
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for financial support for students who are ordinarily resident in Wales taking designated higher education courses in respect of the academic year beginning on or after 1 September 2006.

These Regulations revoke the Education (Student Support) Regulations 2005 in so far as they apply in relation to Wales. Regulation 3 sets out the extent of the revocation. Changes of substance made in these Regulations other than rates of grants and loans are described below.

The Regulations introduce a distinction between old system eligible students and new system eligible students (regulation 2(1)) in relation to financial support to students for full-time courses.

Old system eligible students are eligible students attending courses that have started before 1 September 2006 and gap-year students starting courses before 1 September 2007, and certain other categories of student. The following grants and loans are available to old system eligible subject to the specified conditions—

- grant for fees (Part 4);
- fee contribution loan (regulation 16);
- grant for disabled students' living costs (regulation 19);
- grant for students who have left care (regulation 20);
- grant for dependants (regulations 21 to 26);
- grant for travel (regulation 27);
- higher education grant (regulation 28); and
- loans for living costs (Part 7).

A new system eligible student is an eligible student who starts their course on or after 1 September and who is not an old system eligible student. The following grants and loans are available to new system eligible students, subject to the specified conditions—

- fee loans (regulation 17);
- grant for disabled students' living costs (regulation 19);
- grant for students who have left care (regulation 20);
- grant for dependants (regulations 21 to 26);
- grant for travel (regulation 27);
- maintenance grant (regulation 29);
- special support grant (regulation 30); and
- loans for living costs (Part 7).

To qualify for financial support a student must fall within one of the categories listed in Schedule 1 and the eligibility provisions in Part 2. The regulations apply to students ordinarily resident in Wales wherever they study on a designated course. 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 his or her course is considered ordinarily resident in the place from which that person moved (regulation 2(2)).

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

Support is only available under the regulations in respect of designated courses within the meaning of regulations 5, 51 and Schedule 2.

The Regulations introduce new rules on previous study in regulations 6 and 7. Students starting courses on or after 1 September 2006 are eligible for fee support and maintenance grants for the ordinary length of their course plus one additional year. The number of years of support available is reduced by the number of years of previously supported higher education. For students who start their course before 1 September 2006 support will be available for the ordinary length of their course. The National Assembly for Wales will be able to extend eligibility where there are compelling personal reasons for doing so in respect of the student concerned. Maintenance loans are available throughout the period of eligibility, which terminates at the end of the academic year in which the student completes the designated course. Students attending courses for the initial training of teachers lasting less than two years will be exempt from the previous study rules.

Students who have an honours degree qualification from a higher education institution in the UK will not be eligible for support under the regulations, but students undertaking a second degree course which leads to professional qualification as a social worker, medical doctor, dentist, veterinary doctor, architect, landscape architect, landscape designer, town planner or town and country planner will still be eligible for a maintenance loan.

The definition of “end-on course” is amended (regulation 2(1)) so that students going end-on from a foundation degree which started prior to 1 September 2006 (or in academic year 2006/7 for gap year students) to an honours degree will be treated as old system eligible students. Students moving from a degree course to a course for the initial training of teachers (other than a first degree course) on or after 1 September 2006 (with the exception of gap year students) will be considered as new system eligible students when they start their teacher training course.

Part 3 of the Regulations makes provision for applications for support (regulation 9), time limits for applications (regulation 10) and Part 3 and Schedule 3 specify the information that must be provided by applicants.

Part 4 of the regulations makes provision for the grant for fees available to old system eligible students.

Part 5 makes new provision for loans for fees. Regulation 16 provides for a new fee contribution loan not exceeding £1200 per academic year for old system eligible students in respect of their attendance on designated courses. The limit is £600 in the circumstances specified in regulations 13(2). Regulation 17 provides for a fee loan up to maximum of £3,000 per academic year for new system eligible students in respect of fees payable by them in respect of their attendance on designated courses. The limit is £1500 in the circumstances specified in regulation 13(2).

Part 6 makes provision for grants for living costs. Regulation 29 makes provision for a new means-tested maintenance grant for new system eligible students. The maximum grant available for most students is £2,700. The maximum amount of grant available for students on courses of initial teacher training (other than first degrees) whose periods of full-time attendance are in aggregate at least 6 weeks but less than 10 weeks is £1,350. The maintenance grant is means tested as follows—

- Students with household incomes of £17,500 or less will receive the full £2,700 maintenance grant. Students with household incomes above £15,500 will receive a partial grant, with a minimum grant of £50 payable once household income reaches £37,425.
- Trainee teachers will receive a non-means tested element of the maintenance grant regardless of household income. Students on courses for the initial training of teachers (other than first degrees) studying for more than 10 weeks will receive a non-means tested element of £1,200; those studying between 6 and 10 weeks will receive £600.
- Partial grant entitlement will be calculated by applying a taper of £1 for every £6 to household income earned in excess of £17,500 up to £26,499. A second taper of £1 in £9.50 will be applied to household income between £26,500 and £37,425.

Regulation 30 makes for a special support grant for new system eligible students who are also eligible for Income Support and other means tested benefits such as Housing Benefit. The maximum amount of special support grant available is the same as the maximum of maintenance grant available. Students eligible for the special support grant are not eligible for the maintenance grant. The special support grant is not substituted for any part of the maintenance loan.

Part 7 and Part 8 make provision for loans for living costs. New system eligible students eligible for a maintenance grant will also be eligible for a maintenance loan and up to £1,200 of the grant is paid in substitution for an element of the student loan. Maintenance loan entitlement will be reduced by £1 for every £1 of grant payable up to a maximum of £1,200.

Part 9 and Schedule 4 makes provision for financial assessment of students for the calculation of the eligible student's contribution. The contribution is to be applied to specified grants and loans until it is extinguished against the amount of the particular grants and loans for which the student qualifies.

Part 10 makes provision for payment of grants and loans. Regulation 48 introduces a new requirement for the attendance of students to be confirmed by institutions before payment is made. There are exceptions for students who are physically unable to attend. Students undertaking courses, but who are unable to attend a course by reason of disability will be eligible for student support under the Regulations with the exception of the travel grant (regulation 2(7)).

Part 11 makes provision for support for part-time courses.

Part 12 makes provision for postgraduate students with disabilities.

A regulatory appraisal of these Regulations has been prepared and placed on the National Assembly for Wales web-site (www.wales.gov.uk). Copies can be obtained from the Welsh Assembly Government, Student Finance Division, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.