

## WELSH STATUTORY INSTRUMENTS

# 2018 No. 191

## The Education (Student Support) (Wales) Regulations 2018

### PART 14

#### RESTRICTIONS ON PAYMENTS AND AMOUNTS PAYABLE

##### CHAPTER 1

##### RESTRICTIONS RELATING TO GRANTS AND MAINTENANCE LOANS

#### **Requirement for payment to be made into bank or building society account**

**92.**—(1) If the Welsh Ministers think it appropriate to make payments of a grant or maintenance loan by transfer into a bank or building society account, they may require an eligible student to provide details of such an account in the United Kingdom into which payments may be made.

(2) If that requirement is imposed, the Welsh Ministers may not make any payment of the grant or loan until the eligible student has complied.

#### **Support reduced for periods spent in prison**

**93.**—(1) This regulation applies to an eligible student—

- (a) to whom a grant (other than disabled student's grant) or maintenance loan is payable in respect of an academic year, and
- (b) who becomes a prisoner during the academic year.

[<sup>F1</sup>(2) Where this regulation applies, the amount of grant or maintenance loan payable is reduced by the number of days during the academic year that the eligible student is a prisoner.]

(3) But the Welsh Ministers may determine that the reduction is not to be made if they think it appropriate in the circumstances, having regard in particular to—

- (a) the financial hardship that may be caused to the student by reducing the amount of grant or loan payable;
- (b) whether the reduction would affect the student's ability to continue the present course.

#### **Textual Amendments**

**F1** Reg. 93(2) substituted (1.8.2018) by [The Education \(Student Support\) \(Wales\) \(Amendment\) Regulations 2018 \(S.I. 2018/813\)](#), regs. 1(2), 8

#### **Support reduced for other periods of absence**

**94.**—(1) This regulation applies to an eligible student—

- (a) to whom a grant (other than disabled student's grant) or maintenance loan is payable in respect of an academic year, and

- (b) who stops undertaking the present course for any period during the academic year (referred to in this regulation as being absent).

[<sup>F2</sup>(2) Where this regulation applies, the amount of grant or maintenance loan is reduced by the number of days during the academic year the eligible student is absent from their course.]

(3) But the Welsh Ministers may determine that the reduction is not to be made if they think it appropriate in the circumstances, having regard in particular to—

- (a) the reasons for the eligible student's absence,
- (b) the length of absence, and
- (c) any financial hardship that may be caused by reducing the amount of grant or loan payable.

(4) An eligible student is not to be treated as absent for the purposes of this regulation in the following circumstances—

- (a) the absence is due to illness and is for a period not exceeding 60 days;
- (b) where the present course is a compressed degree course, any part of the academic year during which the student is not required to attend the institution;
- (c) where the student has a disability but is unable to attend the institution for a reason relating to that disability;
- (d) where the student is on a period of study or work placement in an Erasmus year;
- (e) the absence is because the eligible student becomes a prisoner (see regulation 93).

#### Textual Amendments

**F2** [Reg. 94\(2\)](#) substituted (1.8.2018) by [The Education \(Student Support\) \(Wales\) \(Amendment\) Regulations 2018 \(S.I. 2018/813\)](#), regs. 1(2), 9

#### Payments when period of eligibility ends or is terminated

**95.**—[<sup>F3</sup>(1) Where an eligible student's period of eligibility has ended or has been terminated, any amount of grant or maintenance loan payable in respect of an academic year is reduced by the number of days in the academic year when eligibility has ended or terminated.]

(2) The Welsh Ministers may not make any payment of an amount of grant or maintenance loan in respect of any payment period beginning after an eligible student's period of eligibility has ended or has been terminated.

(3) Paragraphs (4) to (8) apply where—

- (a) an amount of grant is payable to an eligible student (“P”) in respect of an academic year, and
- (b) P's period of eligibility ends or is terminated on or after the day on which the course begins in respect of that year.

(4) The Welsh Ministers must determine—

- (a) the amount of grant that, had P's eligibility not ended or been terminated, would be payable to P in respect of the payment period during which P's period of eligibility ended or was terminated (the “full amount”), and
- (b) the proportion of the full amount that would be payable to P in respect of the period beginning at the start of that payment period and ending when P's eligibility ended or was terminated (the “partial amount”).

(5) The Welsh Ministers must take the action mentioned in paragraph (6) where—

- (a) they have made a payment to P of an amount of grant in respect of the payment period during which P's period of eligibility ended or was terminated,
  - (b) the payment is made before P's period of eligibility ended or was terminated, and
  - (c) the amount paid exceeds the partial amount.
- (6) The action referred to in paragraph (5) is to either—
- (a) reduce the amount of grant payable to P by the excess referred to in paragraph (5)(c) (and accordingly treat the excess as an overpayment), or
  - (b) if the Welsh Ministers think it appropriate, extend P's period of eligibility in respect of the grant until the end of the payment period (and accordingly the full amount is payable).
- (7) Where—
- (a) the Welsh Ministers have made, or are due to make, a payment to P of an amount of grant in respect of the payment period during which P's period of eligibility ended or was terminated, and
  - (b) the payment—
    - (i) is made or is due after P's period of eligibility ended or was terminated, or
    - (ii) is made before then and is no more than the partial amount,
- the amount of grant payable is the partial amount unless paragraph (8) applies.
- (8) In the circumstances referred to in paragraph (7) the Welsh Ministers—
- (a) may determine that P's period of eligibility is extended to the end of payment period in question (and accordingly the full amount of grant is payable) if they think it appropriate to do so, and
  - (b) must so determine if the amount of grant in question is an amount of disabled student's grant paid in respect of expenditure on major items of specialist equipment.
- (9) In this regulation, “payment period” means a period (whether a whole academic year or a quarter of an academic year) in respect of which a grant or maintenance loan is payable or would be payable were it not for the fact that the eligible student's period of eligibility had ended or was terminated.

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**Textual Amendments**

- F3** [Reg. 95\(1\)](#) substituted (1.8.2018) by [The Education \(Student Support\) \(Wales\) \(Amendment\) Regulations 2018 \(S.I. 2018/813\)](#), regs. 1(2), **10**

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Student Support) (Wales) Regulations 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulations text amended by [S.I. 2020/143 reg. 18-29](#) (These amendments not applied to legislation.gov.uk. Affecting Regulations revoked (14.2.2020) without ever being in force by S.I. 2020/154, regs. 2, 3)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 2ZA(4)(ad) inserted by [S.I. 2023/1349 reg. 36\(b\)\(ii\)](#)
- Sch. 2 para. 2ZA(4)(ac) and word inserted by [S.I. 2023/1349 reg. 36\(c\)\(ii\)](#)
- Sch. 2 para. 2ZA(4)(h)(iii) inserted by [S.I. 2023/1349 reg. 36\(d\)\(iii\)](#)
- Sch. 2 para. 2ZC(1A)(1B) inserted by [S.I. 2023/1349 reg. 40\(a\)](#)
- Sch. 2 para. 2ZC(3) inserted by [S.I. 2023/1349 reg. 40\(b\)](#)
- Sch. 2 para. 9(2)(ba) inserted by [S.I. 2023/1349 reg. 55\(b\)](#)
- Sch. 2 para. 2ZA(4)(ea)(ia)(ib) inserted by [S.I. 2023/633 reg. 14\(b\)](#)
- Sch. 2 para. 2ZA(4)(ea)(ia) omitted by [S.I. 2023/1349 reg. 36\(a\)\(i\)](#)
- Sch. 4 para. 13H inserted by [S.I. 2023/633 reg. 16](#)
- Sch. 4 para. 14(3)(b)(ic) words inserted by [S.I. 2023/1349 reg. 37\(b\)](#)
- Sch. 4 para. 14(3)(b)(id) words inserted by [S.I. 2023/1349 reg. 41\(b\)](#)
- reg. 23H inserted by [S.I. 2023/633 reg. 15](#)
- reg. 62(3) words substituted by [S.I. 2023/1349 reg. 47](#)
- reg. 80(2)(b)(ic) words inserted by [S.I. 2023/1349 reg. 35](#)
- reg. 80(2)(b)(id) words inserted by [S.I. 2023/1349 reg. 39](#)
- reg. 81(3)(b)(ic) words inserted by [S.I. 2023/1349 reg. 35](#)
- reg. 81(3)(b)(id) words inserted by [S.I. 2023/1349 reg. 39](#)