
WELSH STATUTORY INSTRUMENTS

2006 No. 126

**The Assembly Learning Grants and Loans
(Higher Education) (Wales) Regulations 2006**

PART 12

SUPPORT FOR POSTGRADUATE STUDENTS WITH DISABILITIES

Eligible postgraduate students

62.—(1) An eligible postgraduate student qualifies, subject to and in accordance with this Part, for a grant to assist with the additional expenditure he or she is obliged to incur in connection with his or her undertaking a designated postgraduate course by reason of a disability to which he or she is subject.

(2) A person is an eligible postgraduate student in connection with a designated postgraduate course if that person satisfies the conditions in paragraph (3) and is not excluded by paragraph (4).

(3) The conditions referred to in paragraph (2) are—

- (a) the National Assembly has determined in connection with the designated postgraduate course that the person is mentioned in Schedule 1; and
- (b) the National Assembly is satisfied that, by reason of a disability to which the person is subject, he or she will be obliged to incur additional expenditure in respect of his or her undertaking the course.

(4) A person is not an eligible postgraduate student if—

- (a) there has been bestowed on him or her or paid to him or her in relation to his or her undertaking the course—
 - (i) a healthcare bursary;
 - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 1992(1);
 - (iii) any allowance, bursary or award of similar description made by a Research Council;
 - (iv) any allowance, bursary or award of similar description made by his or her institution which includes any payment for the purpose of meeting additional expenditure incurred by the student by reason of his or her disability; or
 - (v) any allowance, bursary or award of similar description made by the General Social Care Council under section 67(4)(a) of the Care Standards Act 2000(2) which includes payment for meeting additional expenditure incurred by the student by reason of his or her disability; or
- (b) he or she is in breach of an obligation to repay any loan;

(1) S.I.1992/580, amended by S.S.I 2002/423 and S.S.I 2003/401.

(2) 2000 c. 14.

- (c) he or she has reached the age of 18 and has not ratified any agreement for a loan made with him or her when he or she was under the age of 18;
 - (d) that person has, in the opinion of the National Assembly, shown himself or herself by his or her conduct to be unfitted to receive support.
- (5) For the purposes of paragraphs (4)(b) and (4)(c), “loan” (“*benthyciad*”) means a loan made under the student loans legislation.
- (6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (4)(c) only applies if the agreement was made—
- (a) before the 25 September 1991; and
 - (b) with the concurrence of the borrower’s curator or at a time when he or she had no curator.
- (7) An eligible postgraduate student does not qualify for a grant under this Part if the only paragraph from 1 to 8 of Schedule 1 into which he or she falls is paragraph 7.
- (8) An eligible postgraduate student does not qualify for a grant under this Part unless he or she is undertaking his or her course in the United Kingdom.
- (9) Notwithstanding paragraph (2), a person is an eligible postgraduate student for the purposes of this Part if he or she satisfies the conditions in paragraphs (10) or (11).
- (10) The conditions in this paragraph are—
- (a) the person qualified as an eligible postgraduate student in connection with an earlier academic year of the present designated postgraduate course pursuant to regulations made under section 22 of the Act and that status has not expired or been terminated;
 - (b) the person was ordinarily resident in Wales on the first day of the academic year of the present designated postgraduate course; and
 - (c) the person’s status as an eligible postgraduate student has not terminated.
- (11) The conditions are—
- (a) the National Assembly has previously determined that the person is an eligible postgraduate student in connection with a designated postgraduate course other than the present designated postgraduate course;
 - (b) the student’s status as an eligible postgraduate student in connection with the course in sub-paragraph (a) has been transferred from that course to the present course as a result of one or more transfers in accordance with regulations made under section 22 of the Act;
 - (c) the person was ordinarily resident in Wales on the first day of the academic year of the course in sub-paragraph (a); and
 - (d) the person’s status as an eligible postgraduate student has not terminated.
- (12) An eligible postgraduate student does not, at any one time, qualify for support for—
- (a) more than one designated postgraduate course;
 - (b) a designated postgraduate course and a designated course;
 - (c) a designated postgraduate course and a designated part-time course.

Designated postgraduate courses

63. A postgraduate course is designated for the purposes of section 22(1) of the Act and regulation 62 if—

- (a) it is a course entry for which a first degree (or equivalent qualification) or higher is normally required;
- (b) it is a course—

- (i) of at least one academic year's duration; and
 - (ii) in the case of a part-time course, the duration of which does not exceed twice the period normally required to complete a full-time course leading to the same qualification;
 - (c) it is wholly provided by a publicly-funded educational institution or institutions in the United Kingdom or is provided by such an institution or institutions in conjunction with an institution or institutions outside the United Kingdom; and
 - (d) it is not a course for the initial training of teachers.
- (2) For the purposes of paragraph (1)—
- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not it has entered an agreement with the student to provide the course;
 - (b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and
 - (c) an institution is not regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(3).
- (3) For the purposes of section 22 of the Act and regulation 62, the National Assembly may designate courses of higher education which are not designated under paragraph (1).

Period of eligibility

64.—(1) An eligible postgraduate student retains his or her status as an eligible postgraduate student for the duration of the period of eligibility.

(2) Subject to the following paragraphs, the “period of eligibility” (“*cyfnod cymhwysra*”) in paragraph (1) is equal to the period ordinarily required for the completion of the designated postgraduate course.

(3) The National Assembly may, at any time, renew or extend the period of eligibility for such further period as it determines.

(4) The period of eligibility terminates when the eligible postgraduate student—

- (a) withdraws from his or her designated postgraduate course in circumstances where the National Assembly has not transferred or will not transfer his or her status as an eligible postgraduate student to another course under regulation 65; or
- (b) abandons or is expelled from his or her designated postgraduate course.

(5) The National Assembly may terminate the period of eligibility where the eligible postgraduate student has shown himself or herself by his or her conduct to be unfitted to receive support.

(6) If the National Assembly is satisfied that an eligible postgraduate student has failed to comply with any requirement to provide information under this Part or has provided information which is inaccurate in a material particular, the National Assembly may take such of the following actions as it considers appropriate in the circumstances—

- (a) terminate the period of eligibility;
- (b) determine that the student no longer qualifies for a grant or any particular amount of grant;
- (c) treat any support paid to the student as an overpayment which may be recovered under regulation 70.

(3) 1992 c. 13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 27.

Transfer of status

65.—(1) Where an eligible postgraduate student transfers to another postgraduate course, the National Assembly must transfer the student’s status as an eligible postgraduate student to that course where—

- (a) it receives a request from the eligible postgraduate student to do so;
 - (b) it is satisfied that one or more of the grounds for transfer in paragraph (2) applies; and
 - (c) the period of eligibility has not expired or been terminated.
- (2) The grounds for transfer referred to in paragraph (1) are—
- (a) on the recommendation of the academic authority the eligible postgraduate student starts to undertake another designated postgraduate course at the institution; or
 - (b) the eligible postgraduate student starts to undertake a designated postgraduate course at another institution with the consent of the academic authority of that institution.

(3) Subject to paragraph (4), an eligible postgraduate student who transfers under paragraph (1) shall, for the remainder of the academic year in which he or she transfers, continue to receive in connection with the course to which he or she transfers the support for which the National Assembly has determined he or she qualifies in respect of the course from which he or she transfers.

(4) The National Assembly may re-assess the support after the transfer in accordance with this Part.

Applications for support

66.—(1) A person (the “applicant”) must apply for a grant under this Part in connection with each academic year of a designated postgraduate course by completing and submitting to the National Assembly an application in such form and accompanied by such documentation as the National Assembly may require.

(2) The application must reach the National Assembly as soon as is reasonably practicable.

(3) The National Assembly may take such steps and make such inquiries as it considers necessary to determine whether the applicant is an eligible postgraduate student, whether he or she qualifies for a grant and the amount of grant payable, if any.

(4) The National Assembly must notify the applicant of whether or not he or she qualifies for a grant and, if he or she does qualify, the amount payable in respect of the academic year, if any.

Information

67. Schedule 3 applies to the provision of information.

Amount of grants

68. The grant under this Part is such amount as the National Assembly considers appropriate, not exceeding £5,780 in respect of an academic year.

Payment of grants

69.—(1) The National Assembly must pay the grant for which a student qualifies under this Part and in such instalments (if any) and at such times as it considers appropriate and in the exercise of its functions under this paragraph it may make provisional payments pending the final calculation of the amount of grant for which the student qualifies.

(2) Payments may be made in such manner as the National Assembly considers appropriate and it may make it a condition of entitlement to payment that the eligible postgraduate student must

provide it with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

Overpayments

70.—(1) An eligible postgraduate student must, if so required by the National Assembly, repay any amount paid to the student under this Part which for whatever reason exceeds the amount of grant to which he or she is entitled under this Part.

(2) Any overpayment of grant under this Part may be recovered in whichever one or more of the following ways the National Assembly considers appropriate in all the circumstances—

- (a) by subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made under section 22 of the Act;
- (b) by taking such other action for the recovery of an overpayment as is available to it.