

# TEACHING AND HIGHER EDUCATION ACT 1998

## Determination made under section 23(1) of the 1998 Act

(1) On 21 June 2006, the Higher Education Act 2004 (Commencement No.2 and Transitional Provision) (Wales) (Amendment) Order 2006 was made. This brought forward the effective date of transfer of student support functions to the Welsh Ministers under section 44(4) of the 2004 Act in relation to section 23 of the Teaching and Higher Education Act 1998 (that effective date being 23 June 2006). Section 23 of that 1998 Act allows the Welsh Ministers to transfer functions specified by them to Local Authorities in Wales and delegate certain functions to the Student Loans Company.

The Minister for Education and Skills, on behalf of the Welsh Ministers, in exercise of the powers in section 23(1) of the Teaching and Higher Education Act 1998, hereby determines that certain of the functions exercisable by the Welsh Ministers by virtue of the Education (Student Support) (Wales) Regulations 2013 (“the Regulations”) are to be exercisable instead by each Local Authority (LA) in Wales in respect of its area.

(2) The functions exercisable by LAs are set out in the Schedule to this determination.

(3) For the purposes of the exercise by LAs of the functions set out in the Schedule, this determination has effect as of 3 April 2014.

(4) The functions set out in this Schedule are only exercisable by LAs in respect of students who started courses before 1 September 2014.

The functions set out in the Schedule to this determination shall be exercisable by each LA in relation to all students other than students who only fall within paragraph 9 of Part 2 of Schedule 1 of the Regulations (i.e. students who do not fall within any other paragraph of that Schedule).

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Date: 27 March 2014

for the Minister of  
Education and Skills

**SCHEDULE**  
**Functions exercisable by LAs in Wales**

Provision of the Regulations as amended.	Function(s)
	<b>Full-time students</b>
4	All functions – Eligible students excepting 4(8)(a)(i) and 4(8)(c)(ii)
6	All functions - Period of eligibility
8	All functions – Transfer of Status
9	<p>Receipt of all applications and all supporting documentation.</p> <p>Returning supporting documentation to applicants and (where relevant) their partner, parents or parent’s partner within the meaning of the Regulations (“sponsors”).</p> <p>Taking such steps and making such inquiries as are necessary to determine whether the applicant is an eligible student, whether he/she qualifies for support and the amount of support payable, if any.</p> <p>Notifying applicants that they do not qualify for support because they have been determined not to be eligible students within the meaning of the Regulations.</p> <p>Notifying applicants whether or not they qualify for support payable under regulation 29 (disabled students’ living costs) and the amount, if any, of such support that is payable for the academic year.</p>
10	All functions –Time limits
11 and Schedule 3	All functions in so far as they concern the full-time student related functions set out in this transfer Schedule, <b>other than</b> specifying the form of electronic signature that may satisfy any requirement that information provided under the Regulations be signed by the person providing it.
19	All functions –Fee grant (for new system eligible students excluding the 2010, 2011 and 2012 cohorts; i.e. the 2007/8, 2008/9, and 2009/10 cohorts)

22	All functions – Fee contribution loans (for old system eligible students)
29	All functions - Grants for disabled students' living costs
31 -33	All functions – Grants for dependants – adult dependants' grant, childcare grant and parents' learning allowance
34	All functions – Grants for dependants – calculations
35	All functions – Grants for dependants – interpretation
38	All functions – Amount of the grant for travel
57	All functions – Students residing with parents
58	All functions – Loans for living costs payable in respect of three quarters of the academic year
64	All functions – Additional amount of loans
66 and Schedule 5	All functions – Calculation of contribution
67	All functions – Application of contribution
68(5) Payment of grants or loans for fees for old system eligible students	Determining whether to make and the making of provisional assessments.
69 (5) Payment of grants or loans for fees for new system eligible students	Determining whether to make and the making of provisional assessments.
70 Payment of grants for living costs	<p>Determining whether to make and making provisional assessments of the support payable under Part 5 of the Regulations.(Regulation 70(5))</p> <p>Support under 70(7) and 70(9) regarding prisoner eligibility.</p> <p>Where an eligible student's period of eligibility terminates on or after the date on which the first term of the academic year in question actually begins:</p> <p>(a) determining the full amount in accordance with regulation 70(11)(a); and</p> <p>(b) determining the partial amount in accordance with regulation 70(11)(b).</p>

	<p>Under regulation 70(13) if a payment of a grant for living and other costs has been made before the point at which the student's period of eligibility terminates and that payment exceeds the partial amount determining whether to:</p> <p>(a) treat the excess as an overpayment; or</p> <p>(b) extend the student's period of eligibility and determine that the full amount is due.</p> <p>If a payment of a grant for living and other costs is due to be made or is made after the student's period of eligibility terminates, determining whether to extend the student's period of eligibility and determine that the full amount is due (regulation 70(14)).</p> <p>Determining whether support should be paid to a student who is absent from the student's course.(regulation 70(16))</p>
72 (2) Information Requirements	Requesting from an applicant sight of the student's valid national identity card, the student's valid passport issued by the state of which the student is a national or the student's birth certificate.
73 Payment of loans for living costs	<p>Determining whether to make and making provisional assessments of the support payable under Part 6 of the Regulations (regulation 73(6)).</p> <p>Support under 73(9) and 73(10) regarding prisoner eligibility.</p> <p>Determining whether support should be paid to a student who is absent from the student's course (regulation 73(12)).</p>
74 Overpayments	Whilst the student remains an eligible student determining whether there has been an overpayment of support (including any payment of support to be treated as an overpayment) payable under Part 5 or 6 of the regulations and if so, determining whether and how to recover that overpayment.
<b>Support for Full -Time Distance Learning Courses</b>	
76	Eligible distance learning students excepting 76(9)(a)(i) and 76(9)(b)(ii).
79	All functions - Period of eligibility
80	All functions - Support for distance learning courses
82	All functions - Interpretation of regulation 81
83	All functions - Grants for disabled distance learning students' living costs
84	All functions - Applications for support

85	All functions - Declarations provided by academic authorities
86 and Schedule 3	All functions in so far as they concern the full-time distance learning student related functions set out in this transfer Schedule, other than specifying the form of electronic signature that may satisfy any requirement that information provided under the Regulations be signed by the person providing it.
87	All functions - Transfer of status
88	All functions - Conversion of status – eligible students transferring to designated distance learning courses
89	Conversion of status – eligible distance learning students transferring to designated courses (save that the function under regulation 89(2)(a) is for SLC and regulation 87(3) refers)
92 Overpayments	<b>Whilst the student remains an eligible student:</b> Determining whether there has been an overpayment of support (including any payment of support to be treated as an overpayment) payable under regulations 80(1)(b) and 83 and if so, determining whether and how to recover that overpayment.
	<b>Part-time students</b>
93	All functions – Eligible part-time students, excepting 93(8)(a)(i) and 93(8)(b)(ii)
96	All functions - Period of eligibility
97	All functions – Support for part-time courses
100	All functions – Grants for disabled part-time students’ living costs
	<b>Part-Time grants for dependants</b>
103 - 105	Part-time adult dependants’ grant; part-time childcare grant; part-time parents’ learning allowance
106	Part-time grants for dependants – initial calculations
107	Part-time grants for dependants – interpretation
108 and Schedule 6	Part-time grants for dependants – calculation of contribution and Financial Assessment
111 Applications for support	Receipt of all applications, declarations and additional documentation.  Returning additional documentation to applicants and their sponsors.  Taking such steps and making such inquiries as are necessary to determine whether the applicant is an eligible part-time student,

	<p>whether he/she qualifies for support and the amount, if any, of support payable.</p> <p>Determining whether the application has been made within the relevant time limit.</p> <p>Determining whether, with regard to the particular circumstances of the case, the time limit should be relaxed and if so, determining what the deadline for the application to be made should be.</p> <p>Notifying the applicant whether or not the student qualifies for support payable under regulation 97 and if so, the amount of support payable in respect of the academic year, if any.</p>
112(2)(b)	Assistance with fees in respect of attendance on a course in England, Northern Ireland, or Scotland
113 and Schedule 3 - Information	All functions in so far as they concern the part-time student related functions set out in this transfer Schedule, <b>other than</b> specifying the form of electronic signature that may satisfy any requirement that information provided under the Regulations be signed by the person providing it.
114	All functions – Transfer of status
115	All functions - Conversion of status
116 Payment of support to eligible part-time students	Making a provisional assessment if necessary. Determining when the first payment of disabled part-time students allowance is to be made.
117 Part-time grants for dependants	117(5) - provisional assessment, (except payment); 117(8) - period of eligibility 117 (10) –eligibility and overpayment 117(11) - extension of eligibility 117(12) and (13) - period and reason for absence 117(15)(a)(b)(c) revision of amount
119 Payment of grant for fees in respect of designated part-time courses beginning before 1 September 2014	Determining whether to make provisional payments under regulation 119(3).
121 Overpayments	Whilst the student remains an eligible part-time student determining whether there has been an overpayment of support (including any payment of support to be treated as an overpayment e.g. under regulations 97 or 100 payable under Part 12 of the regulations (other than regulation 97(1)(a)), and if so, determining whether and how to recover any such overpayment.

	<b>Postgraduate students with disabilities</b>
122	All functions – Eligible post-graduate students, excepting regulation 122 (10) (a) (i) and 122 (10)(b)(ii).
125	All functions – Period of eligibility
126	All functions – Transfer of status
127 Applications for support	<p>Receipt of all applications and supporting documentation.</p> <p>Returning supporting documentation to applicants.</p> <p>Determining whether the application has been received within the applicable time limit.</p> <p>Taking such steps and making such inquiries as are necessary to determine whether the applicant is an eligible postgraduate student, whether he/she qualifies for the grant and the amount payable, if any.</p> <p>Notifying the applicant:</p> <p>(a) whether he/she qualifies for a grant;</p> <p>(b) if he/she does qualify the amount payable in respect of the academic year; and</p> <p>(c) how that amount is allocated between the types of eligible expenditure.</p>
128 and Schedule 3 - Information	All functions in so far as they concern the postgraduate student related functions set out in this transfer Schedule, <b>other than</b> specifying the form of electronic signature that may satisfy any requirement that information provided under the Regulations be signed by the person providing it.
129 Amount of grant	All functions.
130 Payment of grant	Determining whether to make and making provisional assessments.
131 Overpayments	<p><b>Whilst the student remains an eligible postgraduate student:</b></p> <p>Determining whether there has been an overpayment of support (including any payment of support to be treated as an overpayment e.g. under regulation 129 payable under Part 13 of the regulations and if so, determining whether and how to recover that payment.</p>
Schedule 4 College Fee Loans	Paragraph 11 –Transfers