WELSH STATUTORY INSTRUMENTS

2018 No. 191 (W. 42)

EDUCATION, WALES

The Education (Student Support) (Wales) Regulations 2018

Made - - - 14 February 2018

Laid before the National

Assembly for Wales 16 February 2018
Coming into force 12 March 2018

THE EDUCATION (STUDENT SUPPORT) (WALES) REGULATIONS 2018

PART 1

TITLE, COMMENCEMENT AND APPLICATION

- 1. Title and commencement
- 2. Application

PART 2

OVERVIEW

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

PART 3

INTERPRETATION AND INDEX

4. Interpretation and index

PART 4

KEY CONCEPTS

CHAPTER 1

DESIGNATED COURSES

- 5. Designated courses
- 6. Designated courses conditions
- 7. Designated courses exceptions
- 8. Designation of other courses

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

ELIGIBILITY

SECTION 1

Eligible students

- 9. Eligible students
- 10. Eligible students exceptions
- 11. Eligible students continuing on a course

SECTION 2

Period of eligibility

- 12. Period of eligibility general rule
- 13. Part-time courses no eligibility for years of low intensity study
- 14. Maximum period of eligibility tuition fee loans and grants for new students
- 15. Maximum period of eligibility tuition fee loans and specified grants for students who undertook a previous course
- 16. Maximum period of eligibility tuition fee loans and grants for certain continuing students
- 17. Maximum period of eligibility interpretation
- 18. Extension of maximum period where student receives incorrect notification

SECTION 3

Termination of eligibility

- 19. Early termination of eligibility
- 20. Misconduct and failure to provide accurate information
- 21. Reinstatement of eligibility after termination
- 22. Refugees who cease to have leave to remain
- 22A Persons who cease to have stateless leave
- 23. Other persons who cease to have leave to enter or remain
- Persons who cease to have section 67 leave to remain
- 23B Persons who cease to have Calais leave
- Persons who cease to have leave to remain as a protected partner
- Persons who cease to have leave to remain under residence scheme immigration rules
- Where—(a) the Welsh Ministers have determined that, by virtue...
- 23F (1) This regulation applies where— (a) a person ("P") was...
- 23G (1) This regulation applies where—(a) a person ("P") was...
- 23H Regulations 22, 22A, 23, 23A, 23B, 23C, 23D, 23E, 23F...

SECTION 4

Previous study

- 24. Full-time students restrictions on support for honours graduates
- 25. Part-time students restrictions on support for graduates
- 26. Restrictions lifted where incorrect notification received

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)

27. Further restriction on support for part-time students

SECTION 5

Transfers and conversions

- 28. Transfer of status
- 29. Effect of transfer tuition fee loans
- 30. Effect of transfer grants and maintenance loans
- 31. Transfers involving conversions between part-time and full-time study

PART 5

APPLICATIONS, PROVIDING INFORMATION AND LOAN CONTRACTS

- 32. Requirement to apply for support
- 33. Time limit for making application
- 34. Welsh Ministers' decision on an application
- 34A (1) This regulation applies where— (a) a person ("P") makes...
- 35. Requirements on eligible students to provide information
- 36. Requirement to enter into a contract for a loan
- 37. Requirement on academic authority to notify when student leaves course

PART 6

TUITION FEE LOANS

- 38. Tuition fee loan
- 39. Qualifying conditions for tuition fee loan
- 40. Amount of tuition fee loan
- 41. Applying for a fee loan for less than the maximum amount
- 42. Further application for tuition fee loan up to maximum amount

PART 7

BASE GRANT AND MAINTENANCE GRANT

CHAPTER 1

QUALIFYING CONDITIONS

- 43. Base grant and maintenance grant
- 44. Qualifying conditions for base grant and maintenance grant

CHAPTER 2

BASE GRANT

45. Amount of base grant

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 3

MAINTENANCE GRANT

46.	Amount of maintenance grant: full-time students
47.	Amount of maintenance grant: part-time students

- 48. Household income
- 49. Meaning of care leaver

CHAPTER 4

SPECIAL SUPPORT PAYMENT

- 51. Special support payment: qualifying conditions
- 52. Maximum amount of maintenance grant treated as special support payment

PART 8

MAINTENANCE LOAN

53. Mair	. 4 1
71 Mair	itenance loan

- 54. Qualifying conditions for a maintenance loan
- 55. Amount of maintenance loan: full-time students
- 56. Amount of maintenance loan: full-time students who qualify for special support payment
- 57. Increased maintenance loan for full-time students in extended years
- 58. Amount of maintenance loan: part-time students
- Amount of maintenance loan: part-time students who qualify for special support payment
 - 3. Step 3
- 59. Applying for maintenance loan for less than the maximum amount
- 60. Further application for maintenance loan up to maximum amount

PART 9

DISABLED STUDENT'S GRANT

- 61. Disabled student's grant
- 62. Qualifying conditions for disabled student's grant
- 63. Amount of disabled student's grant

PART 10

GRANTS FOR TRAVEL

- 64. Grant for travel
- 65. Grant for travel for medical students
- 66. Grant for travel for study or work overseas
- 67. Grant for travel not payable for expenditure covered by disabled student's grant

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

PART 11 GRANTS FOR DEPENDANTS

CHAPTER 1

INTRODUCTION

68.	Grants	for de	pendants

- 69. Qualifying conditions for grants for dependants
- 70. Interpretation of this Part

CHAPTER 2

ADULT DEPENDANTS GRANT

- 71. Adult dependants grant
- 72. Maximum amount of adult dependants grant

CHAPTER 3

PARENTS' LEARNING GRANT

- 73. Parents' learning grant
- 74. Maximum amount of parents' learning grant

CHAPTER 4

CHILDCARE GRANT

- 75. Childcare grant
- 76. Maximum amount of childcare grant

CHAPTER 5

AMOUNT OF GRANT FOR DEPENDANTS PAYABLE

- 77. Grants for dependants: calculating the amount payable
- 78. Amount of adult dependants grant and childcare grant: eligible student's partner is an eligible student
- 79. Changes in circumstances

PART 12

QUALIFYING FOR SUPPORT DURING THE ACADEMIC YEAR

- 80. Qualifying for a tuition fee loan during the academic year
- 81. Qualifying for grants or maintenance loan during the academic year

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

PART 13

PAYMENTS, OVERPAYMENTS AND RECOVERY

CHAPTER 1

PAYMENT FOLLOWING A PROVISIONAL DECISION

82. Payment based on provisional assessment

CHAPTER 2

PAYMENT OF TUITION FEE LOAN

- 83. Payment of tuition fee loan
- 84. Requirements for payment of tuition fee loan

CHAPTER 3

PAYMENT OF GRANTS AND MAINTENANCE LOANS

- 85. Payment of grants and maintenance loans
- 86. Students living in more than one location
- 87. Confirmation of attendance
- 88. Determination of amount payable made after payment made

CHAPTER 4

OVERPAYMENTS AND RECOVERY

- 89. Overpayments general
- 90. Recovery of overpayments of grants
- 91. Recovery of overpayments of maintenance loans

PART 14

RESTRICTIONS ON PAYMENTS AND AMOUNTS PAYABLE

CHAPTER 1

RESTRICTIONS RELATING TO GRANTS AND MAINTENANCE LOANS

- 92. Requirement for payment to be made into bank or building society account
- 93. Support reduced for periods spent in prison
- 94. Support reduced for other periods of absence
- 95. Payments when period of eligibility ends or is terminated

CHAPTER 2

RESTRICTIONS RELATING TO LOANS

- 96. Requirement to provide national insurance number
- 97. Information requirements relating to loans

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

PART 15

DISABLED POSTGRADUATE STUDENT'S GRANT

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

PART 16

OXBRIDGE COLLEGE FEE LOANS

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

PART 17

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

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

SCHEDULES

SCHEDULE Interpretation

1

- 1. Meaning of academic year
- 2. Educational institutions
- 2A (1) In these regulations—(a) "Welsh funded institution" means an...
- 3. Location of an eligible student
- 4. Meaning of Erasmus year
- 5. Part-time students calculation of intensity of study
- 6. Interpretation of other key terms

SCHEDULE Categories of eligible student

2

- 1. Category 1 Persons settled in the United Kingdom
- 2. Category 2 Refugees and their family members
- 2ZA Category 2ZA Protected persons and their family members
- 2ZB Category 2ZB Persons granted leave to remain as a protected partner and their children
- 2ZC Category 2ZC Protected Ukrainian nationals
- 2A Category 2A Persons granted stateless leave and their family members
- 3. Category 3 Persons with leave to enter or remain and their family members
- 3A Category 3A Persons with section 67 leave to remain
- 4. Category 4 Workers, employed persons, self-employed persons and their family members courses beginning before 1 August 2021
- 4A Category 4A Workers, employed persons, self-employed persons and their family members with protected rights
- 5. Category 5 Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere courses beginning before 1 August 2021

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)

- 5A Category 5A Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere
- 6. Category 6 EU nationals courses beginning before 1 August 2021
- 6A Category 6A EU nationals etc. with protected rights
- 6B Category 6B United Kingdom nationals
- 6BA Irish citizens in the EEA and Switzerland
- 6BB Category 6BB Settled persons from the British overseas territories
 - 6C Category 6C Family members of United Kingdom nationals
 - 6D Category 6D Persons resident in Gibraltar
 - 7. Category 7 Children of Swiss nationals courses beginning before 1 August 2021
 - 7A Category 7A Children of Swiss nationals within scope of the Swiss citizens' rights agreement
 - 8. Category 8 Children of Turkish workers courses beginning before 1 August 2021
 - 8A Category 8A Children of Turkish workers
 - 9. Ordinary residence additional provision
 - 10. Further provision on ordinary residence: care leavers
 - 11. Interpretation

SCHEDULE Calculation of income

3

PART 1 — Introduction

- 1. Overview of Schedule
 - PART 2 Household income
- 2. Household income of eligible student
- 3. Calculation of household income
- 4. Independent eligible students
- 5. Eligible student's parent dies leaving a surviving parent
- 6. Separation of eligible student's parents
- 7. Separation of eligible student's parent or independent eligible student from partner
- 8. Independent eligible student or partner is a parent of an eligible student
 - PART 3 Taxable income
- 9. Taxable income
 - PART 4 Residual income

CHAPTER 1

Residual income of an eligible student

- 10. Calculation of eligible student's residual income
- 11. Deductions for the purpose of calculating residual income of an eligible student
- 12. Income of eligible student received in currency other than sterling

CHAPTER 2

Residual income of persons other than an eligible student

- 13. Persons to whom this chapter applies
- 14. Calculation of residual income of persons other than eligible student

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)

- 15. Deductions for the purpose of calculating residual income of persons other than eligible student
- 16. Applicable financial years: calculating residual income of persons other than eligible student
- 17. Income from business or profession
- 18. Treatment of income not treated as income for income tax purposes
- 19. P's income in currency other than sterling
 - PART 5 Net income of dependants
- 20. Net income of dependants
- 21. Net income
- 22. Applicable financial years: calculating net income of an eligible student's dependent children
 - PART 6 Interpretation
- 23. Interpretation

SCHEDULE Disabled postgraduate student's grant

4

- 1. Disabled postgraduate student's grant
- 2. Designated postgraduate courses
- 3. Designation of other postgraduate courses
- 4. Eligible postgraduate students
- 5. (1) A person ("P") is not an eligible postgraduate student...
- 6. Eligible postgraduate students continuing on a course
- 7. Period of eligibility
- 8. Part-time courses no eligibility for years of low intensity study
- 9. Early termination of eligibility
- 10. Termination due to misconduct or failure to provide accurate information
- 11. Reinstatement of eligibility after termination
- 12. Refugees who cease to have leave to remain
- 12A Persons who cease to have stateless leave
- 13. Other persons who cease to have leave to enter or remain
- Persons who cease to have section 67 leave to remain
- 13B Person who ceases to have Calais leave
- Persons who cease to have leave to remain as a protected partner
- Persons who cease to have leave to remain under residence scheme immigration rules
- Where—(a) the Welsh Ministers have determined that, by virtue...
- 13F (1) This paragraph applies where— (a) a person ("P") was...
- 13G (1) This paragraph applies where— (a) a person ("P") was...
- 13H Paragraphs 12, 12A, 13, 13A, 13B, 13C, 13D, 13E, 13F...
- 14. Becoming eligible during an academic year
- 15. Transferring between postgraduate courses
- 16. Effect of transfer
- 17. Applications and decisions
- 18. (1) The Welsh Ministers may take such steps and make...
- 19. Requirements on eligible postgraduate students to provide information
- 20. Amount of disabled postgraduate student's grant
- 21. Payment
- 22. Overpayments

SCHEDULE Oxbridge college fee loans

5

1. Oxbridge college fee loans

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

- 2. Designated Oxbridge courses
- 3. Eligible Oxbridge students
- 4. Students becoming eligible during the course of an academic year
- 5. Period of eligibility
- 6. Amount of the college fee loan
- 7. Transfers
- 8. Payment
- 9. Requirement to provide national insurance number
- 10. Information requirements and agreements for repayment
- 11. Overpayment
- Schedule 5A Higher Education Classification of Subjects Course Codes and Labels
- SCHEDULE Amendments to the Education (Student Support) (Wales)
 - 6 Regulations 2017
 - 1. The Education (Student Support) (Wales) Regulations 2017 are amended as...
 - 2. In regulation 1 (title, commencement and application), after paragraph (2)...
 - 3. In regulation 2(1) (interpretation)— (a) in the definition of "2012...
 - 4. In regulation 3(16) (application)— (a) at the beginning insert "...
 - 5. For paragraph (7) of regulation 4 (eligible students), substitute—
 - 6. In regulation 16 (new fee grant)—(a) in paragraph (3)—...
 - 7. In regulation 19 (new fee loan in respect of courses...
 - 8. In regulation 30 (grants for dependants interpretation)—
 - 9. In regulation 43 (maximum amount loans for certain students)—
 - 10. In regulation 45 (students with reduced entitlement)—
 - 11. In regulation 50 (increases in maximum amount)—
 - 12. In regulation 56 (application of contribution)— (a) in paragraph (3)
 - 13. In regulation 92(3)(b) (part-time childcare grant), at the beginning insert...
 - 14. In regulation 95(1)(i) (part-time grants for dependants interpretation), for...
 - 15. In Schedule 2, paragraph 3(a), for "Technician" substitute "Technology...
- SCHEDULE Index of defined terms

7

1. Table 16 lists expressions defined or otherwise explained in these... Explanatory Note

Status:

Point in time view as at 04/01/2024.

Changes to legislation:

There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018.