
WELSH STATUTORY INSTRUMENTS

2011 No. 148

**The Assembly Learning Grants and Loans
(Higher Education) (Wales) Regulations 2011**

PART 12

SUPPORT FOR PART-TIME COURSES

Eligible part-time students

88.—(1) An eligible part-time student qualifies for support in connection with the student undertaking a designated part-time course subject to and in accordance with this Part.

(2) A person is an eligible part-time student in connection with a designated part-time course if—

- (a) in assessing the person's application for support under regulation 104 the Welsh Ministers determine that the person falls within one of the categories set out in Part 2 of Schedule 1; and
- (b) the person is not excluded by paragraph (3).

(3) Subject to paragraph (7), a person ("A" in this paragraph) is not an eligible part-time student if—

- (a) there has been bestowed on or paid to A in relation to A undertaking the designated part-time course—
 - (i) a healthcare bursary whether or not the amount of such bursary is calculated by reference to A's income;
 - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007; or
 - (iii) a Scottish healthcare allowance whether or not the amount of such allowance is calculated by reference to A's income;
- (b) A is in breach of any obligation to repay any loan;
- (c) A has reached the age of 18 and has not ratified any agreement for a loan made with A when A was under the age of 18;
- (d) A has, in the opinion of the Welsh Ministers, shown by A's conduct that A is unfitted to receive support under this Part; or
- (e) subject to paragraph (4), A is a prisoner.

(4) Paragraph (3)(e) does not apply in respect of an academic year during which the student enters prison or is released from prison.

(5) For the purposes of paragraphs (3)(b) and (3)(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 (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 the borrower had no curator.
- (7) Subject to paragraphs (9) to (11), a person is an eligible part-time student for the purposes of this Part if the person satisfies the conditions in paragraphs (8)(a) or (b).
- (8) The conditions referred to in paragraph (7) are—
 - (a) the—
 - (i) person qualified as an eligible part-time student in connection with an earlier academic year of the present part-time course pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;
 - (ii) person was ordinarily resident in Wales on the first day of the present part-time course; and
 - (iii) person’s status as an eligible part-time student has not terminated;
 - (b) the—
 - (i) Welsh Ministers have previously determined that the person is an eligible—
 - (aa) student in connection with a designated course;
 - (bb) part-time student in connection with a designated part-time course other than the present part-time course; or
 - (cc) distance learning student in connection with a designated distance learning course;
 - (ii) person’s status as an eligible student, an eligible distance learning student or as an eligible part-time student in connection with the course referred to in sub-paragraph (b)(i) has been converted or transferred from that course to the present part-time 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 1998 Act;
 - (iii) person was ordinarily resident in Wales on the first day of the first academic year of the course referred to in sub-paragraph (b)(i); and
 - (iv) person’s status as an eligible part-time student has not terminated.
- (9) 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” in this paragraph) was an eligible part-time student in connection with an application for support for an earlier year of the present part-time course or an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which A’s status as an eligible part-time student, eligible student or eligible distance learning student has been transferred to the present part-time 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 A’s spouse, civil partner, parent (as defined in Part 1 of Schedule 1) 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),A’s status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.
- (10) 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” in this paragraph) was an eligible part-time student in connection with an application for

support for an earlier year of the present part-time course or an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which A's status as an eligible part-time student, eligible student or eligible distance learning student has been transferred to the present part-time 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 part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(11) Paragraphs (9) and (10) do not apply where the student started the course in connection with which the Welsh Ministers determined that the student was an eligible part-time student or eligible student, as the case may be, before 1 September 2007.

(12) An eligible part-time student does not qualify for support under regulation 92(1)(b), regulation 93 or regulations 94 to 103 if the only paragraph in Part 2 of Schedule 1 into which the eligible part-time student falls is paragraph 9.

(13) An eligible part-time student qualifies for support—

- (a) under regulation 92(1)(a) if the Welsh Ministers consider that the eligible part-time student is undertaking the designated part-time course in Wales; or
- (b) under regulations 92(1)(b), 93 or 94 to 103 if the Welsh Ministers consider that the eligible part-time student is undertaking the designated part-time course in the United Kingdom.

(14) An eligible part-time student does not qualify for support under regulation 92 or regulations 94 to 103 if the eligible part-time student has undertaken one or more part-time courses for eight academic years in aggregate and the eligible part-time student has received in respect of each of those academic years a loan or a grant of the kind described in paragraph (15).

(15) The loans and grants referred to in paragraph (14) are—

- (a) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course pursuant to regulations made under section 22 of the 1998 Act;
- (b) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course by the Department for Employment and Learning (Northern Ireland) pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998; or
- (c) a loan in respect of an academic year of a part-time course made pursuant to regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980.

(16) Subject to paragraphs (17) and (18), an eligible part-time student does not qualify for support under regulation 92 or regulations 94 to 103 if the student holds a first degree from an educational institution in the United Kingdom.

(17) For the purposes of paragraph (16), a degree is not to be treated as a first degree where—

- (a) it is a degree (other than an honours degree) that has been awarded to the eligible part-time student who has completed the required modules, examinations or other forms of assessment for the eligible part-time student's first degree course; and
- (b) that student is undertaking the present part-time course so as to obtain an honours degree on completion of the required modules, examinations or other forms of assessment (whether

or not that student continues the course at the same institution after the award of the degree referred to in sub-paragraph (a)).

(18) Paragraph (16) does not prevent an eligible part-time student from qualifying for support under regulation 92 or regulations 94 to 103 if—

- (a) the present part-time course is a course for the initial training of teachers which started on or after 1 September 2010;
- (b) the duration of that course does not exceed four years; and
- (c) the eligible part-time student is not a qualified teacher.

(19) An eligible part-time student may not, at any one time, qualify for support for—

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