
WELSH STATUTORY INSTRUMENTS

2012 No. 14 (W.5)

EDUCATION, WALES

The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) Regulations 2012

<i>Made</i>	- - - -	<i>4 January 2012</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>6 January 2012</i>
<i>Coming into force</i>	- -	<i>1 February 2012</i>

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 22 and 42(6) of the Teaching and Higher Education Act 1998(1), and now exercisable by them(2) make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) Regulations 2012.

(2) These Regulations come into force on 1 February 2012 and apply in relation to Wales.

Amendments

2. The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011(3) are amended in accordance with the following regulations.

3.—(1) In regulation 2(1), in the appropriate place, insert—

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- (1) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11, the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6, the Finance Act 2003 (c. 14), section 147, the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7 and the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 257. See section 43(1) of the Teaching and Higher Education Act 1998 for the definition of “prescribed” and “regulations”.
- (2) The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 (except so far as they relate to the making of any provision authorised by subsection (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22) were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004 and the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) Order 2005 (S.I.2005/1833 (W.149) (C.79)) as amended by the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) (Amendment) Order 2006 (S.I. 2006/1660 (W.159) (C.56)). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(c) of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (3) S.I. 2011/886 (W.130) as amended by S.I. 2011/1978 (W.218).

““2012 accelerated graduate entry student” (“*myfyriwr mynediad graddedig carlam 2012*”) means an eligible student who begins an accelerated graduate entry course on or after 1 September 2012;”

““accelerated graduate entry course” (“*cwrs mynediad graddedig carlam*”) means a course—

- (a) the standard of which is not higher than a first degree course and which leads to a qualification as a medical doctor or dentist;
- (b) where a first degree or equivalent qualification would normally be required for entry to the course;
- (c) which begins on or after 1 September 2012; and
- (d) which does not exceed 4 years in duration;”

““accelerated graduate entry fee loan” (“*benthyciad at ffioedd mynediad graddedig carlam*”) means a loan payable by the Welsh Ministers under regulation 24B;”

““grant for fees” (“*grant ar gyfer ffioedd*”) means a grant for fees payable to an old system eligible student pursuant to Part 4 of these Regulations;”

““new private institution fee loan” (“*benthyciad newydd at ffioedd sefydliad preifat*”) means a loan payable by the Welsh Ministers under regulation 24A;”

““universal healthcare bursary” (“*bwrsari gofal iechyd cyffredinol*”) means a healthcare bursary of £1,000 which is—

- (a) payable to a 2012 cohort student or a 2012 accelerated graduate entry student; and
- (b) in relation to a 2012 cohort student is not calculated by reference to that student’s income; or
- (c) in relation to a 2012 accelerated graduate entry student is not calculated by reference to that student’s income;”.

(2) In regulation 2(1), in the definition of “2011 cohort student” after the words “an eligible student who begins the present course on or after 1 September 2011”, insert “but before 1 September 2012”.

(3) In regulation 2(1), in the definition of “2012 cohort student”—

- (a) after the words “1 September 2012” at the end of sub-paragraph (b) in the English text, for “.” substitute “; or”;
- (b) after the words “1 Medi 2012;” at the end of sub-paragraph (b) in the Welsh text, insert “neu”; and
- (c) after sub-paragraph (b) insert—
 - “(c) a 2012 accelerated graduate entry student.”.

4. In regulation 4(3)(c)(i) after the words “healthcare bursary”, insert “, other than a universal healthcare bursary,”.

5. In regulation 6(9), after the words “teacher training student” in sub-paragraph (a), insert “or a 2012 accelerated graduate entry student”.

6.—(1) In regulation 7(1) for the words “paragraphs (3) and (4)” substitute “paragraphs (3), (4) and (6)”.

(2) After regulation 7(5) insert—

“(6) Paragraph (1) does not apply to an eligible student attending a designated course which is an accelerated graduate entry course.”.

7. After regulation 10(2)(d) insert—

- “(dd) the applicant is making a separate application for a new private institution fee loan or an accelerated graduate entry fee loan, or an additional amount of a new private institution fee loan under regulation 24A(4), or an additional amount of an accelerated graduate entry fee loan under regulation 24B(4), in which case the application must reach the Welsh Ministers not later than one month before the end of the academic year to which the application relates.”.
8. In regulation 19(6) after the words “new cohort student” insert the words “or a 2012 accelerated graduate entry student”.
9. In regulation 20(1) after the words “designated course” insert “provided by a publicly funded institution”.
10. In regulation 21, after paragraph (2) insert—
“(3) Paragraph (2) does not apply in relation to an accelerated graduate entry course.”.
11. In regulation 23, after paragraph (4) insert—
“(5) This regulation does not apply to a new system eligible student who is a 2012 cohort student if the student qualifies for a new private institution fee loan.
(6) This regulation does not apply to a new system eligible student who is a 2012 accelerated graduate entry student.”.
12. After regulation 24 insert—

“New private institution fee loan

24A.—(1) A new system eligible student who is a 2012 cohort student qualifies in accordance with this regulation for a new private institution fee loan in respect of, or otherwise in connection with, the 2012 cohort student’s attendance on a designated course provided by a private institution.

(2) A new private institution fee loan is not available in respect of an academic year if that year is a bursary year or an Erasmus year.

(3) The amount of a new private institution fee loan in respect of an academic year of a designated course provided by a private institution must not exceed the lesser of—

- (a) £6,000 or, where any of the circumstances in regulation 17(4) apply, £3,000; and
- (b) the fees payable by the student in respect of, or otherwise in connection with, that year.

(4) Where a new system eligible student has applied for a new private institution fee loan of less than the maximum amount available in relation to an academic year, the new system eligible student may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed that maximum.

Accelerated graduate entry fee loan

24B.—(1) A 2012 accelerated graduate entry student qualifies in accordance with this regulation for an accelerated graduate entry fee loan in respect of, or otherwise in connection with, the 2012 accelerated graduate entry student’s attendance on a designated course which is an accelerated graduate entry course.

(2) An accelerated graduate entry fee loan is not available in respect of an academic year which is an Erasmus year.

(3) The amount of an accelerated graduate entry fee loan in respect of an academic year of a designated course which is an accelerated graduate entry course must not exceed the lesser of—

- (a) £5,535; or
- (b) the amount by which the fees payable by the 2012 accelerated graduate entry student exceed £3,465.

(4) Where a 2012 accelerated graduate entry student has applied for an accelerated graduate entry fee loan of less than the maximum amount available in relation to an academic year, the 2012 accelerated graduate entry student may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed that maximum.”.

13. After regulation 25(4) insert—

“(4A) Subject to paragraph 4B, a 2012 accelerated graduate entry student does not qualify for a grant under this Part.

(4B) Paragraph 4A does not apply for the purposes of regulations 26 to 32, to a 2012 accelerated graduate entry student who is undertaking their first year of study on an accelerated graduate entry course.”.

14. In regulation 47(c) for the words “or a 2012 cohort student” substitute, “, a 2012 cohort student or a 2012 accelerated graduate entry student who is undertaking their first year of study”.

15. In regulation 51—

- (a) in the heading, for the words “or 2012 cohort students” substitute “, 2012 cohorts students or 2012 accelerated graduate entry students undertaking their first year of study”; and
- (b) in paragraph (1), for the words “or a 2012 cohort student” substitute “, a 2012 cohort student or a 2012 accelerated graduate entry student who is undertaking their first year of study”.

16. For regulation 65 substitute—

“Payments of grants or loans for fees for old system eligible students

65.—(1) The Welsh Ministers must pay the grant for fees or fee contribution loan for which an old system eligible student qualifies to an academic authority to which the old system eligible student is liable to make payment.

(2) The Welsh Ministers may pay the grant for fees or fee contribution loan in such instalments (if any) and at such times as they consider appropriate.

(3) The Welsh Ministers must not pay the grant for fees or fee contribution loan—

- (a) unless they have received a request for payment from the relevant academic authority; and
- (b) a period of three months beginning with the first day of the academic year has expired.

(4) The Welsh Ministers must pay the grant for fees not later than 10 weeks after the expiry of the period in paragraph (3)(b), or promptly after a request for payment has been received which the Welsh Ministers consider to be a valid request, if that is later.

(5) Where assessment of an old system eligible student’s contribution or other matters have delayed the final calculation of the amount of the grant for fees or fee contribution loan for which the old system eligible student qualifies, the Welsh Ministers may make a provisional assessment and payment.

(6) No payment of the grant for fees or fee contribution loan may be made in respect of a designated course if—

- (a) before the expiry of a period of three months beginning with the first day of the academic year, the old system eligible student ceases to attend or, in the case of a student who is treated as in attendance under regulation 13(3) and 13(4), ceases to undertake the course; and
- (b) the academic authority has determined or agreed that the student will not commence attending, or as the case may be undertaking, the course again in the United Kingdom during the academic year in respect of which the fees are payable, or at all.

(7) Where an old system eligible student ceases to attend or undertake a designated course during the academic year and the academic authority has determined or agreed that the student will not return during that academic year, the academic authority must inform the Welsh Ministers as soon as is practicable of the old system eligible student's departure from the designated course.”.

17. After regulation 65 insert—

“Payment of grants or loans for fees for new system eligible students

65A.—(1) The Welsh Ministers must pay the fee grant, new fee grant or fee loan for which a new system eligible student qualifies to an academic authority to which the new system eligible student is liable to make payment.

(2) The Welsh Ministers may pay the fee grant, new fee grant or fee loan in such instalments (if any) and at such times as they consider appropriate.

(3) The Welsh Ministers must not pay the fee grant, new fee grant or fee loan, or any instalment of the fee grant, new fee grant or fee loan for which a new system eligible student qualifies unless they have received from the relevant academic authority—

- (a) a request for payment; and
- (b) confirmation of the new system eligible student's attendance on the designated course.

(4) In this regulation “confirmation of the new system eligible student's attendance on the designated course” (“*cadarnhad o bresenoldeb y myfyriwr cymwys o dan y drefn newydd ar y cwrs dynodedig*”) means confirmation from the relevant academic authority that the new system eligible student—

- (a) has enrolled on and started attending the designated course, or in the case of a student who is treated as being in attendance under regulation 13(3) and 13(4), started to undertake the designated course, where the confirmation relates to full payment or a first instalment of the fee grant, new fee grant or fee loan; or
- (b) remains enrolled and continues to attend the designated course at the date of the confirmation, or in the case of a student who is treated as being in attendance under regulation 13(3) and 13(4), continues to undertake the designated course at the date of the confirmation, where the confirmation relates to an instalment of the fee grant, new fee grant or fee loan other than the first instalment.

(5) Where assessment of a new system eligible student's application or other matters have delayed the final calculation of the amount of fee grant, new fee grant or fee loan for which the new system eligible student qualifies, the Welsh Ministers may make a provisional assessment and payment.

(6) Where a new system eligible student ceases to attend or undertake a designated course during the academic year and the academic authority has determined or agreed that the student will not return during that academic year, the academic authority must inform the Welsh Ministers as soon as is practicable of the new system eligible student's departure from the designated course."

18.—(1) In regulation 86(1) for "to the appropriate academic authority after a request for payment has been received which the Welsh Ministers consider to be a valid request." substitute the following—

"once they have received from the relevant academic authority—

- (a) a request for payment; and
- (b) confirmation of the eligible distance learning student's attendance on the designated distance learning course."

(2) In regulation 86 after paragraph (3) insert—

"(4) In this regulation "confirmation of the eligible distance learning student's attendance on the designated distance learning course" ("*cadarnhad o bresenoldeb y myfyrwr dysgu o bell cymwys ar y cwrs dysgu o bell dynodedig*") means confirmation from the relevant academic authority that the eligible distance learning student—

- (a) has enrolled on and started undertaking the designated distance learning course, where the confirmation relates to a payment of the entire grant in respect of fees or the first instalment of the grant in respect of fees; or
- (b) remains enrolled and continues to undertake the designated distance learning course at the date of the confirmation, where the confirmation relates to an instalment of the grant in respect of fees other than the first instalment.

(5) Where an eligible distance learning student ceases to undertake a designated distance learning course during the academic year and the academic authority has determined or agreed that the student will not return during that academic year, the academic authority must inform the Welsh Ministers as soon as is practicable of the eligible distance learning student's departure from the designated distance learning course."

19. In the English text, after paragraph 9(3) of Part 2 of Schedule 1 insert—

"(4) For the purposes of this paragraph, a United Kingdom national has exercised a right of residence if that person has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom."

4 January 2012

Leighton Andrews
Minister for Education and Skills, one of the
Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011 (“the Principal Regulations”) provide for financial support for students who are ordinarily resident in Wales and taking designated higher education courses in respect of academic years beginning on or after 1 September 2012.

These Regulations amend the Principal Regulations.

These Regulations introduce a new cohort of student and type of course into the Principal Regulations. A 2012 accelerated graduate entry student is a student who starts an accelerated graduate entry course on or after 1 September 2012. An accelerated graduate entry course is a course for graduate entry students which leads to a qualification as a medical doctor or dentist and does not exceed 4 years in duration.

Regulation 4 amends regulation 4 of the Principal Regulations. This amendment ensures that 2012 accelerated graduate entry students and other students who are paid the universal healthcare bursary are eligible students for the purposes of the Principal Regulations. The universal healthcare bursary is an award of £1,000 paid to students starting healthcare related courses after 1 September 2012.

Regulations 5 and 6 amend regulations 6 and 7 of the Principal Regulations. Regulations 6 and 7 of the Principal Regulations deal with an eligible student’s period of eligibility and previous study for the purposes of the Principal Regulations. These amendments ensure that a 2012 accelerated graduate entry student’s previous undergraduate study is not counted for the purposes of calculating their period of eligibility and does not prevent them accessing limited support under the Principal Regulations.

Regulation 7 amends regulation 10 of the Principal Regulations which makes provision relating to the time limits for submitting applications for support under the Principal Regulations. This amendment extends the time limit in relation to 2012 accelerated graduate entry students who are applying for a separate or additional amount of fee loan under the Principal Regulations.

Regulations 8 to 12 amend Part 4 of the Principal Regulations which deals with the provision of fee support for full-time eligible students. Regulations 8 to 11 make a number of minor amendments which prevent those students studying at private institutions and 2012 accelerated graduate entry students from accessing certain types of fee support under the Principal Regulations.

Regulation 12 inserts new regulations 24A and 24B into the Principal Regulations. Regulation 24A provides for the payment of a new private institution fee loan to eligible students starting courses at private institutions on or after 1 September 2012. Regulation 24B provides for the payment of an accelerated graduate entry fee loan to 2012 accelerated graduate entry students.

Regulations 13 to 15 amend Parts 5 and 6 of the Principal Regulations which deal with the provision of grants and loans for living costs for full-time eligible students. Regulation 13 ensures that certain limited grants for living costs are available to 2012 accelerated graduate entry students in their first year of study. Regulations 14 and 15 make provision for the loans for living costs available to 2012 accelerated graduate entry students. The amendments provide these students with full entitlement to such a loan in their first year of study.

Regulations 16 and 17 amend Part 10 of the Principal Regulations and make new provision on the payment of grants and loans for fees.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 18 amends regulation 86 of the Principal Regulations which deals with the payment of grants for fees in respect of eligible distance learning students.

Regulation 19 makes a minor amendment to the English text of the Principal Regulations.