WELSH STATUTORY INSTRUMENTS

2007 No. 2312 (W.183)

EDUCATION, WALES

The Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2007

Made - - - -	*4 August 2007*
Laid before the National Assembly for Wales - -	*7 August 2007*
Coming into force - -	*31 August 2007*

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

PART 1

GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2007.

(2) These Regulations come into force on 31 August 2007 and apply in relation to Wales.

Interpretation

2. In these Regulations—

(**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 and the Higher Education Act 2004 (c. 8), section 42. Section 42 and section 43 were amended by the Education Act 2002 (c. 32), Schedule 12.

(**2**) The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 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)(a) of Schedule 11 of the Government of Wales Act 2006 (c. 32).

"the 2006 Regulations" ("*Rheoliadau 2006*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006(**3**).

"the 2007 Regulations" ("*Rheoliadau 2007*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007(**4**).

Amendment to the 2006 Regulations and the 2007 Regulations

3. The 2006 Regulations are amended in accordance with Part 2.

4. The 2007 Regulations are amended in accordance with Part 3.

PART 2

AMENDMENTS TO THE 2006 REGULATIONS

5. In regulation 2(1)—

(a) in the appropriate place in the alphabetical order insert—

""compressed degree course" ("*cwrs gradd cywasgedig*") means a course determined in accordance with paragraph (1A);

"compressed degree student" ("*myfyriwr cwrs gradd cywasgedig*") means an eligible student who—

(a) is undertaking a compressed degree course in the United Kingdom (the "*course*");

(b) begins the course on or after 1 September 2006; and

(c) either—

(i) is required to be in attendance on the course for part of the academic year for which he or she is applying for support; or

(ii) is a disabled student who is not required to be in attendance on the course because he or she is unable to attend because of a reason which relates to his or her disability;";

(b) in the appropriate place in the alphabetical order, insert—

"intensive course" ("*cwrs dwys*") means an accelerated course or a compressed degree course;";

(c) in the appropriate place in the alphabetical order insert—

"Turkish Worker" ("*Gweithiwr o Dwrci*") means a Turkish national who—

(a) is ordinarily resident in the United Kingdom and Islands; and

(b) is, or has been, lawfully employed in the United Kingdom;".

6. After regulation 2(1), insert—

"(1A) the Secretary of State may determine that a course is a compressed degree course, if in his opinion, that course is—

(a) a course for a first degree (other than a foundation degree);

(b) a full-time course designated under regulation 5(1); and

(c) of two academic years' duration.".

(**3**) S.I. 2006/126 (W. 19) amended by S.I. 2006/1863 (W. 196).
(**4**) S.I. 2007/1045 (W. 104).

7. In regulation 7(5), after "attended", insert "or, in the case of a compressed degree course, undertook in the United Kingdom".

8. For regulation 8(2) substitute—

"(2) The grounds for transfer are —

(a) on the recommendation of the academic authority the eligible student starts to—

(i) attend another designated course at the institution;

(ii) undertake another compressed degree course in the United Kingdom at the institution; or

(iii) undertake a compressed degree course in the United Kingdom at the institution.

(b) the eligible student starts to—

(i) attend a designated course at another institution; or

(ii) undertake a compressed degree course in the United Kingdom at another institution;

(c) after starting a course for the Certificate in Education, the eligible student is, on or before the completion of that course, admitted to a designated course for the degree of Bachelor of Education either at the same institution or at another institution;

(d) after starting a course for the degree (other than an honours degree) of Bachelor of Education, the eligible student is, on or before the completion of that course, admitted to a designated course for the honours degree of Bachelor of Education either at the same institution or another institution; or

(e) after starting a course for a first degree (other than an honours degree) the eligible student is, before the completion of that course, admitted to a designated course for an honours degree in the same subject or subjects at the institution.".

9. After regulation 10(2)(e), insert—

"(ea) the applicant is a person mentioned in paragraph 12 of Part 2 of Schedule 1, in which case the application must reach the Welsh Ministers by 3 March 2008 or within a period of nine months beginning with the first day of the academic year in respect of which it is submitted, whichever is the later;".

10. After regulation 11A(2) insert —

"(3) A student to whom this regulation applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for fee support.

(4) This regulation applies to—

(a) a compressed degree student;

(b) a disabled student who—

(i) is not a compressed degree student; and

(ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability."

11. After regulation 11C(e), insert—

"(ea) the student becomes the child of a Turkish worker;".

12. After regulation 18(8)(d), insert—

"(da) the student becomes the child of a Turkish worker;".

13. After regulation 18(8), insert—

"(9) A student to whom this paragraph applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for the following grants—

(a) grants for dependants;

(b) maintenance grant or special support grant;

(c) higher education grant.

(10) Paragraph (9) applies to —

(a) a compressed degree student;

(b) a disabled student who—

(i) is not a compressed degree student; and

(ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability."

14. After regulation 31(3), insert—

"(4) A student to whom this paragraph applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for the loan for living costs.

(5) Paragraph (4) applies to —

(a) a compressed degree student; and

(b) a disabled student who—

(i) is not a compressed degree student; and

(ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability."

15. In regulation 32 for "an accelerated course" in each place it occurs, substitute "an intensive course".

16. In regulation 33 for "an accelerated course" in each place it occurs, substitute "an intensive course".

17. In regulation 35 for "an accelerated course" in each place it occurs, substitute "an intensive course".

18. For regulation 37, substitute—

"(1) Subject to regulation 39, the loan for living costs is payable in respect of three quarters of the academic year.

(2) The loan for living costs is not payable -

(a) in the case of a compressed degree student, in respect of the quarter nominated by the Welsh Ministers;

(b) in any other case, in respect of the quarter in which, in the opinion of the Welsh Ministers, the longest of any vacation occurs."

19. After regulation 39(2)(d) insert—

"(da) the student becomes the child of a Turkish worker;".

20. After regulation 46(4)(e), insert—

"(f) GFF is the amount, if any, of grant for fees for which the eligible student qualifies under Part 4".

21. In regulation 46(6) for "an accelerated course", substitute "an intensive course".

22. In regulation 50, after paragraph 14(f), insert—

"(fa) the student becomes the child of a Turkish worker;".

23. After regulation 55(3)(b), insert—

"(ba) the applicant is a person mentioned in paragraph 12 of Part 2 of Schedule 1, in which case the application must reach the Welsh Ministers by 1 December 2007 or within a period of six months beginning with the first day of the academic year in respect of which it is submitted, whichever is the later;".

24. After regulation 62(12), insert—

(13) Where one of the events listed in paragraph (14) occurs in the course of an academic year-

(a) a student may qualify for a grant under this Part in respect of that academic year in accordance with this Part; and

(b) a grant of the kind available under this Part is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(14) The events are—

(a) the student's course becomes a designated postgraduate course;

(b) the student, his or her spouse, his or her civil partner or his or her parent is recognised as a refugee or becomes a person with leave to enter or remain as defined in Part 1 of Schedule 1;

(c) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;

(d) the student acquires the right of permanent residence as defined in Part 1 of Schedule 1;

(e) the student becomes the child of a Turkish worker;

(f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or

(g) the student becomes a child of the Swiss national.

25. In Schedule 1—

(a) for paragraph 1(4), substitute—

"(4) For the purposes of this Schedule, a person is to be treated as ordinarily resident in Wales, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey if he or she would have been so resident but for the fact that—

(a) he or she;

(b) his or her spouse or civil partner;

(c) his or her parent; or

(d) in the case of a dependent direct relative in the ascending line, his or her child or his or her child's spouse or civil partner,

is or was temporarily employed outside the area in question.";

(b) for paragraph 1(5), substitute—

"(5) For the purposes of sub-paragraph (4), temporary employment outside of Wales, the United Kingdom and Islands, the territory comprising the European Economic Area