
WELSH STATUTORY INSTRUMENTS

2018 No. 656

The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018

PART 4

THE LOAN

Amount of postgraduate doctoral degree loan

13.—(1) Subject to paragraph (2), a person may apply for a postgraduate doctoral degree loan of up to £25,000 towards the costs of undertaking a designated course.

(2) Subject to regulation 17(5), where an eligible prisoner applies for a postgraduate doctoral degree loan the amount of the loan must not exceed the lesser of—

- (a) the fees payable in respect of the course, and
- (b) £25,000.

(3) Except where regulation 17(5) and (6) applies an eligible student may apply to the Welsh Ministers to amend the amount of postgraduate doctoral degree loan for which the student has applied, provided that—

- (a) in aggregate, the amounts of postgraduate doctoral degree loan applied for do not exceed the applicable amounts set out in paragraphs (1) and (2);
- (b) such application is made in accordance with regulation 11(2).

(4) If the Welsh Ministers have determined under regulation 10 that the applicant is an eligible student, the Welsh Ministers must pay the amount for which the eligible student qualifies in accordance with regulation 14.

Payment of postgraduate doctoral degree loan

14.—(1) The Welsh Ministers may pay the postgraduate doctoral degree loan for which a student qualifies under these Regulations—

- (a) either as a lump sum or by instalments; and
- (b) at such times, and in such manner, as the Welsh Ministers consider appropriate.

(2) If the Welsh Ministers think it appropriate to make payments by transfer into a bank or building society account they may require an eligible student to provide details of such an account in the United Kingdom into which payments may be made.

(3) If the requirement described in paragraph (2) is imposed, the Welsh Ministers may not make any payment of postgraduate doctoral degree loan until the eligible student has complied.

(4) In the case of an eligible prisoner, the Welsh Ministers must pay the postgraduate doctoral degree loan for which an eligible prisoner qualifies to the institution to which the eligible prisoner is liable to make payment for the fees payable in connection with the designated course or to such

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third party that the Welsh Ministers consider appropriate for the purpose of ensuring the payment of such fees to the relevant institution.

(5) The Welsh Ministers must—

- (a) not make a payment of postgraduate doctoral degree loan in excess of £10,609 in respect of any one academic year of an eligible student's designated course;
- (b) in determining the amount of postgraduate doctoral degree loan for which an eligible student qualifies, disregard any completed academic years.

(6) In this regulation, “completed academic years” means academic years of the designated course completed by the eligible student prior to the Welsh Ministers' receipt of the student's application under regulation 9(1).

(7) The relevant academic authority must, as soon as reasonably practicable after being requested to do so, provide the Welsh Ministers with the date on which—

- (a) an eligible student's designated course starts; and
- (b) the ordinary period of registration for that course ends.

(8) Subject to paragraph (9), the Welsh Ministers must not make any payment of postgraduate doctoral degree loan in respect of an academic year of an eligible student's designated course unless, in respect of that year, they have received from the relevant academic authority confirmation (in such form as may be required by the Welsh Ministers) that—

- (a) the student is not, in connection with the designated course, in receipt of any allowance, bursary or award paid out of funds provided—
 - (i) by a Research Council;
 - (ii) by, or on behalf of, United Kingdom Research and Innovation;
- (b) the student is in attendance or is undertaking the designated course, or continues to attend or undertake that course (as applicable);
- (c) at least half of the teaching and supervision that comprise the designated course is provided in the United Kingdom;
- (d) the academic authority considers that it will be possible for the student to complete the designated course within the ordinary period of registration for the course;
- (e) there has not been bestowed on or paid to the student, in connection with the designated course, any allowance, bursary or award made under the KESS 2 Scheme.

(9) An academic authority is not required to provide the confirmation described in paragraph (8) (a) if it is unable to do so.

(10) Where an event mentioned in paragraph (11) occurs in respect of an eligible student (“A”), the relevant academic authority must as soon as reasonably practicable after the event occurs—

- (a) notify the Welsh Ministers; and
- (b) provide such additional information about the event as the academic authority thinks the Welsh Ministers may require for the purposes of these Regulations.

(11) The events are—

- (a) the academic authority becomes aware that A is, in connection with A's designated course, in receipt of any allowance, bursary or award paid out of funds provided—
 - (i) by a Research Council;
 - (ii) by, or on behalf of, United Kingdom Research and Innovation;
- (b) A withdraws, is suspended or is expelled from A's designated course, or is otherwise absent;

- (c) the academic authority no longer considers it possible for A to complete A's designated course within the ordinary period of registration for that course;
 - (d) A submits their initial thesis in connection with A's designated course before the ordinary period of registration for that course ends; and
 - (e) the academic authority becomes aware that there has been bestowed on or paid to A, in connection with A's designated course, any allowance, bursary or award made under the KESS 2 Scheme.
- (12) For the purposes of paragraphs (8)(d) and (11)(c), the academic authority must have regard to—
- (a) any increase in intensity of study that would be required for the student to complete the course within the ordinary period of registration;
 - (b) any parts of the course which the student has been required to repeat.

Provision of United Kingdom national insurance number

15.—(1) The Welsh Ministers may make it a condition of entitlement to payment of the postgraduate doctoral degree loan that an eligible 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 student has complied, 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.

Absence from or inability to complete course

16.—(1) Subject to paragraphs (2) and (6), if the Welsh Ministers receive notice under regulation 14(10) or paragraph 2(a) to (c) of Schedule 2 of an eligible student's ("A's")—

- (a) absence from A's designated course; or
- (b) inability to complete A's designated course within the ordinary period of registration for that course,

the Welsh Ministers may not make any further payment of the postgraduate doctoral degree loan.

(2) Further payment may be made despite such notification if, in the opinion of the Welsh Ministers, payment would be appropriate in all the circumstances.

(3) Paragraph (4) applies where—

- (a) the Welsh Ministers have received notice in relation to an eligible student ("A") which falls within paragraph (1)(a); and
- (b) A recommences A's course.

(4) A must—

- (a) notify the Welsh Ministers that A has recommenced A's course; and
- (b) provide the Welsh Ministers with details of the length and cause of A's preceding absence from that course.

(5) The relevant academic authority must notify the Welsh Ministers if, further to a notice given to the Welsh Ministers under regulation 14(10) in connection with regulation 14(11)(c), it no longer considers that the student is unable to complete the designated course within the ordinary period of registration for that course.

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(6) Where the Welsh Ministers receive notification under paragraphs (4) or (5), they must recommence payment of the postgraduate doctoral degree loan in accordance with regulation 14 if, in the opinion of the Welsh Ministers, they consider it would be appropriate in all the circumstances.

Effect of becoming, or ceasing to be, an eligible prisoner

17.—(1) Paragraph (2) applies where an eligible student who is in receipt of a postgraduate doctoral degree loan becomes an eligible prisoner and continues to undertake a designated course.

(2) The Welsh Ministers must—

- (a) adjust future payment of the postgraduate doctoral degree loan so that the total of the postgraduate doctoral degree loan awarded does not exceed the amount to which the student, as an eligible prisoner, is entitled to under regulation 13(2); and
- (b) pay any remaining sum of the postgraduate doctoral degree loan, in accordance with regulation 14.

(3) Paragraphs (4) to (6) apply where an eligible prisoner (“A”) who is in receipt of a postgraduate doctoral degree loan ceases to be an eligible prisoner and remains an eligible student, and continues to undertake a designated course.

(4) The Welsh Ministers must pay the remaining sum of the postgraduate doctoral degree loan, or future instalments of the postgraduate doctoral degree loan, if any, in accordance with regulation 14.

(5) Where A would have qualified for a higher amount of postgraduate doctoral degree loan had A not been an eligible prisoner A may, subject to paragraph (6), apply for the amount of loan to be increased.

(6) The maximum amount of the increase in A's postgraduate doctoral degree loan for which A may apply under paragraph (5) is the amount which is calculated by reference to the following formula—

$$\frac{(F-R)}{M} \times T$$

where—

F equals the amount which A would have qualified for if A had not been an eligible prisoner;

R equals the amount which A qualifies for as an eligible prisoner;

T is the number of days of the ordinary period of registration for the course which remain when A ceases to be an eligible prisoner beginning with the day after the day on which A ceases to be an eligible prisoner; and

M is the total number of the days of the duration of the ordinary period of registration for the course.

Overpayments of a postgraduate doctoral degree loan

18.—(1) Any overpayment of a postgraduate doctoral degree loan is recoverable by the Welsh Ministers from—

- (a) the institution or third party which received the monies of the postgraduate doctoral degree loan where payment was made to such institution or third party; or
- (b) the student who received the postgraduate doctoral degree loan.

(2) A student must, if so required by the Welsh Ministers, repay any amount of the postgraduate doctoral degree loan paid to the student or paid in respect of the student, which for whatever reason exceeds the amount of loan to which the student is entitled.

(3) An overpayment of a postgraduate doctoral degree loan may be recovered from a student under paragraph (1)(b) in whichever one or more of the following ways the Welsh Ministers consider appropriate in all the circumstances—

- (a) by subtracting the overpayment from any amount of the postgraduate doctoral degree loan which remains to be paid to or in respect of the student;
- (b) by subtracting the overpayment from any kind of grant or loan payable to the student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;
- (c) by requiring the student to repay the postgraduate doctoral degree loan in accordance with regulations made under section 22 of the 1998 Act;
- (d) by taking such other action for the recovery of an overpayment as is available to them.

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