
WELSH STATUTORY INSTRUMENTS

2008 No. 3170

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

PART 1

GENERAL

Revocation, savings and transitional provisions

3.—(1) Subject to paragraph (7), the following regulations are revoked in relation to Wales on 1 September 2009—

- (a) the 2008 Regulations; and
- (b) the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2008.

(2) The 2003 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2003 but before 1 September 2004.

(3) The 2004 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2004 but before 1 September 2005.

(4) The 2005 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2005 but before 1 September 2006.

(5) The 2006 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2006 but before 1 September 2007.

(6) The 2007 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2007 but before 1 September 2008.

(7) The 2008 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2008 but before 1 September 2009.

(8) For the purposes of paragraphs (2) to (4), any reference to the Secretary of State in relation to any function conferred on the Secretary of State by the Regulations referred to in those paragraphs, is to be read in relation to Wales as a reference to—

- (a) the Welsh Ministers, in the case of a function referred to in section 44(1) of the Higher Education Act 2004⁽¹⁾; or
- (b) the Welsh Ministers or the Secretary of State, in the case of a function referred to in section 44(2) of the Higher Education Act 2004.

(9) These Regulations, except regulation 112, apply in relation to the provision of support to students in respect of an academic year which begins on or after 1 September 2009 whether anything done under these Regulations is done before, on or after 1 September 2009.

(10) Despite any other provision in these Regulations where a person—

(1) 2004 c. 8.

- (a) attends a course in respect of which a transitional award was bestowed on him or her; or
- (b) had no award under the 1962 Act bestowed on him or her in respect of the course but a transitional award would have been bestowed on him or her if the person had applied for an award under the 1962 Act and his or her resources had not exceeded his or her requirements,

he or she is an old system eligible student for the purposes of Parts 4 and 5 in connection with the course, or in connection with any subsequent course to which the award (either bestowed or which would have been bestowed under the 1962 Act) would have been transferred if transitional awards provided for payments after the first year of a course, but unless paragraph (11) applies he or she qualifies for support by way of loan for living costs under Part 6 only if he or she is an eligible student under these Regulations and if he or she satisfies the qualifying conditions for support under that Part.

(11) Despite any other provision in these Regulations, where any person received or was eligible to receive a loan in relation to an academic year of a course under the 1998 Regulations he or she is an old system eligible student for the purposes of Part 6 in connection with the course, or any subsequent designated course which (disregarding any intervening vacation) he or she starts immediately after ceasing that course, but unless paragraph (10) applies he or she qualifies for fee support under Part 4 and support by way of grant for living costs under Part 5 if he or she is an eligible student under these Regulations and if he or she satisfies the relevant qualifying conditions for support under Parts 4 and 5.