

WELSH STATUTORY INSTRUMENTS

**2018 No. 191**

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

**PART 13**

**PAYMENTS, OVERPAYMENTS AND RECOVERY**

**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.

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

(3) Subject to [<sup>F1</sup>paragraph (5)], a grant is payable in respect of the four quarters of the academic year.

<sup>F2</sup>(4) .....

(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.

**Textual Amendments**

**F1** Words in [reg. 85\(3\)](#) substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The Education \(Student Support\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2021 \(S.I. 2021/73\)](#), regs. 1(2), **10(a)**

**F2** [Reg. 85\(4\)](#) omitted (with application in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Education \(Student Support\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2021 \(S.I. 2021/73\)](#), regs. 1(2), **10(b)**

**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).

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*Status: Point in time view as at 26/02/2021.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, CHAPTER 3. (See end of Document for details)*

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(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.

**Status:**

Point in time view as at 26/02/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, CHAPTER 3.