WELSH STATUTORY INSTRUMENTS

2011 No. 823 (W.122)

CHILDREN AND YOUNG PERSONS, WALES

The Children Act 1989 (Higher Education Bursary) (Wales) Regulations 2011

Made - - - - 16 March 2011

Coming into force in accordance with regulation 1

The Welsh Ministers, in exercise of the powers conferred by sections 23C(5B) and 104(4) of the Children Act 1989(**1**), make the following Regulations:

In accordance with section 104A(3) and (4)(**2**) of that Act, a draft of these Regulations was laid before, and approved by resolution of, the National Assembly for Wales.

Title, commencement and application

1.—(1) The title of these Regulations is the Children Act 1989 (Higher Education Bursary) (Wales) Regulations 2011.

(2) These Regulations come into force on the day after the day on which they are made and apply in relation to Wales.

Interpretation

2. In these Regulations "the 1989 Act" ("*Deddf 1989*") means the Children Act 1989.

Relevant amount

3. "The relevant amount" ("*y swm perthnasol*") for the purposes of section 23C(5A) of the 1989 Act is prescribed as £2,000.

(**1**) 1989 c. 41. Subsection (5B) of section 23C of the Children Act 1989 ("the 1989 Act") was inserted by section 21(2) of the Children and Young Persons Act 2008 ("the 2008 Act") (c.23). "Prescribed" means prescribed in Regulations made under the 1989 Act — *see* section 105 of the 1989 Act. "Appropriate national authority" means in relation to Wales the Welsh Ministers — *see* section 30A of the 1989 Act. Section 104(4) of the 1989 Act was amended by paragraphs 1 and 25 of Schedule 3 to the 2008 Act.

(**2**) Section 104A of the 1989 Act was inserted by section 39 of and paragraphs 1 and 26 of Schedule 3 to the 2008 Act. Section 104A (3) and (4) provide that the first regulations to be made in exercise of the power conferred by section 23C(5B)(b) shall not be made by the Welsh Ministers unless a draft of the statutory instrument has been laid before and approved by resolution of the National Assembly for Wales.

Meaning of "higher education"

4.—(1) "Higher education" ("*addysg uwch*") for the purposes of section 23C(5A) of the 1989 Act is prescribed as a course of education that is—

(a) one of the following—

(i) a first degree;

(ii) a course for the Diploma of Higher Education;

(iii) a course for the Higher National Diploma of the Business and Technician Education Council or the Scottish Qualification Authority;

(iv) a course for the initial training of teachers;

(v) a course for the further training of youth and community workers;

(vi) a course (for entry to which a first degree or equivalent qualification is not normally required) in preparation for a professional examination at a higher level;

(b) of at least two academic years' duration (as a full-time course or as a part-time course expressed as its full time equivalent); and

(c) designated by or under Regulations made under section 22(1) of the Teaching and Higher Education Act 1998(**3**) on the date on which the former relevant child(**4**) starts the course.

(2) For the purposes of sub-paragraph (vi) an examination at a higher level is one that is of a standard higher than—

(a) the examination at advanced level for the General Certificate of Education or the examination at higher level for the Scottish Certificate of Education; or

(b) the examination for the National Certificate or the National Diploma of the Business and Technician Education Council or the Scottish Qualification Authority.

Provision as to the payment of the relevant amount

5.—(1) The local authority(**5**) may pay the relevant amount to a former relevant child as a lump sum or by instalments.

(2) In the case of a former relevant child who started higher education on or after 1 September 2010 but before 1 September 2011—

(a) if the relevant amount is to be paid as a lump sum, it must be paid by 30 June 2011; and

(b) if the relevant amount is to be paid by instalments—

(i) the first instalment must be paid by 30 June 2011; and

(ii) the final instalment must be paid before the end of the course or not more than four weeks after the start of the fourth year of the course, whichever is the earlier.

(3) In the case of a former relevant child who starts higher education on or after 1 September 2011—

(a) if the relevant amount is to be paid as a lump sum, it must be paid by 31 December 2011 or not more than three months after the start of the course, whichever is later; and

(b) if the relevant amount is to be paid by instalments—

(**3**) 1998 c. 30. At the time of making these Regulations relevant Regulations are the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2009 (S.I. 2009/2737) and the Education (Student Support) (Dance and Drama) Regulations 1999 (S.I. 1999/2263).

(**4**) "Former relevant child" is defined in section 23C(1) of the 1989 Act. These Regulations relate to a former relevant child for whom a local authority in Wales was last responsible.

(**5**) "The local authority" is the council of a county or county borough in Wales that was last responsible for a former relevant child.