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WELSH STATUTORY INSTRUMENTS

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**2018 No. 191**

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

**PART 5**

**APPLICATIONS, PROVIDING INFORMATION AND LOAN CONTRACTS**

**Requirement to apply for support**

**32.**—(1) A person does not qualify for support as an eligible student in relation to an academic year unless the person makes an application for that support in relation to the academic year.

(2) An application under paragraph (1) must—

- (a) be in such form and contain such information as the Welsh Ministers may specify,
- (b) be accompanied by such documentation as the Welsh Ministers may require, and
- (c) reach the Welsh Ministers within the time limit specified in regulation 33.

**Time limit for making application**

**33.**—(1) The general rule is that an application under regulation 32(1) must reach the Welsh Ministers no later than the end of the ninth month of the academic year to which it relates.

(2) But if any of the circumstances set out in Column 1 of Table 1 apply, an application must reach the Welsh Ministers within the time limit specified in the corresponding entry in Column 2.

**Table 1**

<b><i>Column 1 Circumstances relating to application for support</i></b>	<b><i>Column 2 Time limit for making application</i></b>
Applicant qualifies for support after the first day of the academic year following an event listed in regulation 80(2) or 81(3) or paragraph 4(2) of Schedule 5.	No later than the end of the period of nine months beginning with the day on which the event occurs.
Application is for a tuition fee loan, maintenance loan or Oxbridge college fee loan.	No later than one month before the end of the academic year to which the application relates.
Application is for an additional amount of tuition fee loan under regulation 42, maintenance loan under regulation 60 or Oxbridge college fee loan under paragraph 6(2) of Schedule 5.	
Application is for a disabled student's grant.	Application must reach the Welsh Ministers as soon as is reasonably practicable.

*Status: Point in time view as at 31/07/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, PART 5. (See end of Document for details)*

The Welsh Ministers think that, having regard to the circumstances of a particular case, it is appropriate to extend the time limit for making an application. No later than the date specified in writing by the Welsh Ministers in the particular case.

### Welsh Ministers' decision on an application

**34.**—(1) The Welsh Ministers may take any steps and make any inquiries as they think necessary to make a decision on an application under regulation 32.

(2) Those steps may include requiring the applicant to provide further information or documentation.

(3) The Welsh Ministers may make a provisional decision on an application under regulation 32 (see regulation 82 for provision about payments made on the basis of a provisional decision).

(4) A decision on an application made by the Welsh Ministers after a provisional decision has been made may—

- (a) confirm the provisional decision, or
- (b) substitute it with a different decision.

(5) The Welsh Ministers must notify the applicant of a decision (including a provisional decision) on an application under regulation 32.

(6) The notification must state—

- (a) whether the Welsh Ministers consider the applicant to be an eligible student,
- (b) if so, whether the eligible student qualifies for support in relation to the academic year,
- (c) if the student does qualify, the category of support for which the student qualifies and the amount payable for the academic year,
- (d) if the support includes a disabled student's grant, a breakdown of that grant specifying the amount payable in respect of each type of expenditure mentioned in regulation 63(2), and
- (e) in the case of a provisional decision, the fact that the decision is provisional and the consequences of that fact.

[<sup>F1</sup>**34A.**—(1) This regulation applies where—

- (a) a person (“P”) makes an application for support in accordance with regulation 32,
- (b) any information or documentation provided by P in, or in connection with, the application is not materially inaccurate, and
- (c) P receives notification from the Welsh Ministers under regulation 34(5) incorrectly stating that P is an eligible student.

(2) Despite the notification incorrectly stating that P is an eligible student, the Welsh Ministers may, for the purposes of these Regulations, treat P as being an eligible student.]

#### Textual Amendments

**F1** Reg. 34A inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), 7

### Requirements on eligible students to provide information

35.—(1) An eligible student must, as soon as reasonably practicable after being requested to do so, provide the Welsh Ministers with such information or documentation as the Welsh Ministers may require—

- (a) for the purposes of determining—
  - (i) the eligibility of a student;
  - (ii) whether a student qualifies for a particular category of support;
  - (iii) the amount of support payable to a student;
  - (iv) whether an overpayment has been made to a student;
- (b) for any purpose relating to the recovery of an overpayment;
- (c) for any purpose relating to the repayment of a loan;
- (d) for any other purpose related to these Regulations that the Welsh Ministers think appropriate.

(2) A request under paragraph (1) may include requesting sight of an eligible student's—

- (a) valid passport issued by the state of which that student is a national,
- (b) valid national identity card, or
- (c) birth certificate.

(3) Where an event mentioned in paragraph (4) occurs in respect of an eligible student, the student must inform the Welsh Ministers as soon as is reasonably practicable after the event occurs.

(4) The events are—

- (a) the student withdraws from, abandons or is expelled from the present course;
- (b) the student transfers to another course (whether at the same or at a different institution);
- (c) the student otherwise ceases to undertake the present course and does not intend to or is not permitted to continue it for the remainder of the academic year;
- (d) the student is absent from the present course for—
  - (i) more than 60 days due to illness, or
  - (ii) for any period for any other reason;
- (e) the month for the start or completion of the present course changes;
- (f) the student's home or term-time—
  - (i) address,
  - (ii) telephone number, or
  - (iii) email address,changes.

(5) Information or documentation that is required to be provided to the Welsh Ministers under these Regulations must be provided in such form as the Welsh Ministers may specify.

(6) The Welsh Ministers may require that—

- (a) an application under regulation 32;
- (b) any other documentation provided to them under these Regulations,

must be signed in such manner (including electronically) as they may specify.

(7) The reference to an eligible student in paragraph (1) is to be treated as including a person who makes an application under regulation 32 even if the Welsh Ministers' decision on the application is that the person is not an eligible student.

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(8) See regulation 20 for provision about the consequences of failing to comply with a requirement imposed by this regulation.

#### **Requirement to enter into a contract for a loan**

**36.**—(1) An eligible student may not receive a tuition fee loan or maintenance loan under these Regulations unless the student enters into a contract for the loan with the Welsh Ministers.

(2) The contract—

(a) must be in such form and on such terms, and

(b) may be required to be signed in such manner (including electronically),

as the Welsh Ministers specify.

(3) The contract may require the eligible student to repay a loan by a particular method.

(4) Where the Welsh Ministers have requested the student's agreement as to the method of repayment, they may withhold any payment of a maintenance loan until the student provides what has been requested.

#### **Requirement on academic authority to notify when student leaves course**

**37.** Where a tuition fee loan is payable to an eligible student—

(a) who has ceased to undertake the present course during the academic year, and

(b) whom the academic authority has determined or agreed will not return during that year,

the academic authority must inform the Welsh Ministers as soon as reasonably practicable that the student has ceased to undertake the course.

**Status:**

Point in time view as at 31/07/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, PART 5.