulation 44(2) applies).

#### Amount of disabled student's grant **E+W**

**63.**—(1) The amount of disabled student's grant for which a student qualifies in respect of an academic year is the amount—

- (a) which the Welsh Ministers think appropriate, but
- (b) which does not exceed the aggregate amount of the limits applicable in respect of the Cases listed in paragraph (2).

(2) The Cases and limits are— *Case 1* Expenditure required on a non-medical personal helper. Limit of £21,181 in respect of an academic year of a full-time course. Limit of £15,885 in respect of an academic year of a part-time course. *Case 2* Expenditure required on major items of specialist equipment. Limit of £5,332 less the amounts paid as disabled student's grant to the student for the same purpose in any previous academic year of the course. *Case 3* Additional expenditure incurred—

- (a) within the United Kingdom for the purpose of attending an institution, and
- (b) within or outside the United Kingdom for the purpose of attending, as part of the present course, any period of study at an overseas institution (including the University of London Institute in Paris).

Limited to the actual expenditure incurred for this purpose. *Case 4* Any other expenditure including expenditure for a purpose specified in Case 1 or 2 where the limit applicable to that Case has been reached in respect of the disabled student's grant for the academic year in question. Limit of £1,785 in respect of an academic year of a full-time course. Limit of £1,338 in respect of an academic year of a part-time course.

**PART 10** **E+W****GRANTS FOR TRAVEL****Grant for travel** **E+W**

**64.** A grant for travel is a grant made available by the Welsh Ministers to an eligible student in the circumstances set out in regulation 65(1) or 66(1).

**Grant for travel for medical students** **E+W**

**65.—(1)** A grant for travel is available to an eligible student if the following conditions are satisfied— *Condition 1* The present course is a full-time course in—

- (a) medicine, or
- (b) dentistry,

a necessary part of which is a period of study by way of clinical training. *Condition 2* In the academic year in question, the eligible student is obliged to incur expenditure for the purpose of attending—

- (a) a hospital, or
- (b) other premises,

in the United Kingdom (not comprised in the institution providing the present course) so as to undertake clinical training as part of the course. *Condition 3* The academic year is not a year in respect of which the student is eligible to apply for—

- (a) a healthcare bursary, or
- (b) a Scottish healthcare allowance,

calculated by reference to the student's income (whether or not the calculation results in a nil amount).

(2) But a grant for travel is not available where the eligible student is a Category 6 eligible student by virtue only of paragraph 6(1) of Schedule 2 and does not fall within any of the other categories of eligible student specified in that Schedule.

(3) The amount of grant for travel payable under this regulation in respect of an academic year is the amount determined by the Welsh Ministers as follows— *Step 1* Determine the amount of reasonable expenditure incurred by the eligible student in the academic year in question for the purpose mentioned in Condition 2 of paragraph (1) (including expenditure incurred for that purpose before or after attending the hospital or other premises). *Step 2* If the eligible student's household income (see Schedule 3) is [<sup>F18</sup>less than £59,200] in respect of that year, deduct £303 from the amount arrived at in Step 1. If the eligible student's household income is [<sup>F19</sup>£59,200 or more] in respect of that year, deduct £1,000 from the amount arrived at in Step 1. The result is the amount of grant for travel payable.

(4) Expenditure incurred for the purpose of residential study away from the institution providing the present course is not expenditure incurred for the purpose mentioned in Condition 2 of paragraph (1).

**Textual Amendments**

- F18** Words in [reg. 65\(3\)](#) substituted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), [regs. 1\(2\)](#), **11(a)**
- F19** Words in [reg. 65\(3\)](#) substituted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), [regs. 1\(2\)](#), **11(b)**

**Grant for travel for study or work overseas** **E+W**

66.—(1) A grant for travel is available to an eligible student if the following conditions are satisfied— *Condition 1* The present course is a full-time course. *Condition 2* For at least of half of any quarter of the academic year in question, the eligible student attends, as part of the course—

- (a) an overseas institution (including the University of London Institute in Paris), or
- (b) an overseas work placement in an Erasmus year,

(such attendance being referred to in this regulation as “the placement” and such a quarter being referred to as a “qualifying quarter”). *Condition 3* The student incurs—

- (a) travel costs, or
- (b) any expenditure mentioned in paragraph (3),

for the purpose of the placement.

(2) The amount of grant for travel payable under this regulation in respect of an academic year is the amount determined by the Welsh Ministers in accordance with the following formula—

$$(X - Y) + Z$$

Where—

X is the aggregate of the reasonable travel costs that the eligible student is obliged to incur in each qualifying quarter for the purposes of the placement;

Y is—

- (i) £303 if the eligible student's household income (see Schedule 3) is [<sup>F20</sup>less than £59,200] in respect of the academic year in question, or
  - (ii) £1,000 if the eligible student's household income is [<sup>F21</sup>£59,200 or more] in respect of that year;
- Z is the aggregate of any expenditure incurred in each qualifying quarter specified in paragraph (3).

(3) The expenditure mentioned in paragraphs (1) and (2) is—

- (a) expenditure that the eligible student reasonably incurs in insuring against liability for the cost of medical treatment provided outside the United Kingdom for any illness or personal injury contracted or suffered during the placement;
- (b) the cost of any visa the student is obliged to obtain in order to attend the placement;
- (c) medical costs that the student reasonably incurs in order to fulfil a mandatory condition of entry into the territory, country or state in which the placement is situated.

**Textual Amendments**

**F20** Words in [reg. 66\(2\)](#) substituted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), [regs. 1\(2\)](#), [12\(a\)](#)

**F21** Words in [reg. 66\(2\)](#) substituted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), [regs. 1\(2\)](#), [12\(b\)](#)

**Grant for travel not payable for expenditure covered by disabled student's grant** **E+W**

67. Where a disabled student's grant is payable to assist an eligible student with expenditure that the student is obliged to incur in connection with the present course by reason of the student's disability, no grant for travel is payable under regulation 65 or 66 in respect of the same expenditure.

**PART 11** E+W

## GRANTS FOR DEPENDANTS

## CHAPTER 1 E+W

## INTRODUCTION

**Grants for dependants** E+W

**68.**—(1) The following are grants made available by the Welsh Ministers to an eligible student in respect of costs associated with certain dependants of the student for an academic year—

- (a) an adult dependants grant (see Chapter 2);
- (b) a parents' learning grant (see Chapter 3);
- (c) a childcare grant (see Chapter 4).

(2) In these Regulations, those grants are collectively referred to as “grants for dependants” (“GfDs”).

**Qualifying conditions for grants for dependants** E+W

**69.**—(1) An eligible student qualifies for any particular GfD in respect of an academic year of the present course if the student—

- (a) satisfies the qualifying conditions for that grant,
- (b) does not fall within any of the exceptions in paragraph (2), and
- (c) if the student's present course is a part-time course, the intensity of study of the academic year is at least 50%.

(2) The exceptions are— *Exception 1* The eligible student is a prisoner, unless—

- (a) the present course is a part-time course, and
- (b) the student enters or is released from prison in the academic year in question.

*Exception 2* The eligible student is a Category 6 eligible student by virtue only of paragraph 6(1) of Schedule 2 and does not fall within any of the other categories of eligible student specified in that Schedule. *Exception 3* The academic year is a year in respect of which the student is eligible to apply for—

- (a) a healthcare bursary, or
- (b) a Scottish healthcare allowance,

calculated by reference to the student's income (whether or not the calculation results in a nil amount).

*Exception 4* The eligible student is undertaking an academic year of an accelerated graduate entry course, other than the first year of the course. *Exception 5* The present course is a distance learning course. *Exception 6* The eligible student is undertaking an academic year of a sandwich course during which the periods of full-time study are in aggregate less than 10 weeks (unless it is a year to which Regulation 44(2) applies). *Exception 7* The person in respect of whom the eligible student is applying—

- (a) is an eligible student, and
- (b) is in receipt of a statutory award.

**Interpretation of this Part** E+W

**70.**—(1) In this Part—

“adult dependant” (“*oedolyn dibynnol*”) means an adult person—

- (a) who is wholly or mainly financially dependent on the eligible student, or
- (b) who is wholly or mainly financially dependent on both the eligible student and the eligible student's partner together,

but not the eligible student's child, the eligible student's partner (including a partner from whom the eligible student is separated) or the eligible student's former partner;

“current academic year” (“*blwyddyn academiadd gyfredol*”) means the academic year of the present course in respect of which the eligible student is applying for a GfD;

“dependent child” (“*plentyyn dibynnol*”) means a child—

- (a) who is wholly or mainly financially dependent on the eligible student, or
- (b) who is wholly or mainly financially dependent on both the eligible student and the eligible student's partner together,

including a child of the eligible student's partner and a child for whom the eligible student has parental responsibility;

“lone parent” (“*rhiant unigol*”) means a person who—

- (a) is a parent of a dependent child, and
- (b) does not have a partner.

(2) In this Part, any reference to a person's (“A's”) partner means—

- (a) A's spouse or civil partner, or
- (b) a person ordinarily living with A as if the person were A's spouse or civil partner.

(3) Any reference in this Part to a person's or persons' income is a reference to that income as calculated in accordance with the appropriate provisions of Schedule 3.

## CHAPTER 2 **E+W**

### ADULT DEPENDANTS GRANT

#### Adult dependants grant **E+W**

**71.**—(1) An eligible student qualifies for an adult dependants grant in respect of only one of the following persons—

- (a) the student's partner;
- (b) an adult dependant of the student.

(2) But an eligible student does not qualify for an adult dependants grant if one of the following exceptions applies— *Exception 1* Where the eligible student is applying in respect of an adult dependant (“A”)—

- (a) A's net income for the current academic year exceeds £3,923, or
- (b) A is—
  - (i) the spouse or civil partner of the eligible student's partner (including a spouse or civil partner from whom the student's partner is separated), or
  - (ii) the former partner of the eligible student's partner.

*Exception 2* Where the eligible student is applying in respect of the student's partner (“P”)—

- (a) the eligible student is, in the opinion of the Welsh Ministers, separated from P, or
- (b) P is ordinarily living outside the United Kingdom and is not maintained by the eligible student.

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

### Maximum amount of adult dependants grant **E+W**

72.—(1) In Table 11, Column 2 sets out the maximum amount of adult dependants grant payable in respect of an academic year in the corresponding entry in Column 1.

(2) But where the person in respect of whom the eligible student is applying is ordinarily resident outside the United Kingdom, the amount of adult dependants grant payable is an amount, not exceeding the maximum amount, which the Welsh Ministers consider reasonable in the circumstances.

**Table 11**

<i>Column 1 Academic year</i>	<i>Column 2 Maximum amount of adult dependants grant</i>
Beginning on or after 1 September 2018	£2,732

## CHAPTER 3 **E+W**

### PARENTS' LEARNING GRANT

#### Parents' learning grant **E+W**

73. —An eligible student qualifies for a parents' learning grant if the eligible student has one or more dependent children.

#### Maximum amount of parents' learning grant **E+W**

74. In Table 12, Column 2 sets out the maximum amount of parents' learning grant payable in respect of an academic year in the corresponding entry in Column 1.

**Table 12**

<i>Column 1 Academic year</i>	<i>Column 2 Maximum amount of parents' learning grant</i>
Beginning on or after 1 September 2018	£1,557

## CHAPTER 4 **E+W**

### CHILDCARE GRANT

#### Childcare grant **E+W**

75.—(1) An eligible student qualifies for a childcare grant in respect of prescribed childcare charges for a dependent child incurred during the current academic year if one of the following conditions are satisfied— *Condition 1* The dependent child is under the age of 15 immediately before the beginning of the academic year. *Condition 2* The dependent child has special educational needs within the meaning of section 312 of the Education Act 1996 <sup>M36</sup> and is under the age of 17 immediately before the beginning of the first day of the academic year.

(2) But the eligible student does not qualify for a childcare grant in any of the following cases — *Case 1* The eligible student or the eligible student's partner has elected to receive the childcare element of the working tax credit under Part 1 of the Tax Credits Act 2002 <sup>M37</sup>. *Case 2* The eligible student or the eligible student's partner is entitled to an award of universal credit which includes an amount in respect of childcare costs under regulation 31 of the Universal Credit Regulations 2013

(child care costs element)<sup>M38</sup>. *Case 3* The eligible student's partner has elected to receive financial support for childcare under a healthcare bursary. *Case 4* The prescribed childcare charges are for a period in respect of which the eligible student or the eligible student's partner has made a valid declaration of eligibility within the meaning given by section 4 of the Childcare Payments Act 2014<sup>M39</sup>. *Case 5* The prescribed childcare charges are paid or to be paid by the eligible student to the student's partner. *Case 6* The prescribed childcare charges are in respect of any period between the end of the course and the end of the academic year in which the course ends.

(3) In this regulation and regulation 76—

“dependent child” (“*plentyn dibynnol*”) includes a dependent child born after the beginning of the academic year;

“prescribed childcare charges” (“*ffioedd gofal plant rhagnodedig*”) means childcare charges of a description prescribed for the purposes of section 12 of the Tax Credits Act 2002<sup>M40</sup>.

#### Marginal Citations

**M36** 1996 c. 56; section 312 was amended by the Education Act 1997 (c. 44), **Schedule 7**, paragraph 23 and Schedule 8, the Schools Standards and Framework Act 1998 (c. 31), section 140, **Schedule 30**, paragraph 71 and Schedule 31, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **section 59** and Schedule 2, the Children and Families Act 2014 (c. 6), **Schedule 3** and S.I. 2010/1158.

**M37** 2002 c. 21

**M38** S.I. 2013/376

**M39** 2014 c. 28.

**M40** Regulation 14 of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005) as amended prescribes the childcare charges.

#### Maximum amount of childcare grant **E+W**

**76.**—(1) The amount of childcare grant payable is 85% of the eligible student's weekly prescribed childcare charges, up to the maximum weekly amount—

- (a) specified in Table 13, or
- (b) where paragraph (4) applies, specified in that paragraph.

(2) In Table 13—

- (a) Column 1 specifies the academic year in relation to which the maximum weekly amount of childcare grant in Column 3 is payable;
- (b) Column 2 specifies the number of dependent children to which the amounts specified in Column 3 relate;
- (c) Column 3 specifies the maximum weekly amount of childcare grant payable in respect of the corresponding entries in Columns 1 and 2, where the application for a childcare grant identifies a childcare provider.

**Table 13**

<i>Column 1 Academic year</i>	<i>Column 2 Number of child dependants</i>	<i>Column 3 Maximum weekly amount</i>
Beginning on or after 1 September 2018	One dependent child	£161.50
	More than one dependent child	£274.55



*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

(3) Where the eligible student has more than one dependent child, the amount specified in the appropriate entry in Column 3 is the maximum weekly amount payable, irrespective of the number of children receiving childcare.

(4) Where the eligible student's application for childcare grant does not identify the childcare provider, the Welsh Ministers may limit—

- (a) the amount of childcare grant paid to the student to 85% of the prescribed childcare charges up to a maximum weekly amount of £115;
- (b) the payment of the childcare grant to one quarter of the academic year.

(5) For the purposes of calculating an amount of childcare grant, a week runs from Monday to Sunday.

(6) Where prescribed childcare charges are incurred in respect of a week that falls partly within and partly outside the academic year in respect of which childcare grant is payable, the maximum weekly amount is calculated by applying the following formula—

$$\frac{A \times B}{7}$$

Where—

A is the applicable maximum weekly amount, and

B is the number of days of the week falling within the academic year.

## CHAPTER 5 **E+W**

### AMOUNT OF GRANT FOR DEPENDANTS PAYABLE

#### **Grants for dependants: calculating the amount payable **E+W****

77.—(1) The amount of GfD payable to an eligible student in respect of an academic year is calculated by applying the following steps— Step 1 Aggregate—

- (a) the eligible student's household income calculated under Part 2 of Schedule 3,
- (b) if not already taken into account as part of the eligible student's household income, the residual income of the eligible student's adult dependant for the applicable financial year calculated under Chapter 2 of Part 4 of Schedule 3, and
- (c) the net income of the eligible student's dependent children for the applicable financial year calculated under Part 5 of Schedule 3.

Step 2 Deduct the following amounts from the aggregated total calculated under Step 1—

- (a) £6,159, where the eligible student has no dependent children;
- (b) £8,473, where the eligible student is not a lone parent and has one dependent child;
- (c) £9,632, where the eligible 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) £10,797, where the eligible student is a lone parent and has more than one dependent child.

The result is the net total. Step 3 Add up the maximum amounts of each GfD for which the eligible student qualifies. The result is the aggregated maximums. Step 4

- (a) If the net total under Step 2 is nil or a negative amount, the amount payable is—
  - (i) where the present course is a full-time course, the aggregated maximums arrived at under Step 3;



- (ii) where the present course is a part-time course, the aggregated maximums arrived at under Step 3 reduced in accordance with paragraph (2).
  - (b) If the net total under Step 2 is equal to or exceeds the aggregated maximums arrived at under Step 3, the amount payable is nil.
  - (c) If the net total under Step 2 is a positive amount which is less than the aggregated maximums arrived at under Step 3, deduct the net total from the aggregated maximums so as to reduce the amount of GfDs payable in the following order until the net total is extinguished—
    - (i) first deduct the maximum amount of adult dependants grant for which the eligible student qualifies;
    - (ii) then deduct the maximum amount of childcare grant for which the student qualifies;
    - (iii) finally deduct the maximum amount of parents' learning grant for which the student qualifies.
  - (d) Where sub-paragraph (c) of this Step applies, the amount remaining after that reduction is—
    - (i) the amount payable where the present course is a full-time course;
    - (ii) the amount to be reduced in accordance with paragraph (2) where the present course is a part-time course.
- (2) If the eligible student's present course is a part-time course, the amount of GfD payable is the amount referred to in paragraph (a)(ii) or (d)(ii) of Step 4 of paragraph (1) multiplied by—
- (a) 50%, where the intensity of study for the current academic year is at least 50% but less than 60%;
  - (b) 60%, where the intensity of study for the current academic year is at least 60% but less than 75%;
  - (c) 75%, where the intensity of study for the current academic year is 75% or more.
- (3) Where the amount of GfD payable as a result of Step 4 of paragraph (1) or, as the case may be, paragraph (2), is an amount of parents' learning grant which is more than £0.01 but less than £50, the amount payable is £50.
- (4) This regulation is subject to regulations 78 and 79.

**Amount of adult dependants grant and childcare grant: eligible student's partner is an eligible student E+W**

**78.** Where, as a result of Step 4 of paragraph (1) of regulation 77 or, as the case may be, paragraph (2) of that regulation, an amount of adult dependants grant and childcare grant is payable to an eligible student, that amount is reduced by one half where—

- (a) the eligible student's partner—
  - (i) is an eligible student, or
  - (ii) is in receipt of a statutory award, and
- (b) the amount of support payable to the partner—
  - (i) by virtue of the partner being an eligible student, or
  - (ii) under the statutory awardtakes account of the partner's dependants.

**Changes in circumstances** **E+W**

**79.**—(1) This regulation applies where, in the course of the academic year, any of the following occurs—

- (a) there is a change in the number of the eligible student's dependants;
- (b) the student becomes or ceases to be a lone parent;
- (c) the student becomes an eligible student as a result of an event referred to in regulation 81(3).

(2) For the purposes of determining whether an adult dependants grant or parents' learning grant is payable and the amount payable, the Welsh Ministers must determine the following in relation to each relevant quarter—

- (a) how many dependants the eligible student is to be treated as having;
- (b) whether the student is to be treated as a lone parent.

(3) The total amount of GfD payable for the academic year is—

- (a) the aggregate of the amounts of adult dependants grant and parents' learning grant calculated in respect of each relevant quarter under this regulation, plus
- (b) the amount of any childcare grant payable for the academic year.

(4) The amount of adult dependants grant and parents' learning grant payable in respect of a relevant quarter is one third of the amount of that grant which would be payable for the academic year as determined under regulation 77 if the student's circumstances in the relevant quarter had been the same throughout the whole of the academic year.

(5) In this regulation a “relevant quarter” means—

- (a) in the case of an eligible student referred to in paragraph (1)(c), a quarter which begins immediately after the relevant event occurs other than a quarter during which the longest of any vacation occurs;
- (b) otherwise, a quarter other than the quarter during which the longest of any vacation occurs.

**PART 12** **E+W****QUALIFYING FOR SUPPORT DURING THE ACADEMIC YEAR****Qualifying for a tuition fee loan during the academic year** **E+W**

**80.**—(1) Where one of the events listed in paragraph (2) occurs within 3 months of the first day of the academic year, the student may qualify for a tuition fee loan in respect of that academic year.

(2) The events are—

- (a) the present course becomes a designated course;
- (b) the student becomes an eligible student on the grounds that—
  - (i) the student or the student's spouse, civil partner or parent is recognised as a refugee or [<sup>F22</sup>becomes a person granted stateless leave or] becomes a person with leave to enter or remain;
  - (ii) a state accedes to the European Union where the student is a national of that state or a family member of a national of that state;
  - (iii) the student becomes a family member of an EU national;
  - (iv) the student acquires the right of permanent residence;

- (v) the student becomes a child of a Turkish worker;
- (vi) the student becomes a person described in paragraph 4(1)(a) of Schedule 2;
- (vii) the student becomes the child of a Swiss national.

(3) In this regulation and regulation 81, the following terms have the same meaning as in Schedule 2—

- “child” (“*plentyn*”);
- “family member” (“*aelod o deulu*”) (within the meaning given by paragraph 6(5) of Schedule 2);
- “parent” (“*rhiant*”);
- [<sup>F23</sup>“person granted stateless leave” (“person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth”)]
- “person with leave to enter or remain” (“*person sydd â chaniatâd i ddod i mewn neu i aros*”);
- “refugee” (“*ffoadur*”);
- “right of permanent residence” (“*hawl i breswyllo'n barhaol*”);
- “Turkish worker” (“*gweithiwr Twrcaid*”).

#### Textual Amendments

- F22** Words in reg. 80(2)(b)(i) inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **13(a)**
- F23** Words in reg. 80(3) inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **13(b)**

#### Qualifying for grants or maintenance loan during the academic year **E+W**

**81.**—(1) Where one of the events in paragraph (3) occurs, the eligible student may qualify for a grant or maintenance loan.

- (2) But the amount of grant or loan payable to the eligible student—
  - (a) will only be in respect of the quarter or quarters of the academic year beginning after the relevant event occurs, and
  - (b) in relation to a maintenance loan, will only be payable if it is a quarter in respect of which the loan would otherwise be payable under regulation 85(6) and (7).
- (3) The events are—
  - (a) the student's course becomes a designated course;
  - (b) the student becomes an eligible student on the grounds that—
    - (i) the student or the student's spouse, civil partner or parent is recognised as a refugee or [<sup>F24</sup>becomes a person granted stateless leave or] becomes a person with leave to enter or remain;
    - (ii) a 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;
    - (iii) the student acquires the right of permanent residence;
    - (iv) the student becomes a child of a Turkish worker;

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

- (v) the student becomes a person described in paragraph 4(1)(a) of Schedule 2;
- (vi) the student becomes the child of a Swiss national.

#### Textual Amendments

**F24** Words in reg. 81(3)(b)(i) inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), 14

## PART 13 E+W

### PAYMENTS, OVERPAYMENTS AND RECOVERY

#### CHAPTER 1 E+W

##### PAYMENT FOLLOWING A PROVISIONAL DECISION

#### Payment based on provisional assessment E+W

**82.** Where the Welsh Ministers make a provisional decision on an application under regulation 32, the Welsh Ministers may make a payment based on that decision.

#### CHAPTER 2 E+W

##### PAYMENT OF TUITION FEE LOAN

#### Payment of tuition fee loan E+W

**83.**—(1) Where a tuition fee loan is payable to an eligible student, the Welsh Ministers must pay that amount to the academic authority to which the student is liable to make payment.

(2) The Welsh Ministers may pay that amount in instalments or in a single lump sum.

#### Requirements for payment of tuition fee loan E+W

**84.**—(1) The Welsh Ministers may not make any payment under regulation 83 unless they have received from the academic authority—

- (a) a request for payment in respect of the eligible student, and
- (b) confirmation in writing that the student is undertaking the designated course.

(2) The confirmation referred to in paragraph (1)(b) must—

- (a) in relation to the first (or only) payment in respect of the course, be confirmation that the student has enrolled on and started to undertake the present course;
- (b) in relation to any subsequent payments in respect of the course, be confirmation that the student remains enrolled on and continues to undertake the course.

#### CHAPTER 3 E+W

##### PAYMENT OF GRANTS AND MAINTENANCE LOANS

#### Payment of grants and maintenance loans E+W

**85.**—(1) The Welsh Ministers must pay an amount of grant or maintenance loan to an eligible student where it is payable to the student.

(2) The Welsh Ministers may pay that amount in instalments or in a single lump sum.

(3) Subject to paragraphs (4) and (5), a grant is payable in respect of the four quarters of the academic year.

(4) An amount of disabled student's grant payable in respect of expenditure on major items of specialist equipment may be payable as a single amount for the whole academic year if the Welsh Ministers think it appropriate.

(5) A grant for travel payable under regulation 66 is payable in respect of each of the qualifying quarters (within the meaning of that regulation).

(6) A maintenance loan is payable in respect of three quarters of the academic year.

(7) No maintenance loan is payable—

(a) in the case of a compressed degree course, in respect of the quarter nominated by the Welsh Ministers;

(b) in any other case, in respect of the quarter in which the longest of any vacation occurs.

#### **Students living in more than one location** **E+W**

**86.**—(1) The Welsh Ministers must determine the location in which an eligible student is living during each quarter in respect of which a maintenance grant or maintenance loan is payable to the student (see paragraph 3 of Schedule 1).

(2) Where an eligible student is living in more than one category of location during a quarter, the eligible student is treated as living in the location in which the student lives the longest.

(3) Where an eligible student is living in more than one category of location for an equal period during a quarter, the eligible student is treated as living in the location in relation to which the highest rate of maintenance loan or maintenance grant is payable.

#### **Confirmation of attendance** **E+W**

**87.**—(1) The Welsh Ministers may not make any payment under regulation 85 unless they have received from the academic authority confirmation in writing that the student is undertaking the designated course for the academic year.

(2) The confirmation referred to in paragraph (1) must be confirmation—

(a) that the eligible student has enrolled on the course for the academic year, in a case where the student is applying for support in connection with the course—

(i) other than for the first time,

(ii) for the first time if the student's status as an eligible student has transferred to the course from another designated course at the same institution, or

(iii) for the first time if the student has a disability, or

(b) that the eligible student has enrolled for the academic year and has started to undertake the course, in a case where—

(i) the student is applying for support in connection with the course for the first time, and

(ii) the student has not transferred to the course from another designated course at the same institution.

(3) But a payment may be made before the Welsh Ministers receive the confirmation referred to in paragraph (1) if—

(a) the payment is an amount of disabled student's grant, or

- (b) the Welsh Ministers think that owing to exceptional circumstances it is appropriate to do so.

#### **Determination of amount payable made after payment made** **E+W**

**88.**—(1) This regulation applies where the Welsh Ministers make a determination of the amount any grant or maintenance loan payable to an eligible student (whether as a result of revising a provisional decision or otherwise) after a payment of any amount of the grant or maintenance loan has been made.

(2) If the determination increases the amount of grant or loan payable, the Welsh Ministers must pay the additional amount in such instalments, or in a single lump sum, as they think appropriate.

(3) If the determination decreases the amount of any grant payable—

- (a) the amount of the decrease is subtracted from the grant which remains to be paid;
- (b) if the decrease is greater than the amount of that grant remaining to be paid—
  - (i) that amount remaining to be paid is reduced to nil,
  - (ii) the remainder of the decrease, if any, is deducted from the amount of any other grant remaining to be paid, and
  - (iii) if any amount of the decrease still remains it is treated as an overpayment.

(4) If the determination decreases the amount of any maintenance loan payable (“the new total payable”)—

- (a) where the new total payable is greater than the amount of maintenance loan for which the student has applied, any additional amount for which the student may apply is reduced accordingly;
- (b) where the new total payable is less than the amount for which the student has applied, the student may not apply for any additional amount of maintenance loan;
- (c) where the new total payable is less than the amount of maintenance loan remaining to be paid—
  - (i) the amount remaining to be paid is reduced to nil, and
  - (ii) such of the amount already paid as exceeds the new total payable, if any, is to be treated as an overpayment.

### CHAPTER 4 **E+W**

#### OVERPAYMENTS AND RECOVERY

##### **Overpayments – general** **E+W**

**89.**—(1) Any overpayment of a tuition fee loan is recoverable by the Welsh Ministers from the academic authority.

(2) Where an eligible student has been paid an amount of any grant or maintenance loan which exceeds the amount to which the student is entitled under these Regulations, the student must repay the excess amount if required to do so by the Welsh Ministers.

(3) In this Chapter, references to an eligible student are to be treated as including a person who has received support but is not, or is no longer, an eligible student.

##### **Recovery of overpayments of grants** **E+W**

**90.**—(1) The Welsh Ministers must recover any overpayment of a grant unless they think it is not appropriate to do so.

(2) A payment of a grant made before the day on which the course begins in respect of the academic year in question is an overpayment if the eligible student withdraws from the course before that day.

(3) A payment of disabled student's grant is an overpayment if either of the following cases apply — *Case 1* An amount of the grant has been paid for the purpose of assisting with expenditure on major items of specialist equipment but the equipment has not been delivered to the eligible student before the student's period of eligibility ends or is terminated. *Case 2* Payment of an amount of the grant for the purpose of assisting with expenditure on major items of specialist equipment is made after the eligible student's period of eligibility ends or is terminated.

(4) Overpayment of a grant may be recovered by subtracting the overpayment from any grant payable to the eligible student from time to time under these Regulations or any other regulations made by the Welsh Ministers under section 22 of the 1998 Act.

(5) Where—

- (a) there is an overpayment of a disabled student's grant, and
- (b) any amount of the grant was paid for the purpose of assisting with expenditure on major items of specialist equipment,

the Welsh Ministers may accept the return of specialist equipment by way of recovery of all or part of the overpayment.

(6) Paragraphs (4) and (5) do not prevent the Welsh Ministers from recovering an overpayment by any other method available to them.

### Recovery of overpayments of maintenance loans **E+W**

**91.**—(1) Where a maintenance loan has been overpaid for any of the reasons mentioned in paragraph (2), the Welsh Ministers may recover the overpayment—

- (a) by subtracting it from any maintenance loan payable to the eligible student from time to time under these Regulations or any other regulations made by the Welsh Ministers under section 22 of the 1998 Act, or
- (b) by any other method available to them.

(2) The reasons are—

- (a) the student failed to promptly provide information which may have affected whether the student qualified for the loan or the amount of loan payable;
- (b) the student provided the information but it was materially inaccurate;
- (c) the student failed to provide information which the Welsh Ministers think is material in the context of recovering the loan.

(3) Where a maintenance loan has been overpaid for any other reason, the Welsh Ministers may recover the overpayment only by subtracting it from any maintenance loan payable to the eligible student from time to time under these Regulations or any other regulations made by the Welsh Ministers under section 22 of the 1998 Act.



**PART 14** E+W

## RESTRICTIONS ON PAYMENTS AND AMOUNTS PAYABLE

## CHAPTER 1 E+W

## RESTRICTIONS RELATING TO GRANTS AND MAINTENANCE LOANS

**Requirement for payment to be made into bank or building society account** E+W

92.—(1) If the Welsh Ministers think it appropriate to make payments of a grant or maintenance loan by transfer into a bank or building society account, they may require an eligible student to provide details of such an account in the United Kingdom into which payments may be made.

(2) If that requirement is imposed, the Welsh Ministers may not make any payment of the grant or loan until the eligible student has complied.

**Support reduced for periods spent in prison** E+W

93.—(1) This regulation applies to an eligible student—

- (a) to whom a grant (other than disabled student's grant) or maintenance loan is payable in respect of an academic year, and
- (b) who becomes a prisoner during the academic year.

(2) Where this regulation applies, the amount of the grant or maintenance loan payable is reduced in accordance with the following formula—

$$A \times \frac{(dY - dP)}{dY}$$

Where—

A is the amount of grant or maintenance loan payable;

dY is the number of days in the academic year in question;

dP is the number of days during the year that the eligible student is a prisoner.

(3) But the Welsh Ministers may determine that the reduction is not to be made if they think it appropriate in the circumstances, having regard in particular to—

- (a) the financial hardship that may be caused to the student by reducing the amount of grant or loan payable;
- (b) whether the reduction would affect the student's ability to continue the present course.

**Support reduced for other periods of absence** E+W

94.—(1) This regulation applies to an eligible student—

- (a) to whom a grant (other than disabled student's grant) or maintenance loan is payable in respect of an academic year, and
- (b) who stops undertaking the present course for any period during the academic year (referred to in this regulation as being absent).

(2) Where this regulation applies, the amount of the grant or maintenance loan payable is reduced in accordance with the following formula—



$$A \times \frac{(dY - dAbs)}{dY}$$

Where—

A is the amount of grant or maintenance loan payable;

dY is the number of days in the academic year in question;

dAbs is the number of days during the year that the eligible student is absent from the present course.

(3) But the Welsh Ministers may determine that the reduction is not to be made if they think it appropriate in the circumstances, having regard in particular to—

- (a) the reasons for the eligible student's absence,
- (b) the length of absence, and
- (c) any financial hardship that may be caused by reducing the amount of grant or loan payable.

(4) An eligible student is not to be treated as absent for the purposes of this regulation in the following circumstances—

- (a) the absence is due to illness and is for a period not exceeding 60 days;
- (b) where the present course is a compressed degree course, any part of the academic year during which the student is not required to attend the institution;
- (c) where the student has a disability but is unable to attend the institution for a reason relating to that disability;
- (d) where the student is on a period of study or work placement in an Erasmus year;
- (e) the absence is because the eligible student becomes a prisoner (see regulation 93).

#### Payments when period of eligibility ends or is terminated **E+W**

95.—(1) Where an eligible student's period of eligibility has ended or has been terminated, any amount of grant or maintenance loan payable in respect of an academic year is reduced in accordance with the following formula—

$$A \times \frac{(ppY - ppT)}{ppY}$$

Where—

A is the amount of grant or maintenance loan payable;

ppY is the number of payment periods in the academic year in question;

ppT is the number of payment periods in the year beginning after the eligible student's period of eligibility has ended or has been terminated.

(2) The Welsh Ministers may not make any payment of an amount of grant or maintenance loan in respect of any payment period beginning after an eligible student's period of eligibility has ended or has been terminated.

(3) Paragraphs (4) to (8) apply where—

- (a) an amount of grant is payable to an eligible student (“P”) in respect of an academic year, and
- (b) P's period of eligibility ends or is terminated on or after the day on which the course begins in respect of that year.

(4) The Welsh Ministers must determine—

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

- (a) the amount of grant that, had P's eligibility not ended or been terminated, would be payable to P in respect of the payment period during which P's period of eligibility ended or was terminated (the "full amount"), and
  - (b) the proportion of the full amount that would be payable to P in respect of the period beginning at the start of that payment period and ending when P's eligibility ended or was terminated (the "partial amount").
- (5) The Welsh Ministers must take the action mentioned in paragraph (6) where—
- (a) they have made a payment to P of an amount of grant in respect of the payment period during which P's period of eligibility ended or was terminated,
  - (b) the payment is made before P's period of eligibility ended or was terminated, and
  - (c) the amount paid exceeds the partial amount.
- (6) The action referred to in paragraph (5) is to either—
- (a) reduce the amount of grant payable to P by the excess referred to in paragraph (5)(c) (and accordingly treat the excess as an overpayment), or
  - (b) if the Welsh Ministers think it appropriate, extend P's period of eligibility in respect of the grant until the end of the payment period (and accordingly the full amount is payable).
- (7) Where—
- (a) the Welsh Ministers have made, or are due to make, a payment to P of an amount of grant in respect of the payment period during which P's period of eligibility ended or was terminated, and
  - (b) the payment—
    - (i) is made or is due after P's period of eligibility ended or was terminated, or
    - (ii) is made before then and is no more than the partial amount,
- the amount of grant payable is the partial amount unless paragraph (8) applies.
- (8) In the circumstances referred to in paragraph (7) the Welsh Ministers—
- (a) may determine that P's period of eligibility is extended to the end of payment period in question (and accordingly the full amount of grant is payable) if they think it appropriate to do so, and
  - (b) must so determine if the amount of grant in question is an amount of disabled student's grant paid in respect of expenditure on major items of specialist equipment.
- (9) In this regulation, "payment period" means a period (whether a whole academic year or a quarter of an academic year) in respect of which a grant or maintenance loan is payable or would be payable were it not for the fact that the eligible student's period of eligibility had ended or was terminated.

## CHAPTER 2 **E+W**

### RESTRICTIONS RELATING TO LOANS

#### **Requirement to provide national insurance number **E+W****

**96.**—(1) The Welsh Ministers may make it a condition of entitlement to payment of a tuition fee loan or maintenance loan that an eligible student must provide them with the student's United Kingdom national insurance number.

(2) If that condition is imposed, the Welsh Ministers may not make any payment of the loan until the eligible student has complied, unless the Welsh Ministers are satisfied that, owing to exceptional circumstances, it would be appropriate to make a payment despite the condition not being complied with.

### **Information requirements relating to loans** E+W

**97.**—(1) Where the Welsh Ministers have required information or documentation under regulation 35(1) for any of the purposes mentioned in paragraph (2) of this regulation, they may withhold any payment of a tuition fee loan or maintenance loan until the student complies with the requirement or provides a satisfactory explanation for not doing so.

(2) The purposes are—

- (a) determining whether student is an eligible student who qualifies for a loan;
- (b) determining the amount of loan payable to the student;
- (c) any matter relating to the repayment of a loan by the student.

## **PART 15** E+W

### **DISABLED POSTGRADUATE STUDENT'S GRANT**

E+W

**98.** Schedule 4 makes provision about disabled postgraduate student's grant.

## **PART 16** E+W

### **OXBRIDGE COLLEGE FEE LOANS**

E+W

**99.** Schedule 5 makes provision about Oxbridge college fee loans.

## **PART 17** E+W

### **AMENDMENTS TO THE EDUCATION (STUDENT SUPPORT) (WALES) REGULATIONS 2017**

E+W

**100.** Schedule 6 contains amendments to the 2017 Regulations.

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

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1 **E+W**

Regulation 4(1)

#### Interpretation

#### Meaning of academic year **E+W**

- 1.—(1) An “academic year”, in respect of a course, is determined as follows—
- (a) identify the period in Column 2 of Table 14 within which the academic year actually begins;
  - (b) the academic year is the period of 12 months beginning on the date specified in the entry in Column 1 of the Table corresponding to the period set out in Column 2.
- (2) But if the course is a compressed first year course, “academic year”, in respect of the first year of the course, means the period of 8 months beginning on the date so specified.
- (3) Any reference in these Regulations to an “academic year” is a reference to a year determined in accordance with sub-paragraphs (1) and (2).

**Table 14**

<i>Column 1 Start date of academic year for the purposes of these regulations</i>	<i>Column 2 Period within which academic year begins</i>
1 September	On or after 1 August but before 1 January
1 January	On or after 1 January but before 1 April
1 April	On or after 1 April but before 1 July
1 July	On or after 1 July but before 1 August

#### Educational institutions **E+W**

2. In these Regulations—
- (a) “recognised educational institution” means—
    - (i) a Welsh regulated institution,
    - (ii) an English regulated institution,
    - (iii) an institution maintained or assisted by recurrent grants out of funds provided by the Scottish Ministers, or
    - (iv) an institution maintained or assisted by recurrent grants out of funds provided by the Northern Ireland Executive;
  - (b) “Welsh regulated institution” means an institution which has a fee and access plan approved by the Higher Education Funding Council for Wales under section 7 of the Higher Education (Wales) Act 2015<sup>M41</sup> and which remains in force;

- (c) “English regulated institution” means an institution maintained or assisted by recurrent grants from the Higher Education Funding Council for England.

**Marginal Citations**

M41 2015 anaw 1.

**Location of an eligible student** **E+W**

- 3.—(1) In these Regulations, in relation to an eligible student—
- (a) “living at home” means that the student is living at the student's parent's home while undertaking the present course;
  - (b) “living away from home, studying in London” means that the student is living away from the student's parent's home while—
    - (i) undertaking a course at the University of London,
    - (ii) undertaking a course at an institution requiring attendance in the academic year at a site that is wholly or partly in London where at least half of any quarter of the course is provided at such a site, or
    - (iii) undertaking a sandwich course in the academic year at an institution that requires the student to undertake work experience, or a combination of work experience and study, in London where that work experience, or combination of work experience and study, is undertaken for at least half of any quarter;
  - (c) “living away from home, studying elsewhere” means that the eligible student is living away from the student's parent's home but not studying in London, including attending an institution outside the United Kingdom as part of the student's course or undertaking an overseas work placement in an Erasmus year.
- (2) For the purposes of sub-paragraph (1), “London” means the area comprising the City of London and the former Metropolitan Police District.
- (3) In sub-paragraph (2), “former Metropolitan Police District” means—
- (a) Greater London, excluding the city of London, the Inner Temple and the Middle Temple,
  - (b) in the county of Essex, in the district of Epping Forest—
    - (i) the area of the former urban district of Chigwell, and
    - (ii) the parish of Waltham Abbey,
  - (c) in the county of Hertfordshire—
    - (i) in the borough of Broxbourne, the area of the former urban district of Cheshunt,
    - (ii) the district of Hertsmere, and
    - (iii) in the district of Welwyn Hatfield, the parish of Northaw, and
  - (d) in the county of Surrey—
    - (i) in the borough of Elmbridge, the area of the former urban district of Esher,
    - (ii) the boroughs of Epsom and Ewell and Spelthorne, and
    - (iii) in the district of Reigate and Banstead, the area of the former urban district of Banstead.

**Meaning of Erasmus year** **E+W**

- 4.—(1) In these Regulations, an “Erasmus year” is an academic year in which a student—

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

- (a) participates in the ERASMUS scheme as part of a course provided wholly by a recognised educational institution, and
  - (b) satisfies condition A, B, or C in sub-paragraph (2).
- (2) The conditions are— *Condition A*
- (a) The course is provided by an institution in Northern Ireland, and
  - (b) the student completes all periods of study or work placement under the scheme outside the United Kingdom.

*Condition B*

- (a) The course is provided by an institution in England, Scotland or Wales,
- (b) at least one period of study or work placement under the scheme is attended at an institution or workplace outside the United Kingdom during the academic year, and
- (c) during that academic year, the aggregate of any one or more periods of full-time study at the institution in England, Scotland or Wales is less than 10 weeks.

*Condition C*

- (a) The course is provided by an institution in England, Scotland or Wales,
- (b) at least one period of study or work placement under the scheme is attended at an institution or workplace outside the United Kingdom during the academic year, and
- (c) during that academic year and any previous academic years of the course, the aggregate of any one or more periods of attendance (which are not periods of full-time study at the institution in England, Scotland or Wales), disregarding any intervening vacations, exceeds 30 weeks.

(3) In sub-paragraph (1), “ERASMUS scheme” means the European Union's action scheme for the mobility of university students <sup>M42</sup>.

**Marginal Citations**

**M42** ERASMUS is part of the European Community action programme SOCRATES; OJ No L28, 3.2.2000 p. 1.

**Part-time students – calculation of intensity of study** E+W

5.—(1) In these Regulations, a reference to the intensity of study in relation to a part-time course is a reference to the lower of—

- (a) the percentage calculated in accordance with sub-paragraph (2), or
  - (b) 75%.
- (2) The percentage is calculated as follows—

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

Where—

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

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 sub-paragraph (2)—
- (a) “full-time equivalent” 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” means the period in which a standard full-time student would complete the full-time equivalent;
- (c) “standard full-time student” means a student who is taken—
- (i) to have started the full-time equivalent on the same date as the student undertaking 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.

### Interpretation of other key terms **E+W**

#### 6.—(1) In these Regulations—

“academic authority” (“*awdurdod academiadd*”) 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;

“accelerated graduate entry course” (“*cwrs mynediad graddedig carlam*”) means a full-time course—

- (a) which leads to a qualification as a medical doctor or dentist,
- (b) the standard of which is not higher than a first degree course,
- (c) where the normal entry requirement is a first degree or equivalent qualification, and
- (d) which does not exceed 4 years duration;

“close relative” (“*perthynas agos*”) (in relation to a person (“P”)) means—

- (a) P's spouse or civil partner;
- (b) a person ordinarily living with P as if the person were P's spouse or civil partner;
- (c) P's parent, where P is under the age of 25;
- (d) [F<sup>25</sup>P's child, where P is dependent on that child;]

“compressed degree course” (“*cwrs gradd cywasgedig*”) means a course determined as such by—

- (a) the Welsh Ministers in accordance with sub-paragraph (2), or
- (b) the Secretary of State in accordance with regulation 2(2) of the Education (Student Support) Regulations 2011 <sup>M43</sup>;

“compressed first year course” (“*cwrs blwyddyn gyntaf gywasgedig*”) means a course where—

- (a) the first year is to be completed in a period of not more than seven months, and
- (b) no other years of the course are undertaken on such a compressed basis;

“course for the initial training of teachers” (“*cwrs ar gyfer hyfforddiant cychwynnol athrawon*”) includes a teacher training course leading to a first degree but excludes an employment-based teacher training scheme (within the meaning given by regulation 7(2));

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

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

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

“end-on course” (“*cwrs penben*”) means—

- (a) a full-time first degree course (other than a first degree course for the initial training of teachers) which, disregarding any intervening vacation, a student undertakes immediately after ceasing to undertake a full-time relevant education course,
- (b) a full-time honours degree course which, disregarding any intervening vacation, a student undertakes immediately after ceasing to undertake a full-time relevant degree course,
- (c) a part-time first degree course (other than a first degree course for the initial training of teachers) which, disregarding any intervening vacation, a student undertakes immediately after ceasing to undertake a part-time relevant education course, or
- (d) a part-time honours degree course which, disregarding any intervening vacation, a student undertakes immediately after ceasing to undertake a part-time relevant degree course;

and in this definition—

“relevant degree course” (“*cwrs gradd perthnasol*”) means—

- (a) a foundation degree course, or
  - (b) an ordinary degree course,
- for which the student received or was entitled to receive support under these Regulations;

“relevant education course” (“*cwrs addysg perthnasol*”) means—

- (a) a course for the diploma of higher education,
- (b) a course for the Higher National Diploma or Higher National Certificate of—
  - (i) the Business and Technology Education Council, or
  - (ii) the Scottish Qualification Authority, or
- (c) a course for the certificate of Higher Education,

for which the student received or was entitled to receive support under these Regulations;

“fees” (“*ffioedd*”) has the meaning given in section 57(1) of the Higher Education (Wales) Act 2015<sup>M44</sup> but this definition does not apply to Oxbridge college fees (see Schedule 5);

“member of the armed forces” (“*aelod o'r lluoedd arfog*”) means a member of the regular naval, military or air forces of the Crown;

“period of work experience” (“*cyfnod o brofiad gwaith*”) means—

- (a) a period of industrial, professional or commercial experience associated with full-time study at an institution but at a place outside that institution;
- (b) a period during which a student is employed and residing in a country whose language is one that the student is studying for the student's present course (provided that the period of residence in that country is a requirement of the 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);



**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

“present course” (“*cwrs presennol*”) means the designated course in respect of which a person applies for support under regulation 32;

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

“publicly funded institution” (“*sefydliad a gyllidir yn gyhoeddus*”) means an institution in the United Kingdom maintained or assisted by recurrent grants out of funds provided by –

- (a) Parliament;
  - (b) the Welsh Ministers;
  - (c) the Scottish Ministers;
  - (d) the Northern Ireland Executive,
- or from funds attributable to such funds;

“qualified teacher” (“*athro cymwysiedig neu athrawes gymwysiedig*”) means a person who satisfies requirements specified in regulations under section 132 of the Education Act 2002<sup>M45</sup>;

“quarter” (“*chwarter*”) means a period of the academic year—

- (a) beginning on 1 September and ending on 31 December;
- (b) beginning on 1 January and ending on 31 March;
- (c) beginning on 1 April and ending on 30 June;
- (d) beginning on 1 July and ending on 31 August;

“Research Council” (“*Cyngor Ymchwil*”) means any of the following research councils—

- (a) Arts and Humanities Research Council;
- (b) Biotechnology and Biological Sciences Research Council;
- (c) Economic and Social Research Council;
- (d) Engineering and Physical Sciences Research Council;
- (e) Medical Research Council;
- (f) Natural Environment Research Council;
- (g) Science and Technology Facilities Council;

“sandwich course” (“*cwrs rhyngosod*”) means a course—

- (a) which consists of alternate periods of full-time study in an institution and periods of work experience, and
- (b) where, taking the course as a whole, the student attends the periods of full-time study at the institution for an average of not less than 18 weeks in each year (and where days of full-time study alternate with days of work experience in any week, those days of study may be aggregated with each other and with any full weeks of full-time study in determining the number of weeks of full-time study in a year);

for the purposes of paragraph (b) the course is to be treated as beginning with the first period of full-time study and ending with the last such period;

but a course for the initial training of teachers is not a sandwich course;

nor is an academic year of a designated course which is an Erasmus year to be treated as a sandwich course;

“statutory award” (“*dyfarddal statudol*”) means any award bestowed, grant paid, or other support provided, by virtue of the 1998 Act or the Education Act 1962, or any comparable

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

award, grant, or other support, in respect of undertaking a course which is paid out of funds provided by a publicly funded institution;

“support” (“*cymorth*”), except where otherwise indicated, means financial support by way of grant or loan made by the Welsh Ministers under—

- (a) these Regulations, or
- (b) any other regulations made under section 22 of the 1998 Act.

(2) The Welsh Ministers may determine that a course is a compressed degree course if the course—

- (a) is a full-time designated course for a first degree (other than a foundation degree), and
- (b) is of two academic years' duration.

#### Textual Amendments

**F25** Words in [Sch. 1 para. 6\(1\)](#) inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **15**

#### Marginal Citations

**M43** [S.I. 2011/1986](#), amended by [S.I. 2012/1653](#), [S.I. 2013/235](#), [S.I. 2013/630](#), [S.I. 2013/1728](#), [S.I. 2013/3106](#), [S.I. 2014/1766](#), [S.I. 2014/2103](#), [S.I. 2014/2765](#), [S.I. 2015/1951](#), [S.I. 2016/211](#), [S.I. 2016/270](#), [S.I. 2016/584](#), [S.I. 2017/52](#), [S.I. 2017/114](#) and [S.I. 2017/204](#).

**M44** 2015 anaw 1.

**M45** [2002 c.32](#); the regulations are the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999, [S.I. 1999/2817](#), the Education (School Teachers' Qualifications) (England) Regulations 2003, [S.I. 2003/1662](#), the School Teachers' Qualifications (Wales) Regulations 2012, [S.I. 2012/724](#) and the Education Workforce Council (Accreditation of Initial Teacher Training) (Wales) Regulations 2017, [S.I. 2017/165](#).

## SCHEDULE 2 E+W

Regulation 9(1)(a)

### Categories of eligible student

#### Category 1 – Persons settled in the United Kingdom E+W

1.—(1) A person—

- (a) who on the first day of the first academic year of the course—
  - (i) is settled in the United Kingdom other than by reason of having acquired the right of permanent residence, and
  - (ii) is ordinarily resident in Wales,
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course, and
- (c) whose residence in the United Kingdom and Islands has not, during any part of the period referred to in paragraph (b), been wholly or mainly for the purpose of receiving full-time education (unless the person is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 9(2)).

(2) A person who—

- (a) is settled in the United Kingdom by virtue of having acquired the right of permanent residence,
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course,
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course, and
- (d) in a case where the person's ordinary residence referred to in sub-paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the EEA and Switzerland immediately before the period of ordinary residence referred to in sub-paragraph (c).

## **Category 2 – Refugees and their family members** **E+W**

- 2.—(1) A person who—
- (a) is a refugee,
  - (b) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since the person was recognised as a refugee, and
  - (c) is ordinarily resident in Wales on the first day of the first academic year of the course.
- (2) A person who—
- (a) is the spouse or civil partner of a refugee,
  - (b) was the spouse or civil partner of the refugee on the date on which the refugee made the application for asylum,
  - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom, and
  - (d) is ordinarily resident in Wales on the first day of the first academic year of the course.
- (3) A person who—
- (a) is the child of a refugee or the child of the spouse or civil partner of a refugee,
  - (b) on the date on which the refugee made the application for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date,
  - (c) was under 18 years old on the date on which the refugee made the application for asylum,
  - (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom, and
  - (e) is ordinarily resident in Wales on the first day of the first academic year of the course.

## **[<sup>F26</sup>Category 2A - Persons granted stateless leave and their family members** **E+W**

- 2A.—(1) A person granted stateless leave who—
- (a) is ordinarily resident in Wales on the first day of the first academic year of the course, and
  - (b) has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.
- (2) A person—
- (a) who—
    - (i) is the spouse or civil partner of a person granted stateless leave, and
    - (ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave,

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

- (b) who is ordinarily resident in Wales on the first day of the first academic year of the course, and
  - (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.
- (3) A person—
- (a) who—
    - (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave, and
    - (ii) on the leave application date, was the child of a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave,
  - (b) who was under 18 on the leave application date,
  - (c) who is ordinarily resident in Wales on the first day of the first academic year of the course, and
  - (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.
- (4) In this paragraph—
- (a) “leave application date” (“*dyddiad y cais i gael caniatâd i aros*”) means the date on which a person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules,
  - (b) “person granted stateless leave” (“*person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth*”) means a person who—
    - (i) has extant leave to remain as a stateless person under the immigration rules, and
    - (ii) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave.]

#### Textual Amendments

**F26** Sch. 2 para. 2A inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **16(a)**

### Category 3 – Persons with leave to enter or remain and their family members **E+W**

- 3.—(1) A person—
- (a) with leave to enter or remain,
  - (b) who is ordinarily resident in Wales on the first day of the first academic year of the course, and
  - (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (2) A person—
- (a) who is the spouse or civil partner of a person with leave to enter or remain,
  - [<sup>F27</sup>(b) who was the spouse or civil partner of the person with leave to enter or remain on the leave application date,]
  - (c) who is ordinarily resident in Wales on the first day of the first academic year of the course, and

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (3) A person—
- (a) who is the child of a person with leave to enter or remain or the child of the spouse or civil partner of a person with leave to enter or remain,
- [<sup>F28</sup>(b) who, on the leave application date, was under 18 years old and was the child of the person with leave to enter or remain or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date,]
- (c) who is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (4) In this paragraph, a “person with leave to enter or remain” means a person (“P”)—
- [<sup>F29</sup>(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 P is considered not to qualify for recognition as a refugee it is thought right to allow P to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave, and who has been granted leave to enter or remain accordingly,
- (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 P to enter or remain in the United Kingdom on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly,
- (iii) been granted leave to remain on the grounds of private life under the immigration rules,
- (iv) been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is not considered to qualify for leave to remain on the grounds of private life under the immigration rules, P has been granted leave to remain outside the rules on the grounds of Article 8 of the European Convention on Human Rights,]
- (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), and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the period since P was granted leave to enter or remain.
- [<sup>F30</sup>(5) In this paragraph, “leave application date” means the date on which the person with leave to enter or remain made the application that led to that person being granted leave to enter or remain in the United Kingdom.]

#### Textual Amendments

**F27** Sch. 2 para. 3(2)(b) substituted (30.7.2018) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814), regs. 1(2), **16(b)(i)**

**F28** Sch. 2 para. 3(3)(b) substituted (30.7.2018) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814), regs. 1(2), **16(b)(ii)**

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

- F29** Sch. 2 para. 3(4)(a) substituted for Sch. 2 para. 3(4)(a)(b) (30.7.2018) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814), regs. 1(2), **16(b)(iii)**
- F30** Sch. 2 para. 3(5) inserted (30.7.2018) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814), regs. 1(2), **16(b)(iv)**

#### Category 4 – Workers, employed persons, self-employed persons and their family members **E+W**

- 4.—(1) A person who—
- (a) is one of the following—
    - (i) an EEA migrant worker or an EEA self-employed person, who is ordinarily resident in Wales on the first day of the first academic year of the course;
    - (ii) a Swiss employed person or a Swiss self-employed person, who is ordinarily resident in Wales on the first day of the first academic year of the course;
    - (iii) a family member of a person mentioned in sub-paragraph (i) or (ii), who is ordinarily resident in Wales on the first day of the first academic year of the course;
    - (iv) an EEA frontier worker or an EEA frontier self-employed person;
    - (v) a Swiss frontier employed person or a Swiss frontier self-employed person;
    - (vi) a family member of a person mentioned in sub-paragraph (iv) or (v), and
  - (b) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course.
- (2) A person who—
- (a) is ordinarily resident in Wales on the first day of the first academic year of the course,
  - (b) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
  - (c) is entitled to support by virtue of Article 10 of Regulation (EU) No. 492/2011 of the European Parliament and of the Council on freedom of movement for workers within the Union, as extended by the EEA Agreement <sup>M46</sup>.
- (3) In sub-paragraph (1)—
- “EEA frontier self-employed person” (“*person hunangyflogedig trawsffiniol AEE*”) means an EEA national who—
- (a) is a self-employed person in Wales, and
  - (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to the national's residence in Switzerland or that EEA State, as the case may be, at least once a week;
- “EEA frontier worker” (“*gweithiwr trawsffiniol AEE*”) means an EEA national who—
- (a) is a worker in Wales, and
  - (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to the national's residence in Switzerland or that EEA State, as the case may be, at least once a week;
- “EEA migrant worker” (“*gweithiwr mudol AEE*”) means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

“EEA self-employed person” (“*person hunangyflogedig AEE*”) means an EEA national who is a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

“family member” (“*aelod o deulu*”) means—

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person or an EEA self-employed person—
  - (i) the person's spouse or civil partner,
  - (ii) direct descendants of the person or of the person's spouse or civil partner who are under the age of 21 or who are 21 or over and are dependants of the person or the person's spouse or civil partner, or
  - (iii) dependent direct relatives in the ascending line of the person or that of the person's spouse or civil partner;
- (b) in relation to a Swiss frontier employed person, a Swiss employed person, a Swiss frontier self-employed person or a Swiss self-employed person—
  - (i) the person's spouse or civil partner, or
  - (ii) the person's child or the child of the person's spouse or civil partner;

“Swiss employed person” (“*person cyflogedig Swisaidd*”) means a Swiss national who is an employed person, other than a Swiss frontier employed person, in the United Kingdom;

“Swiss frontier employed person” (“*person cyflogedig trawsffiniol Swisaidd*”) means a Swiss national who—

- (a) is an employed person in Wales, and
- (b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to the national's residence in Switzerland or that EEA State, as the case may be, at least once a week;

“Swiss frontier self-employed person” (“*person hunangyflogedig trawsffiniol Swisaidd*”) means a Swiss national who—

- (a) is a self-employed person in Wales, and
- (b) resides in Switzerland or in the territory of an EEA State, other than the United Kingdom, and returns to the national's residence in Switzerland or that EEA State, as the case may be, at least once a week;

“Swiss self-employed person” (“*person hunangyflogedig Swisaidd*”) means a Swiss national who is a self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom.

- (4) For the purposes of sub-paragraph (3)—

“EEA national” (“*gwladolyn AEE*”) means a national of an EEA State other than the United Kingdom;

“employed person” (“*person cyflogedig*”) means an employed person within the meaning of Annex 1 to the Swiss Agreement;

“self-employed person” (“*person hunangyflogedig*”) means—

- (a) in relation to an EEA national, a person who is self-employed within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be, or
- (b) in relation to a Swiss national, a person who is a self-employed person within the meaning of Annex 1 to the Swiss Agreement;

“worker” (“*gweithiwr*”) means a worker within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be.

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

#### Marginal Citations

**M46** OJ No L141, 27.05.2011, p. 1.

### Category 5 – Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere **E+W**

5.—(1) A person who—

- (a) is settled in the United Kingdom,
- (b) was ordinarily resident in Wales and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence,
- (c) is ordinarily resident in the United Kingdom on the day on which the course begins,
- (d) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
- (e) in a case where the person's ordinary residence referred to in paragraph (d) was wholly or mainly for the purposes of receiving full time education, was ordinarily resident in the territory comprising the EEA and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).

(2) For the purposes of this paragraph, a person has exercised a right of residence if sub-paragraph (3) or (4) applies to the person.

(3) This sub-paragraph applies to a person who is—

- (a) a United Kingdom national,
- (b) a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement), or
- (c) a person who has a right of permanent residence,

who has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom.

(4) This paragraph applies to a person (“P”)—

- (a) who is settled in the United Kingdom and has a right of permanent residence, and
- (b) who goes to the state within the territory comprising the EEA and Switzerland of which P is a national or of which the person in relation to whom P is a family member is a national.

(5) For the purposes of sub-paragraph (4), P is a family member of another person (“Q”) if P—

- (a) is Q's spouse or civil partner,
- (b) is a direct descendant of Q or of Q's spouse or civil partner and P—
  - (i) is under the age of 21, or
  - (ii) is 21 or over and a dependant of Q or of Q's spouse or civil partner, or
- (c) where Q is an EU national who falls within Article 7(1)(b) of Directive 2004/38, is a dependent direct relative in Q's ascending line or that of Q's spouse or civil partner.

### Category 6 – EU nationals **E+W**

6.—(1) A person—

- (a) who is either—



- (i) an EU national on the first day of the first academic year of the course, other than a person who is a United Kingdom national who has not exercised a right of residence, or
  - (ii) a family member of such a person,
  - (b) who is undertaking a designated course in Wales,
  - (c) who has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
  - (d) whose ordinary residence in the territory comprising the EEA and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education (unless the person is treated as being ordinarily resident in that territory in accordance with paragraph 9(2)).
- (2) A person who—
- (a) is an EU national other than a United Kingdom national on the first day of the first academic year of the course,
  - (b) is ordinarily resident in Wales on the first day of the first academic year of the course,
  - (c) 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, and
  - (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the EEA and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).
- (3) Where a state accedes to the European Union after the first day of the first academic year of the course and a person is a national of that state, the requirement in sub-paragraph (1)(a) or (2)(a) is treated as being satisfied.
- (4) For the purposes of sub-paragraph (1)(a), a United Kingdom national has not exercised a right of residence if that person has not exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom.
- (5) For the purposes of sub-paragraph (1)(a), a person (“P”) is a family member of another person (“Q”) if—
- (a) P is Q's spouse or civil partner,
  - (b) P is a direct descendant of Q or of Q's spouse or civil partner and P—
    - (i) is under the age of 21, or
    - (ii) is 21 or over and a dependant of Q or of Q's spouse or civil partner, or
  - (c) in a case where Q is an EU national who falls within Article 7(1)(b) of Directive 2004/38, P is a dependent direct relative in Q's ascending line or that of Q's spouse or civil partner.

#### **Category 7 – Children of Swiss nationals** **E+W**

- 7.—(1) A person who—
- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 3(6) of Annex 1 to the Swiss Agreement,
  - (b) is ordinarily resident in Wales on the first day of the first academic year of the course,

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

- (c) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
- (d) in a case where the person's ordinary residence referred to in sub-paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the EEA and Switzerland immediately prior to the period of ordinary residence referred to in sub-paragraph (c).

### Category 8 – Children of Turkish workers **E+W**

- 8.—(1) A person who—
- (a) is the child of a Turkish worker,
  - (b) is ordinarily resident in Wales on the first day of the first academic year of the course, and
  - (c) has been ordinarily resident in the territory comprising the EEA, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.
- (2) In this paragraph, “Turkish worker” 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.

### Ordinary residence – additional provision **E+W**

9.—(1) For the purposes of this Schedule, a person who is ordinarily resident in England, Wales, Scotland, Northern Ireland or the Islands, as a result of having moved from another of those areas for the purpose of undertaking—

- (a) the present course, or
- (b) a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the present course,

is to be considered to be ordinarily resident in the place from which the person moved.

(2) For the purposes of this Schedule, a person (“P”) is to be treated as ordinarily resident in Wales, the United Kingdom and Islands or in the territory comprising the EEA, Switzerland and Turkey if P would have been so resident but for the fact that—

- (a) P,
- (b) P's spouse or civil partner,
- (c) P's parent, or
- (d) in the case of a dependent direct relative in the ascending line, P's child or child's spouse or civil partner,

is or was temporarily employed outside Wales, the United Kingdom and Islands or the territory comprising the EEA, Switzerland and Turkey.

(3) For the purposes of sub-paragraph (2), temporary employment outside Wales, the United Kingdom and Islands or the territory comprising the EEA, Switzerland and Turkey includes—

- (a) in the case of members of the armed forces, any period which they serve outside the United Kingdom as members of such forces;
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the EEA and Switzerland as members of such forces;

- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising the EEA, Switzerland and Turkey as members of such forces.
- (4) For the purposes of this Schedule, an eligible student who is a prisoner is to be considered to be ordinarily resident in the part of the United Kingdom where the prisoner resided prior to sentencing.
- (5) For the purposes of this Schedule, an area which—
- (a) was previously not part of the EU or the EEA, but
  - (b) at any time before or after these Regulations come into force becomes part of one or other or both of these territories,
- is to be considered to have always been a part of the EEA.

#### **Further provision on ordinary residence: care leavers** E+W

**10.**—(1) A care leaver is treated as being ordinarily resident in Wales on the first day of the first academic year of the present course even if, on that day, the care leaver—

- (a) is looked after outside Wales (in a case where regulation 49(c)(i) applies to the student), or
- (b) is residing outside Wales under a special guardianship order (in a case where regulation 49(c)(ii) applies to the student),

under arrangements made by a Welsh local authority.

(2) In paragraph (1)—

“care leaver” (“*person sy'n ymadael â gofal*”) has the meaning given in regulation 49;

“looked after” (“*derbyn gofal*”) has the meaning given in section 74 of the Social Services and Well-being (Wales) Act 2014;

“Welsh local authority” (“*awdurdod lleol Cymreig*”) means a local authority within the meaning given by section 197(1) of that Act.

#### **Interpretation** E+W

**11.** In this Schedule—

“Directive 2004/38” (“*Cyfarwyddeb 2004/38*”) means Directive 2004/38/EC of the European Parliament and of the Council of 29th April 2004 on the rights of citizens of the Union and their family members to move and reside freely in the territory of the member States <sup>M47</sup>;

“EEA” (“*AEE*”) means the European Economic Area, that is to say the territory comprised by the EEA States;

[<sup>F31</sup>“immigration rules” (“*rheolau mewnfudo*”) means the rules laid before Parliament by the Secretary of State under section 3(2) of the Immigration Act 1971;]

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

“parent” (“*rhiant*”) includes a guardian, any other person having parental responsibility for a child and any person having care of a child and “child” is to be construed 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 <sup>M48</sup> as extended by its 1967 Protocol <sup>M49</sup>;

“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;

“settled” (“*wedi setlo*”) has the meaning given by section 33(2A) of the Immigration Act 1971 <sup>M50</sup>;

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

“Swiss Agreement” (“*Cytundeb y Swistir*”) means the Agreement between the EU and its Member States, of the one part, and the Swiss Confederation of the other, on the Free Movement of Persons signed at Luxembourg on 21 June 1999<sup>M51</sup> and which came into force on 1 June 2002.

#### Textual Amendments

**F31** Words in [Sch. 2 para. 11](#) inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **16(c)**

#### Marginal Citations

**M47** OJ No L158, 30.04.2004, p.77-123.

**M48** Cmnd. 9171.

**M49** Cmnd. 3906, the Protocol entered into force on 4 October 1967.

**M50** [1971 c.77](#); section 33(2A) was inserted by paragraph 7 of Schedule 4 to the [British Nationality Act 1981 \(c. 61\)](#).

**M51** Cm. 4904 and OJ No L1 14, 30.04.02, p6.

## SCHEDULE 3 **E+W**

Regulations 48, 65(3), 66(2)(a) and 70(3)

### Calculation of income

## PART 1 **E+W**

### Introduction

#### Overview of Schedule **E+W**

1.—(1) This Schedule is arranged as follows.

(2) Part 2 makes provision about the calculation of an eligible student's household income for the purposes of determining the amount of—

- (a) maintenance grant (see regulations 46 and 47),
- (b) grant for travel (see regulations 65 and 66), or
- (c) grants for dependants (see Part 11),

payable to the student.

(3) Part 3 sets out the meaning of “taxable income”, which is required in order to calculate a person's residual income.

(4) Part 4 makes provision about the calculation of residual income where—

- (a) Chapter 1 sets out how to calculate the residual income of an eligible student for the purposes of calculating the student's household income, and
- (b) Chapter 2 sets out how to calculate the residual income of the following other persons—
  - (i) an eligible student's parent, eligible student's partner or eligible student's parent's partner for the purposes of calculating the student's household income;
  - (ii) an eligible student's dependent adult for the purposes of calculating the amount of grant for dependants payable to the student (see regulation 77).

- (5) Part 5 makes provision about the calculation of the net income of—
- (a) an eligible student's adult dependant, for the purposes of determining whether an eligible student qualifies for an adult dependants grant (see regulation 71);
  - (b) an eligible student's dependent children, for the purposes of calculating the amount of grant for dependants payable to the student (see regulation 77).
- (6) Part 6 defines certain terms used in this Schedule.

## **PART 2** **E+W**

### Household income

#### **Household income of eligible student** **E+W**

2. This Part makes provision about the calculation of an eligible student's household income.

#### **Calculation of household income** **E+W**

3.—(1) An eligible student's household income is calculated by applying the following steps—  
Step 1 If the student is not an independent eligible student (see paragraph 4), aggregate the total residual income of the persons listed in List A. If the student is an independent eligible student, aggregate the total residual income of the persons listed in List B.

##### **List A**

The persons are—

- (a) the eligible student, plus
- (b) either—
  - (i) each of the eligible student's parents (subject to paragraph 5), or
  - (ii) where the student's parents have separated, the parent selected under paragraph 6(3) and that parent's partner (if that parent has one), (subject to paragraph 7).

##### **List B**

The persons are—

- (a) the independent eligible student, plus
- (b) the student's partner (if the student has one), (subject to paragraphs 7 and 8).

Step 2 Calculate the applicable amount of dependent child deduction (see sub-paragraphs (2) to (4)) and deduct that from the aggregated total calculated under Step 1. The result is the eligible student's household income.

(2) A dependent child deduction is a deduction made in respect of each child wholly or mainly financially dependent on—

- (a) the eligible student,
- (b) the eligible student's partner,
- (c) the eligible student's parent, or
- (d) the partner of the eligible student's parent,

where the income of that person is taken into account for the purposes of calculating household income.

- (3) But no deduction is to be made in respect of a child of—
- (a) the eligible student's parent, or

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

(b) the partner of the eligible student's parent,  
if the child is the eligible student.

(4) In Table 15, Column 2 sets out the amount of dependent child deduction in respect of the academic year set out in the corresponding entry in Column 1.

**Table 15**

<i>Column 1 Academic year</i>	<i>Column 2 Amount of dependent child deduction</i>
Beginning on or after 1 September 2018	£1,130

### **Independent eligible students** E+W

4.—(1) An eligible student is an independent eligible student if one of the following cases applies—  
*Case 1* The student is aged 25 or over on the first day of the current academic year. *Case 2* The student is married or is in a civil partnership before the beginning of the first day of the current academic year, whether or not the marriage or civil partnership continues to subsist after that date. *Case 3* The student has no parent living. *Case 4* The Welsh Ministers are satisfied that—

- (a) neither of the student's parents can be found, or
- (b) it is not reasonably practicable to get in touch with either of the student's parents.

*Case 5* Either—

- (a) the student has not communicated with either of the student's parents for a period of one year or more ending on the day before the first day of the current academic year, or
- (b) in the opinion of the Welsh Ministers, the student is irreconcilably estranged from the student's parents on other grounds.

*Case 6* The student's parents reside outside the European Union and the Welsh Ministers are satisfied that—

- (a) the assessment of the household income by reference to the parents' income would place those parents in jeopardy, or
- (b) it would not be reasonably practicable for the parents to send funds to the United Kingdom for the purposes of supporting the student.

*Case 7* Where paragraph 6 (separation of parents) applies, the parent selected by the Welsh Ministers under sub-paragraph (3) of that paragraph has died, irrespective of whether that parent had a partner.

*Case 8* On the first day of the current academic year, the student has the care of a person under the age of 18. *Case 9* The student has been supported by the student's earnings for any period of three years (or periods which together aggregate at least three years) ending before the first day of the first academic year of the present course. *Case 10* Where a student is an independent eligible student by virtue of Case 9 in respect of one academic year, the student continues to be an independent eligible student for any subsequent academic year of the designated course. *Case 11* The student is a care leaver within the meaning given by regulation 49.

(2) For the purposes of Case 9, an eligible student is treated as being supported by the student's earnings if during the period or periods referred to in Case 9 one of the following grounds applies—

*Ground 1* The eligible student was participating in arrangements for training unemployed persons under a scheme operated, sponsored or funded by a public body. *Ground 2* The eligible student received a benefit payable by a public body in respect of a person who is available for employment but is unemployed. *Ground 3* The eligible student was available for employment and had complied with any registration requirement of a public body as a condition of entitlement for participation in arrangements for training or the receipt of benefits. *Ground 4* The eligible student held a state

studentship or comparable award. *Ground 5* The eligible student received a pension, allowance or other benefit paid by reason of the student's disability, injury or sickness or for a reason associated with childbirth.

#### **Eligible student's parent dies leaving a surviving parent** **E+W**

5.—(1) Where—

- (a) the parent of an eligible student dies before the current academic year, and
- (b) that parent's income has been or would have been taken into account for the purpose of determining household income,

only the residual income of the surviving parent is aggregated for the purposes of Step 1 in paragraph 3(1).

(2) Where the parent dies during the current academic year, the residual income of the eligible student's parents, for the purposes of Step 1 in paragraph 3(1), is the aggregate of—

- (a) the residual income of both parents for the applicable financial year multiplied by  $X/52$ , and
- (b) the residual income of the surviving parent for the applicable financial year multiplied by  $Y/52$ , where—

X is the number of weeks in the current academic year during which both parents were alive, and

Y is the remaining number of weeks in the current academic year.

#### **Separation of eligible student's parents** **E+W**

6.—(1) Where the eligible student's parents are separated for the duration of the current academic year, only the residual income of the parent selected under sub-paragraph (3) is aggregated for the purposes of Step 1 in paragraph 3(1).

(2) Where the student's parents have separated during the current academic year the residual income of the eligible student's parents, for the purposes of Step 1 in paragraph 3(1), is the aggregate of—

- (a) the residual income of both parents for the applicable financial year multiplied by  $X/52$ , and
- (b) the residual income of the parent selected under sub-paragraph (3) for the applicable financial year multiplied by  $Y/52$ , where—

X is the number of weeks in the current academic year during which the parents were not separated, and

Y is the number of weeks in the current academic year during which the parents were separated.

(3) Where sub-paragraph (1) or (2) applies, the Welsh Ministers must select the parent whose residual income it is the most appropriate to take into account in the circumstances.

#### **Separation of eligible student's parent or independent eligible student from partner** **E+W**

7.—(1) Where—

- (a) the parent of an eligible student, or
- (b) an independent eligible student,

is separated from his or her partner for the duration of the current academic year, the income of the partner is not aggregated under Step 1 in paragraph 3(1).



*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

(2) Where—

- (a) the parent of the eligible student, or
- (b) an independent eligible student,

has separated from his or her partner during the current academic year, the amount of the partner's residual income to be aggregated under Step 1 is calculated by applying the formula in sub-paragraph (3).

(3) The formula to be applied is—  $X \times C / 52$  Where—

X is the residual income of—

- (a) the eligible student's parent's partner, where List A of Step 1 applies, or
  - (b) the independent eligible student's partner where List B of Step 1 applies,
- for the applicable financial year;

C is the number of complete weeks of the current academic year during which—

- (a) the eligible student's parent and his or her partner, or
  - (b) the independent eligible student and the student's partner,
- were not separated.

(4) Where an eligible student has more than one partner in any one academic year, this paragraph and Step 1 of paragraph 3(1) apply in relation to each partner.

#### **Independent eligible student or partner is a parent of an eligible student** E+W

8. Where—

- (a) an independent eligible student (I) or the partner of the independent eligible student (PI) is a parent of an eligible student (S), and
- (b) a statutory award payable to S is calculated by reference to the residual income of I or PI, or both,

the residual income of PI is not aggregated under List B of Step 1 in paragraph 3(1) for the purposes of calculating the household income of I.

## **PART 3** E+W

### Taxable income

#### **Taxable income** E+W

9.—(1) In this Schedule, a person's taxable income means—

- (a) the aggregate of—
  - (i) the total income on which the person is charged to income tax under Step 1 of section 23 of the Income Tax Act 2007<sup>M52</sup>, and
  - (ii) if not already a component of total income under sub-paragraph (i), payments and other benefits specified in section 401(1) of the Income Tax (Earnings and Pensions) Act 2003<sup>M53</sup> received by the person or treated as received by the person (but disregard section 401(2) of that Act for the purposes of this sub-paragraph), or
- (b) where the income tax legislation of another member State applies to the person's income, the person's total income from all sources as determined for the purposes of the income tax legislation of that member State.



(2) For the purposes of sub-paragraph (1)(b), where the income tax legislation of more than one member State applies to the person in respect of the year under consideration, the person's total income from all sources is the amount derived from the determination resulting in the greatest amount of total income, including any income which is required to be taken into account under paragraph 18.

(3) But a person's taxable income does not include income paid to another person under a pension arrangements order.

#### Marginal Citations

**M52** 2007 c. 3; section 23 was amended by the Finance Act 2009 (c. 10), **Schedule 1**, paragraph 6(o)(i), the Finance Act 2013 (c. 29), **Schedule 3**, paragraph 2(2) and the Finance Act 2014 (c. 26), **Schedule 17**, paragraph 19.

**M53** 2003 c. 1; section 401 was amended by S.I. 2005/3229, S.I. 2011/1037 and S.I. 2014/211.

## PART 4 **E+W**

### Residual income

#### CHAPTER 1 **E+W**

##### Residual income of an eligible student

#### Calculation of eligible student's residual income **E+W**

**10.** — For the purposes of calculating an eligible student's household income under Part 2, the student's residual income is calculated as follows—

The eligible student's taxable income in respect of the current academic year.

*Plus*

Income payable to the eligible student under a pension arrangements order during the current academic year, net of income tax.

*Minus*

The aggregate of the deductions set out in paragraph 11 (unless already deducted for the purposes of determining the student's taxable income).

#### Deductions for the purpose of calculating residual income of an eligible student **E+W**

**11.** — For the purposes of calculating an eligible student's residual income, the deductions are—

*Deduction A*

Remuneration paid to the eligible student in the current academic year for work done during any academic year of the course, but not remuneration in respect of any—

- (a) period of leave taken by the student, or
- (b) other period during which the student is relieved of a duty to attend work,

so that the student may undertake the course.

*Deduction B*

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

The gross amount of any premium or sum paid by the eligible student during the current academic year in relation to a pension in respect of which—

- (a) relief is given under section 188 of the Finance Act 2004 <sup>M54</sup>, or
- (b) where the student's income is computed for the purposes of the income tax legislation of another member State, relief would be given if that legislation made provision equivalent to the Income Tax Acts,

but not including any sum paid as a premium under a policy of life assurance.

#### Marginal Citations

**M54** 2004 c.12; section 188 was amended by the Finance Act 2007 (c. 11), sections 68 and 114 and Schedules 18, 19 and 27, the Finance Act 2013 (c. 29), section 52 and the Finance Act 2014 (c. 26), Schedule 7.

### Income of eligible student received in currency other than sterling **E+W**

**12.**—(1) Where the eligible student receives income in a currency other than sterling, the value of the income is—

- (a) the amount of sterling the eligible student receives for the income, or
- (b) where the student does not convert the income into sterling, the value of the sterling which the income would purchase using the HMRC exchange rate.

(2) The HMRC exchange rate <sup>M55</sup> is the rate published by HM Revenue and Customs for the month corresponding to the month in which the income is received.

#### Marginal Citations

**M55** See <https://www.gov.uk/government/collections/exchange-rates-for-customs-and-vat>.

## CHAPTER 2 **E+W**

### Residual income of persons other than an eligible student

#### Persons to whom this chapter applies **E+W**

**13.** This Chapter makes provision for the calculation of a person's ("P's") residual income where P means the following—

- (a) where P's income is aggregated under Step 1 in paragraph 3(1) for the purpose of calculating an eligible student's household income—
  - (i) the parent of the eligible student,
  - (ii) the eligible student's partner, or
  - (iii) the eligible student's parent's partner,
 as the case may be;
- (b) the adult dependant of an eligible student for the purposes of calculating the amount of grant for dependants payable to the student (see regulation 77).

#### Calculation of residual income of persons other than eligible student **E+W**

**14.** P's residual income is calculated as follows—

P's taxable income for the applicable financial year.

*Plus*

Income payable to P under a pension arrangements order during the applicable financial year, net of income tax.

*Minus*

The aggregate of the deductions set out in paragraph 15 (unless already deducted for the purposes of determining P's taxable income).

**Deductions for the purpose of calculating residual income of persons other than eligible student** **E+W**

**15.**—(1) For the purposes of calculating P's residual income, the deductions are— *Deduction A* The gross amount of any premium or sum paid by P in respect of a pension during the applicable financial year, in relation to which—

- (a) relief is given under section 188 of the Finance Act 2004, or
- (b) where P's income is computed for the purposes of the income tax legislation of another member State, relief would be given if that legislation made provision equivalent to the Income Tax Acts,

but not including any sum paid as a premium under a policy of life assurance. *Deduction B* Where paragraph 18 applies, a sum equivalent to Deduction A provided that this sum does not exceed the deductions which would be made if the whole of P's income were in fact income for the purposes of the Income Tax Acts. *Deduction C* £1,130, where P—

- (a) is an eligible student in respect of the current academic year but is also the parent of an eligible student, or
- (b) holds a statutory award in respect of the same period.

**Applicable financial years: calculating residual income of persons other than eligible student** **E+W**

**16.**—(1) This paragraph specifies the applicable financial year for the purposes of calculating P's residual income.

(2) Unless sub-paragraph (3) or (5) applies, the applicable financial year is PY-1.

(3) Where the Welsh Ministers are satisfied that P's residual income for CY is likely to be at least 15% lower than P's residual income for PY-1, the applicable financial year is CY.

(4) Sub-paragraph (5) applies where the applicable financial year for the previous academic year was the financial year beginning immediately before the first day of the previous academic year.

(5) Where this paragraph applies, the applicable financial year is to be determined as follows—

- (a) if the Welsh Ministers are satisfied that P's residual income for CY is likely to be at least 15% lower than P's residual income for PY, the applicable financial year is CY;
- (b) otherwise, the applicable financial year is PY.

**Income from business or profession** **E+W**

**17.**—(1) Sub-paragraph (2) applies where—

- (a) the applicable financial year for the purposes of calculating P's residual income is PY-1, and
- (b) the Welsh Ministers are satisfied that P's income is wholly or mainly derived from the profits of a business or profession carried on by P.

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

(2) Where this paragraph applies, P's residual income is P's income for the earliest period of twelve months ending in PY-1 in respect of which accounts are kept relating to P's business or profession.

#### **Treatment of income not treated as income for income tax purposes** **E+W**

**18.**—(1) Sub-paragraph (3) applies where P is in receipt of any income which, for any of the reasons set out in sub-paragraph (2), does not form part of P's income for the purposes of the Income Tax Acts or the income tax legislation of another member State.

(2) The reasons are— *Reason 1*

- (a) P is not resident or domiciled in the United Kingdom, or
- (b) P's income is computed for the purposes of the income tax legislation of another member State and P is not resident or domiciled in that member State.

*Reason 2*

- (a) P's income does not arise in the United Kingdom, or
- (b) P's income does not arise in the member State in which P's income is computed for the purposes of that State's income tax legislation.

*Reason 3* The income arises from an office, service or employment, income from which is exempt from tax.

(3) P's taxable income is to be taken to include the income described in sub-paragraph (1) as if it were part of P's income for the purposes of the Income Tax Acts or the income tax legislation of another member State, as the case may be.

#### **P's income in currency other than sterling** **E+W**

**19.**—(1) Where P's income is computed for the purposes of the income tax legislation of another member State, P's residual income is to be calculated in accordance with this Part in the currency of that member State and is to be taken to be the sterling value of that income determined in accordance with the relevant HMRC rate.

(2) The relevant HMRC rate is the exchange average rate issued by HM Revenue and Customs for the calendar year ending immediately before the end of PY-1.

## **PART 5** **E+W**

### Net income of dependants

#### **Net income of dependants** **E+W**

**20.** This Part makes provision about the calculation of the net income of the following dependants—

- (a) an eligible student's adult dependant, for the purposes of determining whether an eligible student qualifies for adult dependants grant (see regulation 71);
- (b) an eligible student's dependent children, for the purposes of calculating the amount of grant for dependants payable to the student (see regulation 77).

## Net income **E+W**

**21.**—(1) The net income of a dependant is the dependant's income from all sources for the relevant year reduced by the amount of income tax and social security contributions payable in respect of that year but disregarding—

- (a) any pension, allowance or other benefit paid by reason of a dependant's disability or incapacity;
- (b) child benefit payable under Part 9 of the Social Security Contributions and Benefits Act 1992 <sup>M56</sup>;
- (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 <sup>M57</sup>;
- (d) any guardian's allowance to which the dependant is entitled under section 77 of the Social Security Contributions and Benefits Act 1992 <sup>M58</sup>;
- (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 <sup>M59</sup> or section 81 of the Social Services and Well-being (Wales) Act 2014 <sup>M60</sup>;
- (f) any payment made to the dependant under section 110(6) of the Social Services and Well-being (Wales) Act 2014 or section 23C(5A) of the Children Act 1989 <sup>M61</sup>;
- (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—
  - (i) section 24 of that Act <sup>M62</sup>, or
  - (ii) section 104 of the Social Services and Well-being (Wales) Act 2014 in so far as that section applies to category 5 and 6 young persons within the meaning of that Act;
- (h) any child tax credit to which the dependant is entitled under Part 1 of the Tax Credits Act 2002 <sup>M63</sup>;
- (i) in the case of a dependant who is entitled to an award of universal credit under Part 1 of the Welfare Reform Act 2012 <sup>M64</sup>—
  - (i) any amount that is included in the calculation of the award under regulation 27(1) of the Universal Credit Regulations 2013 <sup>M65</sup>, in respect of the fact that the dependant has limited capability for work and work-related activity;
  - (ii) any amount or additional amount that is included in the calculation of the award under regulation 24 of those Regulations <sup>M66</sup> (the child element).

(2) For the purposes of this paragraph, payments made to the eligible student towards a dependent child's maintenance are treated as the dependent child's income.

(3) In this paragraph, “relevant year” means—

- (a) in respect of an eligible student's adult dependant, the current academic year;
- (b) in respect of an eligible student's dependent child, the applicable financial year determined under paragraph 22.

### Marginal Citations

**M56** 1992 c.4.

**M57** 2002 c. 38. Section 2 was amended by S.I. 2016/413 (W. 131). Section 4 was amended by S.I. 2010/1158; the Health and Social Care Act 2012 (c. 7), **Schedule 5**, paragraphs 104 and 105; and by S.I. 2013/160.

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

- M58** Section 77 was amended by the Child Benefit Act 2005, section 1(3), Schedule 1, Part 1, paragraphs 1 and 4, the Tax Credits Act 2002, Schedule 6, the Civil Partnership Act 2004, section 254(1), Schedule 24, Part 3, paragraph 34.
- M59** 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)**, the Children and Young Persons Act 2008 (c. 23), **sections 8** and 39 and Schedule 3, paragraphs 1 and 7 and the Children and Families Act 2014 (c. 6), **Schedule 2 paragraph 30**.
- M60** 2014 anaw 4.
- M61** Subsections (5A) to (5C) of section 23C of the Children Act 1989 were inserted, in relation to England, by section 21 of the Children and Young Persons Act 2008 and S.I. 2009/268 and S.I. 2009/2273 refer. Subsections (5A) to (5C) were inserted into section 23C in relation to Wales and S.I. 2010/1329 (W. 112) (C.81) and S.I. 2011/824 (W. 123) (C. 32) refer.
- M62** Section 24 was amended by the Children (Leaving Care) Act 2000 (c. 35), **section 4(1)**, the Adoption and Children Act 2002 (c. 38), **section 139** and Schedule 3, paragraph 60, S.I. 2007/961 (W.85), paragraph 20(2)(b), S.I. 2010/1158, **Schedule 2**, paragraph 2, the Health and Social Care Act 2012 (c. 7), **section 55** and Schedule 5, paragraph 49 and S.I. 2016/413 (W.131), regulation 81.
- M63** 2002 c. 21.
- M64** 2012 c.5.
- M65** S.I. 2013/376. Regulation 27 was amended by S.I. 2017/204, **regulation 4**.
- M66** Regulation 24 of S.I. 2013/376, as amended by S.I. 2014/2088 and the Welfare Reform and Work Act 2016 (c.7), **section 14**, makes further provision about the child element of an award.

### Applicable financial years: calculating net income of an eligible student's dependent children **E+W**

**22.**—(1) This paragraph specifies the applicable financial year for the purposes of calculating the net income of an eligible student's dependent child (“C”).

(2) Unless paragraph (3) or (5) applies, the applicable financial year is PY-1.

(3) Where the Welsh Ministers are satisfied that C's net income for CY is likely to be at least 15% lower than C's net income for PY-1, the applicable financial year is CY.

(4) Sub-paragraph (5) applies where the applicable financial year for the previous academic year was the financial year beginning immediately before the first day of the previous academic year.

(5) Where this paragraph applies, the applicable financial year is to be determined as follows—

(a) if the Welsh Ministers are satisfied that C's net income for CY is likely to be at least 15% lower than C's net income for PY, the applicable financial year is CY;

(b) otherwise, the applicable financial year is PY.

## PART 6 **E+W**

### Interpretation

#### Interpretation **E+W**

**23.**—(1) In this Schedule, any reference to a person's (“A's”) partner means—

(a) A's spouse or civil partner; or

(b) a person ordinarily living with A as if the person were A's spouse or civil partner.

(2) In this Schedule—

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

“applicable financial year” (“*blwyddyn academaidd gymwys*”) means the financial year determined in accordance with paragraph 16 or 22;

“current academic year” (“*blwyddyn academaidd gyfredol*”) means the academic year of the present course in respect of which the eligible student is applying for support;

“CY” (“BG”) means the financial year beginning immediately before the first day of the current academic year;

“financial year” (“*blwyddyn ariannol*”) means the period of twelve months in respect of which the income of a person is computed for the purposes of the income tax legislation which applies to it;

“PY” (“BF”) means the financial year immediately preceding CY;

“PY-1” (“BF-1”) means the financial year immediately preceding PY;

“pension arrangements order” (“*gorchymyn trefniadau pensiwn*”) means an order under which a person pays benefits under a pension arrangement to another person under—

- (a) section 23 of the Matrimonial Causes Act 1973 <sup>M67</sup> which includes provision made by virtue of section 25B(4) (and including such an order as it may have effect by virtue of section 25E(3) of that Act) <sup>M68</sup>, or
- (b) Part 1 of Schedule 5 to the Civil Partnership Act 2004 <sup>M69</sup> which includes provision made by virtue of Part 6 of that Schedule (and including such an order as it may have effect by virtue of Part 7 of that Schedule);

“public body” (“*corff cyhoeddus*”) means a state authority or agency whether national, regional or local.

#### Marginal Citations

**M67** 1973 c.18, [section 23](#) was amended by the [Administration of Justice Act 1982 \(c. 53\)](#), [section 16](#).

**M68** Section 25B was inserted by the [Pensions Act 1995 \(c. 26\)](#), [section 166\(1\)](#) and was amended by the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), [Schedule 4](#). Section 25E was inserted by the [Pensions Act 2004 \(c. 35\)](#), [section 319\(1\)](#), [Schedule 12](#), paragraph 3 and amended by the [Pensions Act 2008 \(c. 30\)](#), [Schedule 6](#), paragraphs 1 and 6 and Schedule 11, Part 4.

**M69** 2004 c.33; paragraph 25 of Schedule 5 was modified by [S.I. 2006/1934](#) and paragraph 30 of Schedule 5 was amended by the [Pensions Act 2008 \(c.30\)](#), [Schedules 6](#) and 11.

## SCHEDULE 4 **E+W**

Regulation 98

### Disabled postgraduate student's grant

#### Disabled postgraduate student's grant **E+W**

1.—(1) A disabled postgraduate student's grant is a grant made available by the Welsh Ministers to an eligible postgraduate student with a disability to assist with additional expenditure in respect of living costs which the student is obliged to incur in connection with undertaking a designated postgraduate course by reason of the student's disability.

(2) In this Schedule, “present postgraduate course” means the course in respect of which a person applies for a disabled postgraduate student's grant under paragraph 17.



**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

## Designated postgraduate courses **E+W**

2.—(1) In this Schedule (and for the purposes of section 22 of the 1998 Act), a course is a designated postgraduate course if it satisfies each of the following conditions— *Condition 1* A first degree (or equivalent qualification) or higher is normally required for entry onto the course. *Condition 2* The course is not a sandwich course. *Condition 3* The duration of the course is at least one academic year. *Condition 4* The course is provided by a publicly funded institution. *Condition 5* At least half of the teaching and supervision which comprise the course is provided in the United Kingdom. *Condition 6* The course is not a course for the initial training of teachers or a course taken as part of an employment based teacher training scheme (within the meaning given by regulation 7(2)).

(2) For the purposes of Condition 4—

- (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 constituent institution in the nature of a college, of a university is regarded as a [<sup>F32</sup>publicly funded institution] if either the university or the constituent college or institution is a [<sup>F32</sup>publicly funded institution];
- (c) an institution is not regarded as a [<sup>F32</sup>publicly funded institution] by reason only that it is a connected institution within the meaning of section 65(3B) of the Further and Higher Education Act 1992 which receives from the governing body of another institution the whole or part of any grants, loans or other payments provided to that other institution in accordance with section 65(3A) <sup>M70</sup> of that Act.

### Textual Amendments

**F32** Words in Sch. 4 para. 2(2) substituted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), 17(a)

### Marginal Citations

**M70** 1992 c.13; subsections (3A) and (3B) of section 65 were inserted by the [Teaching and Higher Education Act 1998 \(c. 30\)](#), [section 27](#).

## Designation of other postgraduate courses **E+W**

3.—(1) The Welsh Ministers may specify that a postgraduate course is to be treated as a designated postgraduate course despite the fact that, but for the specification, it would not otherwise be a designated postgraduate course.

(2) The Welsh Ministers may suspend or revoke the specification of a postgraduate course made under sub-paragraph (1).

## Eligible postgraduate students **E+W**

4.—(1) A person is an eligible postgraduate student in connection with a designated postgraduate course that the person is undertaking if—

- (a) the person has a disability, and
- (b) either—
  - (i) the person falls within one of the categories of persons set out in Schedule 2 and none of the exceptions set out in paragraph 5 of this Schedule applies to the person, or



(ii) the person's circumstances fall within one of the cases set out in paragraph 6.

(2) A person may, at any given time, be an eligible postgraduate student only in connection with one designated postgraduate course.

**5.—(1)** A person (“P”) is not an eligible postgraduate student if any of the following exceptions applies— *Exception 1* At any one time, P also qualifies for support in connection with a designated course by virtue of these Regulations or any other regulations made under section 22 of the 1998 Act unless the course is one for which a first degree (or equivalent qualification) or higher is a normal entry requirement. *Exception 2* In respect of P undertaking the designated postgraduate course, P has been bestowed or paid—

- (a) a healthcare bursary,
- (b) an allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007,
- (c) an allowance, bursary or award of similar description made by the Research Council, or
- (d) an allowance, bursary or award of similar description made—
  - (i) by the institution providing the course,
  - (ii) under section 67(4)(a) of the Care Standards Act 2000 <sup>M71</sup>, or
  - (iii) under section 116(2)(a) of the Regulation and Inspection of Social Care (Wales) Act 2016 <sup>M72</sup>,

which includes any payment for the purpose of meeting additional expenditure incurred by P by reason of P's disability.

*Exception 3* P is in breach of an obligation to repay a student loan. *Exception 4* P has reached the age of 18 and has not ratified an agreement for a student loan made with P when P was under 18.

*Exception 5* The Welsh Ministers think that P's conduct is such that P is not fit to receive a disabled postgraduate student's grant. *Exception 6* P is a prisoner. But P may be an eligible postgraduate student despite being a prisoner if—

- (a) P's application for a disabled postgraduate student's grant is in respect of the academic year during which P enters or is released from prison, or
- (b) P has been authorised by the prison Governor or Director or other appropriate authority to study the designated postgraduate course and P's earliest release date is within 6 years of the first day of the first academic year of the course.

*Exception 7* P is a Category 6 student by virtue only of paragraph 6(1) of Schedule 2 and does not fall within any other categories of student specified in that Schedule.

(2) In Exceptions 3 and 4, “student loan” means a loan made under—

- (a) the Education (Student Loans) Act 1990;
- (b) the Education (Scotland) Act 1980;
- (c) the Education (Student Loans) (Northern Ireland) Order 1990;
- (d) the Education (Student Support) (Northern Ireland) Order 1998;
- (e) regulations made under any of those Acts or Orders;
- (f) regulations made under the 1998 Act.

#### Marginal Citations

**M71** 2000 c.14. Section 67(4) was amended by the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), [Schedule 3, Part 2, paragraphs 40](#) and 43.

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

M72 2016 anaw 2.

### Eligible postgraduate students continuing on a course **E+W**

6.—(1) A person (“P”)—

- (a) who has a disability, and
- (b) whose circumstances fall within one of the following cases,

is an eligible postgraduate student (accordingly P need not fall within any of the categories of eligible student set out in Schedule 2 and the exceptions set out in paragraph 5 do not apply to P).

(2) The cases are— *Case 1*

- (a) P qualified as an eligible postgraduate student in connection with an earlier academic year of the present postgraduate course, and
- (b) P was ordinarily resident in Wales on the first day of the first academic year of the present postgraduate course.

*Case 2*

- (a) P was an eligible postgraduate student in connection with a designated postgraduate course (the “earlier course”) other than the present postgraduate course,
- (b) P's status as an eligible postgraduate student in connection with the earlier course has been transferred to the present postgraduate course (see paragraph 15), and
- (c) P was ordinarily resident in Wales on the first day of the first academic year of the earlier course.

### Period of eligibility **E+W**

7.—(1) A student's status as an eligible postgraduate student in connection with a designated postgraduate course is retained until the end of the student's period of eligibility unless terminated in accordance with paragraph 9, 10, 12 or 13.

(2) A student's period of eligibility ends at the end of the academic year in which the student completes the designated postgraduate course.

### Part-time courses – no eligibility for years of low intensity study **E+W**

8. Where the present postgraduate course is a part-time course, the eligible postgraduate student is not eligible for a disabled postgraduate student's grant in respect of an academic year where the intensity of study for that year is less than 25% (see paragraph 5 of Schedule 1 for how to calculate the intensity of study for an academic year).

### Early termination of eligibility **E+W**

9. An eligible postgraduate student's (“P's”) period of eligibility terminates at the end of the day on which—

- (a) P withdraws from P's designated postgraduate course and the Welsh Ministers do not transfer P's status as an eligible postgraduate student under paragraph 15,
- (b) P abandons or is expelled from P's designated postgraduate course, or
- (c) P also qualifies for support in connection with a designated course by virtue of these Regulations or any other regulations made under section 22 of the 1998 Act unless the course is one for which a first degree (or equivalent qualification) or higher is a normal entry requirement.

### **Termination due to misconduct or failure to provide accurate information** **E+W**

**10.**—(1) The Welsh Ministers may terminate an eligible postgraduate student's period of eligibility if they are satisfied that the student's conduct is such that the student is no longer fit to receive a disabled postgraduate student's grant.

- (2) Sub-paragraph (3) applies if the Welsh Ministers are satisfied that an eligible student—
- (a) has failed to comply with a requirement to provide information or documentation imposed by this Schedule, or
  - (b) has provided information or documentation which was materially inaccurate.
- (3) Where this sub-paragraph applies, the Welsh Ministers may—
- (a) terminate the student's period of eligibility;
  - (b) determine that the student does not qualify for a disabled postgraduate student's grant or an amount of such grant as they think appropriate.

### **Reinstatement of eligibility after termination** **E+W**

**11.**—(1) Where a student's period of eligibility terminates under paragraph 9 or 10 during the academic year in which the student completes the present postgraduate course, the Welsh Ministers may reinstate the student's period of eligibility for such period as they think appropriate.

(2) But a reinstated period of eligibility may not extend beyond the end of the academic year in which the student completes the designated postgraduate course.

### **Refugees who cease to have leave to remain** **E+W**

**12.**—(1) This paragraph applies where—

- (a) a person (“P”) was a category 2 eligible postgraduate student (see Schedule 2) in connection with an application for a disabled postgraduate student's grant—
    - (i) for an earlier year of the present postgraduate course, or
    - (ii) in connection with a course from which P's status as an eligible postgraduate student has been transferred to the present course under paragraph 15, and
  - (b) as at the end of the day before the first day of the academic year in respect of which P is applying for a disabled postgraduate student's grant, the refugee status of—
    - (i) P, or
    - (ii) the person whose status as a refugee meant that P was a category 2 eligible postgraduate student,
- 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).

(2) Where this paragraph applies, P's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which P is applying for a disabled postgraduate student's grant.

(3) In this paragraph, “refugee” has the meaning given by paragraph 11 of Schedule 2.

### **[<sup>F33</sup>Persons who cease to have stateless leave** **E+W**

**12A.**—(1) This paragraph applies where—

- (a) a person (“P”) was a category 2A eligible postgraduate student (see Schedule 2) in connection with an application for a disabled postgraduate student's grant—
  - (i) for an earlier year of the present postgraduate course, or

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

- (ii) in connection with a course from which P's status as an eligible postgraduate student has been transferred to the present postgraduate course under paragraph 15, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for a disabled postgraduate student's grant, the period for which—
  - (i) P, or
  - (ii) the person who, as a result of being a person granted stateless leave, caused P to be a Category 2A eligible postgraduate student,
 is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no application for administrative review in accordance with the immigration rules is pending.
- (2) Where this paragraph applies, P's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which P is applying for a disabled postgraduate student's grant.]

#### Textual Amendments

**F33** Sch. 4 para. 12A inserted (30.7.2018) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814), regs. 1(2), **17(b)**

#### Other persons who cease to have leave to enter or remain **E+W**

- 13.**—(1) This paragraph applies where—
- (a) a person ("P") was a category 3 eligible postgraduate student (see Schedule 2) in connection with an application for a disabled postgraduate student's grant—
    - (i) for an earlier year of the present postgraduate course, or
    - (ii) in connection with a course from which P's status as an eligible postgraduate student has been transferred to the present postgraduate course under paragraph 15, and
  - (b) as at the end of the day before the first day of the academic year in respect of which P is applying for a disabled postgraduate student's grant, the period for which—
    - (i) P, or
    - (ii) the person who, as a result of having leave to enter or remain, caused P to be a category 3 eligible postgraduate student,
 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).
  - (2) Where this paragraph applies, P's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which P is applying for a disabled postgraduate student's grant.

#### Becoming eligible during an academic year **E+W**

- 14.**—(1) Where one of the events in paragraph (3) occurs, the student may become eligible for a disabled postgraduate student's grant.
- (2) But the amount of grant payable to the eligible postgraduate student will only be in respect of the quarter or quarters of the academic year beginning after the relevant event occurs.
- (3) The events are—
- (a) the student's course becomes a designated postgraduate course;

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

- (b) the student becomes an eligible postgraduate student on the grounds that—
- (i) the student or the student's spouse, civil partner or parent is recognised as a refugee or [<sup>F34</sup>becomes a person granted stateless leave or] becomes a person with leave to enter or remain;
  - (ii) a 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;
  - (iii) the student acquires the right of permanent residence;
  - (iv) the student becomes a child of a Turkish worker;
  - (v) the student becomes a person described in paragraph 4(1)(a) of Schedule 2;
  - (vi) the student becomes the child of a Swiss national.
- (4) In sub-paragraph (3), the following terms have the same meaning as in Schedule 2—
- “child” (“*plentyn*”);
  - “parent” (“*rhiant*”);
  - [<sup>F35</sup>“person granted stateless leave” (“*person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth*”);]
  - “person with leave to enter or remain” (“*person sydd â chaniatâd i ddod i mewn neu i aros*”);
  - “refugee” (“*ffoadur*”);
  - “right of permanent residence” (“*hawl i breswyllo'n barhaol*”);
  - “Turkish worker” (“*gweithiwr Twrcaid*”).

#### Textual Amendments

- F34** Words in Sch. 4 para. 14(3)(b)(i) inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **17(c)**
- F35** Words in Sch. 4 para. 14(4) inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **17(d)**

#### Transferring between postgraduate courses **E+W**

**15.**—(1) Where an eligible postgraduate student transfers from a designated postgraduate course to another designated postgraduate course, the Welsh Ministers must transfer the student's status as an eligible postgraduate student to the other course if—

- (a) they receive a request from the student to do so,
- (b) they are satisfied that one of the grounds of transfer applies (see sub-paragraph (2)), and
- (c) the student's period of eligibility has not ended or been terminated.

(2) The grounds of transfer are— *First ground* The eligible postgraduate student ceases one designated postgraduate course and undertakes another designated postgraduate course at the same institution. *Second ground* The eligible postgraduate student undertakes a designated postgraduate course at another institution.

#### Effect of transfer **E+W**

**16.**—(1) Where the Welsh Ministers transfer an eligible postgraduate student's (“P's”) status under paragraph 15—

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

- (a) they may re-assess the amount of disabled postgraduate student's grant payable to P after the transfer;
  - (b) but if no re-assessment is made, P is entitled, in respect of the academic year of the course to which P transfers, to receive the remainder of the disabled postgraduate student's grant which the Welsh Ministers assessed P was entitled to receive in respect of the academic year of the course from which P transferred.
- (2) Where an eligible postgraduate student (“P”) transfers—
- (a) after the Welsh Ministers have assessed P's entitlement to disabled postgraduate student's grant in respect of the academic year of the course from which P transferred, but
  - (b) before P completes that year,

P may not apply for a disabled postgraduate student's grant in respect of that academic year in connection with the course to which P has transferred.

### Applications and decisions **E+W**

**17.—**(1) A person does not qualify for a disabled postgraduate student's grant in relation to an academic year unless the person makes an application for the grant in relation to that year.

- (2) An application under sub-paragraph (1) must—
- (a) be in such form and contain such information as the Welsh Ministers may specify,
  - (b) be accompanied by such documentation as the Welsh Ministers may require, and
  - (c) reach the Welsh Ministers as soon as is reasonably practicable.

**18.—**(1) The Welsh Ministers may take such steps and make such inquiries as they think necessary to make a decision on an application.

(2) Those steps may include requiring the applicant to provide further information or documentation.

(3) The Welsh Ministers may make a provisional decision on an application (see paragraph 21 for provision about payments made on the basis of a provisional decision).

- (4) A decision made by the Welsh Ministers after a provisional decision has been made may—
- (a) confirm the provisional decision, or
  - (b) substitute it with a different decision.

(5) The Welsh Ministers must notify the applicant of a decision (including a provisional decision) on an application.

- (6) The notification must state—
- (a) whether the Welsh Ministers consider the applicant to be an eligible postgraduate student,
  - (b) if so, whether the eligible postgraduate student qualifies for a disabled postgraduate student's grant in relation to the academic year,
  - (c) if the student does qualify, the amount payable in relation to the academic year,
  - (d) a breakdown specifying the amounts of grant payable in respect of each of the purposes mentioned in paragraph 20(2), and
  - (e) in the case of a provisional decision, the fact that the decision is provisional and the consequences of that fact.

### **Requirements on eligible postgraduate students to provide information** E+W

**19.**—(1) An eligible postgraduate student must, as soon as reasonably practicable after being requested to do so, provide the Welsh Ministers with such information or documentation as the Welsh Ministers may require for the purposes of this Schedule.

(2) Where an event mentioned in paragraph (3) occurs in respect of an eligible postgraduate student, the student must inform the Welsh Ministers as soon as is reasonably practicable after the event occurs.

(3) The events are—

- (a) the student withdraws from, abandons or is expelled from the present postgraduate course;
- (b) the student transfers to another postgraduate course (whether at the same or at a different institution);
- (c) the student otherwise ceases to undertake the present postgraduate course and does not intend to or is not permitted to continue it for the remainder of the academic year;
- (d) the student is absent from the present postgraduate course—
  - (i) for more than 60 days due to illness, or
  - (ii) for any period for any other reason;
- (e) the month for the start or completion of the present postgraduate course changes;
- (f) the student's home or term-time—
  - (i) address,
  - (ii) telephone number, or
  - (iii) email address,changes.

(4) Information or documentation that is required to be provided to the Welsh Ministers under this Schedule must be provided in such form as the Welsh Ministers may specify.

(5) The Welsh Ministers may require that—

- (a) an application under paragraph 17;
- (b) any other documentation provided to them under this Schedule,

must be signed in such manner (including electronically) as they may specify.

(6) The reference to an eligible postgraduate student in sub-paragraph (1) is to be treated as including a person who makes an application under paragraph 17 even if the Welsh Ministers' decision on the application is that the person is not an eligible postgraduate student.

(7) See paragraph 10 for provision about the consequences of failing to comply with a requirement imposed by this paragraph.

### **Amount of disabled postgraduate student's grant** E+W

**20.**—(1) The amount of disabled postgraduate student's grant payable to an eligible postgraduate student in respect of an academic year is the lesser of—

- (a) £10,590, or
- (b) the amount of eligible expenditure which the Welsh Ministers think that the student is obliged to incur in connection with the present postgraduate course by reason of the student's disability.

(2) For the purposes of sub-paragraph (1)(b), “eligible expenditure” is expenditure for any of the following purposes—



**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

- (a) expenditure on a non-medical personal helper;
- (b) expenditure on major items of specialist equipment;
- (c) expenditure incurred—
  - (i) within the United Kingdom for the purpose of attending the institution, and
  - (ii) within or outside the United Kingdom for the purpose of attending, as part of the present postgraduate course, any period of study at an overseas institution (including the University of London Institute in Paris).

### Payment **E+W**

**21.**—(1) A disabled postgraduate student's grant is payable in respect of the four quarters of the academic year.

(2) The Welsh Ministers may pay a disabled postgraduate student's grant in such instalments (if any) and at such times as they think appropriate.

(3) The Welsh Ministers may, if they think it appropriate, pay any amount of disabled postgraduate student's grant payable for the purpose of assisting with expenditure on major items of specialist equipment as a single amount in respect of the whole academic year.

(4) Where the Welsh Ministers make a provisional decision on an application for disabled postgraduate student's grant, the Welsh Ministers may make a payment based on that decision.

(5) If the Welsh Ministers think it appropriate to make payments by transfer into a bank or building society account they may require an eligible postgraduate student to provide details of such an account in the United Kingdom into which payments may be made.

(6) If that requirement is imposed, the Welsh Ministers may not make any payment of the disabled postgraduate student's grant until the eligible postgraduate student has complied.

### Overpayments **E+W**

**22.**—(1) Where an eligible postgraduate student has been paid an amount of disabled postgraduate student's grant which exceeds the amount to which the student is entitled, the student must repay the excess amount if required to do so by the Welsh Ministers.

(2) In this paragraph, references to an eligible postgraduate student are to be treated as including a person who has received an amount of disabled postgraduate student's grant but is not, or is no longer, an eligible postgraduate student.

(3) The Welsh Ministers must recover any overpayment of a disabled postgraduate student's grant unless they think it is not appropriate to do so.

(4) A payment of a disabled postgraduate student's grant made before the day on which the course begins is an overpayment if the eligible postgraduate student withdraws from the course before that day.

(5) A payment of disabled postgraduate student's grant is an overpayment if either of the following cases apply— *Case 1* An amount of the grant has been paid for the purpose of assisting with expenditure on major items of specialist equipment but the equipment has not been delivered to the eligible postgraduate student before the student's period of eligibility ends or is terminated. *Case 2* Payment of an amount of the grant for the purpose of assisting with expenditure on major items of specialist equipment is made after the eligible postgraduate student's period of eligibility ends or is terminated.

(6) Overpayment of a disabled postgraduate student's grant may be recovered by subtracting the overpayment from any grant payable to the eligible postgraduate student from time to time under



these Regulations or any other regulations made by the Welsh Ministers under section 22 of the 1998 Act.

(7) Where—

- (a) there is an overpayment of a disabled postgraduate student's grant, and
- (b) any amount of the grant was paid for the purpose of assisting with expenditure on major items of specialist equipment,

the Welsh Ministers may accept the return of specialist equipment by way of recovery of all or part of the overpayment.

(8) Sub-paragraphs (6) and (7) do not prevent the Welsh Ministers from recovering an overpayment by any other method available to them.

## SCHEDULE 5 **E+W**

Regulation 99

### Oxbridge college fee loans

#### **Oxbridge college fee loans** **E+W**

1.—(1) An Oxbridge college fee loan is a loan made available by the Welsh Ministers to an eligible Oxbridge student for the payment of college fees in respect of an academic year of a designated Oxbridge course.

(2) “College fees” means the fees payable by an eligible Oxbridge student to a college or permanent private hall of the University of Oxford, or to a college of the University of Cambridge, in connection with the student's undertaking of a designated Oxbridge course.

#### **Designated Oxbridge courses** **E+W**

2. A course is a designated Oxbridge course if it meets each of the following conditions—  
*Condition 1* The course is a designated course (see Chapter 1 of Part 4). *Condition 2* It is a full-time course. *Condition 3* It is provided by the University of Oxford or the University of Cambridge. *Condition 4* The course either—

- (a) leads to a qualification as a—
  - (i) social worker,
  - (ii) medical doctor,
  - (iii) dentist,
  - (iv) veterinary surgeon, or
  - (v) architect, or
- (b) is a course where at least one academic year is one in relation to which the eligible Oxbridge student is eligible to apply for—
  - (i) a bursary or award of similar description under section 63 of the Health Services and Public Health Act 1968 or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972, or
  - (ii) a Scottish healthcare allowance,provided that the bursary or similar award or allowance is calculated by reference to the student's income (whether or not the calculation results in a nil amount).

*Condition 5* The course is not a distance learning course (but see paragraph 3(4)).

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

### Eligible Oxbridge students **E+W**

3.—(1) A person (“P”) is an eligible Oxbridge student if P—

- (a) satisfies each of the conditions in sub-paragraph (2), and
- (b) does not fall within the exception in sub-paragraph (3).

(2) The conditions are— *Condition 1* P is an eligible student (see Section 1 of Chapter 2 of Part 4). *Condition 2* P has an honours degree from an institution in the United Kingdom. *Condition 3* P is undertaking a designated Oxbridge course. *Condition 4* P is a member of—

- (a) a college or permanent private hall of the University of Oxford, or
- (b) a college of the University of Cambridge.

*Condition 5* P is under the age of 60 on the first day of the first academic year of the designated Oxbridge course.

(3) The exception is that P is ordinarily resident in England, Scotland or Northern Ireland.

(4) Despite Condition 5 of paragraph 2, P is an eligible Oxbridge student if P—

- (a) has a disability,
- (b) is undertaking a designated Oxbridge course in the United Kingdom,
- (c) is not attending the course by reason of P's disability, and
- (d) otherwise satisfies the criteria stated in sub-paragraph (1).

### Students becoming eligible during the course of an academic year **E+W**

4.—(1) Where a student becomes an eligible student because one of the events listed in sub-paragraph (2) occurs in the course of an academic year, the student may qualify for an Oxbridge college fee loan in accordance with this Schedule in respect of that academic year provided that the event occurred within the first three months of the academic year.

(2) The events are—

- (a) the student or the student's spouse, civil partner or parent is recognised as a refugee or [<sup>F36</sup>becomes a person granted stateless leave or] becomes a person with leave to enter or remain;
- (b) a state accedes to the European Union where the student is a national of that state or a family member of a national of that state;
- (c) the student becomes a family member of an EU national;
- (d) the student acquires the right of permanent residence;
- (e) the student becomes a child of a Turkish worker;
- (f) the student becomes a person described in paragraph 4(1)(a) of Schedule 2;
- (g) the student becomes the child of a Swiss national.

(3) In sub-paragraph (2), the following terms have the same meaning as in Schedule 2—

“child” (“*plentyrn*”);

“family member” (“*aelod o deulu*”) (within the meaning given by paragraph 6(5) of Schedule 2);

“parent” (“*rhiant*”);

[<sup>F37</sup>“person granted stateless leave” (“*person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth*”);]

“person with leave to enter or remain” (“*person sydd â chaniatâd i ddod i mewn neu i aros*”);

“refugee” (“*ffoadur*”);

“right of permanent residence” (“*hawl i breswyllo'n barhaol*”);

“Turkish worker” (“*gweithiwr Twrcaid*”).

#### Textual Amendments

**F36** Words in Sch. 5 para. 4(2)(a) inserted (30.7.2018) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814), regs. 1(2), **19(a)**

**F37** Words in Sch. 5 para. 4(3) inserted (30.7.2018) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814), regs. 1(2), **19(b)**

#### Period of eligibility **E+W**

5.—(1) An Oxbridge college fee loan is available in respect of each standard academic year of the designated Oxbridge course and in respect of one academic year of the course that is not a standard academic year.

(2) Where an eligible Oxbridge student is allowed to study the content of one standard academic year of the designated Oxbridge course over two or more academic years, for the purpose of determining whether the student qualifies for an Oxbridge college fee loan for those years, the first of such years of study is to be treated as a standard academic year and the following years of that kind are to be treated as academic years that are not standard academic years.

(3) In this paragraph, “standard academic year” means an academic year of the designated Oxbridge course that would be undertaken by a person who does not repeat any part of the course and who enters the course at the same point as the eligible Oxbridge student.

#### Amount of the college fee loan **E+W**

6.—(1) The amount of an Oxbridge college fee loan in respect of an academic year of a designated Oxbridge course must not exceed the amount equal to the college fees payable by the eligible Oxbridge student to the student's college or permanent private hall in connection with that year.

(2) Where an eligible Oxbridge student has applied for an Oxbridge college fee loan of less than the maximum amount available in relation to the academic year, the student may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the maximum amount available.

#### Transfers **E+W**

7.—(1) Where an eligible Oxbridge student transfers from one designated Oxbridge course to another, the Welsh Ministers must transfer the student's status as an eligible Oxbridge student to the other course if—

- (a) they receive a request from the student to do so, and
- (b) the student's period of eligibility has not ended or been terminated.

(2) If the eligible Oxbridge student transfers before the end of the academic year but after applying for an Oxbridge college fee loan, the amount applied for is to be paid to the relevant college or permanent private hall in respect of the designated Oxbridge course to which the student transfers (unless sub-paragraph (4) applies).

(3) Where sub-paragraph (2) applies, the eligible Oxbridge student may not apply for another Oxbridge college fee loan in respect of that academic year.

*Status: Point in time view as at 30/07/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)*

(4) If an eligible Oxbridge student transfers after the Oxbridge college fee loan is paid and before the end of the academic year, the student cannot apply for another Oxbridge college fee loan in connection with the academic year of the designated Oxbridge course to which the student transfers.

### **Payment** **E+W**

**8.—(1)** The Welsh Ministers must pay an Oxbridge college fee loan for which an eligible Oxbridge student qualifies to the college or permanent private hall to which the student is liable to make payment.

(2) The loan must be paid in a single lump sum.

(3) The Welsh Ministers may not pay the loan before—

(a) they have received from the college or permanent private hall—

(i) a request for payment in writing, and

(ii) an attendance confirmation in such form as the Welsh Ministers may specify, and

(b) the period of three months beginning with the first day of the academic year to which the loan relates has expired.

(4) The Welsh Ministers may pay an Oxbridge college fee loan without receiving an attendance confirmation if they think that owing to exceptional circumstances it would be appropriate to do so.

(5) In this paragraph, “attendance confirmation” means a confirmation such as is referred to in regulation 87(1).

(6) The Welsh Ministers must not make a payment of an Oxbridge college fee loan in respect of an academic year of a designated Oxbridge course if—

(a) the eligible Oxbridge student ceases to undertake the course before the expiry of the period of three months beginning with the first day of the academic year, and

(b) the college or permanent private hall has determined or agreed that the student will not commence undertaking the course in the United Kingdom again during the academic year.

(7) Paragraphs 9 and 10 set out other circumstances in which payment of an Oxbridge college fee loan may not be made or may be withheld.

### **Requirement to provide national insurance number** **E+W**

**9.—(1)** The Welsh Ministers may make it a condition of entitlement to payment of an Oxbridge college fee loan that an eligible Oxbridge student must provide them with the student's United Kingdom national insurance number.

(2) If that condition is imposed, the Welsh Ministers may not make any payment of the loan until the eligible Oxbridge student has complied with it, unless the Welsh Ministers are satisfied that, owing to exceptional circumstances, it would be appropriate to make a payment despite the condition not being complied with.

### **Information requirements and agreements for repayment** **E+W**

**10.—(1)** The Welsh Ministers may at any time request from an eligible Oxbridge student such information or documentation as they may require for the purposes of—

(a) determining eligibility for an Oxbridge college fee loan, or

(b) recovering a loan.

(2) A request under sub-paragraph (1) may include requesting sight of an eligible Oxbridge student's—

(a) valid passport issued by the state of which that student is a national,

- (b) valid national identity card, or
- (c) birth certificate.

(3) Where the Welsh Ministers have requested information or documentation under sub-paragraph (1), they may withhold any payment of an Oxbridge college fee loan until the student provides what has been requested or provides a satisfactory explanation for not complying with the request.

(4) The Welsh Ministers may at any time require an eligible Oxbridge student to enter into an agreement to repay an Oxbridge college fee loan by a particular method.

(5) Where the Welsh Ministers have requested an agreement as to the method of repayment, they may withhold any payment of an Oxbridge college fee loan until the student provides what has been requested.

### **Overpayment** E+W

**11.** Any overpayment of an Oxbridge college fee loan is recoverable by the Welsh Ministers from the college or permanent private hall.

## SCHEDULE 6 E+W

Regulation 100

### Amendments to the Education (Student Support) (Wales) Regulations 2017

1. The Education (Student Support) (Wales) Regulations 2017 are amended as follows.
2. In regulation 1 (title, commencement and application), after paragraph (2) insert—

“(3) These Regulations do not apply to the provision of support to students in relation to a course which begins on or after 1 August 2018 unless Regulation 2(3) of the Education (Student Support) (Wales) Regulations 2018 applies to the course.”
3. In regulation 2(1) (interpretation)—
  - (a) in the definition of “2012 accelerated graduate entry student”, at the end insert “ and before 1 August 2018 ”;
  - (b) in the definition of “2012 cohort student”, after “1 September 2012” where it first occurs insert “ and before 1 August 2018 (but including a course starting on or after 1 August 2018 if the course is one in relation to which the student's status has transferred under regulation 8, 75 or 102 or is an end-on course) ”;
  - (c) in the definition of “accelerated graduate entry course”, in sub-paragraph (c), after “1 September 2012” insert “ and before 1 August 2018 ”;
  - (d) in the definition of “compressed degree student”, in sub-paragraph (b)(ii), after “1 September 2013” insert “ and before 1 August 2018 ”;
  - (e) in the definition of “compressed first year course”, in sub-paragraph (a), after “1 September 2013” insert “ and before 1 August 2018 ”;
  - (f) in the definition of “distance learning course”, after “1 September 2012” insert “ and before 1 August 2018 ”;
  - (g) in the definition of “eligible part-time prisoner”, in sub-paragraph (a), after “1 September 2014” insert “ and before 1 August 2018 ”;
  - (h) in the definition of “eligible prisoner”, in sub-paragraph (a), after “1 September 2012” insert “ and before 1 August 2018 ”;

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

- (i) in the definition of “Erasmus year”, in both sub-paragraphs (b) and (c), after “1 September 2012” insert “ and before 1 August 2018 ”;
  - (j) in the definition of “healthcare bursary”, after “1968” insert “ but not a payment made out of the Learning Support Fund ”;
  - (k) in the definition of “new eligible part-time student”, after “1 September 2014” where it first occurs insert “ and before 1 August 2018 (but including a course starting on or after 1 August 2018 if the course is one in relation to which the student's status has transferred under regulation 8, 75 or 102 or is an end-on course) ”;
  - (l) in the definition of “qualifying course”, after “full-time designated course” insert “ beginning before 1 August 2018 ”;
  - (m) in the definition of “recognised educational institution”, in sub-paragraph (b), after “1 September 2017” insert “ and before 1 August 2018 ”;
  - (n) in the appropriate place insert “ “Learning Support Fund” means the fund made available by NHS England to certain students in respect of qualifying healthcare courses; ”.
4. In regulation 3(16) (application)—
    - (a) at the beginning insert “ Subject to regulation 1(3) ”;
    - (b) after “1 September 2017” where it first occurs, insert “ and before 1 August 2018 ”.
  5. For paragraph (7) of regulation 4 (eligible students), substitute—
 

“(7) Subject to paragraphs (9) to (11), if a person satisfies the conditions in paragraph (8) (a),(b) or (c) and does not satisfy paragraph (3)(c) the person is an eligible student for the purpose of these Regulations and accordingly, paragraphs (2) and (3)(a), (b), (d), (e) and (f) do not apply to the person.”
  6. In regulation 16 (new fee grant)—
    - (a) in paragraph (3)—
      - (i) in sub-paragraph (a), for “£4,954” substitute “ £4,800 ”;
      - (ii) in sub-paragraph (b), for “£4,046” substitute “ £4,200 ”;
    - (b) in paragraph (4)—
      - (i) in sub-paragraph (a), for “£2,560” substitute “ £2,480 ”;
      - (ii) in sub-paragraph (b), for “£1,940” substitute “ £2,020 ”.
  7. In regulation 19 (new fee loan in respect of courses beginning on or after 1 September 2012)—
    - (a) in paragraph (3)(a), for “£4,046” substitute “£4,200”;
    - (b) in paragraph (4)(a), for “£1,940” substitute “ £2,020 ”.
  8. In regulation 30 (grants for dependants – interpretation)—
    - (a) in paragraph (1)(o), in the full-out words following paragraphs (i) to (iii), for “party—“ substitute “ party; ”
    - (b) correct the numbering after paragraph (1)(o) so that—
      - (i) “(p)” is substituted for “(a)”;
      - (ii) “(q)” is substituted for “(b)”;
      - (iii) “(r)” is substituted for “(c)”;
    - (c) in paragraph (3), for “regulation 28” substitute “ regulation 27 ”.
  9. In regulation 43 (maximum amount loans for certain students)—
    - (a) in paragraph (2)—

- (i) in sub-paragraph (i), after “£5,358” insert “ for a 2010 cohort student, otherwise £5,529 ”;
  - (ii) in sub-paragraph (ii), after “£9,697” insert “ for a 2010 cohort student, otherwise £10,007 ”;
  - (iii) in sub-paragraph (iii), after “£8,253” insert “ for a 2010 cohort student, otherwise £8,517 ”;
  - (iv) in sub-paragraph (iv), after “£8,253” insert “ for a 2010 cohort student, otherwise £8,517 ”;
  - (v) in sub-paragraph (v), after “£6,922” insert “ for a 2010 cohort student, otherwise £7,143 ”;
- (b) in paragraph (3)—
- (i) in sub-paragraph (i), after “£4,851” insert “ for a 2010 cohort student, otherwise £5,006 ”;
  - (ii) in sub-paragraph (ii), after “£8,830” insert “ for a 2010 cohort student, otherwise £9,112 ”;
  - (iii) in sub-paragraph (iii), after “£7,179” insert “ for a 2010 cohort student, otherwise £7,408 ”;
  - (iv) in sub-paragraph (iv), after “£7,179” insert “ for a 2010 cohort student, otherwise £7,408 ”;
  - (v) in sub-paragraph (v), after “£6,412” insert “ for a 2010 cohort student, otherwise £6,617 ”.
- 10.** In regulation 45 (students with reduced entitlement)—
- (a) in paragraph (1)(a)—
- (i) in paragraph (i), for “£2,544” substitute “ £2,625 ”;
  - (ii) in paragraph (ii), for “£4,768” substitute “ £4,920 ”;
  - (iii) in paragraph (iii), for “£3,392” substitute “ £3,500 ”;
  - (iv) in paragraph (iv), for “£3,392” substitute “ £3,500 ”;
  - (v) in paragraph (v), for “£3,392” substitute “ £3,500 ”;
- (b) in paragraph (1)(b)—
- (i) in paragraph (i), for “£2,544” substitute “ £2,625 ”;
  - (ii) in paragraph (ii), for “£4,768” substitute “ £4,920 ”;
  - (iii) in paragraph (iii), for “£4,056” substitute “ £4,186 ”;
  - (iv) in paragraph (iv), for “£4,056” substitute “ £4,186 ”;
  - (v) in paragraph (v), for “£3,392” substitute “ £3,500 ”;
- (c) in paragraph (1)(c)—
- (i) in paragraph (i), for “£4,019” substitute “ £4,147 ”;
  - (ii) in paragraph (ii), for “£7,273” substitute “ £7,505 ”;
  - (iii) in paragraph (iii), for “£6,190” substitute “ £6,388 ”;
  - (iv) in paragraph (iv), for “£6,190” substitute “ £6,388 ”;
  - (v) in paragraph (v), for “£5,191” substitute “ £5,357 ”;
- (d) in paragraph (2)(a)—
- (i) in paragraph (i), for “£1,934” substitute “ £1,996 ”;

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

- (ii) in paragraph (ii), for “£3,646” substitute “ £3,763 ”;
- (iii) in paragraph (iii), for “£2,643” substitute “ £2,727 ”;
- (iv) in paragraph (iv), for “£2,643” substitute “ £2,727 ”;
- (v) in paragraph (v), for “£2,643” substitute “ £2,727 ”;
- (e) in paragraph (2)(b)—
  - (i) in paragraph (i), for “£1,934” substitute “ £1,996 ”;
  - (ii) in paragraph (ii), for “£3,644” substitute “ £3,763 ”;
  - (iii) in paragraph (iii), for “£2,965” substitute “ £3,060 ”;
  - (iv) in paragraph (iv), for “£2,965” substitute “ £3,060 ”;
  - (v) in paragraph (v), for “£2,643” substitute “ £2,727 ”;
- (f) in paragraph (2)(c)—
  - (i) in paragraph (i), for “£3,638” substitute “ £3,755 ”;
  - (ii) in paragraph (ii), for “£6,623” substitute “ £6,834 ”;
  - (iii) in paragraph (iii), for “£5,384” substitute “ £5,556 ”;
  - (iv) in paragraph (iv), for “£5,384” substitute “ £5,556 ”;
  - (v) in paragraph (v), for “£4,809” substitute “ £4,963 ”.
- 11.** In regulation 50 (increases in maximum amount)—
  - (a) in paragraph (1), for “regulation 44” substitute “ regulation 43 or, as the case may be, 44 ”;
  - (b) in paragraph (2), for “regulation 44” substitute “ regulation 43 or, as the case may be, 44 ”.
- 12.** In regulation 56 (application of contribution)—
  - (a) in paragraph (3)—
    - (i) in sub-paragraph (a), for “£4,019” substitute “ £4,147 ”;
    - (ii) in sub-paragraph (b), for “£7,273” substitute “ £7,505 ”;
    - (iii) in sub-paragraph (c), for “£6,190” substitute “ £6,388 ”;
    - (iv) in sub-paragraph (d), for “£6,190” substitute “ £6,388 ”;
    - (v) in sub-paragraph (e), for “£5,191” substitute “ £5,357 ”;
  - (b) in paragraph (4)—
    - (i) in sub-paragraph (a), for “£3,638” substitute “ £3,755 ”;
    - (ii) in sub-paragraph (b), for “£6,623” substitute “ £6,834 ”;
    - (iii) in sub-paragraph (c), for “£5,384” substitute “ £5,556 ”;
    - (iv) in sub-paragraph (d), for “£5,384” substitute “ £5,556 ”;
    - (v) in sub-paragraph (e), for “£4,809” substitute “ £4,963 ”.
- 13.** In regulation 92(3)(b) (part-time childcare grant), at the beginning insert “ the eligible part-time student or the eligible part-time student's partner ”.
- 14.** In regulation 95(1)(i) (part-time grants for dependants – interpretation), for “(6)” substitute “ (7) ”.
- 15.** In Schedule 2, paragraph 3(a), for “Technician” substitute “ Technology ”.



SCHEDULE 7 **E+W**

Regulation 4(2)

## Index of defined terms

1. Table 16 lists expressions defined or otherwise explained in these Regulations.

Table 16

<i>Expression</i>	<i>Defined or referred to in...</i>
“the 1998 Act”	Regulation 5
“the 2017 Regulations”	Regulation 2(3)(a)
“academic authority”	Schedule 1, paragraph 6(1)
“academic year”	Schedule 1, paragraph 1
“accelerated graduate entry course”	Schedule 1, paragraph 6(1)
“adult dependants grant”	Regulation 68(1)
“adult dependant”	Regulation 70(1)
“applicable financial year”	Schedule 3, paragraph 23(2)
“base grant”	Regulation 43
“bursary grant for living costs”	Regulation 10(2)
“care leaver”	Regulation 49
“childcare grant”	Regulation 68(1)
“close relative”	Schedule 1, paragraph 6(1)
“college fees”	Schedule 5, paragraph 1(2)
“compressed degree course”	Schedule 1, paragraph 6(1)
“compressed first year course”	Schedule 1, paragraph 6(1)
“course for the initial training of teachers”	Schedule 1, paragraph 6(1)
“current academic year” (for the purposes of Schedule 3, paragraph 23(2) calculating income under Schedule 3)	Schedule 3, paragraph 23(2)
“current academic year” (for the purposes of Regulation 70(1) determining a student's entitlement to GfDs)	Regulation 70(1)
“CY”	Schedule 3, paragraph 23(2)
“dependent child”	Regulation 70(1) (but see also Regulation 75(3) in relation to childcare grant)
“designated course”	Chapter 1 of Part 4
“designated Oxbridge course”	Schedule 5, paragraph 2
“designated postgraduate course”	Schedule 4, paragraphs 2 and 3
“Directive 2004/38”	Schedule 2, paragraph 11
“disability”	Regulation 61(2)
“disabled postgraduate student's grant”	Schedule 4, paragraph 1(1)

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

“disabled student's grant”	Regulation 61(1)
“distance learning course”	Schedule 1, paragraph 6(1)
“earlier course”	Regulation 11(3)
“EEA”	Schedule 2, paragraph 11
“EEA frontier self-employed person”	Schedule 2, paragraph 4(3)
“EEA frontier worker”	Schedule 2, paragraph 4(3)
“EEA migrant worker”	Schedule 2, paragraph 4(3)
“EEA national”	Schedule 2, paragraph 4(4)
“EEA self-employed person”	Schedule 2, paragraph 4(3)
“eligible expenditure” (in relation to disabled postgraduate student's grant)	Schedule 4, paragraph 20(2)
“eligible Oxbridge student”	Schedule 5, paragraph 3
“eligible postgraduate student”	Schedule 4, paragraphs 4, 5 and 6
“eligible student”	Regulation 9(1)
“employed person”	Schedule 2, paragraph 4(4)
“employment based teacher training scheme”	Regulation 7(2)
“end-on course”	Schedule 1, paragraph 6(1)
“English regulated institution”	Schedule 1, paragraph 2(c)
“ERASMUS scheme”	Schedule 1, paragraph 4(3)
“Erasmus year”	Schedule 1, paragraph 4(1)
“family member” (for the purposes of determining the category of a person under Schedule 2)	Schedule 2, paragraphs 4(3), 5(5) and 6(5)
“fees”	Schedule 1, paragraph 6(1)
“financial year”	Schedule 3, paragraph 23(2)
“former Metropolitan Police District”	Schedule 1, paragraph 3(3)
“full amount”	Regulation 95(4)
“full-time equivalent” (for the purposes of calculating intensity of study)	Schedule 1, paragraph 5(3)
“full-time student” (for the purposes of determining a student's entitlement to a particular category of support)	Regulation 46(1), 55(1)
“graduate”	Regulation 25(1)
“grant for travel”	Regulation 64
“grants for dependants” (“GfDs”)	Regulation 68
“healthcare bursary”	Regulation 10(4)
“honours graduate”	Regulation 24(1)
“household income”	Schedule 3, Part 2

[ <sup>F38</sup> “immigration rules”	Schedule 2, paragraph 11]
“independent eligible student”	Schedule 3, paragraph 4
“intensity of study” (in relation to a part-time course)	Schedule 1, paragraph 5
“Islands”	Schedule 2, paragraph 11
“the Joint Academic Coding System”	Regulation 25(3)
“Learning Support Fund”	Regulation 10(4)
“living at home”	Schedule 1, paragraph 3(1)(a)
“living away from home, studying elsewhere”	Schedule 1, paragraph 3(1)(c)
“living away from home, studying in London”	Schedule 1, paragraph 3(1)(b)
“London”	Schedule 1, paragraph 3(2)
“lone parent”	Regulation 70(1)
“looked after”	Schedule 2, paragraph 10(2)
“maintained school”	Regulation 7(3)
“maintenance grant”	Regulation 43
“maintenance loan”	Regulation 53
“member of the armed forces”	Schedule 1, paragraph 6(1)
“net income” (of dependants)	Schedule 3, Part 5
“new course”	Regulation 28(1)
“new total payable”	Regulation 88(4)
“old course”	Regulation 28(1)
“ordinary duration”	Regulation 17(1)
“ordinary provider”	Regulation 40(2)(c)(i)
“Oxbridge college fee loan”	Schedule 5, paragraph 1(1)
“parents' learning grant”	Regulation 68(1)
“parent” and “child” (for the purposes of determining the category of a person under Schedule 2)	Schedule 2, paragraph 11
“partial amount”	Regulation 95(4)
“partner” (for the purposes of calculating income under Schedule 3)	Schedule 3, paragraph 23(1)
“partner” (for the purposes of determining a student's entitlement to GfDs)	Regulation 70(2)
“part-time student” (for the purposes of determining a student's entitlement to a particular category of support)	Regulation 47(1), 58(1)
“payment period”	Regulation 95(9)
“pension arrangements order”	Schedule 3, paragraph 23(2)

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

“period of eligibility” (in relation to a designated course)	Section 2 of Chapter 2 of Part 4
“period of eligibility” (in relation to a designated Oxbridge course)	Schedule 5, paragraph 5
“period of eligibility” (in relation to a designated postgraduate course)	Schedule 4, paragraph 7
“period of work experience”	Schedule 1, paragraph 6(1)
“period ordinarily required to complete the full-time equivalent” (for the purposes of calculating intensity of study)	Schedule 1, paragraph 5(3)
[ <sup>F38</sup> “person granted stateless leave”	Schedule 2, paragraph 2A(4)]
“person with leave to enter or remain”	Schedule 2, paragraph 3(4)
“the placement”	Regulation 66(1)
“preliminary course”	Regulation 16(1)
“prescribed charges” (in relation to childcare grant)	Regulation 75(3)
“present course”	Schedule 1, paragraph 6(1)
“present postgraduate course”	Schedule 4, paragraph 1(2)
“previous course”	Regulation 17(3)
“prisoner”	Schedule 1, paragraph 6(1)
“private institution”	Regulation 40(2)(c)(ii)
“public body”	Schedule 3, paragraph 23(2)
“publicly funded institution”	Schedule 1, paragraph 6(1)
“PY”	Schedule 3, paragraph 23(2)
“PY-1”	Schedule 3, paragraph 23(2)
“qualified teacher”	Schedule 1, paragraph 6(1)
“qualifying quarter”	Regulation 66(1)
“quarter”	Schedule 1, paragraph 6(1)
“recognised educational institution”	Schedule 1, paragraph 2(a)
“refugee”	Schedule 2, paragraph 11
“relevant degree course” (for the purposes of defining “end on course”)	Schedule 1, paragraph 6(1)
“relevant education course” (for the purposes of defining “end on course”)	Schedule 1, paragraph 6(1)
“relevant support”	Regulation 27(2)
“relevant year” (for the purposes of calculating net income)	Schedule 3, paragraph 21(3)
“Research Council”	Schedule 1, paragraph 6(1)
“residual income”	Schedule 3, Part 4

“right of permanent residence”	Schedule 2, paragraph 11
“sandwich course”	Schedule 1, paragraph 6(1)
“Scottish healthcare allowance”	Regulation 10(4)
“self-employed person”	Schedule 2, paragraph 4(4)
“settled”	Schedule 2, paragraph 11
“special support payment”	Regulation 50
“standard academic year” (in relation to a designated Oxbridge course)	Schedule 5, paragraph 5(3)
“standard full-time student” (for the purposes of calculating intensity of study)	Schedule 1, paragraph 5(3)
“statutory award”	Schedule 1, paragraph 6(1)
“student loan” (for the purposes of determining whether a student is an eligible student)	Regulation 10(3)
“student loan” (for the purposes of determining whether a student is an eligible postgraduate student)	Schedule 4, paragraph 5(2)
“support”	Schedule 1, paragraph 6(1)
“Swiss Agreement”	Schedule 2, paragraph 11
“Swiss employed person”	Schedule 2, paragraph 4(3)
“Swiss frontier employed person”	Schedule 2, paragraph 4(3)
“Swiss frontier self-employed person”	Schedule 2, paragraph 4(3)
“Swiss self-employed person”	Schedule 2, paragraph 4(3)
“taxable income”	Schedule 3, paragraph 9
“teacher training student”	Regulation 15(6)
“tuition fee loan”	Regulation 38
“Turkish worker”	Schedule 2, paragraph 8(2)
“Welsh local authority”	Schedule 2, paragraph 10(2)
“Welsh regulated institution”	Schedule 1, paragraph 2(b)
“worker”	Schedule 2, paragraph 4(4)

---

### Textual Amendments

**F38** Words in Sch. 7 Table 16 inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **20**

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for financial support for students taking designated higher education courses which begin on or after 1 August 2018. They also provide support for courses which begin before that date and are subsequently converted from full-time to part-time or part-time to full-time on or after 1 August 2018.

The Education (Student Support) (Wales) Regulations 2017 (“2017 Regulations”) remain in force as amended by regulation 100 of, and Schedule 6 to, these Regulations. The 2017 Regulations apply to the provision of support to students who continue on courses they started on or after 1 September 2017 and before 1 August 2018. The 2017 Regulations also apply to end-on courses (within the meaning of those Regulations) and in relation to courses where a student's status has transferred under regulation 8, 75, 102, 114 of, or paragraph 11 of Schedule 4 to, the 2017 Regulations, whether that transfer occurs before, on or after 1 August 2018.

To qualify for support under these Regulations a student must be an “eligible student”. To be an eligible student, a person must satisfy the eligibility provisions in Part 4 (Chapter 2, Section 1) and any other eligibility requirements elsewhere in the Regulations. An eligible student must also satisfy the specific requirements applicable to each type of financial support.

To be an eligible student, a person must fall within one of the categories set out in Schedule 2. The majority of categories in Schedule 2 require the student to be ordinarily resident in Wales (other than categories 4(1)(a)(iv) – (vi) and category 6(1)). For the purposes of these Regulations a person who is ordinarily resident in England, Wales, Scotland, Northern Ireland, the Channel Islands or the Isle of Man as a result of having moved from one of those areas for the purpose of undertaking a designated course is considered ordinarily resident in the place from which that person moved (Schedule 2, paragraph 9(1)).

The period for which a student is eligible to receive support under these Regulations is determined in accordance with regulations 12 to 23. Regulations 24 to 27 restrict the availability of support where a student has undertaken certain previous study. In certain circumstances an eligible student may transfer from one designated course to another, including from a full-time course to a part-time course and vice-versa (regulations 28 to 31).

Support is only available under these Regulations in respect of “designated” courses within the meaning of regulations 5 and 8. Support is provided to eligible students undertaking a designated course wherever they study in the United Kingdom.

These Regulations provide a core set of rules for the provision of support to eligible students whether they study full-time, part-time, sandwich courses or distance learning courses. Any differences in treatment between those courses are prescribed in the relevant regulations. Eligible students undertaking part-time courses will not be eligible for support under these Regulations in respect of an academic year where their intensity of study for that year is less than 25% (regulation 13). Schedule 1 of these Regulations makes provision about the interpretation of certain key terms and paragraph 5 of Schedule 1 sets out how “intensity of study” is to be calculated.

Part 5 of these Regulations makes provision for applications for support (regulation 32), time limits for applications (regulation 33) and regulation 34 permits the Welsh Ministers to make such inquiries as they think necessary to make a decision on an application and to notify an applicant of a decision. This Part imposes obligations on eligible students to provide the Welsh Ministers with information (regulation 35), to enter into a contract for a loan (regulation 36) and an obligation on academic authorities to inform the Welsh Ministers when a student has ceased to undertake a course (regulation 37).

Support under these Regulations is available in the form of the following grants and loans-

- a tuition fee loan (Part 6);
- b base grant and maintenance grant (Part 7);
- c maintenance loan (Part 8);
- d disabled student's grant (Part 9);
- e grants for travel (Part 10);
- f grants for dependants (Part 11);
- g disabled postgraduate student's grant (Part 15);
- h Oxbridge college fee loans (Part 16).

In order to qualify for a tuition fee loan, base grant, maintenance grant, maintenance loan, disabled student's grant, grant for travel, or grants for dependants, an eligible student must meet the qualifying conditions for those types of support. In order to be eligible for support eligible students who wish to undertake a distance learning course must, in addition to satisfying the qualifying conditions, be in Wales on the first day of the first academic year of the course. This requirement does not apply to students who are not in Wales on the first day of the first academic year of the course because they, or their close relative, is serving as a member of the regular navy, military or air forces of the Crown outside Wales. Eligible students undertaking distance learning courses are not eligible for grants for travel, grants for dependants or Oxbridge college fee loans (subject to the exception in paragraph 3(4) of Schedule 5).

Fee grants payable under the 2017 Regulations are not available under these Regulations and are replaced with tuition fee loans which are payable in accordance with Part 6. Part 7 provides for the payment of a new base grant and a maintenance grant. The base grant is a payment of £1,000 for eligible students undertaking full-time courses and for eligible students undertaking part-time courses it is £1,000 multiplied by the intensity of their study.

The amount of maintenance grant payable to full-time students is determined by reference to the student's living arrangements, their household income and whether they are a care leaver (regulation 46). The amount of maintenance grant payable to part-time students is determined by reference to the student's household income, whether they are a care leaver and the intensity of their study (regulation 47). An eligible student's household income is calculated in accordance with Part 2 of Schedule 3. "Care leaver" for these purposes is defined in regulation 49.

Chapter 4 of Part 7 of these Regulations provides for a special support payment to be made to an eligible student who meets one of the qualifying conditions in regulation 51 and who qualifies for a base grant or maintenance grant. A special support payment is intended to meet the cost of books and equipment, travel expenses and childcare costs incurred by an eligible student in undertaking a designated course.

Maintenance loans are payable to eligible students in accordance with Part 8 of these Regulations. An eligible student will qualify for a maintenance loan unless one of the exceptions in regulation 54 applies to the student. The amount of maintenance loan available is calculated in accordance with regulations 55 to 57 for full-time students and regulation 58 for part-time students.

Part 9 of these Regulations makes provision in respect of grants for disabled students. The qualifying conditions for such grants are set out in regulation 62. The amount of grant available to disabled students is the amount that the Welsh Ministers think appropriate not exceeding the aggregate amount of the limits applicable in respect of the Cases listed in regulation 63(2).

Part 10 of these Regulations makes provision in respect of grants for travel; including grants for travel for medical students (regulation 65) and for study or work overseas (regulation 66).

Part 11 makes provision for grants to eligible students in respect of the costs associated with certain dependants. Three grants are available; an adult dependants grant (Chapter 2), a parents' learning grant (Chapter 3) and childcare grant (Chapter 4). In order to qualify for a grant an eligible student must meet the specified qualifying conditions for that grant and the qualifying conditions in regulation 69.

**Status:** Point in time view as at 30/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018. (See end of Document for details)

Part 12 makes provision for students who qualify for certain types of support part way through an academic year. Where a student qualifies for a grant or maintenance loan during the course of an academic year, such support is payable only in respect of the academic quarters following the event which triggers their eligibility. A maintenance loan will only be payable if it is a quarter in respect of which the loan would otherwise be payable under regulation 85(6) and (7).

Part 13 of these Regulations makes provision in respect of payments, overpayments and recovery of payments.

Regulations 93 to 95 make provision for support payable under these Regulations to be reduced in certain circumstances; including where an eligible student becomes a prisoner, stops undertaking the present course for any period, or where their eligibility has ended or has been terminated, during an academic year.

Schedule 3 concerns the calculation of income. Part 2 of Schedule 3 provides for the way in which an eligible student's household income will be calculated for the purposes of determining the amount of maintenance grant, grant for travel and grants for dependants which may be payable to the eligible student. In order to calculate household income it is necessary to calculate the taxable income and residual income of each person in the household. Part 3 of Schedule 3 sets out the meaning of taxable income for these purposes. Part 4 of Schedule 3 makes provision about the calculation of a person's residual income. Part 5 of Schedule 3 makes provision about the calculation of net income for the purposes of determining whether an eligible student qualifies for an adult dependants grant and for the purposes of calculating the amount of grant for dependants payable to the student.

Part 15 and Schedule 4 make provision for support for postgraduate students with disabilities.

Part 16 and Schedule 5 make provision for "Oxbridge college fee loans". These are loans in respect of the college fees payable by eligible Oxbridge students (as defined in paragraph 3 of Schedule 5) to a college or permanent private hall of the University of Oxford, or a college of the University of Cambridge, in connection with their attendance on a designated Oxbridge course (as defined in paragraph 2 of Schedule 5).

Part 17 and Schedule 6 contains amendments to the 2017 Regulations.

Schedule 7 is the final schedule to these Regulations and contains the index of defined terms.

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.



**Status:**

Point in time view as at 30/07/2018.

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018.