WELSH STATUTORY INSTRUMENTS

2006 No. 126 (W.19)

EDUCATION, WALES

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

Made - - - -	*24 January 2006*
Coming into force - -	*1 March 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:

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 2006.

(2) These Regulations come into force on 1 March 2006 and apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

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

(**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 The entire Act was repealed by the Teaching and Higher Education Act 1998 (c. 30), section 44(2) and Schedule 4, subject to the transitional provisions and savings set out in the Teaching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**);

"the 2005 Regulations" ("*Rheoliadau 2005*") means the Education (Student Support) Regulations 2005(**16**) as amended by the Education (Student Support) (Amendment) Regulations 2005 and the Education (Student Support) (Amendment) (No. 2) Regulations 2005.

"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;

"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;

(**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**) S.I. 2005/52 as amended by S.I. 2005/1341 and S.I. 2005/2084.

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

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

"contribution" ("*cyfraniad*") means an eligible student's contribution calculated pursuant to regulation 45 and Schedule 4;

"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 51 or by the National Assembly under regulation 51;

"designated postgraduate course" ("*cwrs ôl-raddedig dynodedig*") means a course designated by regulation 63 or by the National Assembly under regulation 63;

"EEA Agreement" ("*Cytundeb yr AEE*") means the Agreement on the European Economic Area signed at Oporto on 2 May 1992(**17**) as adjusted by the Protocol signed at Brussels on 17 March 1993(**18**);

"EEA migrant worker" ("*gweithiwr mudol yr AEE*") has the meaning given in paragraph (5);

"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 50;

"eligible postgraduate student" ("*myfyriwr ôl-raddedig cymwys*") has the meaning given in regulation 62;

"eligible student" ("*myfyriwr cymys*") 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 regulation 8 of the Education (School Teachers' Qualifications) (Wales) Regulations 2004 (**19**) 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;

"end-on course" ("*cwrs pen-ben*") means—

(a) 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 or 2005 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

(**17**) Cm 2073.
(**18**) Cm 2183.
(**19**) S.I. 2004/1729 (W.173).

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 or 2005 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;

"European Economic Area" ("*Ardal Economaidd Ewropeaidd*") means the European Community and the area comprised by the Republic of Iceland, the Kingdom of Norway and the Principality of Liechtenstein;

"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 (**20**);

"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,

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

"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(**21**) or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(**22**);

(**20**) 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.

(**21**) 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

"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 4;

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

"loan"("*benthyciad*"), except where otherwise indicated, means a loan towards a student's maintenance or course fees 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;

"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 system eligible student" ("*myfyriwr cymwys dan y drefn newydd*") means an eligible student who starts the current course on or after 1 September 2006 and who is not an old system eligible student;

"old award" ("*hen ddyfarniad*") is an award within the meaning of the Education (Mandatory Awards) Regulations 2003(**23**);

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

(a) started the current course before 1 September 2006,

(b) is a gap-year student,

(c) starts the current course on or after 1 September 2006 where that course is an end-on course in relation to a course that he or she started before 1 September 2006 or, in the case of a gap-year student, before 1 September 2007, or

(d) starts the current course on or after 1 September 2006 having had his or her status as an eligible student transferred to that course as a result of one or more transfers of that status by the National Assembly pursuant to regulations made under section 22 of the Act from a designated course which he or she began before 1 September 2006 or, in the case of a gap-year student, before 1 September 2007 and in connection with which the National Assembly determined him or her to be an eligible student;

"periods of work experience" ("*cyfnodau o brofiad gwaith*") means—

(a) periods of industrial, professional or commercial experience associated with full-time study at an institution but at a place outside that institution;

(b) periods during which a student is employed and residing in a country whose language is one that he or she is studying for his or her course (provided that the period of residence in that country is a requirement of his or her course and the study of one or more modern languages accounts for not less than one half of the total time spent studying on the course);

"present course" ("*cwrs presennol*") means the designated course in respect of which a person is applying for support;

(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.

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

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