
WELSH STATUTORY INSTRUMENTS

2018 No. 656

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

PART 2

ELIGIBILITY

Eligible students

3.—(1) An eligible student qualifies for a postgraduate doctoral degree loan in connection with a designated course subject to and in accordance with these Regulations.

(2) Subject to paragraphs (3) to (9), a person is an eligible student in connection with a designated course if in assessing the person's application for a postgraduate doctoral degree loan under regulation 9 the Welsh Ministers determine that the person falls within one of the categories set out in Part 2 of Schedule 1.

(3) A person (“A”) is not an eligible student if—

- (a) A has reached the age of 60 on the first day of the academic year in which the designated course starts;
- (b) A is in breach of any obligation to repay any loan;
- (c) A has reached the age of 18 and has not ratified any agreement for a loan made with A when A was under the age of 18;
- (d) A has, in the opinion of the Welsh Ministers, shown by A's conduct that A is unfitted to receive a postgraduate doctoral degree loan;
- (e) A is a prisoner, unless A is an eligible prisoner;
- (f) A is enrolled on a course which is—
 - (i) a designated course under regulation 5 (designated courses), 66 (designated distance learning courses) or 83 (designated part-time courses) of the 2017 Student Support Regulations and is receiving support under those Regulations for that course;
 - (ii) a designated course under regulation 4 (designated courses) of the 2017 Master's Degree Loans Regulations and is receiving support under those Regulations for that course;
 - (iii) a designated course under regulation 5 (designated courses) of the 2018 Student Support Regulations and is receiving support under those Regulations for that course;
- (g) A has already obtained an equivalent or higher qualification;
- (h) A is already enrolled on a designated course and is in receipt of a postgraduate doctoral degree loan under these Regulations for that course;
- (i) subject to paragraph (9), A has previously received a postgraduate doctoral degree loan under these Regulations;

Status: Point in time view as at 25/06/2018. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018, Section 3. (See end of Document for details)

- (j) there has been bestowed on or paid to A in relation to A undertaking the course—
- (i) a healthcare bursary;
 - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007 ^{M1};
 - (iii) any allowance, bursary or award of similar description made under section 67(4)(a) of the Care Standards Act 2000 ^{M2} save to the extent that A is eligible for such a payment in respect of travel expenses;
 - (iv) any allowance, bursary or award of similar description made under section 116(2)(a) of the Regulation and Inspection of Social Care (Wales) Act 2016 ^{M3} save to the extent that A is eligible for such a payment in respect of travel expenses;
- (k) subject to paragraph (9), A has previously received a loan in respect of a course other than under these Regulations, where that loan was provided out of funds provided by a government authority within the United Kingdom;
- (l) A is, in relation to the 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 ^{M4}; or
- (m) there has been bestowed on or paid to A, in relation to the course, any allowance, bursary or award made under the KESS 2 Scheme.
- (4) Where the eligible student is undertaking a designated course which is a distance learning course, the student does not qualify for support in respect of that course unless the Welsh Ministers consider that the student is undertaking the course in Wales on the first day of the first academic year of the course, whether the course is a designated course at that date or is designated on a later date.
- (5) For the purposes of paragraph (4), a person (“A”) is to be treated as undertaking the course in Wales for any period during which—
- (a) A would have been undertaking the course in Wales but for the fact that—
 - (i) A,
 - (ii) A's spouse or civil partner,
 - (iii) A's parent,
 - (iv) where A is a dependent direct relative in the ascending line, A's child or child's spouse or civil partner,
 is or was temporarily employed in England, Scotland or Northern Ireland as a member of the regular naval, military or air forces of the Crown; or
 - (b) A is treated as ordinarily resident in Wales by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of Schedule 1.
- (6) An eligible student ceases to be eligible for a postgraduate doctoral degree loan in respect of a distance learning course if the Welsh Ministers consider that the student is undertaking the course outside the United Kingdom notwithstanding whether that student has previously been considered by the Welsh Ministers to be undertaking their course within the United Kingdom.
- (7) Paragraph (6) does not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of Schedule 1.
- (8) For the purposes of paragraph (3)(b) and (c), “loan” means a loan made under any provision of the student loans legislation.

(9) The Welsh Ministers may deem a person described in paragraph (3)(i) or (3)(k) to be an eligible student where the Welsh Ministers are of the view that the person had not been able to complete the course to which the previous loan related due to compelling personal reasons.

(10) The Welsh Ministers may only exercise their discretion under paragraph (9) once in respect of a particular student.

Marginal Citations

- M1** [S.S.I. 2007/151](#), as amended by [S.S.I. 2007/503](#), [S.S.I. 2008/206](#), [S.S.I. 2009/188](#), [S.S.I. 2009/309](#), [S.S.I. 2012/72](#), [S.S.I. 2013/80](#), [S.S.I. 2016/82](#) and [S.S.I. 2017/180](#).
- M2** [2000 c. 14](#). Section 67(4)(a) was amended by the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), [section 185](#), [Schedule 3](#), [Part 2](#), [paragraphs 40](#) and [43\(d\)](#).
- M3** [2016 anaw 2](#).
- M4** United Kingdom Research and Innovation is a body corporate established by section 91 of the [Higher Education and Research Act 2017 \(c. 29\)](#). Sections 95 to 98 of that Act provide for United Kingdom Research and Innovation to make arrangements for the exercise of its functions on its behalf.

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Changes to legislation:

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