WELSH STATUTORY INSTRUMENTS

2007 No. 1045 (W.104)

EDUCATION, WALES

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

Made - - - -	*27 March 2007*
Coming into force - -	*1 April 2007*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998(**1**), makes 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) Regulations 2007.

(2) These Regulations come into force on 1 April 2007 and apply in relation to Wales.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires —

"the 1962 Act" ("*Deddf 1962*") means the Education Act 1962(**2**);

(**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. The functions of the Secretary of State were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004, the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) Order 2005 (S.I. 2005/1833 (W.149)(c.79) and Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) (Amendment) Order 2006 (S.I. 2006/1660 (W.159)(c.56)).

(**2**) 1962 c. 12; sections 1 to 4 and Schedule 1 were substituted by the provisions set out in Schedule 5 to the Education Act 1980 (c. 20). Section 1(3)(d) was amended by the Education (Grants and Awards) Act 1984 (c. 11), section 4. Section 4 was amended by the Education Act 1994 (c. 30), Schedule 2, paragraph 2. The entire Act was repealed by the Teaching and Higher Education Act 1998 (c. 30), section 44(2) and Schedule 4, subject to the transitional provisions and savings set out in the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998 (S.I. 1998/3237), article 3.

"the 1998 Regulations" ("*Rheoliadau 1998*") means the Education (Student Support) Regulations 1998(**3**);

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Education (Student Support) Regulations 1999(**4**);

"the 2000 Regulations" ("*Rheoliadau 2000*") means the Education (Student Support) Regulations 2000(**5**);

"the 2001 Regulations" ("*Rheoliadau 2001*") means the Education (Student Support) Regulations 2001(**6**);

"the 2002 Regulations" ("*Rheoliadau 2002*") means the Education (Student Support) Regulations 2002(**7**);

"the 2003 Regulations" ("*Rheoliadau 2003*") means the Education (Student Support) (No. 2) Regulations 2002(**8**) as amended only by the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2003(**9**) and the Education (Student Fees and Support) (Switzerland) Regulations 2003(**10**);

"the 2004 Regulations" ("*Rheoliadau 2004*") means the 2003 Regulations as amended by the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2004(**11**), the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 2) Regulations 2004(**12**), the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 3) Regulations 2004(**13**), the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 4) Regulations 2004(**14**) and the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2005(**15**)) and the Education (Student Support) (Amendment) (No.2) Regulations 2005(**16**));

"the 2005 Regulations" ("*Rheoliadau 2005*") means the Education (Student Support) Regulations 2005(**17**)) as amended by the Education (Student Support) (Amendment) Regulations 2005, the Education (Student Support) (Amendment) (No. 2) Regulations 2005, the Adoption and Children (Miscellaneous Amendments) Regulations 2005(**18**)) and the Education (Student Support) (Amendment) Regulations 2006(**19**)).

"the 2006 Regulations" ("*Rheoliadau 2006*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006(**20**) as amended by the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2006(**21**);

"academic authority" ("*awdurdod academaidd*") means, in relation to an institution, the governing body or other body having the functions of a governing body and includes a person acting with the authority of that body;

(**3**) S.I. 1998/2003.
(**4**) S.I. 1999/496, amended by S.I. 1999/2266 and S.I. 2000/1120.
(**5**) S.I. 2000/1121, amended by S.I. 2000/1490, S.I. 2000/2142 and S.I. 2000/2912.
(**6**) S.I. 2001/951, amended by S.I. 2001/1730, S.I. 2001/2355 and S.I. 2002/174.
(**7**) S.I. 2002/195, amended by S.I. 2002/1318, S.I. 2002/2088 and S.I. 2002/3059.
(**8**) S.I. 2002/3200.
(**9**) S.I. 2003/1065.
(**10**) S.I. 2003/3280.
(**11**) S.I. 2004/161.
(**12**) S.I. 2004/1602.
(**13**) S.I. 2004/2041.
(**14**) S.I. 2004/2598.
(**15**) S.I. 2005/5.
(**16**) SI 2005/2084.
(**17**) S.I. 2005/52 as amended by S.I. 2005/1341 and S.I. 2005/2084.
(**18**) S.I.2005/3482.
(**19**) S.I.2006/955.
(**20**) S.I. 2006/126 (W.19).
(**21**) S.I. 2006/ 1863 (W.196) .

"academic year" ("*blwyddyn academaidd*") means the period of twelve months beginning on 1 January, 1 April, 1 July or 1 September 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 January and before 1 April, on or after 1 April and before 1 July, on or after 1 July and before 1 August or on or after 1 August and on or before 31 December, respectively;

"accelerated course" ("*cwrs carlam*") means a course which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere) for a period of at least 40 weeks in the final year, being a course of two academic years' duration;

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

"borrower" ("*benthyciwr*") means a person to whom a loan has been made;

"college fee loan"("*benthyciad at ffioedd coleg*") means a loan pursuant to regulations made by the National Assembly under section 22 of the Act in respect of the college fees payable by a student to a college or permanent private hall of the University of Oxford or to a college of the University of Cambridge;

"contribution" ("*cyfraniad*") means an eligible student's contribution calculated pursuant to regulation 53 and Schedule 5;

"course for the initial training of teachers" ("*cwrs ar gyfer hyfforddiant cychwynnol athrawon*") includes such a course leading to a first degree unless otherwise specified and excludes an employment-based teacher training scheme;

"designated course" ("*cwrs dynodedig*") means a course designated by regulation 5 or by the National Assembly under regulation 5;

"designated part-time course" ("*cwrs rhan amser dynodedig*") means a course designated by regulation 63 or by the National Assembly under regulation 63;

"designated postgraduate course" ("cwrs ôl-raddedig dynodedig") means a course designated by regulation 75 or by the National Assembly under regulation 75;

Directive 2004/38" ("*Cyfarwyddeb 2004/38*") means Directive 2004/38/EC of the European Parliament and of the Council of 29th April 2004(**22**) on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

"EC national" ("*gwladolyn y GE*") means a national of a Member State of the European Community;

"electronic signature" ("*llofnod electronig*") is so much of anything in electronic form as —

(a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and

(b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both;

"eligible part-time student" ("*myfyriwr rhan-amser cymwys*") has the meaning given in regulation 62;

"eligible postgraduate student" ("*myfyriwr ôl-raddedig cymwys*") has the meaning given in regulation 74;

"eligible student" ("*myfyriwr cymwys*") has the meaning given in regulation 4;

"employment-based teacher training scheme" ("*cynllun hyfforddi athrawon ar sail cyflogaeth*") means a scheme established by the National Assembly for the purpose of

(**22**) OJ L158, 30.04.2004, p77-123.

regulation 8 of the Education (School Teachers' Qualifications) (Wales) Regulations 2004 (**23**) whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a maintained school, an independent school or other institution except a pupil referral unit;

(a) "end-on course" ("*cwrs pen-ben*") means a full-time first degree course (other than a first degree course for the initial training of teachers) which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a full-time course mentioned in paragraph 2 or 3 of Schedule 2 for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004, 2005 or 2006 Regulations;

(b) a full-time honours degree course beginning on or after 1 September 2006 which, disregarding any intervening vacation, a student starts to attend immediately after ceasing to attend a full-time foundation degree course for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004, 2005 or 2006 Regulations;

(c) a course for the initial training of teachers beginning before 1 September 2006 the duration of which does not exceed two years (the duration of a part-time course being expressed as its full-time equivalent) which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a first degree course for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004 or 2005 Regulations;

"European Community" ("*Y Gymuned Ewropeaidd*") means the territory comprised by the Member States of the European Community as constituted from time to time;

"fees" ("*ffioedd*") has the meaning given in section 41(1) of the Higher Education Act 2004 except in references to college fees;

"flexible postgraduate ITT course" ("*cwrs HCA hyblyg i ôl-raddedigion*") means a postgraduate course of initial teacher training, the length and pattern of which is determined by reference to the eligible student's experience and training requirements and which has been approved by the Training and Development Agency for Schools (**24**);

"former Metropolitan Police District" ("*cyn ardal yr Heddlu Metropolitanaidd*") means —

(a) Greater London, excluding the city of London, the Inner Temple and the Middle Temple;

(b) in the county of Essex, in the district of Epping Forest —

the area of the former urban district of Chigwell,

the parish of Waltham Abbey;

(c) in the county of Hertfordshire —

in the borough of Broxbourne, the area of the former urban district of Cheshunt,

the district of Hertsmere,

in the district of Welwyn Hatfield, the parish of Northaw; and

(d) in the county of Surrey —

in the borough of Elmbridge, the area of the former urban district of Esher,

the boroughs of Epsom and Ewell and Spelthorne,

(**23**) S.I. 2004/1729 (W.173).

(**24**) This body was originally established under section 1 of the Education Act 1994 (c. 30) as the Teacher Training Agency. By virtue of section 74 of the Education Act 2005 (c. 18), it continues in existence but is to be known instead as the Training and Development Agency for Schools.

in the district of Reigate and Banstead, the area of the former urban district of Banstead;

"grant for living costs" ("*grant at gostau byw*") (without more) means a grant under any of the provisions of Part 5 of these Regulations;

"healthcare bursary" ("*bwrsari gofal iechyd*") means a bursary or award of similar description under section 63 of the Health Services and Public Health Act 1968(**25**) or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(**26**);

"higher education course" ("*cwrs addysg uwch*") means a course referred to in Schedule 2 or a postgraduate or other course the standard of which is higher than the standard of a first degree course;

"household income" ("*incwm yr aelwyd, incwm aelwyd ac incwm sydd gan yr aelwyd*") has the meaning given in Schedule 5;

"Islands" ("*Ynysoedd*") means the Channel Islands and the Isle of Man;

"loan"("*benthyciad*"), except where otherwise indicated, means a loan pursuant to any regulations made under section 22 of the Act, including the interest accrued on the loan and any penalties or charges incurred in connection with it;

"loan for living costs" ("*benthyciad at gostau byw*") means a loan under Part 6 of these Regulations;

"maintained school" ("*ysgol a gynhelir*") means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

"National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"new fee grant" ("*grant newydd at ffiodd*") means a grant under regulation 18;

"new system eligible student" ("*myfyriwr cymwys o dan y drefn newydd*") means an eligible student who —

(a) is not an old system eligible student; and

(b) either—

(i) starts the present course on or after 1 September 2006 and is continuing on that course after 31 August 2007; or

(ii) starts the present course on or after 1 September 2007.

"old award" ("*hen ddyfarniad*") is an award within the meaning of the Education (Mandatory Awards) Regulations 2003(**27**);

"old system eligible student" ("*myfyrwyr cymwys odan yr hen drefn*") means an eligible student who —

(**25**) 1968 c. 46; section 63 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 7, the National Health Service Reorganisation Act 1973 (c. 32), Schedules 4 and 5, the National Health Service Act 1977 (c. 49), Schedules 15 and 16, the National Health Service (Scotland) Act 1978 (c. 29), Schedules 16 and 17, the Local Government Act 1985 (c. 51), Schedule 17, the Health and Medicines Act 1988 (c. 49), section 20, section 25(2) and Schedule 3, the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, the Health Authorities Act 1995 (c. 17), Schedule 1, the Local Government Reorganisation (Wales) (Consequential Amendments No. 2) Order 1996 (S.I. 1996/1008), the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, the Health Act 1999 (c. 8), Schedule 4, the Health and Social Care Act 2001 (c. 15), Schedule 5, the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedules 2, 5 and 9, the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc Provisions) Regulations 2002 (S.I. 2002/2469), Schedule 1, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedules 4, 11 and 14, the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) Order 2004 (S.I. 2004/288), article 7, the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004 (S.I. 2004/480), article 6 and the Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 (S.I. 2004/957), the Schedule.

(**26**) S.I. 1972/1265 (N.I. 14).

(**27**) S.I. 2003/1994, amended by S.I. 2004/1038 and S.I. 2004/1792.