WELSH STATUTORY INSTRUMENTS

2009 No. 2737

The Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2009

PART 6

LOANS FOR LIVING COSTS

Qualifying conditions for loans for living costs

43.—(1) Subject to paragraph (7), an eligible student qualifies for a loan for living costs in connection with the student's attendance on a designated course if the student satisfies the condition in paragraph (2) and is not excluded by paragraph (3) or regulation 7.

(2) The condition is that the eligible student is under the age of 60 on the relevant date.

(3) An eligible student does not qualify for a loan for living costs if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.

(4) An eligible student does not qualify for a loan for living costs in connection with his or her attendance on a designated course if that course is a flexible postgraduate ITT course which is of less than one academic year's duration.

(5) An eligible student does not qualify for a loan for living costs in connection with his or her attendance on a designated course if that course—

(a) begins on or after 1 September 2009; and

(b) leads to qualification as a landscape architect, landscape designer, landscape manager, town planner or town and country planner.

(6) An old system eligible student who falls within paragraph (a) or (d)(i) of the definition of "old system eligible student" in regulation 2 qualifies for a loan for living costs in connection with his or her attendance on a designated course if he or she satisfies the condition in paragraph (2) and is not excluded by paragraph (3).

(7) A student to whom this regulation applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for the loan for living costs.

(8) Paragraph (7) applies to—

(a) a compressed degree student; and

(b) a disabled student who—

(i) is not a compressed degree student; and

(ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability.

(9) An eligible student does not qualify for a loan for living costs under this Part if he or she is a prisoner.

General

44. The maximum amount of loan for living costs in respect of an academic year is calculated as follows—

(a) where the eligible student is an old system eligible student with full entitlement, in accordance with regulation 45;

(b) where the eligible student is a new system eligible student with full entitlement who is not a 2010 cohort student, in accordance with regulations 46 and 47;

(c) where the eligible student is a new system eligible student with full entitlement who is a 2010 cohort student, in accordance with regulation 48;

(d) where the eligible student is a student with reduced entitlement, in accordance with regulation 49.

Maximum amount of loans for old system eligible students with full entitlement

45.—(1) Subject to regulations 50 to 55, the maximum amount of loan for living costs for which an old system eligible student with full entitlement qualifies in respect of an academic year other than the final year of a course that is not an intensive course is—

(a) for a student in category 1, £3,673;

(b) for a student in category 2, £6,648;

(c) for a student in category 3, £5,658;

(d) for a student in category 4, £5,658;

(e) for a student in category 5, £4,745.

(2) Subject to regulations 50 to 55, the maximum amount of loan for living costs for which an old system eligible student with full entitlement qualifies in respect of an academic year which is the final year of a course that is not an intensive course is–

(a) for a student in category 1, £3,324;

(b) for a student in category 2, £6,053;

(c) for a student in category 3, £4,920;

(d) for a student in category 4, £4,920;

(e) for a student in category 5, £4,396.

Maximum amount of loans for new system eligible students with full entitlement who are not 2010 cohort students

46.—(1) This regulation applies to a new system eligible student with full entitlement who is not a 2010 cohort student (other than a type 1 or type 2 teacher training student whose contribution exceeds nil).

(2) Subject to regulations 50 to 55, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than a final year of a course that is not an intensive course is equal to (**X−Y**) where–

X is—

(i) for a student in category 1, £3,673;

(ii) for a student in category 2, £6,648;

(iii) for a student in category 3, £5,658;

(iv) for a student in category 4, £5,658;

(v) for a student in category 5, £4,745;

Y is the maintenance grant amount.

(3) Subject to regulations 50 to 55, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an intensive course is equal to (**X−Y**) where–

X is—

(i) for a student in category 1, £3,324;

(ii) for a student in category 2, £6,053;

(iii) for a student in category 3, £4,920;

(iv) for a student in category 4, £4,920;

(v) for a student in category 5, £4,396;

Y is the maintenance grant amount.

(4) In this regulation, "the maintenance grant amount" ("*y swm grant cynhaliaeth*") is—

(a) where the student qualifies under regulation 38 for an amount of maintenance grant not exceeding £1,288, the amount of maintenance grant payable;

(b) where the student qualifies under regulation 38 for an amount of maintenance grant exceeding £1,288, £1,288; and

(c) where no maintenance grant is payable, nil.

47.—(1) This regulation applies to a type 1 or type 2 teacher training student whose contribution exceeds nil.

(2) Subject to regulations 50 to 55, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than the final year of a course that is not an accelerated course is—

(a) for a student in category 1, £3,673;

(b) for a student in category 2, £6,648;

(c) for a student in category 3, £5,658;

(d) for a student in category 4, £5,658;

(e) for a student in category 5, £4,745.

(3) Subject to regulations 50 to 55, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year of a course that is the final year of a course that is not an accelerated course is—

(a) for a student in category 1, £3,324;

(b) for a student in category 2, £6,053;

(c) for a student in category 3, £4,920;

(d) for a student in category 4, £4,920;

(e) for a student in category 5, £4,396.

Maximum amount of loans for new system eligible students with full entitlement who are 2010 cohort students

48.—(1) This regulation applies to a new system eligible student with full entitlement who is a 2010 cohort student.

(2) Subject to regulations 50 to 55, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than a final year of a course that is not an intensive course is equal to (**X−Y**) where–

X is—

(i) for a student in category 1, £3,673;

(ii) for a student in category 2, £6,648;

(iii) for a student in category 3, £5,658;

(iv) for a student in category 4, £5,658;

(v) for a student in category 5, £4,745.

Y is the maintenance grant amount.

(3) Subject to regulations 50 to 55, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an intensive course is equal to (**X−Y**) where–

X is—

(i) for a student in category 1, £3,324;

(ii) for a student in category 2, £6,053;

(iii) for a student in category 3, £4,920;

(iv) for a student in category 4, £4,920;

(v) for a student in category 5, £4,396.

Y is the maintenance grant amount.

(4) In this regulation, "the maintenance grant amount" ("*y swm grant cynhaliaeth*") is—

(a) where the student qualifies under regulation 39 for an amount of maintenance grant, the amount that is equal to £0.60 for every complete £1 of maintenance grant for which that student qualifies, up to a maximum value for Y of £2,844;

(b) where no maintenance grant is payable under regulation 39, nil.

Students with reduced entitlement

49.—(1) Subject to regulations 50 to 55, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year of a course other than the final year of a course than is not an intensive course is–

(a) where the student falls within regulation 24(3)(a)—

(i) for a student in category 1, £1,744;

(ii) for a student in category 2, £3,268;

(iii) for a student in category 3, £2,324;

(iv) for a student in category 4, £2,324;

(v) for a student in category 5, £2,324.

(b) where the student falls within regulation 24(3)(b) or 24(5)—

(i) for a student in category 1, £1,744;

(ii) for a student in category 2, £3,268;

(iii) for a student in category 3, £2,780;

(iv) for a student in category 4, £2,780;

(v) for a student in category 5, £2,324.

(c) where the student applies for a loan for living costs and opts not to provide the information needed to calculate the household income an amount equal to (**X−Y**) where—

X is —

(i) for a student in category 1, £2,755;

(ii) for a student in category 2, £4,986;

(iii) for a student in category 3, £4,244;

(iv) for a student in category 4, £4,244;

(v) for a student in category 5, £3,559.

Y is the amount specified in paragraph (d).

(d) the specified amount is—

(i) £644 where the student is a type 1 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £644;

(ii) £1,288 where the student is a type 2 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £1,288;

(iii) nil where the student is not a type 1 or type 2 teacher training student.

(2) Subject to regulations 50 to 55, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year that is the final year of a course that is not an intensive course is–

(a) where the student falls within regulation 24(3)(a)—

(i) for a student in category 1, £1,324;

(ii) for a student in category 2, £2,498;

(iii) for a student in category 3, £1,811;

(iv) for a student in category 4, £1,811;

(v) for a student in category 5, £1,811.

(b) where the student falls within regulation 24(3)(b) or 24(5)—

(i) for a student in category 1, £1,324;

(ii) for a student in category 2, £2,498;

(iii) for a student in category 3, £2,031;

(iv) for a student in category 4, £2,031;

(v) for a student in category 5, £1,811.

(c) where the student applies for a loan for living costs and opts not to provide the information needed to calculate the household income an amount equal to (**X−Y**) where—

X is—

(i) for a student in category 1, £2,493;

(ii) for a student in category 2, £4,540;

(iii) for a student in category 3, £3,690;

(iv) for a student in category 4, £3,690;

(v) for a student in category 5, £3,297.

Y is the amount specified in paragraph (d).

(d) the specified amount is—

(i) £644 where the student is a type 1 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £644;

(ii) £1,288 where the student is a type 2 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £1,288;

(iii) nil where the student is not a type 1 or type 2 teacher training student.

Students residing with parents

50.—(1) Subject to paragraph (2), where an eligible student resides at his or her parents' home and the Welsh Ministers are satisfied that in all the circumstances the student's parents by reason of age, incapacity or otherwise cannot reasonably be expected to support the student and that it would be appropriate for the amount of loan payable to a student in a category other than category 1 to apply in his or her case, the student must be treated as if the student were not residing at the student's parents' home.

(2) Paragraph (1) does not apply to an eligible student who begins a course on or after 1 September 2004.

Loans for living costs payable in respect of three quarters of the academic year

51.—(1) Subject to regulation 53, the loan for living costs is payable in respect of three quarters of the academic year.

(2) The loan for living costs is not payable—

(a) in the case of a compressed degree student, in respect of the quarter nominated by the Welsh Ministers;

(b) in any other case, in respect of the quarter in which, in the opinion of the Welsh Ministers, the longest of any vacation occurs.

Students falling into more than one category

52.—(1) Where an eligible student falls into more than one of the categories in regulation 56 in the course of the academic year—

(a) the maximum amount of loan for living costs for the academic year is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the loan is payable;

(b) the maximum amount of loan for living costs for each such quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year; and

(c) the category which applies to a quarter is—

(i) the category into which the student falls for the longer or longest period in that quarter; or

(ii) if the student falls into more than one category for an equal period in that quarter, the category with the higher or highest rate of loan for living costs for the academic year.

Students becoming eligible during the course of an academic year

53.—(1) Where a student becomes an eligible student during the course of an academic year as a result of one of the events listed in paragraph (2), the student may qualify for a loan for living costs in respect of such quarters of that academic year in respect of which a loan for living costs is payable as begin after the relevant event in paragraph (2) occurs.

(2) The events are—

(a) the student's course becomes a designated course;

(b) the student, the student's spouse, the student's civil partner or the student's parent is recognised as a refugee or becomes a person with leave to enter or remain;

(c) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;

(d) the student acquires the right of permanent residence;

(e) the student becomes the child of a Turkish worker;

(f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or

(g) the student becomes the child of a Swiss national.

(3) An eligible student to whom paragraph (1) applies does not qualify for a loan for living costs in respect of any academic year beginning before the academic year in which the relevant event occurred.

(4) The maximum amount of loan for living costs payable is the aggregate of the maximum amount of loan for each quarter in respect of which the student qualifies for support under this regulation.

(5) The maximum amount of loan for living costs for each such quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year.

Increases in maximum amount

54.—(1) Where an eligible student is required to attend his or her course for a period exceeding 30 weeks and 3 days in an academic year, the maximum amount of loan for living costs specified in regulations 45 to 48 must be increased for each week or part week of attendance in that academic year beyond 30 weeks and 3 days as follows:

(a) for a student in category 1, by £55;

(b) for a student in category 2, by £106;

(c) for a student in category 3, by £115;

(d) for a student in category 4, by £115;

(e) for a student in category 5, by £83.

(2) Where an eligible student attends his or her course for a period of not less than 45 weeks in any continuous period of 52 weeks the amount of loan for living costs specified in regulations 45 to 48 is increased for each week in the 52 week period during which the student did not attend by the amounts referred to in paragraph (1).

(3) This regulation does not apply in the case of a student with reduced entitlement.

Deductions from loans for living costs

55.—(1) A deduction from the amount of loan for living costs calculated under this Part in respect of an old system eligible student with full entitlement or a new system eligible student with full entitlement may be made in accordance with regulation 60.

(2) A deduction from the amount of loan for living costs calculated under this Part in respect of a student with reduced entitlement may not be made under regulation 60.

Interpretation of Part 6

56.—(1) In this Part—

(a) a student is in category 1 if the student resides at his or her parents' home while attending the designated course or if he or she began the present course before 1 September 2009 and is a member of a religious order who resides in a house of that order;

(b) a student is in category 2 if he or she is not in category 1 and attends one or more of the following—

(i) a course at the University of London;

(ii) a course at an institution which requires attendance for at least half the time in aggregate of any quarter of the course in the academic year at a site wholly or partly within the area comprising the City of London and the former Metropolitan Police District; or

(iii) a sandwich course at an institution which requires the eligible student to undertake work experience or a combination of work experience and study provided that the student undertakes such work experience or combination of work experience and study for at least half the time in aggregate of any quarter of the course in the academic year at a site or sites wholly or partly within the area comprising the City of London and the former Metropolitan Police District;

(c) a student is in category 3 if the student is not in category 1 and the student attends an overseas institution as part of his or her course;

(d) a student is in category 4 if the student is not in category 1 and attends the Institute;

(e) a student is in category 5 if the student is not in categories 1 to 4;

(f) a "new system eligible student with full entitlement" ("*myfyriwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn*") is a new system eligible student other than a student with reduced entitlement;

(g) an "old system eligible student with full entitlement" ("*myfyriwr cymwys o dan yr hen drefn sydd â hawlogaeth lawn*") is an old system eligible student other than a student with reduced entitlement;

(h) the "relevant date" ("*dyddiad perthnasol*") means the first day of the first academic year of the specified designated course;

(i) a "student with reduced entitlement" ("*myfyriwr sydd â hawlogaeth wedi'i gostwng*") is an eligible student who—

(i) is not eligible for a grant for living costs in respect of the academic year by virtue of regulation 24(3)(a) or (b) or regulation 24(5); or

(ii) opts when applying for a loan for living costs not to provide the information needed to calculate the household income;

(j) where the duration of a graduate-entry or postgraduate-level course for the initial training of teachers is only one academic year, that year is not to be treated as the final year.