WELSH STATUTORY INSTRUMENTS

2010 No. 1704 (W.164)

EDUCATION, WALES

The Cancellation of Student Loans for Living Costs Liability (Wales) Regulations 2010

Made - - - -	*26 June 2010*
Laid before the National Assembly for Wales - -	*30 June 2010*
Coming into force - -	*1 August 2010*

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon the Secretary of State by sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998(**1**) and now exercisable by them(**2**):

Title and commencement

1.—(1) The title of these Regulations is the Cancellation of Student Loans for Living Costs Liability (Wales) Regulations 2010.

(2) These Regulations come into force on 1 August 2010, and apply in relation to Wales.

Application

2. These Regulations apply in relation to the provision of support to students in respect of the Academic Year 2010/ 2011.

Interpretation

3. In these Regulations—

"the 1998 Act" ("*Deddf 1998*") means the Teaching and Higher Education Act 1998;

(**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.

(**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)) refers. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(a) of Schedule 11 to the Government of Wales Act 2006 (c. 32).

"the 2008 Act" ("*Deddf 2008*") means the Sale of Student Loans Act 2008(**3**);

"academic year" ("*blwyddyn academaidd*") means the period of twelve months beginning on 1 September, 1 January, 1 April or 1 July of the calendar year in which the academic year of the course in question begins, according to whether that academic year begins on or after 1 August but before 1 January, on or after 1 January but before 1 April, on or after 1 April but before 1 July, or on or after 1 July but before 1 August;

"Academic Year 2010/2011" ("*Blwyddyn Academaidd 2010/2011*") means an academic year which begins on or after 1 September 2010 but before 1 September 2011;

"the borrower" ("*y benthyciwr*") means a person who has received a loan for living costs from the Welsh Ministers in respect of the Academic Year 2010/2011;

"loan for living costs" ("*benthyciad at gostau byw*") is a loan received from the Welsh Ministers in respect of the Academic Year 2010/2011 under Regulations made pursuant to section 22 of the 1998 Act(**4**);

"the Outstanding Liability" ("*yr Atebolrwydd sydd heb ei Dalu*") has the meaning given in regulation 7;

"the Repayment Date" ("*y Dyddiad Ad-dalu*") means the day after the date on which the borrower's first loan repayment is considered to have been received by either Her Majesty's Revenue and Customs or the Welsh Ministers, whichever is considered (in accordance with Regulations made under section 22 of the 1998 Act(**5**)) to have received it first;

"the Satisfaction Date" ("*y Dyddiad Bodloni*") has the meaning given in regulation 9;

"the Specified Amount" ("*y Swm Penodedig*") has the meaning given in regulation 6; and

"Welsh Ministers" ("*Gweinidogion Cymru*") includes any person to whom they have transferred or delegated their functions under section 23 of the 1998 Act or to whom they have transferred their rights under section 9 of the 2008 Act.

Qualification for cancellation

4. A borrower qualifies for cancellation of the Specified Amount of their Outstanding Liability in the circumstances set out in regulation 5 ("the Circumstances").

Circumstances

5. The Circumstances for the purposes of regulation 4 are that—

(1) the borrower has received a loan for living costs; and

(2) the Welsh Ministers consider that, on the Repayment Date, the borrower—

(a) is not in breach of any obligation contained in any agreement for a student loan or in any Regulations made under section 22 of the 1998 Act; and

(b) does not have outstanding penalties, costs, expenses or charges in relation to such a loan pursuant to any such agreement or Regulations.

Specified Amount

6. The Specified Amount for cancellation to which regulation 4 refers is the lesser of—

(**3**) 2008 c. 10.

(**4**) At the time of making these Regulations, the Welsh Ministers disburse loans for living costs in respect of the Academic Year 2010/2011 in accordance with Part 6 of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2009 (S.I. 2009/2737 (W.235)).

(**5**) At the time of making these Regulations, the date on which a borrower's repayment is considered to have been received is determined in accordance with regulation 17 of the Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470).