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WELSH STATUTORY INSTRUMENTS

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**2018 No. 191**

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

**PART 2**

**OVERVIEW**

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

*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, PART 2. (See end of Document for details)*

- (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;
  - (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.

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**Changes to legislation:**

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