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WELSH STATUTORY INSTRUMENTS

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**2018 No. 191**

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

**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.

(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>M1</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.

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**Marginal Citations**

**M1** 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.

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**Status:** Point in time view as at 12/03/2018.

**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)

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- (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;
  - (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;

*Status: Point in time view as at 12/03/2018.*

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- (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—
  - (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>M2</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>M3</sup> unless the course falls within paragraph (c) or (e) of Condition 1.

- (2) For the purposes of Condition 4—

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- (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>M4</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

**M2** 2011 c. 25.

**M3** 1988 c.40; section 214(2) was amended by the [Further and Higher Education Act 1992 \(c. 13\)](#), [section 93](#) and Schedule 8.

**M4** 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>M5</sup> or under Regulation 8 of the School Teachers' Qualifications (Wales) Regulations 2012 <sup>M6</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

- M5** 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).
- M6** S.I. 2012/724 (W. 96)

#### 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>M7</sup>.

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

#### Marginal Citations

- M7** 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*

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*Status: Point in time view as at 12/03/2018.*

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Where the designated course is a full-time course, an award within the meaning of the Education (Mandatory Awards) Regulations 2003<sup>M8</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>M9</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>M10</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>M11</sup>;
  - (b) the Education (Scotland) Act 1980;
  - (c) the Education (Student Loans) (Northern Ireland) Order 1990<sup>M12</sup>;



- (d) the Education (Student Support) (Northern Ireland) Order 1998 <sup>M13</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>M14</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>M15</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” (“*Iwfans gofal iechyd yr Alban*”) means an allowance under sections 73(f) and 74(1) of the Education (Scotland) Act 1980 <sup>M16</sup> granted in respect of P attending a course leading to a qualification in a healthcare profession other than that of a medical doctor or dentist.

#### Marginal Citations

- M8** 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.
- M9** 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.
- M10** 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.
- M11** 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).
- M12** 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.
- M13** S.I. 1998/1760 (N.I. 14).
- M14** 1968 c.46.
- M15** S.I. 1972/1265 (N.I. 14).
- M16** 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—
- (a) P's circumstances fall within one of the cases in paragraph (3), and
- (b) 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—
- (a) P need not fall within any of the categories of student set out in Schedule 2, and

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- (b) 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*

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

*Case 2*

- (a) P's present course is an end-on course,
- (b) 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, a disabled student's grant, a grant for travel or a grant for dependants 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.

### **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.

*Status: Point in time view as at 12/03/2018.*

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(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—
  - (i) who has completed a full-time course for the Diploma of Higher Education or for the Higher National Diploma or Higher National Certificate of either the Business and Technology Education Council or the Scottish Qualification Authority (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 (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, a disabled student's grant, a grant for travel or a grant for dependants 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.

### **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

*Status: Point in time view as at 12/03/2018.*

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- (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.

#### **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)<sup>M17</sup>.

(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

**M17** 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](#).

### 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



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- (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.

#### *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.

*Status: Point in time view as at 12/03/2018.*

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(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>M18</sup>.

#### Marginal Citations

**M18** 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
- (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>M19</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>M20</sup>.

#### Marginal Citations

**M19** S.I.1998/1760 (N.I. 14) to which there are amendments not relevant to these Regulations.

**M20** 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—

**Status:** Point in time view as at 12/03/2018.

**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)

*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.

*Status: Point in time view as at 12/03/2018.*

*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)*

### 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.
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.

### **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.
- (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.

*Status: Point in time view as at 12/03/2018.*

*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)*

(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*

An eligible student undertaking a designated course who does not fall within Category 2, 3, 4 or 5.

*Category 2*

*Status: Point in time view as at 12/03/2018.*

*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 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,

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

*Category 5*

An eligible student undertaking an accelerated graduate entry course.

**Table 2**

<i>Column 1 Academic year</i>	<i>Column 2 Category of student</i>	<i>Column 3 Course provider type</i>	<i>Column 4 Location of course provider</i>	<i>Column 5 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
		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 and Scotland	£1,385
		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

### 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;

- (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>M21</sup> or section 22 of the National Health Service (Wales) Act 2006 <sup>M22</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>M23</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>M24</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>M25</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>M26</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>M27</sup>;
  - (k) the National Institute for Health and Care Excellence established under section 232 of the Health and Social Care Act 2012 <sup>M28</sup>;
  - (l) the Health and Social Care Information Centre established under section 252 of that Act.

#### **Marginal Citations**

**M21** 2006 c. 41

**M22** 2006 c. 42

**M23** 1978 c. 29

**M24** 2009 c. 1 (N.I.)

**M25** 1991/194 (N.I. 1)

**M26** 1990/247 (N.I. 3)

**M27** 2006 c. 41; section 1H and section 11 were inserted by the [Health and Social Care Act 2012 \(c. 7\)](#), sections 9 and 10

**M28** 2012 c. 7

*Status: Point in time view as at 12/03/2018.*

*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)*

## 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.

**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 exceeds £59,200, 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

**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,

*Status: Point in time view as at 12/03/2018.*

*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) 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>M29</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>M30</sup> was in force for a period of 13 weeks or more.

#### Marginal Citations

**M29** 2014 anaw. 4.

**M30** 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 a prescribed category of person for the purposes of section 124(1)(e) <sup>M31</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>M32</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>M33</sup> to make payments in respect of accommodation the student occupies as his or her home.



**Marginal Citations**

- M31** 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](#).
- M32** 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.
- M33** [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—

- the present course is a part-time course, and
- 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

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**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)

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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 5* The present course leads to qualification as—

- (a) a landscape architect,
- (b) a landscape designer,
- (c) a landscape manager,
- (d) a town planner, or
- (e) a town and country planner.

#### **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

- (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

*Status: Point in time view as at 12/03/2018.*

*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, £4,000  
studying elsewhere

### 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
	Living away from home, studying elsewhere	£120

**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—

*Status: Point in time view as at 12/03/2018.*

*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 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 £59,200 or less in respect of that year, deduct £303 from the amount arrived at in Step 1. If the eligible student's household income is more than £59,200 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).

#### 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,

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(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 £59,200 or less in respect of the academic year in question, or
  - (ii) £1,000 if the eligible student's household income is more than £59,200 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.

### **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” (“*plentyn 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,

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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.

#### 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**

*Column 1 Academic year*

*Column 2 Maximum amount of adult dependants grant*

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>M34</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>M35</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>M36</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>M37</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>M38</sup>.

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### Marginal Citations

- M34** 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.
- M35** 2002 c. 21
- M36** S.I. 2013/376
- M37** 2014 c. 28.
- M38** 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

(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;

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- (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 award
 takes 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 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*”);
  - “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*”);



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“Turkish worker” (“*gweithiwr Twrcaid*”).

### **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 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.

## **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.

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- (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—

*Status: Point in time view as at 12/03/2018.*

*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 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.

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(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—

- (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.

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**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)

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14 February 2018

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



**Status:**

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