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WELSH STATUTORY INSTRUMENTS

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**2018 No. 191**

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

**PART 7**

**BASE GRANT AND MAINTENANCE GRANT**

**CHAPTER 1**

**QUALIFYING CONDITIONS**

**Base grant and maintenance grant**

**43.** —A base grant and maintenance grant are grants made available by the Welsh Ministers to an eligible student in respect of the student's living and study costs.

**Qualifying conditions for base grant and maintenance grant**

**44.**—(1) An eligible student qualifies for a base grant and a maintenance grant in respect of an academic year of the present course unless the eligible student falls within one of the following exceptions—

*Exception 1* The eligible student is a prisoner, unless—

- (a) the present course is a part-time course, and
- (b) the eligible student enters or is released from prison in the academic year in question.

*Exception 2* The eligible student is a Category 6 eligible student by virtue only of paragraph 6(1) of Schedule 2 and does not fall within any of the other categories of eligible student specified in that Schedule.

*Exception 3* The academic year is a year in respect of which the student is eligible to apply for—

- (a) a healthcare bursary, or
- (b) a Scottish healthcare allowance,

calculated by reference to the student's income (whether or not the calculation results in a nil amount).

*Exception 4* The present course is an accelerated graduate entry course.

*[<sup>F1</sup>Exception 5* The present course is a distance learning course and the student (“S”) is not in Wales on the first day of the first academic year of the course.

But this exception does not apply where—

- (a) S is not in Wales on the first day of the first academic year of the course because S, or a close relative of S, is serving as a member of the armed forces outside Wales, or
- (b) S is unable to be in Wales on the first day of the first academic year of the course for a reason related to coronavirus.]

*Exception 6* The eligible student is undertaking an academic year of a sandwich course during which the periods of full-time study are in aggregate less than 10 weeks (unless it is a year to which paragraph (2) applies).

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*Status: Point in time view as at 28/01/2021.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, CHAPTER 1. (See end of Document for details)*

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- (2) This paragraph applies to an academic year of a sandwich course if, as part of the course, the eligible student undertakes—
- (a) a period of work experience with a body in the United Kingdom specified in paragraph (3), or
  - (b) unpaid research—
    - (i) in an institution in the United Kingdom, or
    - (ii) outside the United Kingdom if the eligible student is attending an institution outside the United Kingdom as part of the course.
- (3) The bodies referred to in paragraph (2)(a) are—
- (a) a hospital;
  - (b) a public health service laboratory;
  - (c) a local authority or voluntary organisation exercising a function or carrying out activities relating to the care of children and young persons, health or welfare;
  - (d) a body providing prison or probation services in the United Kingdom;
  - (e) a health body listed in paragraph (4).
- (4) The health bodies are—
- (a) a Special Health Authority established under section 28 of the National Health Service Act 2006 <sup>M1</sup> or section 22 of the National Health Service (Wales) Act 2006 <sup>M2</sup>;
  - (b) an NHS trust established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006;
  - (c) an NHS foundation trust;
  - (d) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
  - (e) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978 <sup>M3</sup>;
  - (f) the Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 <sup>M4</sup>;
  - (g) the Regional Agency for Public Health and Social Well-being established under section 12 of that Act;
  - (h) a health and social care trust (formerly called a health and social services trust) established under the Health and Personal Social Services (Northern Ireland) Order 1991 <sup>M5</sup>;
  - (i) a special health and social care agency (formerly called a special health and social services agency) established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990 <sup>M6</sup>;
  - (j) the National Health Service Commissioning Board established under section 1H of the National Health Service Act 2006 or a clinical commissioning group established under section 11 of that Act <sup>M7</sup>;
  - (k) the National Institute for Health and Care Excellence established under section 232 of the Health and Social Care Act 2012 <sup>M8</sup>;
  - (l) the Health and Social Care Information Centre established under section 252 of that Act.

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### Textual Amendments

- F1** Words in [reg. 44](#) substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The Education \(Student Support\) \(Miscellaneous Amendments\) \(Wales\) \(No. 2\) Regulations 2020 \(S.I. 2020/708\)](#), regs. 1(2), 7

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### Marginal Citations

- M1** 2006 c. 41  
**M2** 2006 c. 42  
**M3** 1978 c. 29  
**M4** 2009 c. 1 (N.I.)  
**M5** 1991/194 (N.I. 1)  
**M6** 1990/247 (N.I. 3)  
**M7** [2006 c. 41](#); section 1H and section 11 were inserted by the [Health and Social Care Act 2012 \(c. 7\)](#), [sections 9](#) and 10  
**M8** 2012 c. 7

**Status:**

Point in time view as at 28/01/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, CHAPTER 1.