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WELSH STATUTORY INSTRUMENTS

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**2008 No. 1273**

**The Assembly Learning Grants and Loans  
(Higher Education) (Wales) Regulations 2008**

**PART 4**

**GRANTS AND LOANS FOR FEES**

**CHAPTER 1**

**GENERAL PROVISION**

**Fee Support Generally**

**12.**—(1) Support under this Part in respect of an academic year may not exceed the fees payable by the student in respect of that academic year.

(2) To receive a loan under these Regulations the student must enter into a contract with the Welsh Ministers on terms to be decided by the Welsh Ministers.

(3) For the purposes of calculating the amount of fee support under this Part, an institution that provides courses designated by regulation 4 of the Education (Student Support) (Dance and Drama) Regulations 1999<sup>(1)</sup> is not to be 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<sup>(2)</sup>.

(4) A student to whom paragraph (5) applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for fee support.

(5) This paragraph applies to—

(a) a compressed degree student;

(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.

**Students becoming eligible during the course of an academic year**

**13.** Where any of the events listed in regulation 14 occurs in the course of an academic year —

(a) a student may qualify for grants and loans under this Part in respect of that academic year provided that the relevant event occurred within the first three months of the academic year; and

(b) such grants and loans are not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

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(1) S.I.1999/2263, amended by S.I. 2001/2893.

(2) 1992 c. 13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 27.

## Events

14. The events are —

- (a) the student's course becomes a designated course;
- (b) the student, his or her spouse, his or her civil partner or his or her parent is recognised as a refugee or becomes a person with leave to enter or remain;
- (c) a state accedes to the European Community where the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;
- (d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EC national;
- (e) the student acquires the right of permanent residence;
- (f) the student becomes the child of a Turkish worker;
- (g) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- (h) the student becomes the child of a Swiss national.

## CHAPTER 2

### GRANTS FOR FEES

#### **Grants for fees: qualifying conditions for old system eligible students**

15.—(1) This regulation applies to an old system eligible student who began a designated course before 1 September 2006 and is continuing on that course after 31 August 2008 (a “continuing student”).

(2) Subject to paragraph (5) and regulations 6 and 7, an old system eligible student qualifies in accordance with this regulation for a grant in respect of the fees for an academic year payable by the student in respect of, or otherwise in connection with, the student's attendance on a designated course.

(3) The amount of the grant for fees in respect of an academic year is determined in accordance with regulation 16 or 17.

(4) A continuing student does not qualify for support in respect of an academic year of a designated course if —

- (a) that year is bursary year or an Erasmus year; or
- (b) the designated course is a flexible postgraduate ITT course.

(5) A continuing student does not qualify for a grant for fees in respect of any academic year of the course that begins on or after 1 September 2008 where in the course of assessing an application for support in respect of an academic year of the designated course that began before 1 September 2006 the Welsh Ministers determined in accordance with regulations made by them under section 22 of the Act that the student did not qualify for fee support in respect of the designated course.

#### **Amount of grants for fees at a publicly funded institution and at a private institution on behalf of a publicly funded institution: old system eligible students**

16.—(1) Unless one of the following cases set out in paragraph (4) applies, the amount of the grant for fees for an old system eligible student in respect of an academic year of a designated course at a publicly-funded institution is the lesser of—

- (a) £1,255; and
- (b) the fees payable by the student in connection with that year.

(2) The basic amount of the grant for fees for an old system eligible student in respect of an academic year in the cases in paragraph (4) is the lesser of—

- (a) £625; and
- (b) the fees payable by the student in connection with that year.

(3) Where a contribution exceeding nil is calculated under Schedule 5, a deduction will be made from the grant for fees determined under paragraph (1) or (2) in accordance with regulation 54.

(4) The cases are —

- (a) the final year of the course where that year is ordinarily required to be completed after less than 15 weeks' attendance;
- (b) in respect of a sandwich course, an academic year —
  - (i) during which any periods of full-time study are in aggregate less than 10 weeks; or
  - (ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution (disregarding intervening vacations) exceeds 30 weeks;
- (c) in respect of a course for the initial training of teachers (including a course leading to a first degree), an academic year during which any periods of full-time study are in aggregate less than 10 weeks;
- (d) in respect of a course provided in conjunction with an overseas institution, an academic year—
  - (i) during which the periods of full-time study at the institution in the United Kingdom are in aggregate less than 10 weeks; or
  - (ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks.

(5) In the case of a designated course at Heythrop College, the amount of the grant for fees in respect of an academic year is £2,245.

(6) In the case of a designated course at Guildhall School of Music and Drama, the amount of the grant for fees in respect of an academic year is £4,565.

(7) The basic amount of the grant for fees in respect of an academic year at a private institution providing a designated course on behalf of a public institution is the lesser of £1,175 and the fees payable by the student in connection with that year if—

- (a) the designated course began on or after 1 September 2001;
- (b) the designated course is provided on behalf of a publicly-funded institution; and
- (c) none of the circumstances in regulation 16(4) applies.

(8) The amount of the grant for fees in respect of an academic year at a private institution providing a designated course on behalf of a public institution is the lesser of £625 and the fees payable by the student in connection with that year if—

- (a) the designated course began on or after 1 September 2001;
- (b) the designated course is provided on behalf of a publicly-funded institution; and
- (c) one or more of the circumstances in regulation 16(4) applies.

(9) Where a contribution exceeding nil is calculated under Schedule 5, a deduction will be made from the amount of the grant for fees determined under paragraph (1) or (2) in accordance with regulation 54.

### **Amount of the grant for fees at a private institution: old system eligible students**

17.—(1) Subject to paragraph (2), the amount of the grant for fees in respect of an academic year of a designated course at a private institution is the lesser of—

- (a) £1,175; and
- (b) the fees payable by the student in connection with that year.

(2) In the case of a designated course at the University of Buckingham, the amount of the grant for fees in respect of an academic year is £2,975.

### **New fee grant**

18.—(1) Subject to paragraph (2), a student who qualifies for a new fee grant may apply under this regulation for a new fee grant of an amount not exceeding the maximum available (in accordance with paragraph (3) or (4), as the case may be) in respect of, or otherwise in connection with, his or her attendance on a qualifying designated course.

(2) A new fee grant is not available in respect of an academic year if —

- (a) that year is a bursary year or an Erasmus year; or
- (b) the designated course is an old flexible postgraduate ITT course.

(3) The maximum amount of grant available under this regulation to an applicant in respect of an academic year of a qualifying designated course where none of the circumstances in regulation 16(4) applies is £1,890 or the amount by which the fees payable by him or her exceed £1,255, whichever is the lesser.

(4) The maximum amount of grant available in respect of such an academic year under this regulation to an applicant where one of the circumstances in regulation 16(4) applies is £945 or the amount by which the fees payable by him or her exceed £625, whichever is the lesser.

(5) In these Regulations, “student who qualifies for a new fee grant” (*“myfyriwr sydd â hawl i gael grant newydd at ffioedd”*), in relation to a qualifying designated course, means a new system eligible student who is a person whom the Welsh Ministers have determined in connection with the designated course falls within one of the categories set out in Part 2 of Schedule 1.

(6) In these Regulations, a student mentioned in paragraph (5) does not qualify for a new fee grant if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.

(7) In these Regulations, “qualifying designated course” (*“cwrs dynodedig cymhwysol”*), in relation to a student who qualifies for a new fee grant, means a designated course provided by a publicly-funded institution in Wales.

## **CHAPTER 3**

### **LOANS FOR FEES**

#### **General qualifying conditions for loans for fees**

19.—(1) An eligible student qualifies for a loan for fees in connection with the student’s attendance on a designated course under this Part provided that the student is not excluded from qualification by the following paragraph, regulation 6 or regulation 7.

(2) An eligible student does not qualify for a loan for fees in respect of an academic year if—

- (a) that year is a bursary year or an Erasmus year; or
- (b) the designated course is an old flexible postgraduate ITT course.

### **Fee contribution loans (for old system eligible students)**

**20.**—(1) An old system eligible student qualifies for a fee contribution loan in respect of an academic year of a designated course if—

- (a) he or she qualifies for a grant for fees in respect of that year or would have qualified if he or she had applied for the grant (even if the amount would have been nil); and
- (b) the designated course is provided by or on behalf of an institution that was publicly funded as at 1 August 2005.

(2) Where an old system eligible student applies for a grant for fees and a fee contribution loan, the amount of the fee contribution loan in respect of an academic year of the designated course is the amount for which the student applies not exceeding the amount deducted from his or her grant for fees in accordance with regulation 54.

(3) Where the only fee support for which an old system eligible student applies is a fee contribution loan, the amount of that loan in respect of an academic year of the designated course is the amount for which the student applies not exceeding £1,255 or, if any of the circumstances in regulation 16(4) apply, £625.

(4) An old system eligible student may apply to borrow an additional amount of fee contribution loan where —

- (a) the Welsh Ministers determine that the maximum amount of fee contribution loan which has been notified to the student in relation to an academic year should be increased (including an increase from nil) as a result of a reassessment of the student’s contribution or otherwise; and
- (b) the Welsh Ministers consider that the increase in the maximum amount does not result from the old system eligible student —
  - (i) failing to provide information promptly which might affect his or her ability to qualify for a fee contribution loan for which he or she qualifies; or
  - (ii) providing information which is inaccurate in any material particular.

(5) The additional amount in paragraph (4) is an amount which when added to the amount already applied for does not exceed the increased maximum.

(6) Where an old system eligible student has applied for a fee contribution loan of less than the maximum amount to which he or she is entitled in relation to the academic year, he or she may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the relevant maximum applicable in his or her case.

### **Fee loans: new system eligible students not qualifying for new fee grant**

**21.**—(1) Subject to paragraph (9), a new system eligible student qualifies in accordance with this regulation for a loan in respect of the fees payable by him or her in respect of, or otherwise in connection with his or her attendance on a designated course.

(2) The amount of a fee loan in respect of an academic year of a designated course must not exceed the lesser of —

- (a) £3,145 or, where one of the circumstances in paragraph 16(4) applies, £1,570; and
- (b) the fees payable by the student in respect of, or otherwise in connection with, that year.

(3) If the student’s status as an eligible student is transferred from one designated course to another under these Regulations and one of the circumstances in paragraph (4) applies, the student may borrow an additional amount by way of fee loan in respect of the academic year of the course to which he or she transfers.

(4) The circumstances are —

- (a) the fees payable in respect of the academic year of the course to which the new system eligible student transfers exceed the fees payable in respect of the academic year of the course from which the student has transferred; and
- (b) the academic year of the course to which the new system eligible student transfers does not begin on a later date than the academic year of the course from which he or she has transferred.

(5) Where paragraph (4)(a) applies, the additional amount that the new system eligible student may borrow in respect of the academic year to which he or she transfers must not exceed an amount equal to the fees payable by him or her in respect of that academic year less the amount of any fee loan he or she has taken out in respect of the academic year from which he or she has transferred.

(6) Where paragraph (4)(b) applies, the additional amount that the new system eligible student may borrow in respect of the academic year to which he or she transfers must not exceed the lesser of —

- (a) £3,145 or, where one of the circumstances in regulation 16(4) applies, £1,570; and
- (b) the fees payable by the student in respect of, or otherwise in connection with, that year.

(7) Where a new system eligible student has applied for a fee loan of less than the maximum amount available in relation to an academic year, he or she may apply to borrow an additional amount which when added to the amount already applied for does not exceed the relevant maximum applicable in his or her case.

(8) This regulation does not apply in relation to a student if he or she qualifies for a new fee grant and the course is a qualifying designated course.

### **Fee loans: Students qualifying for new fee grant**

**22.—**(1) A student who qualifies for a new fee grant may apply under this regulation for a loan in respect of his or her attendance on the qualifying designated course.

(2) The maximum amount of loan available under this regulation is the lesser of —

- (a) £1,255 or, where any of the circumstances in regulation 16(4) apply, £625; and
- (b) the remainder of the fees payable by the student less an amount equal to the new fee grant in respect of or otherwise in connection with that year.

(3) Where the student has applied for a fee loan of less than the maximum amount available in relation to an academic year, he or she may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed that maximum.

(4) If the student's status as an eligible student is transferred from a qualifying designated course to another qualifying designated course under these Regulations and one of the circumstances in paragraph (5) applies, the student may borrow an additional amount by way of fee loan in respect of the academic year of the course to which he or she transfers.

(5) The circumstances are —

- (a) the fees payable in respect of the academic year of the course to which the eligible student transfers exceed the fees payable in respect of the academic year of the course from which the student has transferred; and
- (b) the academic year of the course to which the eligible student transfers does not begin on a later date than the academic year of the course from which he or she has transferred.

(6) Where paragraph (5) (a) applies, the additional amount that the eligible student may borrow in respect of the academic year to which he or she transfers must not exceed an amount equal to the fees payable by him or her in respect of that academic year less the amount of any fee loan he or she has taken out and/or any new fee grant that he or she has received in respect of the academic year from which he or she has transferred.

(7) Where paragraph (5)(b) applies, the additional amount that the eligible student may borrow in respect of the academic year to which he or she transfers must not exceed the lesser of —

- (a) £3,145 or, where one of the circumstances in regulation 16(4) applies, £1,570; and
- (b) the remainder of fees payable by the student less an amount equal to the new fee grant in respect of, or otherwise in connection with, that year.