
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for financial support for students taking designated higher education courses which begin on or after 1 August 2018. They also provide support for courses which begin before that date and are subsequently converted from full-time to part-time or part-time to full-time on or after 1 August 2018.

The Education (Student Support) (Wales) Regulations 2017 (“2017 Regulations”) remain in force as amended by regulation 100 of, and Schedule 6 to, these Regulations. The 2017 Regulations apply to the provision of support to students who continue on courses they started on or after 1 September 2017 and before 1 August 2018. The 2017 Regulations also apply to end-on courses (within the meaning of those Regulations) and in relation to courses where a student's status has transferred under regulation 8, 75, 102, 114 of, or paragraph 11 of Schedule 4 to, the 2017 Regulations, whether that transfer occurs before, on or after 1 August 2018.

To qualify for support under these Regulations a student must be an “eligible student”. To be an eligible student, a person must satisfy the eligibility provisions in Part 4 (Chapter 2, Section 1) and any other eligibility requirements elsewhere in the Regulations. An eligible student must also satisfy the specific requirements applicable to each type of financial support.

To be an eligible student, a person must fall within one of the categories set out in Schedule 2. The majority of categories in Schedule 2 require the student to be ordinarily resident in Wales (other than categories 4(1)(a)(iv) – (vi) and category 6(1)). For the purposes of these Regulations a person who is ordinarily resident in England, Wales, Scotland, Northern Ireland, the Channel Islands or the Isle of Man as a result of having moved from one of those areas for the purpose of undertaking a designated course is considered ordinarily resident in the place from which that person moved (Schedule 2, paragraph 9(1)).

The period for which a student is eligible to receive support under these Regulations is determined in accordance with regulations 12 to 23. Regulations 24 to 27 restrict the availability of support where a student has undertaken certain previous study. In certain circumstances an eligible student may transfer from one designated course to another, including from a full-time course to a part-time course and vice-versa (regulations 28 to 31).

Support is only available under these Regulations in respect of “designated” courses within the meaning of regulations 5 and 8. Support is provided to eligible students undertaking a designated course wherever they study in the United Kingdom.

These Regulations provide a core set of rules for the provision of support to eligible students whether they study full-time, part-time, sandwich courses or distance learning courses. Any differences in treatment between those courses are prescribed in the relevant regulations. Eligible students undertaking part-time courses will not be eligible for support under these Regulations in respect of an academic year where their intensity of study for that year is less than 25% (regulation 13). Schedule 1 of these Regulations makes provision about the interpretation of certain key terms and paragraph 5 of Schedule 1 sets out how “intensity of study” is to be calculated.

Part 5 of these Regulations makes provision for applications for support (regulation 32), time limits for applications (regulation 33) and regulation 34 permits the Welsh Ministers to make such inquiries as they think necessary to make a decision on an application and to notify an applicant of a decision. This Part imposes obligations on eligible students to provide the Welsh Ministers with information (regulation 35), to enter into a contract for a loan (regulation 36) and an obligation on academic authorities to inform the Welsh Ministers when a student has ceased to undertake a course (regulation 37).

Support under these Regulations is available in the form of the following grants and loans-

- a tuition fee loan (Part 6);
- b base grant and maintenance grant (Part 7);
- c maintenance loan (Part 8);
- d disabled student's grant (Part 9);
- e grants for travel (Part 10);
- f grants for dependants (Part 11);
- g disabled postgraduate student's grant (Part 15);
- h Oxbridge college fee loans (Part 16).

In order to qualify for a tuition fee loan, base grant, maintenance grant, maintenance loan, disabled student's grant, grant for travel, or grants for dependants, an eligible student must meet the qualifying conditions for those types of support. In order to be eligible for support eligible students who wish to undertake a distance learning course must, in addition to satisfying the qualifying conditions, be in Wales on the first day of the first academic year of the course. This requirement does not apply to students who are not in Wales on the first day of the first academic year of the course because they, or their close relative, is serving as a member of the regular navy, military or air forces of the Crown outside Wales. Eligible students undertaking distance learning courses are not eligible for grants for travel, grants for dependants or Oxbridge college fee loans (subject to the exception in paragraph 3(4) of Schedule 5).

Fee grants payable under the 2017 Regulations are not available under these Regulations and are replaced with tuition fee loans which are payable in accordance with Part 6. Part 7 provides for the payment of a new base grant and a maintenance grant. The base grant is a payment of £1,000 for eligible students undertaking full-time courses and for eligible students undertaking part-time courses it is £1,000 multiplied by the intensity of their study.

The amount of maintenance grant payable to full-time students is determined by reference to the student's living arrangements, their household income and whether they are a care leaver (regulation 46). The amount of maintenance grant payable to part-time students is determined by reference to the student's household income, whether they are a care leaver and the intensity of their study (regulation 47). An eligible student's household income is calculated in accordance with Part 2 of Schedule 3. "Care leaver" for these purposes is defined in regulation 49.

Chapter 4 of Part 7 of these Regulations provides for a special support payment to be made to an eligible student who meets one of the qualifying conditions in regulation 51 and who qualifies for a base grant or maintenance grant. A special support payment is intended to meet the cost of books and equipment, travel expenses and childcare costs incurred by an eligible student in undertaking a designated course.

Maintenance loans are payable to eligible students in accordance with Part 8 of these Regulations. An eligible student will qualify for a maintenance loan unless one of the exceptions in regulation 54 applies to the student. The amount of maintenance loan available is calculated in accordance with regulations 55 to 57 for full-time students and regulation 58 for part-time students.

Part 9 of these Regulations makes provision in respect of grants for disabled students. The qualifying conditions for such grants are set out in regulation 62. The amount of grant available to disabled students is the amount that the Welsh Ministers think appropriate not exceeding the aggregate amount of the limits applicable in respect of the Cases listed in regulation 63(2).

Part 10 of these Regulations makes provision in respect of grants for travel; including grants for travel for medical students (regulation 65) and for study or work overseas (regulation 66).

Part 11 makes provision for grants to eligible students in respect of the costs associated with certain dependants. Three grants are available; an adult dependants grant (Chapter 2), a parents' learning grant (Chapter 3) and childcare grant (Chapter 4). In order to qualify for a grant an eligible student must meet the specified qualifying conditions for that grant and the qualifying conditions in regulation 69.

Part 12 makes provision for students who qualify for certain types of support part way through an academic year. Where a student qualifies for a grant or maintenance loan during the course of an academic year, such support is payable only in respect of the academic quarters following the event which triggers their eligibility. A maintenance loan will only be payable if it is a quarter in respect of which the loan would otherwise be payable under regulation 85(6) and (7).

Part 13 of these Regulations makes provision in respect of payments, overpayments and recovery of payments.

Regulations 93 to 95 make provision for support payable under these Regulations to be reduced in certain circumstances; including where an eligible student becomes a prisoner, stops undertaking the present course for any period, or where their eligibility has ended or has been terminated, during an academic year.

Schedule 3 concerns the calculation of income. Part 2 of Schedule 3 provides for the way in which an eligible student's household income will be calculated for the purposes of determining the amount of maintenance grant, grant for travel and grants for dependants which may be payable to the eligible student. In order to calculate household income it is necessary to calculate the taxable income and residual income of each person in the household. Part 3 of Schedule 3 sets out the meaning of taxable income for these purposes. Part 4 of Schedule 3 makes provision about the calculation of a person's residual income. Part 5 of Schedule 3 makes provision about the calculation of net income for the purposes of determining whether an eligible student qualifies for an adult dependants grant and for the purposes of calculating the amount of grant for dependants payable to the student.

Part 15 and Schedule 4 make provision for support for postgraduate students with disabilities.

Part 16 and Schedule 5 make provision for "Oxbridge college fee loans". These are loans in respect of the college fees payable by eligible Oxbridge students (as defined in paragraph 3 of Schedule 5) to a college or permanent private hall of the University of Oxford, or a college of the University of Cambridge, in connection with their attendance on a designated Oxbridge course (as defined in paragraph 2 of Schedule 5).

Part 17 and Schedule 6 contains amendments to the 2017 Regulations.

Schedule 7 is the final schedule to these Regulations and contains the index of defined terms.

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

Changes to legislation:

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