
WELSH STATUTORY INSTRUMENTS

2009 No. 2737

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

PART 10

PAYMENTS

Payment of grants or loans for fees

61.—(1) The Welsh Ministers must not pay the grant or loan for fees for which a student qualifies unless they have received a request for payment from the relevant academic authority and in the case of a loan for fees, the Welsh Ministers must not pay the loan before a period of three months beginning with the first day of the academic year has expired.

(2) The Welsh Ministers must pay the loan for fees for which a student qualifies to an academic authority to which the student is liable to make payment.

(3) The Welsh Ministers must pay the grant for fees to the academic authority—

- (a) not before the expiry of a period of three months beginning with the first day of the academic year; and
- (b) not later than 10 weeks after the expiry of the period in sub-paragraph (a), or promptly after a valid request for payment has been received, if that is later.

(4) Where assessment of the student's contribution or other matters has delayed the final calculation of the amount of grant for which the student qualifies, the Welsh Ministers may make a provisional assessment and payment.

(5) The Welsh Ministers may pay the fee loan in instalments.

(6) Where assessment of an old system eligible student's contribution or other matters have delayed the final calculation of the amount of fee contribution loan for which the student qualifies under regulation 21, the Welsh Ministers may make a provisional assessment and payment.

(7) No payment of the grant or loan for fees 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 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), 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 in the United Kingdom, the course again during the academic year in respect of which the fees are payable or at all.

Payment of grants for living costs

62.—(1) Subject to the following paragraphs, the Welsh Ministers may pay support under Part 5 in such instalments (if any) and at such times as they consider appropriate.

(2) An academic authority is required to send an attendance confirmation to the Welsh Ministers.

(3) The Welsh Ministers must not pay the first instalment or, where it has been determined not to pay support under Part 5 by instalments, make any payment of support under that Part to an eligible student before they have received an attendance confirmation unless an exception applies.

(4) An exception applies if—

- (a) a grant for disabled students' living costs is payable in which case that particular grant may be paid before the Welsh Ministers have received an attendance confirmation; or
- (b) the Welsh Ministers have determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.

(5) Where a final assessment cannot be made on the basis of the information provided by the student, the Welsh Ministers may make a provisional assessment and payment of support under Part 5.

(6) Payments of support under Part 5 are to be made in such manner as the Welsh Ministers consider appropriate and they may make it a condition of entitlement to payment that the eligible student must provide them with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(7) Subject to paragraph (8), no support under Part 5 is due in respect of any day of an academic year on which the eligible student is a prisoner, unless in the opinion of the Welsh Ministers it would be appropriate in all the circumstances for support to be paid in respect of that day.

(8) Paragraph (7) does not apply in respect of grants for disabled students' living costs.

(9) In deciding whether it would be appropriate for support to be due under paragraph (7) the circumstances to which the Welsh Ministers must have regard include the financial hardship not paying the support would cause and whether not paying the support would affect the student's ability to continue the course.

(10) No support under Part 5 is due in respect of any payment period beginning after an eligible student's period of eligibility terminates.

(11) Where an eligible student's period of eligibility terminates on or after the relevant date, the Welsh Ministers must determine—

- (a) the amount of each grant for living costs for which the student qualifies that would be payable in respect of the relevant payment period if the eligible student's period of eligibility had not terminated (the "full amount"); and
- (b) how much of the full amount is due in respect of the period which runs from the first day of the relevant payment period up to and including the day on which the eligible student's period of eligibility terminated (the "partial amount").

(12) In this regulation, the "relevant date" ("*y dyddiad perthnasol*") is the date on which the first term of the academic year in question actually begins.

(13) If the Welsh Ministers have made a payment of grant for living costs in respect of the relevant payment period before the point in that period at which the eligible student's period of eligibility terminated and that payment exceeds the partial amount of that grant—

- (a) they may treat the excess as an overpayment of that grant; or
- (b) if they consider that it is appropriate to do so they may extend the student's period of eligibility in respect of that grant until the end of the relevant payment period and determine that the full amount of the grant is due in respect of that payment period.

(14) Subject to paragraph (15), if a payment of a grant for living costs in respect of the relevant payment period is due to be made or is made after the eligible student's period of eligibility has terminated, the amount of that grant due is the partial amount unless the Welsh Ministers consider it appropriate to extend the period of eligibility in respect of that grant until the end of the relevant

payment period and to determine that the full amount of that grant is due in respect of that payment period.

(15) Paragraph (14) does not apply to a payment of grant for disabled students' living costs in respect of specialist equipment.

(16) No support under Part 5 is due in respect of a payment period during any part of which an eligible student is absent from his or her course, unless in the opinion of the Welsh Ministers it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.

(17) In deciding whether it would be appropriate for support to be due under paragraph (16) the circumstances to which the Welsh Ministers must have regard include the reason for the student's absence, the length of the absence and the financial hardship which not paying the support would cause.

(18) An eligible student is not to be considered absent from his or her course if he or she is unable to attend due to illness and his or her absence has not exceeded 60 days.

(19) Where, after the Welsh Ministers have made any payment of support under Part 5 or Part 6, they make a determination of the amount of a grant for living costs for which the student qualifies either for the first time or by way of revision of a provisional or other determination of that amount—

- (a) if the determination increases the amount of that grant for which the student qualifies they must pay the additional amount in such instalments (if any) and at such times as they consider appropriate;
- (b) if the determination decreases the amount of that grant for which the student qualifies they must subtract the amount of the decrease from the amount of that grant which remains to be paid;
- (c) if the amount of the decrease is greater than the amount of that grant remaining to be paid the latter amount is reduced to nil and the balance subtracted from any other grant for living costs for which the student qualifies in respect of the academic year;
- (d) any remaining overpayment is recoverable in accordance with regulation 66.

Provision of United Kingdom national insurance number

63.—(1) The Welsh Ministers may make it a condition of entitlement to payment of any loan that an eligible student must provide them with his or her United Kingdom national insurance number.

(2) Where the Welsh Ministers have imposed a condition under paragraph (1), they must not make any payment of the loan to the eligible student before they are satisfied that the student has complied with that condition.

(3) Despite paragraph (2), the Welsh Ministers may make a payment of loan to an eligible student if they are satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible student having complied with the condition imposed under paragraph (1).

Information requirements

64.—(1) The Welsh Ministers may at any time request from an applicant or an eligible student information that they consider is required to recover a loan.

(2) The Welsh Ministers may at any time request from an applicant or an eligible student sight of his or her valid national identity card, his or her valid passport issued by the state of which he or she is a national or his or her birth certificate.

(3) Where the Welsh Ministers have requested information under this regulation, they may withhold any payment of a loan until the applicant or eligible student provides what has been requested or provides a satisfactory explanation for not complying with the request.

(4) The Welsh Ministers may at any time require an applicant or an eligible student to enter into an agreement to repay a loan by a particular method.

(5) Where the Welsh Ministers have requested an agreement as to the method of repayment under this regulation, the Welsh Ministers may withhold any payment of a loan until the applicant or eligible student provides what has been requested.

Payment of loans for living costs

65.—(1) The Welsh Ministers may pay support under Part 6 in instalments.

(2) Subject to paragraph (3), the Welsh Ministers may pay support under Part 6 at such times as they consider appropriate.

(3) An academic authority is required to send an attendance confirmation to the Welsh Ministers.

(4) The Welsh Ministers must not pay the first instalment, or where they have determined not to pay support under Part 6 by instalments, make any payment of support under Part 6 to the eligible student before they have received an attendance confirmation from the relevant academic authority unless an exception applies.

(5) An exception applies if the Welsh Ministers have determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.

(6) Where a final assessment cannot be made on the basis of the information provided by the student, the Welsh Ministers may make a provisional assessment and payment of support under Part 6.

(7) Payments of support under Part 6 are to be made in such manner as the Welsh Ministers consider appropriate and they may make it a condition of entitlement to payment that the eligible student must provide them with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(8) Where the Welsh Ministers have made any payment of support under Part 5 or Part 6 and a student who qualifies for a loan for living costs under Part 6 applies for such a loan or applies for an additional amount of loan for living costs in respect of an academic year, the Welsh Ministers may pay that loan or that additional amount of loan in such instalments (if any) and at such times as they consider appropriate as soon as is reasonably practicable after a satisfactory application has been received.

(9) Subject to paragraph (10), no support under Part 6 is due in respect of any day of an academic year on which the eligible student is a prisoner, unless in the opinion of the Welsh Ministers it would be appropriate in all the circumstances for support to be paid in respect of that day.

(10) In deciding whether it would be appropriate for support to be due under paragraph (9) the circumstances to which the Welsh Ministers must have regard include the financial hardship which not paying the support would cause and whether not paying the support would affect the student's ability to continue the course.

(11) No support under Part 6 is payable in respect of any payment period beginning after an eligible student's period of eligibility terminates.

(12) No support under Part 6 is due in respect of a payment period during part of which an eligible student is absent from his or her course, unless in the opinion of the Welsh Ministers it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.

(13) In deciding whether it would be appropriate for support to be due under paragraph (12) the circumstances to which the Welsh Ministers must have regard include the reasons for the student's absence, the length of absence and the financial hardship which not paying the student would cause.

(14) An eligible student is not to be considered absent from his or her course if he or she is unable to attend due to illness and his or her absence has not exceeded 60 days.

(15) Where, after the Welsh Ministers have made any payment of loan for living costs for which a student qualifies in respect of an academic year under Part 6, they make a determination that the amount of loan for living costs for which the student qualifies is less than the amount previously determined either by way of a revision of a provisional assessment or otherwise—

- (a) they must subtract such amount as is necessary to ensure that the student does not borrow an amount of loan for living costs which is greater than that for which he or she qualifies from any amount of loan for living costs which remains to be paid;
- (b) if the amount to be subtracted is greater than the amount of loan for living costs remaining to be paid, the latter is reduced to nil;
- (c) any remaining overpayment is recoverable in accordance with regulation 66.

Overpayments

66.—(1) Any overpayment of a grant or loan for fees may be recovered by the Welsh Ministers from the academic authority.

(2) An eligible student must, if so required by the Welsh Ministers, repay any amount paid to the student under Part 5 or 6 which for whatever reason exceeds the amount of support to which the student is entitled under Part 5 or 6.

(3) The Welsh Ministers must recover an overpayment of any grant for living costs unless they consider it is not appropriate to do so.

(4) A payment of any grant for living costs made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the Welsh Ministers decide otherwise.

(5) In the circumstances in paragraph (6) or (7), there is an overpayment of the grant for disabled students' living costs unless the Welsh Ministers decide otherwise.

(6) The circumstances are—

- (a) the Welsh Ministers apply all or part of the grant for disabled students' living costs to the purchase of specialist equipment on behalf of the eligible student;
- (b) the student's period of eligibility terminates after the relevant date; and
- (c) the equipment has not been delivered to the student before his or her period of eligibility terminates.

(7) The circumstances are—

- (a) the eligible student's period of eligibility terminates after the relevant date; and
- (b) a payment of the grant for disabled students' living costs in respect of specialist equipment is made to the student after the student's period of eligibility terminated.

(8) Where there is an overpayment of the grant for disabled students' living costs, the Welsh Ministers may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if they consider it is appropriate to do so.

(9) Any overpayment of any grant under Part 5 may be recovered in whichever one or more of the following ways the Welsh Ministers consider 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 by the Welsh Ministers under section 22 of the Act;
- (b) by taking such other action for the recovery of an overpayment as is available to them.

(10) Any overpayment of a loan for living costs in respect of any academic year may be recovered if in the opinion of the Welsh Ministers—

- (a) the overpayment is a result of a failure of the student to provide promptly information which might affect whether he or she qualifies for a loan or the amount of loan for which he or she qualifies;
- (b) any information which the student has provided is inaccurate in a material particular; or
- (c) the student has failed to provide information which the Welsh Ministers consider to be material in the context of the recovery of the loan.

(11) Where an overpayment of a loan for living costs is recoverable in accordance with paragraph (10), it may be recovered in whichever one or more of the following ways the Welsh Ministers consider appropriate in all the circumstances—

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

(12) Where there has been an overpayment of a loan for living costs which is not recoverable under paragraph (10), the Welsh Ministers may subtract the overpayment from the amount of any loan payable to the student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the Act.

(13) In this regulation “the relevant date” (“*y dyddiad perthnasol*”) is the date on which the first term of the academic year in question actually begins.

Payments — interpretation

67.—(1) In this Part—

- (a) “attendance confirmation” (“*cadarnhad o bresenoldeb*”) means—
 - (i) confirmation from the academic authority that the student has enrolled for the academic year where—
 - (aa) the student is applying for support in connection with a designated course for the first time;
 - (bb) the student has a disability; and
 - (cc) the student is undertaking the course but not attending (regardless of whether the reason for not attending relates to his or her disability);
 - (ii) confirmation from the academic authority that the student has presented himself or herself at the institution and begun to attend the course where—
 - (aa) the student is applying for support in connection with a designated course for the first time;
 - (bb) the student has not had his or her status as an eligible student transferred to the course from another designated course at the same institution; and
 - (cc) sub-paragraph (i)(cc) does not apply;
 - (iii) confirmation from the academic authority that the student has enrolled for the academic year where—
 - (aa) the student is applying for support in connection with a designated course other than for the first time; or

- (bb) the student is applying for support in connection with a designated course for the first time after having his or her status as an eligible student transferred to that course from another course at the same institution;
- (b) “payment period” (“*cyfnod talu*”) means a period in respect of which the Welsh Ministers pay the relevant support under Part 5 or Part 6 or would have paid such support if the eligible student’s period of eligibility had not terminated.