WELSH STATUTORY INSTRUMENTS

2006 No. 1863 (W.196)

EDUCATION, WALES

The Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2006

Made - - - -	*12 July 2006*
Coming into force - -	*14 July 2006*

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:

Title, commencement and application

1.—(1) The title of these Regulations is the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2006.

(2) These Regulations come into force on 14 July 2006 and apply in relation to Wales.

Interpretation

2. In these Regulations—

"The Principal Regulations" mean the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006(**2**).

Amendment of Principal Regulations

3. The Principal Regulations are amended as follows.

4. In regulation 2(1)—

(a) omit the sub-paragraphs defining the following terms—

"EEA Agreement" ("*Cytundeb yr AEE*");

"EEA migrant worker" ("*gweithiwr mudol yr AEE*");

(**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 (Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) Order 2005 (S.I.2005/1833 (W.149)(c.79)).

(**2**) S.I. 2006/126 (W.19).

"European Economic Area" ("*Ardal Economaidd Ewropeaidd*"); and

"Switzerland Agreement" ("*Cytundeb y Swistir*"); and

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

""College fee loan" ("*benthyciad 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;" and

""fees" ("*ffioedd*") has the meaning given in section 41(1) of the 2004 Act except in the case of college fees;".

5. In regulation 2, omit paragraphs (2) to (5).

6. Insert after paragraph (4) of regulation 3, the following paragraph—

"(4A) For the purposes of paragraphs (2) to (4), any reference to the Secretary of State in relation to any function conferred on the Secretary of State by the Regulations referred to in those paragraphs, is to be read in relation to Wales as a reference to—

(a) the National Assembly, in the case of a function referred to in section 44(1) of the Act; or

(b) the National Assembly or the Secretary of State, in the case of a function referred to in section 44(2) of the Act.".

7. In regulation 4(2)(a), before the words "Schedule 1" insert the words "Part 2 of".

8. In regulation 6(4), after the words "Despite paragraph (1)" insert the words "and subject to paragraph 6(4B).".

9. After regulation 6(4) insert—

"(4A) Paragraph (4B) applies to—

(a) a new system eligible student who is on an end-on course of the kind described in paragraph (a) or (b) of the definition of "end-on course" in regulation 2;

(b) a new system eligible student who has—

(i) completed a full-time course mentioned in paragraph 2 or 3 of Schedule 2;

(ii) is on a full-time first degree course (other than a first degree course for the initial training of teachers) that he or she did not begin immediately after the course referred to in paragraph (i); and

(iii) has not taken a full-time first degree course after the course referred to in paragraph (i) and before the present course;

(c) a new system eligible student who has—

(i) completed a full-time foundation degree course;

(ii) is on a full-time honours degree course that he or she did not begin immediately after the course referred to in paragraph (i); and

(iii) has not taken a full-time first degree course after the course referred to in paragraph (i) and before the present course; and

(d) an old system eligible student who is a student on an end-on course of the kind described in paragraphs (a) and (b) of the definition of "end — on course" in regulation 2.".

10. After regulation 6(4A) (as inserted by regulation 9 above), insert—

"(4B) Despite paragraph (1), an eligible student to whom this paragraph applies is only eligible for grants or loans for fees and grants for living costs in respect of the present course for the number of academic years equal to (D + X)−Pr C.".

11. In regulation 6(9) insert—

(a) after paragraph (a)—

"(aa) D is the greater of 3 and the number of academic years that make up the ordinary duration of the course;";

(b) after paragraph (c)—

"(ca) X is 1 where the ordinary duration of the preliminary course was less than three years and where the ordinary duration of the preliminary course was three years;";and

(c) after paragraph (9)(d)—

"(da) PrC is the number of academic years that the student spent on the preliminary course excluding any years of repeat study for compelling personal reasons;".

12. In regulation 7(1), for "paragraph (3)" substitute "paragraphs (3) and (3A)" and omit the words "or a grant for living costs".

13. In regulation 7(2) for the words "paragraphs (3) and (4)" substitute the words "paragraphs (3A) and (4)".

14. After regulation 7(3) insert—

"(3A) Where the present course is considered to be a single course because of regulations 5(4) and 5(5) and it leads to an honours degree from an institution in the United Kingdom being conferred on the eligible student before the final degree or equivalent qualification, the eligible student is not prevented from qualifying for support under paragraph (1) or (2) in respect of any part of the single course by virtue of having that honours degree.".

15. For regulation 7(4) substitute—

"Paragraph (2) does not apply where—

(a) the designated course leads to qualification as a social worker;

(b) the eligible student is to receive any payment under a healthcare bursary the amount of which is calculated by reference to his or her income or a Scottish healthcare allowance the amount of which is calculated by reference to his or her income in respect of any academic year of the course; or

(c) the student is on a course for the initial training of teachers.".

16. After regulation 7(7) insert—

"(8) Paragraphs (6A) and (6B) of regulation 18 extend the provisions of this regulation relating to qualification for fee loans and fee grants to the grants for living costs referred to in those paragraphs, subject to specified exceptions.".

17. For regulation 10(2)(a), substitute the following—

"(a) one of the events listed in regulation 11C occurs after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the National Assembly within a period of nine months beginning with the day on which the relevant event occurs.".

18. Omit regulation 10(2)(b) and (c).

19. After regulation 11 insert the following new Part—

"PART 3A

APPLYING FOR GRANTS AND LOANS FOR FEES

Fee Support Generally

11A.—(1) No grant under Part 4 or loan under Part 5 in respect of an academic year may exceed the fees payable by the student in respect of that academic year.

(2) To receive a loan under these Regulations the student must enter into a contract with the National Assembly.

Students becoming eligible during the course of an academic year

11B. Where any of the events listed in regulation 11C occurs in the course of an academic year—

(a) a student may qualify for grants and loans under Part 4 or 5 provided that the relevant event occurred within the first three months of the academic year; and

(b) such grants and loans are not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

Events

11C. The events are—

(a) the student's course becomes a designated 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) a state accedes to the European Community where the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;

(d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EC national;

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

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

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

20. In the headings for Part 6 and regulation 18 after the words "for living" insert the words "and other".

21. In regulations 18(1), 18(2), 18(3), 18(5) and 18(7) omit the words "for living costs" wherever they appear.

22. In regulation 18(2) substitute for the words "from 1 to 8 of Schedule 1 into which the student falls is paragraph 7", the words "in Part 2 of Schedule 1 into which the student falls is paragraph 9".

23. After regulation 18(6) insert—

"(6A) Subject to paragraph (6B), an eligible student does not qualify for a grant under regulation 28, 29 or 30 in respect of an academic year of the designated course if the student does not qualify for relevant support in respect of that academic year .

(6B) Paragraph (6A) does not apply if the reason that the student does not qualify for relevant support is because—

(a) he or she is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS and his or her course is a course referred to in regulation 5(1)(d); and all the periods of study during the academic year are at an institution outside the United Kingdom; or

(b) the degree course is a flexible ITT course.

(6C) In paragraph (6A) "relevant support" means, in the case of a grant under regulation 28, a grant for fees, or, in the case of a grant under regulation 29 or 30, a loan for fees.".

24. In regulation 18(8)(b) substitute for the words "mentioned in paragraph 3 of Schedule 1", the words "defined in Part 1 of Schedule 1", and omit the "or" preceding that sub-paragraph.

25. After regulation 18(8)(b) insert—

"(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 a person described in paragraph 6(1)(a) of Schedule 1; or

(f) the student becomes the child of a Swiss national.".

26. In regulation 30(2) after "1992" insert the words ", or if he or she is treated as being liable to make payments in respect of a dwelling prescribed by regulations made under section 130(2) of that Act".

27. In regulation 30(5)(c), after "£26,500," insert "or the student opts when applying for the grant not to provide the information needed to calculate the household income,".

28. In regulation 30(6)(d) for the word "maintenance" substitute the words "special support".

29. In regulation 31(3) substitute for the words "from 1 to 8 of Schedule 1 into which the student falls is paragraph 7", the words "in Part 2 of Schedule 1 into which the student falls is paragraph 9".

30. In regulation 39(2)(b) substitute for the words "mentioned in paragraph 3 of Schedule 1", "defined in Part 1 of Schedule 1".

31. After regulation 39(2)(b) insert—

"(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 a person described in paragraph 6(1)(a) of Schedule 1; or

(f) the student becomes the child of a Swiss National.".

32. After regulation 44, insert—