
WELSH STATUTORY INSTRUMENTS

2007 No. 2312

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

PART 3

AMENDMENTS TO THE 2007 REGULATIONS

27. 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) either—

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

(ii) begins the course on or after 1 September 2007; 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;”.

28. 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.”.

29. Insert after paragraph (18) of regulation 6, the following paragraphs —

“(19) For the purposes of this regulation and subject to the exceptions in paragraphs (21), (22) and (23) a “previous course” is any full-time higher education course or any part-time course for the initial training of teachers which the student began to attend or, in the case of a compressed degree course, undertake in the United Kingdom and which meets one or both of the conditions in paragraph (20).

(20) The conditions are—

- (a) the course is provided by an institution in the United Kingdom which was publicly funded for some or all of the academic years during which the student took the course; or
- (b) any scholarship, exhibition, bursary, grant, allowance or award of any description which was paid in respect of the student’s attendance on the course to defray fees was from public funds or funds attributable to public funds.

(21) A course which would otherwise be a previous course will not be treated as such if —

- (a) the present course is a course for the initial training of teachers;
- (b) the duration of the present course does not exceed two years (the duration of a part-time course being expressed as its full-time equivalent); and
- (c) the student is not a qualified teacher.

(22) A course for the Certificate in Education which would otherwise be a previous course will not be treated as such if —

- (a) the present course is a course for the degree (including an honours degree) of Bachelor of Education;
- (b) the student transferred to the present course from the course for the Certificate in Education before the completion of that course or began the present course on completion of the course for the Certificate in Education.

(23) A course for the degree (other than an honours degree) of Bachelor of Education will not be treated as a previous course if —

- (a) the present course is a course for the honours degree of Bachelor of Education;
- (b) the student transferred to the present course from the course for the degree (other than an honours degree) of Bachelor of Education before the completion of that course or began the present course on completion of the course for the degree (other than an honours degree) of Bachelor of Education.”

30. In paragraphs (1) and (2) of regulation 7, omit the words “following attendance on a previous course or a designated part-time course”.

31. In regulation 7, omit paragraphs (6) and (7).

32. 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 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 commencing 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.”.
- 33. After regulation 10(2)(c), insert—
 - “(ca) 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;”.
- 34. After regulation 12(3) insert —
 - “(4) 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.
 - (5) 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.”
- 35. After regulation 14(e), insert—
 - “(ea) the student becomes the child of a Turkish worker;”.
- 36. In regulation 15(1), after the words “subject to”, insert the words “paragraph (4) and”.
- 37. After regulation 15(3), insert—
 - “(4) A continuing student does not qualify for a grant for fees in respect of any academic year of the course that begins on or after 1 September 2007 where in the course of assessing an application for support in respect of an academic year of the designated course that began before 1 September 2006 the National Assembly determined in accordance with regulations made by it under section 22 of the Act that the student did not qualify for fee support in respect of the designated course.
 - (5) This regulation applies to an old system student who started the present course before 1 September 2006 and is continuing on that course after 31 August 2007 (a “continuing student”).”

- 38.** After regulation 16(5), for “£4,445”, substitute “£4,455.”
- 39.** In regulation 18(1), after the words “Subject to paragraph (2)” insert the words, “and regulations 6 and 7”.
- 40.** In regulation 20(1), omit the words, “Subject to paragraph (7)”.
- 41.** After regulation 23(11)(d), insert—
“(da) the student becomes the child of a Turkish worker;”.
- 42.** After regulation 23(11), insert—
“(12) 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.
(13) Paragraph (12) 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.”
- 43.** In regulation 37(4)(c), for “£615” substitute “£610”.
- 44.** After regulation 38(4), insert—
“(5) 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.
(6) Paragraph (5) 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.”
- 45.** In regulation 39 for “an accelerated course” in each place it occurs, substitute “an intensive course”.
- 46.** In regulation 40 for “an accelerated course” in each place it occurs, substitute “an intensive course”.
- 47.** In regulation 42 for “an accelerated course” in each place it occurs, substitute “an intensive course”.
- 48.** For regulation 44 substitute—
“(1) Subject to regulation 46, 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.”
- 49.** After regulation 46(2)(d), insert—
- “(da) the student becomes the child of a Turkish worker;”.
- 50.** After regulation 54(4)(e), insert—
- “(f) GFF is the amount, if any, of grant for fees for which the eligible student qualifies under Part 4.”.
- 51.** In regulation 54(6) for “an accelerated course”, substitute “an intensive course”.
- 52.** In regulation 62, after paragraph 15(f), insert—
- “(fa) the student becomes the child of a Turkish worker;”.
- 53.** In regulation 65(1)(b), for “£1,000” substitute “£1,025”.
- 54.** In regulation 65(5)(g), 65(5)(h) and 65(5)(i), wherever the figure “£26,260” appears substitute “£26,265”.
- 55.** In regulation 65(6)(a), for the figures, “£15.92”, “£12.79,” and “£9.94” substitute the figures, “£15.81”, “£12.78” and “£9.92” respectively.
- 56.** After regulation 67(4)(a), insert—
- “(aa) 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;”.
- 57.** After regulation 74(17)(d), insert—
- “(da) the student becomes the child of a Turkish worker;”.
- 58.** For sub-paragraphs (a) and (b) of regulation 75(3), substitute—
- “(a) “full-time equivalent” (“cwrw amser-llawn cyfatebol”) means a full-time postgraduate course leading to the same qualification as the part-time postgraduate course in question;
- (b) “period ordinarily required to complete the full-time equivalent” (“cyfnod y mae ei angen fel arfer i gwblhau'r cwrw amser-llawn cyfatebol”) means the period that a standard full-time student would require to complete the full-time equivalent;”.
- 59.** In regulation 76(1), omit the words, “regulations 4 and 6” and insert the words, “regulation 74”.
- 60.** For regulation 76(7), substitute—
- “(7) Where the period of eligibility terminates—
- (a) before the end of the academic year in which the eligible postgraduate student completes the designated postgraduate course; and
 - (b) otherwise than under paragraph (8),
- the Welsh Ministers may, at any time, renew or extend the period of eligibility for such period as they determine.”
- 61.** After regulation 76(7), insert—

“(8) Where the eligible postgraduate student is undertaking a designated postgraduate course that is a part-time course, the period of eligibility terminates at the end of the relevant academic year where he or she cannot complete the course within the period specified in regulation 75(1)(b)(ii).

(9) For the purposes of paragraph (8), “relevant academic year” means the academic year during or at the end of which it becomes impossible for the student to complete the course within the period specified in regulation 75(1)(b)(ii).”

62. In Schedule 1—

(a) for paragraph 1(3), substitute—

“(3) 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(4), substitute—

“(4) For the purposes of sub-paragraph (3), temporary employment outside of 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 includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside of the territory comprising the European Economic Area and Switzerland as members of such forces; and
- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.”;

(c) after paragraph 11, insert—

“Children of Turkish workers

12. A person who—

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.”.

63. After paragraph 5(d) of Schedule 4, insert—

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