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WELSH STATUTORY INSTRUMENTS

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**2018 No. 191**

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

**PART 14**

**RESTRICTIONS ON PAYMENTS AND AMOUNTS PAYABLE**

**CHAPTER 1**

**RESTRICTIONS RELATING TO GRANTS AND MAINTENANCE LOANS**

**Payments when period of eligibility ends or is terminated**

**95.**—<sup>[F1]</sup>(1) Where an eligible student's period of eligibility has ended or has been terminated, any amount of grant or maintenance loan payable in respect of an academic year is reduced by the number of days in the academic year when eligibility has ended or terminated.]

(2) The Welsh Ministers may not make any payment of an amount of grant or maintenance loan in respect of any payment period beginning after an eligible student's period of eligibility has ended or has been terminated.

(3) Paragraphs (4) to (8) apply where—

- (a) an amount of grant is payable to an eligible student (“P”) in respect of an academic year, and
- (b) P's period of eligibility ends or is terminated on or after the day on which the course begins in respect of that year.

(4) The Welsh Ministers must determine—

- (a) the amount of grant that, had P's eligibility not ended or been terminated, would be payable to P in respect of the payment period during which P's period of eligibility ended or was terminated (the “full amount”), and
- (b) the proportion of the full amount that would be payable to P in respect of the period beginning at the start of that payment period and ending when P's eligibility ended or was terminated (the “partial amount”).

(5) The Welsh Ministers must take the action mentioned in paragraph (6) where—

- (a) they have made a payment to P of an amount of grant in respect of the payment period during which P's period of eligibility ended or was terminated,
- (b) the payment is made before P's period of eligibility ended or was terminated, and
- (c) the amount paid exceeds the partial amount.

(6) The action referred to in paragraph (5) is to either—

- (a) reduce the amount of grant payable to P by the excess referred to in paragraph (5)(c) (and accordingly treat the excess as an overpayment), or
- (b) if the Welsh Ministers think it appropriate, extend P's period of eligibility in respect of the grant until the end of the payment period (and accordingly the full amount is payable).

*Status: Point in time view as at 01/08/2018.*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, Section 95. (See end of Document for details)*

(7) Where—

- (a) the Welsh Ministers have made, or are due to make, a payment to P of an amount of grant in respect of the payment period during which P's period of eligibility ended or was terminated, and
- (b) the payment—
  - (i) is made or is due after P's period of eligibility ended or was terminated, or
  - (ii) is made before then and is no more than the partial amount,

the amount of grant payable is the partial amount unless paragraph (8) applies.

(8) In the circumstances referred to in paragraph (7) the Welsh Ministers—

- (a) may determine that P's period of eligibility is extended to the end of payment period in question (and accordingly the full amount of grant is payable) if they think it appropriate to do so, and
- (b) must so determine if the amount of grant in question is an amount of disabled student's grant paid in respect of expenditure on major items of specialist equipment.

(9) In this regulation, “payment period” means a period (whether a whole academic year or a quarter of an academic year) in respect of which a grant or maintenance loan is payable or would be payable were it not for the fact that the eligible student's period of eligibility had ended or was terminated.

#### **Textual Amendments**

- F1** [Reg. 95\(1\)](#) substituted (1.8.2018) by [The Education \(Student Support\) \(Wales\) \(Amendment\) Regulations 2018 \(S.I. 2018/813\)](#), regs. 1(2), **10**

**Status:**

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

**Changes to legislation:**

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