
WELSH STATUTORY INSTRUMENTS

2017 No. 523

The Education (Postgraduate Master's
Degree Loans) (Wales) Regulations 2017

PART 2

ELIGIBILITY

Eligible students

3.—(1) An eligible student qualifies for a postgraduate master's degree loan in connection with a designated course subject to and in accordance with these Regulations.

(2) Subject to paragraphs (3) to (8), a person is an eligible student in connection with a designated course if in assessing the person's application for a postgraduate master's degree loan under regulation 9 the Welsh Ministers determine that the person falls within one of categories set out in Part 2 of Schedule 1.

(3) A person ("A") is not an eligible student if—

- (a) A has reached the age of 60 on the first day of the academic year in which the designated course starts;
- (b) A is in breach of any 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;
- (d) A has, in the opinion of the Welsh Ministers, shown by A's conduct that A is unfitted to receive a postgraduate master's degree loan;
- (e) A is a prisoner, unless A is an eligible prisoner;
- (f) A is enrolled on a course which is a designated course under regulation 5 (designated courses), 66 (designated distance learning courses) or 83 (designated part-time courses) of the student support regulations and is receiving support under the student support regulations for that course;
- (g) A has already obtained an equivalent or higher qualification;
- (h) A is already enrolled on a designated course and is in receipt of a postgraduate master's degree loan under these Regulations for that course;
- (i) subject to paragraph (8), A has previously received a postgraduate master's degree loan under these Regulations;
- (j) 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(1);

(1) S.S.I. 2007/151, as amended by S.S.I. 2007/503, S.S.I. 2008/206, S.S.I. 2009/188, S.S.I. 2009/309, S.S.I. 2012/72, S.S.I. 2013/80 and S.S.I. 2016/82.

- (iii) any allowance, bursary or award of similar description made under section 67(4)(a) of the Care Standards Act 2000⁽²⁾ save to the extent that A is eligible for such a payment in respect of travel expenses; or
- (iv) any allowance, bursary or award of similar description made under section 116(2)(a) of the Regulation and Inspection of Social Care (Wales) Act 2016⁽³⁾ save to the extent that A is eligible for such a payment in respect of travel expenses; or
- (k) A has previously received a loan in respect of a course other than under these Regulations, where that loan was provided out of funds provided by a government authority within the United Kingdom.

(4) Where the eligible student is undertaking a designated course which is a distance learning course, the student does not qualify for support in respect of that course unless the Welsh Ministers consider that the student is undertaking the course in Wales on the first day of the course, whether the course is a designated course at that date or is designated on a later date during the academic year.

(5) An eligible student ceases to be eligible for a postgraduate master's degree loan in respect of a distance learning course if the Welsh Ministers consider that the student is undertaking the course outside the United Kingdom notwithstanding whether that student has previously been considered by the Welsh Ministers to be undertaking their course within the United Kingdom.

(6) Paragraphs (4) and (5) do not apply to a person who is treated as being ordinarily resident in the United Kingdom by virtue of paragraph 1(4) of Schedule 1 on the basis of temporary employment falling within paragraph 1(5)(a) of Schedule 1.

(7) For the purposes of paragraph (3)(b) and (c), "loan" means a loan made under any provision of the student loans legislation.

(8) The Welsh Ministers may deem a person who has previously received a postgraduate master's degree loan under these Regulations in relation to a designated course to be an eligible student where the Welsh Ministers are of the view that the person had not been able to complete the designated course to which the previous postgraduate master's degree loan related due to compelling personal reasons.

(9) The Welsh Ministers may only exercise their discretion under paragraph (8) once in respect of a particular student.

(2) 2000 c. 14. There are amendments not yet in force (*see* the Regulation and Inspection of Social Care (Wales) Act 2016, section 185, Schedule 3, Part 2, paragraphs 40 and 43(d)).

(3) 2016 anaw 2. This provision is not yet in force.