

## SCHEDULES

### SCHEDULE 5

Regulation 99

#### Oxbridge college fee loans

##### **Oxbridge college fee loans**

1.—(1) An Oxbridge college fee loan is a loan made available by the Welsh Ministers to an eligible Oxbridge student for the payment of college fees in respect of an academic year of a designated Oxbridge course.

(2) “College fees” means the fees payable by an eligible Oxbridge student to a college or permanent private hall of the University of Oxford, or to a college of the University of Cambridge, in connection with the student's undertaking of a designated Oxbridge course.

##### **Designated Oxbridge courses**

2. A course is a designated Oxbridge course if it meets each of the following conditions—  
*Condition 1* The course is a designated course (see Chapter 1 of Part 4). *Condition 2* It is a full-time course. *Condition 3* It is provided by the University of Oxford or the University of Cambridge. *Condition 4* The course either—

- (a) leads to a qualification as a—
  - (i) social worker,
  - (ii) medical doctor,
  - (iii) dentist,
  - (iv) veterinary surgeon, or
  - (v) architect, or
- (b) is a course where at least one academic year is one in relation to which the eligible Oxbridge student is eligible to apply for—
  - (i) a bursary or award of similar description under section 63 of the Health Services and Public Health Act 1968 or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972, or
  - (ii) a Scottish healthcare allowance,provided that the bursary or similar award or allowance is calculated by reference to the student's income (whether or not the calculation results in a nil amount).

*Condition 5* The course is not a distance learning course (but see paragraph 3(4)).

##### **Eligible Oxbridge students**

- 3.—(1) A person (“P”) is an eligible Oxbridge student if P—
- (a) satisfies each of the conditions in sub-paragraph (2), and
  - (b) does not fall within the exception in sub-paragraph (3).

**Status:** Point in time view as at 26/02/2021.

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

(2) The conditions are— *Condition 1* P is an eligible student (see Section 1 of Chapter 2 of Part 4). *Condition 2* P has an honours degree from an institution in the United Kingdom. *Condition 3* P is undertaking a designated Oxbridge course. *Condition 4* P is a member of—

- (a) a college or permanent private hall of the University of Oxford, or
- (b) a college of the University of Cambridge.

*Condition 5* P is under the age of 60 on the first day of the first academic year of the designated Oxbridge course.

(3) The exception is that P is ordinarily resident in England, Scotland or Northern Ireland.

(4) Despite Condition 5 of paragraph 2, P is an eligible Oxbridge student if P—

- (a) has a disability,
- (b) is undertaking a designated Oxbridge course in the United Kingdom,
- (c) is not attending the course by reason of P's disability, and
- (d) otherwise satisfies the criteria stated in sub-paragraph (1).

#### **Students becoming eligible during the course of an academic year**

4.—(1) Where a student becomes an eligible student because one of the events listed in sub-paragraph (2) occurs in the course of an academic year, the student may qualify for an Oxbridge college fee loan in accordance with this Schedule in respect of that academic year provided that the event occurred within the first three months of the academic year.

(2) The events are—

- [<sup>F1</sup>(a) the student or the student's spouse, civil partner or parent is recognised as a refugee, becomes a person granted stateless leave, becomes a person with leave to enter or remain or becomes a person granted humanitarian protection under paragraph 339C of the immigration rules;]
- [<sup>F2</sup>(aa) the student or the student's parent becomes a person with section 67 leave to remain;]
- (b) a state accedes to the European Union where the student is a national of that state or a family member of a national of that state;
- (c) the student becomes a family member of an EU national [<sup>F3</sup>or of a person who is eligible under paragraph 6(1) of Schedule 2 by virtue of paragraph 6(1A) of that Schedule other than as a family member];
- [<sup>F4</sup>(d) the student becomes a person described in paragraph 1(2)(a) of Schedule 2;]
- (e) the student becomes a child of a Turkish worker;
- (f) the student becomes a person described in paragraph 4(1)(a) of Schedule 2;
- (g) the student becomes the child of a Swiss national.

(3) In sub-paragraph (2), the following terms have the same meaning as in Schedule 2—

“child” (“*plentyn*”);

“family member” (“*aelod o deulu*”) (within the meaning given by paragraph 6(5) of Schedule 2);

[<sup>F5</sup>“immigration rules” (“*rheolau mewfudo*”);]

“parent” (“*rhiant*”);

[<sup>F6</sup>“person granted stateless leave” (“*person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth*”);]

“person with leave to enter or remain” (“*person sydd â chaniatâd i ddod i mewn neu i aros*”);

[<sup>F7</sup>“person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”);]  
“refugee” (“*ffoadur*”);  
“right of permanent residence” (“*hawl i breswyllo'n barhaol*”);  
“Turkish worker” (“*gweithiwr Twrcaid*”).

#### Textual Amendments

- F1** Sch. 5 para. 4(2)(a) substituted (28.1.2021) by The Education (Student Fees, Awards and Support) (Ordinary Residence) (Wales) Regulations 2021 (S.I. 2021/9), regs. 1(2), **51(a)**
- F2** Sch. 5 para. 4(2)(aa) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2019 (S.I. 2019/235), regs. 1(3)(a), **58(a)**
- F3** Words in Sch. 5 para. 4(2)(c) inserted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **33(2)(a)**
- F4** Sch. 5 para. 4(2)(d) substituted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **33(2)(b)**
- F5** Words in Sch. 5 para. 4(3) inserted (28.1.2021) by The Education (Student Fees, Awards and Support) (Ordinary Residence) (Wales) Regulations 2021 (S.I. 2021/9), regs. 1(2), **51(b)**
- F6** Words in Sch. 5 para. 4(3) inserted (30.7.2018) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814), regs. 1(2), **19(b)**
- F7** Words in Sch. 5 para. 4(3) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2019 (S.I. 2019/235), regs. 1(3)(a), **58(b)**

#### Period of eligibility

5.—(1) An Oxbridge college fee loan is available in respect of each standard academic year of the designated Oxbridge course and in respect of one academic year of the course that is not a standard academic year.

(2) Where an eligible Oxbridge student is allowed to study the content of one standard academic year of the designated Oxbridge course over two or more academic years, for the purpose of determining whether the student qualifies for an Oxbridge college fee loan for those years, the first of such years of study is to be treated as a standard academic year and the following years of that kind are to be treated as academic years that are not standard academic years.

(3) In this paragraph, “standard academic year” means an academic year of the designated Oxbridge course that would be undertaken by a person who does not repeat any part of the course and who enters the course at the same point as the eligible Oxbridge student.

#### Amount of the college fee loan

6.—(1) The amount of an Oxbridge college fee loan in respect of an academic year of a designated Oxbridge course must not exceed the amount equal to the college fees payable by the eligible Oxbridge student to the student's college or permanent private hall in connection with that year.

(2) Where an eligible Oxbridge student has applied for an Oxbridge college fee loan of less than the maximum amount available in relation to the academic year, the student may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the maximum amount available.

*Status: Point in time view as at 26/02/2021.*

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

## **Transfers**

7.—(1) Where an eligible Oxbridge student transfers from one designated Oxbridge course to another, the Welsh Ministers must transfer the student's status as an eligible Oxbridge student to the other course if—

- (a) they receive a request from the student to do so, and
- (b) the student's period of eligibility has not ended or been terminated.

(2) If the eligible Oxbridge student transfers before the end of the academic year but after applying for an Oxbridge college fee loan, the amount applied for is to be paid to the relevant college or permanent private hall in respect of the designated Oxbridge course to which the student transfers (unless sub-paragraph (4) applies).

(3) Where sub-paragraph (2) applies, the eligible Oxbridge student may not apply for another Oxbridge college fee loan in respect of that academic year.

(4) If an eligible Oxbridge student transfers after the Oxbridge college fee loan is paid and before the end of the academic year, the student cannot apply for another Oxbridge college fee loan in connection with the academic year of the designated Oxbridge course to which the student transfers.

## **Payment**

8.—(1) The Welsh Ministers must pay an Oxbridge college fee loan for which an eligible Oxbridge student qualifies to the college or permanent private hall to which the student is liable to make payment.

(2) The loan must be paid in a single lump sum.

(3) The Welsh Ministers may not pay the loan before—

(a) they have received from the college or permanent private hall—

- (i) a request for payment in writing, and
- (ii) an attendance confirmation in such form as the Welsh Ministers may specify, and

(b) the period of three months beginning with the first day of the academic year to which the loan relates has expired.

(4) The Welsh Ministers may pay an Oxbridge college fee loan without receiving an attendance confirmation if they think that owing to exceptional circumstances it would be appropriate to do so.

(5) In this paragraph, “attendance confirmation” means a confirmation such as is referred to in regulation 87(1).

(6) The Welsh Ministers must not make a payment of an Oxbridge college fee loan in respect of an academic year of a designated Oxbridge course if—

- (a) the eligible Oxbridge student ceases to undertake the course before the expiry of the period of three months beginning with the first day of the academic year, and
- (b) the college or permanent private hall has determined or agreed that the student will not commence undertaking the course in the United Kingdom again during the academic year.

(7) Paragraphs 9 and 10 set out other circumstances in which payment of an Oxbridge college fee loan may not be made or may be withheld.

## **Requirement to provide national insurance number**

9.—(1) The Welsh Ministers may make it a condition of entitlement to payment of an Oxbridge college fee loan that an eligible Oxbridge student must provide them with the student's United Kingdom national insurance number.

(2) If that condition is imposed, the Welsh Ministers may not make any payment of the loan until the eligible Oxbridge student has complied with it, unless the Welsh Ministers are satisfied that, owing to exceptional circumstances, it would be appropriate to make a payment despite the condition not being complied with.

### **Information requirements and agreements for repayment**

**10.**—(1) The Welsh Ministers may at any time request from an eligible Oxbridge student such information or documentation as they may require for the purposes of—

- (a) determining eligibility for an Oxbridge college fee loan, or
- (b) recovering a loan.

(2) A request under sub-paragraph (1) may include requesting sight of an eligible Oxbridge 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 the Welsh Ministers have requested information or documentation under sub-paragraph (1), they may withhold any payment of an Oxbridge college fee loan until the student provides what has been requested or provides a satisfactory explanation for not complying with the request.

(4) The Welsh Ministers may at any time require an eligible Oxbridge student to enter into an agreement to repay an Oxbridge college fee loan by a particular method.

(5) Where the Welsh Ministers have requested an agreement as to the method of repayment, they may withhold any payment of an Oxbridge college fee loan until the student provides what has been requested.

### **Overpayment**

**11.** Any overpayment of an Oxbridge college fee loan is recoverable by the Welsh Ministers from the college or permanent private hall.

**Status:**

Point in time view as at 26/02/2021.

**Changes to legislation:**

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