
WELSH STATUTORY INSTRUMENTS

2013 No. 3177

The Education (Student Support) (Wales) Regulations 2013

PART 13

SUPPORT FOR POSTGRADUATE STUDENTS WITH DISABILITIES

Eligible postgraduate students

122.—(1) An eligible postgraduate student qualifies, subject to and in accordance with this Part, for a grant to assist with the additional expenditure which the Welsh Ministers are satisfied the eligible postgraduate student is obliged to incur by reason of a disability to which the eligible postgraduate student is subject in respect of the eligible postgraduate student undertaking a designated postgraduate course.

(2) A person is an eligible postgraduate student in connection with a designated postgraduate course if that person satisfies the conditions in paragraph (3) and is not excluded by paragraph (4).

(3) The conditions referred to in paragraph (2) are—

- (a) the Welsh Ministers, in assessing a person's application for support under regulation 127, have determined in connection with the designated postgraduate course that the person falls within one of the categories set out in Part 2 of Schedule 1; and
- (b) the Welsh Ministers are satisfied that, by reason of a disability to which the person is subject, the person will be obliged to incur additional expenditure in respect of undertaking the course.

(4) Subject to paragraph (9), a person ("A" in this paragraph) is not an eligible postgraduate student if—

- (a) there has been bestowed on or paid to A in relation to A undertaking the course—
 - (i) a healthcare bursary;
 - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007;
 - (iii) any allowance, bursary or award of similar description made by a Research Council;
 - (iv) any allowance, bursary or award of similar description made by A's institution which includes any payment for the purpose of meeting additional expenditure incurred by A by reason of A's disability; or
 - (v) any allowance, bursary or award of similar description made under section 67(4)(a) of the Care Standards Act 2000⁽¹⁾ which includes payment for meeting additional expenditure incurred by A by reason of A's disability; or
- (b) A is in breach of an 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;

(1) 2000 c.14.

- (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.
- (5) For the purposes of paragraphs (4)(b) and (4)(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 (4)(c) only applies if the agreement was made—
 - (a) before the 25 September 1991; and
 - (b) with the concurrence of the borrower's curator or at a time when the borrower had no curator.
- (7) An eligible postgraduate student does not qualify for a grant under this Part if the only paragraph in Part 2 of Schedule 1 into which the eligible postgraduate student falls is paragraph 9.
- (8) Save where the circumstances described in regulation 129(3)(c)(ii) apply such that an eligible postgraduate student undertakes part of that student's course overseas, an eligible postgraduate student does not qualify for a grant under this Part unless the eligible postgraduate student is undertaking the course in the United Kingdom.
- (9) Subject to paragraphs (11) to (13) and despite paragraphs (3)(a) and (4), a person is an eligible postgraduate student for the purposes of this Part if the person satisfies the conditions in paragraph (3)(b) and paragraph (10)(a) or (b).
- (10) The conditions referred to in paragraph (9) are—
 - (a) the—
 - (i) person qualified as an eligible postgraduate student in connection with an earlier academic year of the present postgraduate 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 first academic year of the present postgraduate course; and
 - (iii) person's status as an eligible postgraduate student has not terminated;
 - (b) the—
 - (i) Welsh Ministers have previously determined that the person is an eligible postgraduate student in connection with a designated postgraduate course other than the present postgraduate course;
 - (ii) person's status as an eligible postgraduate student in connection with the course in sub-paragraph (b)(i) has been transferred from that course to the present course as a result of one or more 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 postgraduate student has not terminated.
- (11) Where—
 - (a) the Welsh Ministers have 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 postgraduate student in connection with an application for support for an earlier year of the present postgraduate course or an application in connection with another designated postgraduate course from which A's status as an eligible postgraduate student has been transferred to the present postgraduate course; and
 - (b) as at the day before the academic year in respect of which A is applying for support starts, the refugee status of A or of A's spouse, civil partner, parent (as defined in Part 1 of

Schedule 1) or step-parent 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 postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(12) Where—

- (a) the Welsh Ministers have 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 postgraduate student in connection with an application for support for an earlier year of the present postgraduate course or an application in connection with another designated postgraduate course from which A's status as an eligible postgraduate student has been transferred to the present postgraduate course; and
- (b) as at the day before the academic year in respect of which A is applying for support, 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 postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(13) Paragraphs (11) and (12) do not apply where the student began the course in connection with which the Welsh Ministers determined that the student was an eligible postgraduate student before 1 September 2007.

(14) An eligible postgraduate student does not, at any one time, qualify for support for—

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