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WELSH STATUTORY INSTRUMENTS

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**2018 No. 191**

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

**PART 13**

**PAYMENTS, OVERPAYMENTS AND RECOVERY**

**CHAPTER 3**

**PAYMENT OF GRANTS AND MAINTENANCE LOANS**

**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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, Section 88.