
WELSH STATUTORY INSTRUMENTS

2009 No. 2737

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

PART 11

SUPPORT FOR FULL-TIME DISTANCE LEARNING COURSES

Eligible distance learning students

68.—(1) An eligible distance learning student qualifies for support in connection with his or her undertaking a designated distance learning course subject to and in accordance with this Part.

(2) Subject to paragraph (3), a person is an eligible distance learning student in connection with a designated distance learning course if in assessing his or her application for support the Welsh Ministers determine that the person falls within one of the categories set out in Part 2 of Schedule 1.

(3) A person is not an eligible distance learning student if—

- (a) subject to paragraph (4), there has been bestowed on him or her or paid to him or her in connection with the distance learning course—
 - (i) a healthcare bursary whether or not the amount of such bursary is calculated by reference to his or her income;
 - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007⁽¹⁾; or
 - (iii) a Scottish healthcare allowance whether or not the amount of such allowance is calculated by reference to his or her income;
- (b) he or she is in breach of any obligation to repay any loan;
- (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) he or she has, in the opinion of the Welsh Ministers, shown himself or herself by his or her conduct to be unfitted to receive support; or
- (e) subject to paragraph (5), he or she is a prisoner.

(4) Paragraph (3)(a) does not apply if—

- (a) the person applying for support is a disabled student; and
- (b) there has been bestowed on him or her or paid to him or her in connection with the distance learning course—
 - (i) a healthcare bursary the amount of which is calculated by reference to his or her income; or
 - (ii) a Scottish Healthcare Allowance whether or not the amount of such allowance is calculated by reference to his or her income.

⁽¹⁾ S.S.I. 2007/151, amended by S.S.I. 2007/503.

(5) Paragraph (3)(e) does not apply in respect of an academic year during which the student enters prison to serve a custodial sentence or is released from prison having served such a sentence.

(6) For the purposes of paragraphs (3)(b) and (3)(c), “loan” (“*benthyciad*”) means a loan made under the student loans legislation.

(7) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (3)(c) only applies if the agreement was made—

- (a) before 25 September 1991; and
- (b) with the concurrence of the borrower’s curator or at a time when he or she had no curator.

(8) Subject to paragraphs (11) to (13), a person is an eligible distance learning student for the purposes of this Part if he or she satisfies the conditions in paragraph (9) or (10).

(9) The conditions in this paragraph are—

- (a) the person qualified as an eligible distance learning student in connection with an earlier academic year of the present designated distance learning course pursuant to regulations made by the Welsh Ministers under section 22 of the Act;
- (b) the person was ordinarily resident in Wales on the first day of the present designated distance learning course; and
- (c) the person’s status as an eligible distance learning student has not terminated.

(10) The conditions in this paragraph are—

- (a) the Welsh Ministers have previously determined that the person is—
 - (i) an eligible student in connection with a designated course;
 - (ii) an eligible distance learning student in connection with a designated distance learning course other than the present distance learning course; or
 - (iii) an eligible part-time student in connection with a designated part-time course;
- (b) the person’s status as an eligible student, eligible distance learning student or as an eligible part-time student in connection with the course referred to in sub-paragraph (a) has been converted or transferred from that course to the present designated distance learning course as a result of one or more conversions or transfers in accordance with regulations made by the Welsh Ministers under section 22 of the Act;
- (c) the person was ordinarily resident in Wales on the first day of the first academic year of the course referred to in sub-paragraph (a); and
- (d) the person’s status as an eligible distance learning student has not terminated.

(11) Where—

- (a) the Welsh Ministers determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person (“A”) was an eligible distance learning student in connection with an application for support for an earlier year of the present distance learning course or an application for support in connection with a designated course, designated part-time course or other designated distance learning course from which his or her status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the present distance learning course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the refugee status of A or of his or her spouse, civil partner, parent or step-parent, as the case may be, has expired and no further leave to remain has been granted and no appeal is

pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002⁽²⁾),

A's status as an eligible distance learning student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.

(12) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person with leave to enter or remain or the spouse, civil partner, child or step-child of such a person, a person ("A") was an eligible distance learning student in connection with an application for support for an earlier year of the present distance learning course or an application for support in connection with a designated course, designated part-time course or other designated distance learning course from which his or her status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the present distance learning course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person with leave to enter or remain is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible distance learning student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.

(13) Paragraphs (11) and (12) do not apply where the student began the course in connection with which the Welsh Ministers determined that he or she was an eligible student or eligible part-time student, as the case may be, before 1 September 2007.

(14) An eligible distance learning student may not, at any one time, qualify for support for—

- (a) more than one designated distance learning course;
- (b) a designated distance learning course and a designated course;
- (c) a designated distance learning course and a designated part-time course;
- (d) a designated distance learning course and a designated postgraduate course.

(2) 2002 c. 41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19), Schedules 2 and 4 and the Immigration, Asylum and Nationality Act 2006 (c. 13), section 9.