WELSH STATUTORY INSTRUMENTS

2012 No. 14 (W.5)

EDUCATION, WALES

The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) Regulations 2012

Made - - - -	*4 January 2012*
Laid before the National Assembly for Wales - -	*6 January 2012*
Coming into force - -	*1 February 2012*

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 22 and 42(6) of the Teaching and Higher Education Act 1998(**1**), and now exercisable by them(**2**) make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) Regulations 2012.

(2) These Regulations come into force on 1 February 2012 and apply in relation to Wales.

Amendments

2. The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011(**3**) are amended in accordance with the following regulations.

3.—(1) In regulation 2(1), in the appropriate place, insert—

(**1**) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11, the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6, the Finance Act 2003 (c. 14), section 147, the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7 and the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 257. See section 43(1) of the Teaching and Higher Education Act 1998 for the definition of "prescribed" and "regulations".

(**2**) The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 (except so far as they relate to the making of any provision authorised by subsection (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22) were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004 and the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) Order 2005 (S.I.2005/1833 (W.149) (C.79)) as amended by the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) (Amendment) Order 2006 (S.I. 2006/1660 (W.159) (C.56)). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(c) of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**3**) S.I. 2011/886 (W.130) as amended by S.I. 2011/1978 (W.218).

""2012 accelerated graduate entry student" ("*myfyriwr mynediad graddedig carlam 2012*") means an eligible student who begins an accelerated graduate entry course on or after 1 September 2012;"

""accelerated graduate entry course" ("*cwrs mynediad graddedig carlam*") means a course—

(a) the standard of which is not higher than a first degree course and which leads to a qualification as a medical doctor or dentist;

(b) where a first degree or equivalent qualification would normally be required for entry to the course;

(c) which begins on or after 1 September 2012; and

(d) which does not exceed 4 years in duration;"

""accelerated graduate entry fee loan" ("*benthyciad at ffioedd mynediad graddedig carlam*") means a loan payable by the Welsh Ministers under regulation 24B;"

""grant for fees" ("*grant ar gyfer ffioedd*") means a grant for fees payable to an old system eligible student pursuant to Part 4 of these Regulations;"

""new private institution fee loan" ("*benthyciad newydd at ffioedd sefydliad preifat* ") means a loan payable by the Welsh Ministers under regulation 24A;"

""universal healthcare bursary" ("*bwrsari gofal iechyd cyffredinol*") means a healthcare bursary of £1,000 which is—

(a) payable to a 2012 cohort student or a 2012 accelerated graduate entry student; and

(b) in relation to a 2012 cohort student is not calculated by reference to that student's income; or

(c) in relation to a 2012 accelerated graduate entry student is not calculated by reference to that student's income;".

(2) In regulation 2(1), in the definition of "2011 cohort student" after the words "an eligible student who begins the present course on or after 1 September 2011", insert "but before 1 September 2012".

(3) In regulation 2(1), in the definition of "2012 cohort student"—

(a) after the words "1 September 2012" at the end of sub-paragraph (b) in the English text, for "." substitute "; or";

(b) after the words "1 Medi 2012;" at the end of sub-paragraph (b) in the Welsh text, insert "neu"; and

(c) after sub-paragraph (b) insert—

"(c) a 2012 accelerated graduate entry student.".

4. In regulation 4(3)(c)(i) after the words "healthcare bursary", insert ", other than a universal healthcare bursary,".

5. In regulation 6(9), after the words "teacher training student" in sub-paragraph (a), insert "or a 2012 accelerated graduate entry student".

6.—(1) In regulation 7(1) for the words "paragraphs (3) and (4)" substitute "paragraphs (3), (4) and (6)".

(2) After regulation 7(5) insert—

"(6) Paragraph (1) does not apply to an eligible student attending a designated course which is an accelerated graduate entry course.".

7. After regulation 10(2)(d) insert—

"(dd) the applicant is making a separate application for a new private institution fee loan or an accelerated graduate entry fee loan, or an additional amount of a new private institution fee loan under regulation 24A(4), or an additional amount of an accelerated graduate entry fee loan under regulation 24B(4), in which case the application must reach the Welsh Ministers not later than one month before the end of the academic year to which the application relates.".

8. In regulation 19(6) after the words "new cohort student" insert the words "or a 2012 accelerated graduate entry student".

9. In regulation 20(1) after the words "designated course" insert "provided by a publicly funded institution".

10. In regulation 21, after paragraph (2) insert—

"(3) Paragraph (2) does not apply in relation to an accelerated graduate entry course.".

11. In regulation 23, after paragraph (4) insert—

"(5) This regulation does not apply to a new system eligible student who is a 2012 cohort student if the student qualifies for a new private institution fee loan.

(6) This regulation does not apply to a new system eligible student who is a 2012 accelerated graduate entry student.".

12. After regulation 24 insert—

"**New private institution fee loan**

24A.—(1) A new system eligible student who is a 2012 cohort student qualifies in accordance with this regulation for a new private institution fee loan in respect of, or otherwise in connection with, the 2012 cohort student's attendance on a designated course provided by a private institution.

(2) A new private institution fee loan is not available in respect of an academic year if that year is a bursary year or an Erasmus year.

(3) The amount of a new private institution fee loan in respect of an academic year of a designated course provided by a private institution must not exceed the lesser of—

(a) £6,000 or, where any of the circumstances in regulation 17(4) apply, £3,000; and

(b) the fees payable by the student in respect of, or otherwise in connection with, that year.

(4) Where a new system eligible student has applied for a new private institution fee loan of less than the maximum amount available in relation to an academic year, the new system eligible student may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed that maximum.

Accelerated graduate entry fee loan

24B.—(1) A 2012 accelerated graduate entry student qualifies in accordance with this regulation for an accelerated graduate entry fee loan in respect of, or otherwise in connection with, the 2012 accelerated graduate entry student's attendance on a designated course which is an accelerated graduate entry course.

(2) An accelerated graduate entry fee loan is not available in respect of an academic year which is an Erasmus year.

(3) The amount of an accelerated graduate entry fee loan in respect of an academic year of a designated course which is an accelerated graduate entry course must not exceed the lesser of—

(a) £5,535; or

(b) the amount by which the fees payable by the 2012 accelerated graduate entry student exceed £3,465.

(4) Where a 2012 accelerated graduate entry student has applied for an accelerated graduate entry fee loan of less than the maximum amount available in relation to an academic year, the 2012 accelerated graduate entry student may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed that maximum.".

13. After regulation 25(4) insert—

"(4A) Subject to paragraph 4B, a 2012 accelerated graduate entry student does not qualify for a grant under this Part.

(4B) Paragraph 4A does not apply for the purposes of regulations 26 to 32, to a 2012 accelerated graduate entry student who is undertaking their first year of study on an accelerated graduate entry course.".

14. In regulation 47(c) for the words "or a 2012 cohort student" substitute, ", a 2012 cohort student or a 2012 accelerated graduate entry student who is undertaking their first year of study".

15. In regulation 51—

(a) in the heading, for the words "or 2012 cohort students" substitute ", 2012 cohorts students or 2012 accelerated graduate entry students undertaking their first year of study"; and

(b) in paragraph (1), for the words "or a 2012 cohort student" substitute ", a 2012 cohort student or a 2012 accelerated graduate entry student who is undertaking their first year of study".

16. For regulation 65 substitute—

"**Payments of grants or loans for fees for old system eligible students**

65.—(1) The Welsh Ministers must pay the grant for fees or fee contribution loan for which an old system eligible student qualifies to an academic authority to which the old system eligible student is liable to make payment.

(2) The Welsh Ministers may pay the grant for fees or fee contribution loan in such instalments (if any) and at such times as they consider appropriate.

(3) The Welsh Ministers must not pay the grant for fees or fee contribution loan—

(a) unless they have received a request for payment from the relevant academic authority; and

(b) a period of three months beginning with the first day of the academic year has expired.

(4) The Welsh Ministers must pay the grant for fees not later than 10 weeks after the expiry of the period in paragraph (3)(b), or promptly after a request for payment has been received which the Welsh Ministers consider to be a valid request, if that is later.

(5) Where assessment of an old system eligible student's contribution or other matters have delayed the final calculation of the amount of the grant for fees or fee contribution loan for which the old system eligible student qualifies, the Welsh Ministers may make a provisional assessment and payment.