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WELSH STATUTORY INSTRUMENTS

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**2018 No. 191**

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

**PART 4**

KEY CONCEPTS

CHAPTER 2

ELIGIBILITY

*SECTION 4*

*Previous study*

**Full-time students – restrictions on support for honours graduates**

**24.**—(1) If an eligible student undertaking a full-time course has attained an honours degree from an institution in the United Kingdom (an “honours graduate”) the student does not qualify for a tuition fee loan, base grant, maintenance grant or maintenance loan under these Regulations unless the student—

- (a) falls within one of the Cases set out in paragraph (2), and
  - (b) in each Case, satisfies the particular qualifying conditions relating to the support in question.
- (2) The Cases are—

*Case 1*

An honours graduate may qualify for support under these Regulations if the present course is—

- (a) a course for the initial training of teachers of no more than two years duration, and the graduate is not a qualified teacher, or
- (b) an accelerated graduate entry course.

*Case 2*

An honours graduate may qualify for a maintenance loan if any of the following applies—

- (a) the present course leads to a qualification as a social worker, medical doctor, dentist, veterinary surgeon or architect;
- (b) the graduate is to receive any payment under—
  - (i) a healthcare bursary, the amount of which is calculated by reference to the graduate's income, or
  - (ii) a Scottish healthcare allowance, the amount of which is calculated by reference to the graduate's income in respect of any academic year of the present course;
- (c) the present course is a course for the initial training of teachers.

*Status: Point in time view as at 01/08/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, Cross Heading: SECTION 4. (See end of Document for details)*

*Case 3*

Despite paragraph (1), if—

- (a) the present course is considered to be a single course by virtue of regulation 6(3) and (4), and
- (b) the course leads to an honours degree from an institution in the United Kingdom being conferred on the eligible student before the final degree or equivalent qualification,

the conferring of that honours degree does not prevent the student from qualifying for support under these Regulations in respect of any part of that single course.

*Case 4*

Regulation 26 applies.

**Part-time students – restrictions on support for graduates**

**25.**—(1) If an eligible student undertaking a part-time course has attained a first degree from an institution in the United Kingdom (a “graduate”) the student does not qualify for support under these Regulations other than a disabled student's grant unless the student falls within one of the Cases set out in paragraph (2).

- (2) The Cases are—

*Case 1*

The first degree—

- (a) was not an honours degree, and
- (b) was awarded to the graduate on completion of the modules, examinations or other forms of assessment required for that first degree,

and the graduate is undertaking the present course so as to obtain an honours degree on completion of the required modules, examinations or other forms of assessment (whether or not the graduate continues the course at the same institution from which the first degree was awarded).

*Case 2*

The present course is a course for the initial training of teachers of no more than four years duration and the graduate is not a qualified teacher.

*Case 3*

The present course leads to an honours degree and is either—

- (a) a course concerned with the study of the history, grammar and use of Welsh, or
- (b) a course listed in the Joint Academic Coding System in one of the following subject areas—
  - (i) engineering;
  - (ii) technology;
  - (iii) computer science;
  - (iv) subjects allied to medicine;
  - (v) biological sciences;
  - (vi) veterinary sciences, agriculture and related subjects;
  - (vii) physical sciences;
  - (viii) mathematical sciences.

Case 4

Regulation 26 applies.

(3) In Case 3 “the Joint Academic Coding System” means version 3 of the Joint Academic Coding System maintained by the Universities and Colleges Admissions Service and the Higher Education Statistics Agency <sup>M1</sup>.

**Marginal Citations**

**M1** see <https://www.hesa.ac.uk/support/documentation/jacs>

**Restrictions lifted where incorrect notification received**

**26.**—(1) This regulation applies where—

- (a) an honours graduate within the meaning of regulation 24 or a graduate within the meaning of regulation 25 (“G”) has provided all the information required by the Welsh Ministers in relation to an honours degree or, as the case may be, a first degree, previously attained, and
- (b) G receives notification from the Welsh Ministers incorrectly stating that G qualifies for support under these Regulations.

(2) Where this regulation applies, G may qualify for the support specified in the notification for such period as the Welsh Ministers think appropriate.

(3) But this regulation does not apply if the notification is incorrect because the information provided by G was materially inaccurate.

**Further restriction on support for part-time students**

**27.**—(1) An eligible student undertaking a part-time course does not qualify for support under these Regulations other than a disabled student's grant if the student—

- (a) has undertaken one or more part-time courses for an aggregate of at least—
  - (i) 8 academic years (where that course or the earliest of those courses began before 1 September 2014), or
  - (ii) 16 academic years (where that course or the earliest of those courses began on or after 1 September 2014), and
- (b) has received relevant support in respect of at least 8 or, as the case may be, 16 of those academic years of the part-time course or courses.

(2) In paragraph (1)(b), “relevant support” means—

- (a) a loan, a grant in respect of fees or a grant for books, travel and other expenditure made in respect of an academic year—
  - (i) under these Regulations or any other regulations made under section 22 of the 1998 Act, or
  - (ii) under regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998 <sup>M2</sup>;
- (b) a loan made in respect of an academic year under regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980 <sup>M3</sup>.

**Marginal Citations**

**M2** [S.I.1998/1760 \(N.I. 14\)](#) to which there are amendments not relevant to these Regulations.

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**Status:** Point in time view as at 01/08/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, Cross Heading: SECTION 4. (See end of Document for details)

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**M3** 1980 c.44; section 73B was inserted by section 29(2) of the Teaching and Higher Education Act 1998 (c.30) and was amended by the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6), **Schedule 6** to the Income Tax (Earnings and Pensions) Act 2003 (c.1), **section 34(1)** of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) and Schedule 8 to the Bankruptcy (Scotland) Act 2016 (asp 21).

**Status:**

Point in time view as at 01/08/2018.

**Changes to legislation:**

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