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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for loan support to eligible students undertaking designated postgraduate doctoral degree courses which begin on or after 1 August 2018.

Part 2 of these Regulations deals with eligibility for loan support. To qualify for loan support under these Regulations, a student must be an “eligible student”. To be an eligible student a person must satisfy the eligibility provisions in regulation 3. A person must fall within one of the categories listed in Part 2 of Schedule 1. The majority of those categories require the person to be ordinarily resident in Wales.

For the purposes of these Regulations a person who is ordinarily resident in Wales, England, Scotland, Northern Ireland, the Channel Islands or the Isle of Man as a result of having moved from one of those areas for the purpose of undertaking a designated course is considered ordinarily resident in the place from which that person has moved (Schedule 1, paragraph 1(3)). A person may qualify for loan support as an eligible student if they are an “eligible prisoner”. A person is not an eligible student if, amongst other things, that person has already obtained a qualification equivalent to or higher than a doctoral degree. Regulation 5 provides for the period for which an eligible student may receive loan support under these Regulations, namely the student's “period of eligibility”. Regulation 5 sets out the circumstances in which a student ceases to be an eligible student.

Loan support is only available under these Regulations in respect of “designated” courses within the meaning of regulation 4. One requirement under regulation 4(1) for a doctoral degree course to be a designated course is that the number of academic years ordinarily required to complete the course is no less than three and no more than eight. Loan support is provided to eligible students undertaking a designated course wherever they study in the United Kingdom. Regulation 6 recognises that an eligible student may transfer to another course in certain circumstances. Regulations 7 and 8 set out the circumstances in which a student may qualify for loan support under these Regulations after the designated course has started.

Part 3 of these Regulations deals with the formalities of how an eligible student applies for a loan, including the application deadline.

Part 4 of these Regulations provides for the amount and payment of loan support; the effect of an eligible student's absence from or inability to complete the designated course; and the effect of an eligible student becoming or ceasing to be an eligible prisoner. Regulation 13 provides that the maximum loan amount an eligible student can receive is £25,000, other than in the case of an eligible prisoner, where the maximum amount is limited to the lesser of: (a) the fees payable in respect of the designated course; and (b) £25,000. Regulation 14 gives the Welsh Ministers the power to pay any loan in instalments. Regulation 14(5)(a) provides that loan payments in respect of any one academic year of an eligible student's designated course must not exceed £10,609. Under regulation 14(8), the Welsh Ministers are unable to make any loan payments in relation to an academic year of an eligible student's designated course unless they have received, in respect of that year, a confirmation from the relevant academic authority that, amongst other things, the student is in attendance or undertaking the course and that it is possible for the student to complete the course on schedule. If the relevant academic authority is able to do so, it should also confirm that the student is not, in connection with the course, in receipt of funds provided by a Research Council or by, or on behalf of, United Kingdom Research and Innovation. Regulation 15 gives the Welsh Ministers the power to make payment of the loan conditional upon the student providing them with a national insurance number. Regulation 16 enables the Welsh Ministers to cease further loan payments if they receive notice of a student's absence from the course or that the relevant

**Status:** Point in time view as at 25/06/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018. (See end of Document for details)

academic authority no longer considers it possible for the student to complete the course within the period ordinarily required to do so.

Regulation 17 sets out how loan entitlement amounts change when an eligible student becomes or ceases to be an eligible prisoner. Regulation 18 sets out how the Welsh Ministers can recover any overpayments of a postgraduate doctoral degree loan.

Part 5 of these Regulations deals with information requirements.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Higher Education Division, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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