
WELSH STATUTORY INSTRUMENTS

2008 No. 3170

The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2008

PART 12

SUPPORT FOR PART-TIME COURSES

Payment of support to eligible part-time students

100.—(1) Subject to the following paragraphs, the Welsh Ministers may pay part-time grants for dependants in such instalments (if any) and at such times as they consider appropriate.

(2) An institution 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 a part-time grant for dependants by instalments, make any payment of such a grant to an eligible part-time student before they have received an attendance confirmation unless the exception in paragraph (4) applies.

(4) The 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.

(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 part-time grants for dependants.

(6) Payments of a part-time grant for dependants 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 part-time 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 by way of part-time grants for dependants is due in respect of any day of an academic year on which the eligible part-time 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) 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 which not paying the support would cause and whether not paying the support would affect the student's ability to continue the course.

(9) No support by way of part-time grants for dependants is due in respect of any payment period beginning after an eligible part-time student's period of eligibility terminates.

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

- (a) the amount of each part-time grant for dependants for which the student qualifies that would be payable in respect of the relevant payment period if the eligible part-time 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 part-time student's period of eligibility terminated (the "partial amount").

(11) 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.

(12) If the Welsh Ministers have made a payment of a part-time grant for dependants in respect of the relevant payment period before the point in that period at which the eligible part-time 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 part-time grant for dependants 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.

(13) If a payment of a part-time grant for dependants in respect of the relevant payment period is due to be made or is made after the eligible part-time student's period of eligibility has terminated, the amount of that part-time grant for dependants 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.

(14) No support by way of part-time grants for dependants is due in respect of a payment period during any part of which an eligible part-time 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.

(15) In deciding whether it would be appropriate for support to be due under paragraph (14) 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.

(16) An eligible part-time 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.

(17) Where, after the Welsh Ministers have made any payment of support by way of a part-time grant for dependants, they make a determination of the amount of such a grant for which the student qualifies either for the first time or by way of a 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 element of part-time grants for dependants for which the student qualifies in respect of the academic year;
- (d) any remaining overpayment is recoverable in accordance with regulation 102.