
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for financial support for students who are ordinarily resident in Wales taking designated higher education courses in respect of academic years beginning on or after 1 September 2009. They consolidate, with some changes, the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2008, as amended (“the 2008 Regulations”).

The Regulations revoke the 2008 Regulations. Regulation 3 sets out the extent of the revocation. Changes of substance made in these Regulations (other than rates of grants and loans) are highlighted below.

The distinction between old system eligible students and new system eligible students (introduced by the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006) in relation to financial support to students for full-time courses is retained (regulation 2(1)).

Old system eligible students are eligible students attending courses that started before 1 September 2006 and gap-year students starting courses before 1 September 2007 and certain other categories of student. The following grants and loans are available to old system eligible students subject to the specified conditions —

- Grant for fees (regulations 15 to 17);
- Fee contribution loan (regulation 20);
- Grant for disabled students' living costs (regulation 24);
- Grant for dependants (regulations 25 to 30);
- Grant for travel (regulations 31 to 33);
- Higher education grant (regulation 35); and
- Loans for living costs (Part 6).

A new system eligible student is an eligible student who started their course on or after 1 September 2006 and is continuing on that course after 31 August 2009, or starts their present course on or after 1 September 2009, and is not an old system eligible student. The following grants and loans are available to new system eligible students, subject to specified conditions —

- New fee grant (regulation 18);
- Fee loans (regulations 21 and 22);
- Grant for disabled students' living costs (regulation 24);
- Grant for dependants (regulations 25 to 30);
- Grant for travel (regulations 31 to 33);
- Maintenance grant (regulation 36);
- Special support grant (regulation 37); and
- Loans for living costs (Part 6).

To qualify for financial support a student must be an “eligible student”. Broadly, a person is an eligible student if he or she falls within one of the categories listed in Part 2 of Schedule 1 and the eligibility provisions in Part 2 of the Regulations. The Regulations apply to students ordinarily resident in Wales wherever they study on a designated course. For the purposes of these Regulations a person who is ordinarily resident in Wales, England, Scotland, Northern Ireland, the Channel Islands

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

or the Isle of Man as a result of having moved from one of those areas for the purpose of undertaking his or her course is considered ordinarily resident in the place from which that person moved (Schedule 1, paragraph 1(3)). An eligible student must also satisfy any requirements elsewhere in the Regulations; in particular the specific requirements applicable to each type of financial support. Support is only available under the Regulations in respect of “designated” courses within the meaning of regulations 5, 64, 80, 104 and Schedule 2.

Part 3 of these Regulations makes provision for applications for support (regulation 9), time limits for applications (regulation 10) and regulation 11 and Schedule 3 specify the information that must be provided by applicants.

Part 4 of these Regulations provides for fee support, in the form of grants for fees and fee loans.

Part 5 makes provision for grants for living costs which includes grants for travel for certain categories of eligible student. Regulation 36 (maintenance grant) and regulation 37 (special support grant) have been amended in order that a “type 3 teacher training student” may qualify for such support. The term “type 3 teacher training student” is defined in regulation 2 as a new system eligible student undertaking a part-time undergraduate course for initial teacher training where the periods of full time attendance (including teaching practice) during the academic year are from 6 to 10 weeks.

Part 6 makes provision for loans for living costs. A student no longer qualifies for a loan for living costs if the designated course begins on or after 1 September 2009 and leads to qualification as a landscape architect, landscape designer, landscape manager, town planner or town and country planner (regulation 38(5)). Regulation 49 (interpretation of Part 6) has also been amended in that a student who starts a course on or after 1 September 2009 and who is a member of a religious order who resides in a house of that order is not a “category 1” student for the purposes of Part 6 of the Regulations.

Part 7 sets out general provisions relating to loans made under the Regulations.

Part 8 and Schedule 4 make provision for “college fee loans”. These are loans in respect of the college fees payable by a qualifying student to a college or permanent private hall of the University of Oxford or to a college of the University of Cambridge in connection with attendance of a qualifying student on a qualifying course. The definition of “qualifying course” in regulation 2(1) has been amended: a course which begins on or after 1 September 2009 and leads to qualification as a landscape architect, landscape designer, landscape manager, town planner or town and country planner is not a qualifying course.

Part 9 and Schedule 5 continue to make provision for the means-testing of students taking designated full-time courses. A contribution from the student is calculated on the basis of household income. The contribution is to be applied to specified grants and loans until it is extinguished against the amount of the particular grants and loans for which the student qualifies.

Schedule 5 makes new provision for students in relation to financial assessment. The regulations replace “preceding financial year” with “prior financial year” as the basis for income assessment except in relation to certain independent students (paragraphs 1(1)(l), 1(1)(o) and 5(3) to (5) of Schedule 5 refer).

Schedule 5 also introduces an adjustment to the calculation of a student’s contribution towards support so that household income does not include any benefits under a pension arrangement or pensions benefits paid to an ex-partner pursuant to a court order made under the Matrimonial Causes Act 1973 or the Civil Partnership Act 2004. Similarly, where a household is in receipt of any benefits under a pension arrangement or pension benefits pursuant to such a court order this is included within the calculation of household income (paragraphs 1(1)(o) and 1(2) of Schedule 5 refer).

In paragraph 2(1)(i) of Schedule 5, the definition of independent eligible student is amended: an eligible student who is a member of a religious order who resides in a house of that order is not classed as an independent eligible student if he or she begins the course on or after 1 September 2009.

The provisions relating to “split” contributions in Schedule 5, which apply where the household income is used to assess the support for more than one student, have been simplified so that where the same household income is used to assess the amount of support for which two or more students qualify, the contribution for each eligible student is divided by the number of students.

Part 10 makes provision for payment of grants and loans.

Part 11 makes provision for support to students who are undertaking designated distance learning courses.

Part 12 and Schedule 6 make provision for support for part-time courses. In addition to the grants available to part-time students under regulation 82, Part 12 of the Regulations provides that eligible part-time students may qualify for “part-time grants for dependants” (defined in regulation 2(1)).

Schedule 6, which was inserted into the 2008 Regulations by the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2008, makes provision for the means testing of part-time students in relation to part-time grants for dependants. Schedule 6 has been simplified in that any part-time student who is eligible for part-time grants for dependants is subject to means testing (the sub-category of “contributing eligible part-time student” in the 2008 Regulations is omitted in these Regulations).

A change has been made to the provisions in Schedule 6 under which an eligible part-time student’s residual income is calculated (paragraph 3(1) of Schedule 6): Remuneration for work done during any academic year of the eligible part-time student’s course is not deducted from the part-time student’s taxable income.

In addition, changes have been made to Schedule 6 which mirror the changes made to Schedule 5 of these Regulations in so far as they relate to benefits under a pension arrangement (paragraph 1(1)(j) and 1(2) of Schedule 6); and simplification of provisions relating to “split” contributions (paragraph 6 of Schedule 6).

Part 13 makes provision for postgraduate students with disabilities.

Part 14 makes amendments to the 2008 Regulations in relation to an academic year which begins on or after 1 September 2008 but before 1 September 2009. The omission of regulation 18(6) of the 2008 Regulations means that students who only fall within paragraph 9 of Part 2 of Schedule 1 to the 2008 Regulations may qualify for new fee grant. Other changes to the 2008 Regulations are minor and drafting in nature.