
WELSH STATUTORY INSTRUMENTS

2017 No. 47

The Education (Student Support) (Wales) Regulations 2017

PART 6

LOANS FOR LIVING COSTS

Qualifying conditions for loans for living costs

41.—(1) An eligible student qualifies for a loan for living costs in connection with the eligible student's attendance on a designated course if the eligible student satisfies the condition in paragraph (2) and is not excluded by paragraph (3) or regulation 7.

(2) The condition is that the eligible student is under the age of 60 on the relevant date.

(3) An eligible student does not qualify for a loan for living costs if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.

(4) An eligible student does not qualify for a loan for living costs in connection with the eligible student's attendance on a designated course if that course—

(a) begins on or after 1 September 2009; and

(b) leads to qualification as a landscape architect, landscape designer, landscape manager, town planner or town and country planner.

(5) An eligible student to whom this paragraph applies is treated as being in attendance on the designated course for the purpose of qualifying for a loan for living costs.

(6) Paragraph (5) applies to—

(a) a compressed degree student;

(b) a disabled eligible 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 the eligible student is unable to attend for a reason which relates to the eligible student's disability; and

(c) an eligible student on a period of study or a period of work placement in an Erasmus year.

(7) An eligible student does not qualify for a loan for living costs under this Part if the eligible student is a prisoner.

(8) An eligible student does not qualify for a loan for living costs under this Part if the eligible student is undertaking a distance learning course.

General

42. The maximum amount of loan for living costs in respect of an academic year is calculated as follows—

- (a) where the eligible student is an eligible student with full entitlement who is a 2010 cohort student, a 2012 cohort student or a 2012 accelerated graduate entry student who is undertaking their first year of study, in accordance with regulation 43;
- (b) where the eligible student is an eligible student with full entitlement who is a 2011 cohort student, in accordance with regulation 44;
- (c) where the eligible student is a student with reduced entitlement, in accordance with regulation 45.

Maximum amount of loans for eligible students with full entitlement who are 2010 cohort students, 2012 cohort students or 2012 accelerated graduate entry students undertaking their first year of study

43.—(1) This regulation applies to an eligible student with full entitlement who is a 2010 cohort student, a 2012 cohort student or a 2012 accelerated graduate entry student who is undertaking their first year of study.

(2) Subject to regulations 46 to 51, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than a final year of a course that is not an intensive course is equal to $(X - Y)$ where—

X is, for such a student in—

- (i) category 1, £5,358;
- (ii) category 2, £9,697;
- (iii) category 3, £8,253;
- (iv) category 4, £8,253;
- (v) category 5, £6,922;

Y is the maintenance grant amount.

(3) Subject to regulations 46 to 51, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an intensive course is equal to $(X - Y)$ where—

X is, for such a student in—

- (i) category 1, £4,851;
- (ii) category 2, £8,830;
- (iii) category 3, £7,179;
- (iv) category 4, £7,179;
- (v) category 5, £6,412;

Y is the maintenance grant amount.

(4) In this regulation, “the maintenance grant amount” (“*swm y grant cynhaliaeth*”) is—

- (a) where the eligible student referred to in paragraph (1) qualifies under regulation 36 for an amount of maintenance grant, the amount that is equal to £0.50 for every £1 of maintenance grant for which that student qualifies, up to a maximum value for Y of £2,580;
- (b) where no maintenance grant is payable under regulation 36, nil.

Maximum amount of loans for eligible students with full entitlement who are 2011 cohort students

44.—(1) This regulation applies to an eligible student with full entitlement who is a 2011 cohort student.

(2) Subject to regulations 46 to 51, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than a final year of a course that is not an intensive course is equal to $(X - Y)$ where—

X is, for such a student in—

- (i) category 1, £5,358;
- (ii) category 2, £9,697;
- (iii) category 3, £8,253;
- (iv) category 4, £8,253;
- (v) category 5, £6,922;

Y is the maintenance grant amount.

(3) Subject to regulations 46 to 51, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an intensive course is equal to $(X - Y)$ where—

X is, for such a student in—

- (i) category 1, £4,851;
- (ii) category 2, £8,830;
- (iii) category 3, £7,179;
- (iv) category 4, £7,179;
- (v) category 5, £6,412;

Y is the maintenance grant amount.

(4) In this regulation, “the maintenance grant amount” (“*swm y grant cynhالياeth*”) is—

- (a) where the eligible student referred to in paragraph (1) qualifies under regulation 37 for an amount of maintenance grant, the amount that is equal to £0.50 for every £1 of maintenance grant for which that student qualifies, up to a maximum value for **Y** of £2,688;
- (b) where no maintenance grant is payable under regulation 37, nil.

Students with reduced entitlement

45.—(1) Subject to regulations 46 to 51, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year of a course other than the final year of a course that is not an intensive course is—

(a) where the student falls within regulation 23(3), for such a student in—

- (i) category 1, £2,544;
- (ii) category 2, £4,768;
- (iii) category 3, £3,392;
- (iv) category 4, £3,392;
- (v) category 5, £3,392.

(b) where the student falls within regulation 23(6), for such a student in—

- (i) category 1, £2,544;
- (ii) category 2, £4,768;
- (iii) category 3, £4,056;
- (iv) category 4, £4,056;
- (v) category 5, £3,392.

(c) where the student applies for a loan for living costs and opts not to provide the information needed to calculate the household income, an amount equal to $(X - Y)$ where—

X is, for such a student in—

- (i) category 1, £4,019;
- (ii) category 2, £7,273;
- (iii) category 3, £6,190;
- (iv) category 4, £6,190;
- (v) category 5, £5,191;

Y is nil.

(2) Subject to regulations 46 to 51, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year that is the final year of a course that is not an intensive course is—

(a) where the student falls within regulation 23(3), for such a student in—

- (i) category 1, £1,934;
- (ii) category 2, £3,646;
- (iii) category 3, £2,643;
- (iv) category 4, £2,643;
- (v) category 5, £2,643.

(b) where the student falls within regulation 23(6), for such a student in—

- (i) category 1, £1,934;
- (ii) category 2, £3,644;
- (iii) category 3, £2,965;
- (iv) category 4, £2,965;
- (v) category 5, £2,643.

(c) where the student applies for a loan for living costs and opts not to provide the information needed to calculate the household income an amount equal to $(X - Y)$ where—

X is, for such a student in—

- (i) category 1, £3,638;
- (ii) category 2, £6,623;
- (iii) category 3, £5,384;
- (iv) category 4, £5,384;
- (v) category 5, £4,809;

Y is nil.

Students residing with parents

46.—(1) Subject to paragraph (2), where an eligible student (“A” in this paragraph) resides at A’s parents’ home and the Welsh Ministers are satisfied that in all the circumstances A’s parents by reason of age, incapacity or otherwise cannot reasonably be expected to support A and that it would be appropriate for the amount of loan payable to a student in a category other than category 1 to apply in A’s case, A must be treated as if A were not residing at A’s parents’ home.

(2) Paragraph (1) does not apply to an eligible student who begins a course on or after 1 September 2004.

Loans for living costs payable in respect of three quarters of the academic year

47.—(1) Subject to regulation 49, the loan for living costs is payable in respect of three quarters of the academic year.

(2) The loan for living costs is not payable—

- (a) in the case of a compressed degree student, in respect of the quarter nominated by the Welsh Ministers;
- (b) in any other case, in respect of the quarter in which, in the opinion of the Welsh Ministers, the longest of any vacation occurs.

Students falling into more than one category

48. Where an eligible student falls into more than one of the categories in regulation 52 in the course of the academic year—

- (a) the maximum amount of loan for living costs for the academic year is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the loan is payable;
- (b) the maximum amount of loan for living costs for each such quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the eligible student fell into the category which applies to the relevant quarter for the duration of the academic year; and
- (c) the category which applies to a quarter is—
 - (i) the category into which the eligible student falls for the longer or longest period in that quarter; or
 - (ii) if the eligible student falls into more than one category for an equal period in that quarter, the category with the higher or highest rate of loan for living costs for the academic year.

Students becoming eligible during the course of an academic year

49.—(1) Where a student becomes an eligible student during the course of an academic year as a result of one of the events listed in paragraph (2), the student may qualify for a loan for living costs in respect of such quarters of that academic year in respect of which a loan for living costs is payable as begin after the relevant event in paragraph (2) occurs.

(2) The events are—

- (a) the student’s course becomes a designated course;
- (b) the student, the student’s spouse, civil partner or parent (as defined in Part 1 of Schedule 1) is recognised as a refugee or becomes a person with leave to enter or remain;

- (c) the state of which the student is a national accedes to the European Union where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;
- (d) the student acquires the right of permanent residence;
- (e) the student becomes the child of a Turkish worker;
- (f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- (g) the student becomes the child of a Swiss national.

(3) An eligible student to whom paragraph (1) applies does not qualify for a loan for living costs in respect of any academic year beginning before the academic year in which the relevant event occurred.

(4) The maximum amount of loan for living costs payable is the aggregate of the maximum amount of loan for each quarter in respect of which the student qualifies for support under this regulation.

(5) The maximum amount of loan for living costs for each such quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year.

Increases in maximum amount

50.—(1) Where an eligible student is required to attend the eligible student's course for a period exceeding 30 weeks and 3 days in an academic year, the maximum amount of loan for living costs specified in regulation 44 must be increased for each week or part week of attendance in that academic year beyond 30 weeks and 3 days by, for such a student in—

- (a) category 1, £80;
- (b) category 2, £153;
- (c) category 3, £166;
- (d) category 4, £166;
- (e) category 5, £120.

(2) Where an eligible student attends the eligible student's course for a period of not less than 45 weeks in any continuous period of 52 weeks the amount of loan for living costs specified in regulation 44 is increased for each week in the 52 week period during which the eligible student did not attend by the amounts referred to in paragraph (1).

(3) This regulation does not apply in the case of a student with reduced entitlement.

Deductions from loans for living costs

51.—(1) A deduction from the amount of loan for living costs calculated under this Part in respect of an eligible student with full entitlement may be made in accordance with regulation 56.

(2) A deduction from the amount of loan for living costs calculated under this Part in respect of a student with reduced entitlement may not be made under regulation 56.

Interpretation of Part 6

52. In this Part—

- (a) a student is in category 1 if subject to regulation 46 the student resides at the student's parents' home while attending the course; or
- (b) a student is in category 2 if the student is not in category 1 and the student attends one or more of the following—

- (i) a course at the University of London;
 - (ii) a course at an institution which requires attendance for at least half the time in aggregate of any quarter of the course in the academic year at a site wholly or partly within the area comprising the City of London and the former Metropolitan Police District; or
 - (iii) a sandwich course at an institution which requires the student to undertake work experience or a combination of work experience and study provided that the student undertakes such work experience or combination of work experience and study for at least half the time in aggregate of any quarter of the course in the academic year at a site or sites wholly or partly within the area comprising the City of London and the former Metropolitan Police District;
- (c) a student is in category 3 if the student is not in category 1 and the student attends an overseas institution as part of the student's course or attends an overseas work placement in an Erasmus year;
- (d) a student is in category 4 if the student is not in category 1 and attends the Institute;
- (e) a student is in category 5 if the student is not in categories 1 to 4;
- (f) an "eligible student with full entitlement" (*"myfyriwr cymwys sydd â hawlogaeth lawn"*) is an eligible student other than a student with reduced entitlement;
- (g) "parent" (*"rhiant"*), except where otherwise indicated, is to be construed in accordance with paragraph 1(1)(f) of Schedule 5;
- (h) the "relevant date" (*"dyddiad perthnasol"*) means the first day of the first academic year of the specified designated course;
- (i) a "student with reduced entitlement" (*"myfyriwr sydd â hawlogaeth ostyngol"*) is an eligible student who—
- (i) is not eligible for a grant for living costs in respect of the academic year by virtue of regulation 23(3) or regulation 23(6); or
 - (ii) opts when applying for a loan for living costs not to provide the information needed to calculate the household income;
- (j) where the duration of a graduate-entry or postgraduate-level course for the initial training of teachers is only one academic year, that year is not to be treated as the final year.