
WELSH STATUTORY INSTRUMENTS

2006 No. 126

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

PART 10

PAYMENTS

Payment of grants or loans for fees

47.—(1) The National Assembly must pay the grant or loan for fees for which a student qualifies to the institution to which the student is liable to make payment where it receives a valid request for payment from the relevant academic authority.

(2) The National Assembly must pay the grant or loan for fees to the academic authority—

- (a) not before the expiry of a period of three months beginning with the first day of the academic year; and in the case of a grant only;
- (b) not later than 10 weeks after the expiry of the period in sub-paragraph (a), or promptly after a valid request for payment has been received, if that is later.

(3) Where assessment of the student's contribution or other matters have delayed the final calculation of the amount of grant for which the student qualifies, the National Assembly may make a provisional assessment.

(4) The National Assembly may pay the fee loan in instalments.

(5) Where assessment of an old system student's contribution or other matters have delayed the final calculation of the amount of fee contribution loan for which the student qualifies, the National Assembly may make a provisional assessment and payment.

(6) No payment of the grant or loan for fees may be made if—

- (a) before the expiry of a period of three months beginning with the first day of the academic year the eligible student ceases to attend the course; and
- (b) the academic authority has determined or agreed that the student will not commence attending again during the academic year in respect of which the fees are payable or at all.

Payment of grants and loans for living costs

48.—(1) Subject to the following paragraphs, the National Assembly may pay support under Part 6 or Part 7 in such instalments (if any) and at such times as it considers appropriate and in the exercise of its functions under this paragraph it may, where a final assessment cannot be made on the basis of the information provided by the student, make a provisional assessment of the support payable.

(2) Payments of support under Part 6 or Part 7 may be made in such manner as the National Assembly considers appropriate and it may make it a condition of entitlement to payment that the eligible student provides it with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(3) Where an eligible student has applied for a loan under Part 7, the National Assembly may make it a condition of entitlement to payment of any instalment that the eligible student provides it with the student's United Kingdom national insurance number.

(4) Subject to regulation 8, no support under Part 6 or Part 7 is due in respect of a payment period beginning after an eligible student has withdrawn from, abandoned or been expelled from his or her course; and the amount of support for the academic year is the aggregate of the support, if any, which is payable in respect of each payment period.

(5) Where an eligible student withdraws from, abandons or is expelled from his or her course on or after the relevant date, the National Assembly must determine—

- (a) the amount of each grant for living and other costs for which the student qualifies that would be payable in respect of the relevant payment period if the student had not withdrawn from, abandoned or been expelled from the course (the "full amount"); and
- (b) how much the full amount is in respect of the period which runs from the first day of the relevant payment period up to and including the day on which the student withdraws, abandons or is expelled from the course (the "partial amount").

(6) If the National Assembly has made payments of grants for living and other costs in respect of the relevant payment period before the point in that period at which the student withdraws from, abandons or is expelled from the course and that payment exceeds the partial amount—

- (a) it may treat the excess as an overpayment; or
- (b) if it considers that it is appropriate to do so it may extend the student's period of eligibility until the end of the relevant payment period and determine that the full amount is due in respect of that payment period.

(7) If a payment of grants for living and other costs in respect of the relevant payment period is due to be made or is made after the student withdraws from, abandons or is expelled from the course, the amount due is the partial amount unless the National Assembly considers that it is appropriate to extend the period of eligibility until the end of the relevant payment period and to determine that the full amount is due in respect of that payment period.

(8) No support under Part 6 or Part 7 is payable in respect of a payment period during any part of which an eligible student is absent from his or her course, unless in the opinion of the National Assembly it would be appropriate in all the circumstances to pay all or part of the support; and the amount of support for the academic year is the aggregate of the support, if any, which is payable in respect of each payment period.

(9) In this regulation "payment period" ("*cyfnod talu*") means a period in respect of which the National Assembly pays an instalment or would have paid an instalment if the eligible student had not withdrawn from, abandoned, been expelled from or been absent from his or her course.

(10) In deciding whether it would be appropriate to pay all or part of the support under paragraph (5) the circumstances to which the National Assembly must have regard include the reasons for the student's absence, the length of the absence and the financial hardship which not paying all or part of the support would cause.

(11) An eligible student is not considered to be absent from his or her course if he or she is unable to attend due to illness and his or her absence has not exceeded 60 days.

(12) Where, after the National Assembly has made any payment of support under Part 6 or Part 7, it makes a determination of the amount of a grant for living costs for which the student qualifies in respect of an academic year either for the first time or by way of revision of a provisional or other determination of that amount—

- (a) if the determination increases the amount of that grant for which the student qualifies it must pay the additional amount and in such instalments (if any) and at such times as it considers appropriate;

- (b) if the determination decreases the amount of that grant for which the student qualifies it must subtract the amount of the decrease from the amount of that grant which remains to be paid;
- (c) if the amount of the decrease is greater than the amount of that grant remaining to be paid the latter amount is reduced to nil and the balance subtracted from any other grant for living costs for which the student qualifies in respect of the academic year;
- (d) any remaining overpayment must be recovered in accordance with regulation 49.

(13) Where the National Assembly has made any payment of support under Part 6 or Part 7 and a student who qualifies for a loan under Part 7 applies for such a loan or applies for an additional amount of loan in respect of an academic year, the National Assembly must pay the loan or the additional amount of loan and in such instalments (if any) and at such times as it considers appropriate as soon as is reasonably practicable after a satisfactory application has been received.

(14) Where, after the National Assembly has made any payment of loan for which a student qualifies in respect of an academic year under Part 7, it makes a determination that the amount of loan for which the student qualifies is less than the amount previously determined either by way of revision of a provisional determination or otherwise—

- (a) it must subtract such amount as is necessary to ensure that the student does not borrow an amount of loan which is greater than that for which he or she qualifies from any amount of loan which remains to be paid;
- (b) if the amount to be subtracted is greater than the amount of loan remaining to be paid, the latter amount is reduced to nil;
- (c) any remaining overpayment must be recovered in accordance with regulation 49.

(15) In any case where an attendance confirmation is required, the National Assembly must not make any payment of support to the eligible student under Part 6 or Part 7 before it has received that confirmation.

(16) An attendance confirmation is required from an institution in respect of the first academic year of the present course where that year begins on or after 1 September 2006 unless an exception in paragraph (17) applies.

(17) An exception applies if—

- (a) a grant for disabled students' living costs is payable in which case that particular grant may be paid before the National Assembly has received an attendance confirmation; or
- (b) the National Assembly has determined that owing to exceptional circumstances it would be appropriate to make payment without receiving an attendance confirmation.

(18) An institution must send the attendance confirmation to the National Assembly as soon as reasonably practicable after the first day of the first academic year in respect of which the confirmation is due.

(19) In this regulation, “attendance confirmation” (“*cadarnhad o bresenoldeb*”) means—

- (a) where a student with a disability is undertaking a course in the United Kingdom by distance learning because he or she is unable to attend the course for a reason that relates to his or her disability, confirmation that the student has started to undertake the course; and
- (b) in any other case, confirmation from the institution that the eligible student has presented himself or herself at that institution and has started to attend the present course.

Overpayments

49.—(1) Any overpayment of a grant or loan for fees may be recovered by the National Assembly from the academic authority.

(2) An eligible student must, if so required by the National Assembly, repay any amount paid to the student under Part 6 or 7 which for whatever reason exceeds the amount of support to which the student is entitled under Part 6 or 7.

(3) Any overpayment of any grant under Part 6 may be recovered in whichever one or more of the following ways the National Assembly considers appropriate in all the circumstances—

- (a) by subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made under section 22 of the Act;
- (b) by taking such other action for the recovery of an overpayment as is available to it.

(4) Any overpayment of a loan for living costs in respect of any academic year may be recovered if in the opinion of the National Assembly—

- (a) the overpayment is a result of a failure of the student to provide promptly information which might affect whether he or she qualifies for a loan or the amount of loan for which he or she qualifies; or
- (b) any information which the student has provided is inaccurate in a material particular; or
- (c) the student has failed to provide information which the National Assembly considers to be material in the context of the recovery of the loan.

(5) Where an overpayment of a loan for living costs is recoverable in accordance with paragraph (4), it may be recovered in whichever one or more of the following ways the National Assembly considers appropriate in all the circumstances—

- (a) by subtracting the overpayment from the amount of any loan payable to the student from time to time pursuant to regulations made under section 22 of the Act;
- (b) by taking such other action for the recovery of an overpayment as is available to it.

(6) Where there has been an overpayment of a loan for living costs which is not recoverable under paragraph (4), the National Assembly may subtract the overpayment from the amount of any loan payable to the student from time to time pursuant to regulations made under section 22 of the Act.