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WELSH STATUTORY INSTRUMENTS

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**2018 No. 191**

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

**PART 13**

**PAYMENTS, OVERPAYMENTS AND RECOVERY**

**CHAPTER 1**

**PAYMENT FOLLOWING A PROVISIONAL DECISION**

**Payment based on provisional assessment**

**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**

**PAYMENT OF TUITION FEE LOAN**

**Payment of tuition fee loan**

**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**

**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**

**PAYMENT OF GRANTS AND MAINTENANCE LOANS**

**Payment of grants and maintenance loans**

**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.

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*Status: Point in time view as at 12/03/2018.*

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(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**

**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**

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

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

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

(i) other than for the first time,

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

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

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

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

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

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

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

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

### **Determination of amount payable made after payment made**

**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

### OVERPAYMENTS AND RECOVERY

#### **Overpayments – general**

**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**

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

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(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**

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

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

(2) The reasons are—

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

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

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