

TEACHING AND HIGHER EDUCATION ACT 1998

Appointment of the Student Loans Company Limited to exercise functions on behalf of the Welsh Ministers

(1) The relevant student support functions under the Teaching and Higher Education Act 1998 are vested in the Welsh Ministers. The Minister for Education and Skills, on behalf of the Welsh Ministers, in exercise of the powers in section 23(4) 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 (SI 2013 No.3177(W.316)) (“the Regulations”) are to be exercisable on their behalf by the Student Loans Company Limited (“the SLC”).

(2) The functions exercisable by the SLC, on behalf of the Welsh Ministers, are set out in the Schedule to this notice of appointment (“Appointment”).

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

(4) The Functions set out in the Schedule in *Italics* are only exercisable by the SLC in relation to students who started courses on or after 1 September 2014. All other functions are exercisable by the SLC in relation to all eligible students.

(5) The Welsh Ministers may revoke or amend this Appointment at any time, and shall notify the SLC in writing of any such amendment or revocation.

(6) The SLC:

(a) accepts this Appointment; and

(b) agrees to comply with any directions that the Welsh Ministers may make as to the exercise of the functions referred to above.

for the SLC

for the Minister for Education and Skills

Date _____ 2014

_____ 2014

SCHEDULE

Provision of the Regulations as amended.	Function(s)
	Full time students
4	<i>All functions – Eligible students (excepting 4(8)(a)(i)) and 4(8)(c)(ii))</i>
6	<i>All functions - Period of eligibility</i>
8	<i>All functions – Transfer of Status</i>
9 Applications for support	<p>Determining the form of application <i>except that</i> the Welsh Ministers must approve the application forms before they are made available to applicants.</p> <p><i>Receipt of all applications and all supporting documentation.</i></p> <p><i>Returning supporting documentation to applicants and (where relevant) their partner, parents or parent's partner within the meaning of the Regulations ("sponsors").</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p>Notifying an applicant that the student has been determined to be an eligible student but that the student does not qualify for support under Part 5.</p> <p>Notifying an applicant that the student has been determined to be an eligible student and the amount of support payable in respect of the academic year.</p> <p>Notifying an applicant that the student has been determined to be an eligible student but that no support is payable in respect of the academic year.</p> <p><i>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.</i></p>

11 and Schedule 3 Information	All functions in so far as they concern the full-time student related functions set out in this appointment Schedule.
29	<i>All functions - Grants for disabled students' living costs</i>
31 -33	<i>All functions – Grants for dependants – adult dependants' grant, childcare grant and parents' learning allowance</i>
34	<i>All functions – Grants for dependants – calculations</i>
35	<i>All functions – Grants for dependants – interpretation</i>
38	<i>All functions – Amount of the grant for travel</i>
57	<i>All functions – Students residing with parents</i>
58	<i>All functions – Loans for living costs payable in respect of three quarters of the academic year</i>
64	<i>All functions – Additional amount of loans</i>
66 and Schedule 5	<i>All functions – Calculation of contribution</i>
67	<i>All functions – Application of contribution</i>
68 Payment of grants or loans for fees for old system eligible students	All functions other than determining whether to make and making provisional assessments under regulation 68(5).
69 Payment of grants or loans for fees for new system eligible students	All functions other than determining whether to make and making provisional assessments under regulation 69(5) in respect of students who began their courses prior to 1 September 2014. <i>In respect of students who began courses on or after 1 September 2014 only, determining whether to make and making provisional assessments under regulation 69(5).</i>
70 Payment of grants for living costs	Determining the manner in which payments of support under Part 5 of the Regulations are to be made. Receipt of attendance confirmation. Making payments of support. Determining whether to make a payment of support before an attendance confirmation has been received.

	<p>Determining whether to make payment conditional upon the provision of bank or building society account details.</p> <p>Where a grant for living and other costs assessment is revised, determining when to make the relevant additional payments, whether those payments should be made in instalments and making the necessary additional payments.</p> <p>Where a grant for living and other costs is revised and the entitlement is decreased, making the appropriate reduction to the size of outstanding payments.</p> <p>Determining whether any remaining overpayment remains outstanding.</p> <p><i>All functions in respect of students commencing their courses on or after 1 September 2014.</i></p>
71 Provision of United Kingdom National Insurance Number	All functions
72 (1),(3), (4) and (5) Information requirements	<p>Request from an applicant or eligible student any information that they consider is required to recover a loan.</p> <p>Where information or documents have been requested, they may withhold any payment of a loan until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.</p> <p>Requiring an applicant or eligible student to enter into an agreement to repay a loan by a particular method.</p> <p>Withholding any payment of loan until the applicant or eligible students provides information requested (where an agreement as to the method of repayment has been requested).</p> <p><i>All functions in respect of students commencing their courses on or after 1 September 2014 including 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</i></p>
73 Payment of loans for living costs	<p>Determining the manner in which payments of support under Part 6 of the Regulations are to be made.</p> <p>Receipt of attendance confirmation.</p> <p>Making payments of support.</p>

	<p>Determining whether to make a payment of support before an attendance confirmation has been received.</p> <p>Determining whether to make payment conditional upon the provision of bank or building society account details.</p> <p>Payment of loans for living costs or additional amounts of loans for living costs after an initial payment of living costs support has been made, determining when to make those payments and whether to make them in instalments.</p> <p>Where a loan for living costs assessment is revised and the maximum amount is decreased, making the necessary revisions to the remaining payments.</p> <p>Determining whether any overpayment remains outstanding.</p> <p><i>All functions in respect of students commencing their courses on or after 1 September 2014.</i></p>
74 Overpayments	<p>Determining whether there has been an overpayment of fee support.</p> <p>Determining whether to recover that overpayment and recovering that overpayment.</p> <p>Whilst the student in question remains an eligible student, recovering, in accordance with a determination made by the relevant Local Authority, overpayments of support payable under Part 5 or Part 6 of the Regulations or payments of such support to be treated as overpayments.</p> <p>Once the student in question ceases to be an eligible student:</p> <p>(a) determining whether there remains any overpayment or payment of support to be treated as an overpayment still to be recovered;</p> <p>(b) determining whether and how to recover the outstanding amount; and</p> <p>(c) taking action to recover that amount.</p>
	Support for Full-time Distance Learning Courses
86 and Schedule 3	All functions in so far as they concern the distance learner student related functions set out in this appointment Schedule,
90	All functions - Payment of grants for fees

91	All functions - Payment of grants for books, travel and other expenditure and grant for disabled distance learning students' living costs
92	<p>Determining whether there has been an overpayment of fee support</p> <p>Determining whether to recover that overpayment and recovering that overpayment.</p> <p>Whilst the student in question remains an eligible distance learning student, recovering in accordance with a determination made by the relevant local authority, overpayments of support payable under regulations 80(1)(b) and 83 or payments of such support to be treated as overpayments.</p> <p>Once the student in question ceases to be an eligible student:</p> <p>(a) determining whether there remains any overpayment of grant payable under regulations 80(1)(b) or 83, or payment of such support to be treated as an overpayment, still to be recovered;</p> <p>(b) determining whether and how to recover the outstanding amount;</p> <p>(c) taking action to recover that amount.</p>
	Part-time students
93	<i>All functions</i>
96	<i>All functions - Period of eligibility</i>
97	<i>All functions – Support for part-time courses</i>
100	<i>All functions – Grants for disabled part-time students' living costs</i>
	Part-Time grants for dependants
103 - 105	<i>Part-time adult dependants' grant; part-time childcare grant; part-time parents' learning allowance</i>
106	<i>Part-time grants for dependants – initial calculations</i>
107	<i>Part-time grants for dependants – interpretation</i>
108 and Schedule 6	<i>Part-time grants for dependants – calculation of contribution and Financial Assessment</i>
111 Applications for support	Determining the form of application except that the Welsh Ministers must approve the application forms before they are made available to applicants.

	<p>Except for regulation 100 (grants for disabled part-time students' living costs), notifying an applicant that the student does not qualify for support because the student has been determined not to be an eligible part-time student.</p> <p>Notifying an applicant that the student has been determined to be an eligible part-time student and that he/she qualifies for support payable under regulation 97(1)(a) or (b) or regulations 98-110 and the amount of such support payable in respect of the academic year.</p> <p>Notifying an applicant that the student has been determined to be an eligible part-time student and that he/she qualifies for support under regulation 97(1)(a) or (b) or regulations 98-110 but that no support is payable in respect of the academic year.</p> <p>Notifying an applicant that the student has been determined to be an eligible part-time student but that it has been determined that he/she does not qualify for support under regulation 97(1)(a) or (b) or regulations 98-110</p>
112(1)	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 part-time student related functions set out in this appointment Schedule.
116 Payment of support to eligible part-time students	<p>Determining the manner in which payments of the grant payable under regulation 97(1) (b) and under regulation 100 are to be made.</p> <p>Determining whether to make payments of the grant payable under regulation 97(1) (b) and regulation 100 conditional on the provision of details of a bank or building society account.</p> <p>Determining whether to make payments in instalments under regulation 97(1) (b) and regulation 100.</p> <p>Making payments of the grant payable under regulation 97(1) (b) and regulation 100.</p> <p>Determining when to make payments of disabled part-time students' allowance under regulation 100 except that the SLC shall not:</p> <p>(a) determine when the first payment of disabled part-time students' allowance is to be made; or</p> <p>(b) determine whether a payment of disabled part-time students' allowance can be made before a valid declaration under</p>

	<p>regulation 114 has been received.</p> <p><i>All functions in respect of students commencing their courses on or after 1 September 2014.</i></p>
117 – part-time grants for dependants	<p>117 (1) - payment 117 (2), (3) and (4) - attendance confirmation and instalments 117 (5) payment of provisional assessment 117 (6) - manner of payments</p> <p><i>All functions in respect of students commencing their courses on or after 1 September 2014.</i></p>
119 Payment of grants for fees	<p>All functions other than determining whether to make provisional payments.</p> <p><i>All functions in respect of students commencing their courses on or after 1 September 2014.</i></p>
120 Payment for new part-time fee loan	<i>All functions</i>
121 Overpayments	<p>Determining whether there has been an overpayment of support payable under regulation 97(1) (a) or regulation 98.</p> <p>Recovering an overpayment of support payable under regulation 97(1)(a) or regulation 98.</p> <p>Whilst the student in question remains an eligible part-time student, recovering, in accordance with a determination made by the relevant Local Authority, the Open University or SLC themselves (as the case may be), overpayments of the grant payable under regulation 97(1)(b), 99, 100, 101-110 (part-time grants for dependants) or payments of these grants to be treated as overpayments.</p> <p>Once the student in question ceases to be an eligible part-time student:</p> <p>(a) determining whether any overpayment of grant payable under regulation 97(1)(b), regulation 99 or regulations 100-110 or payment of that grant to be treated as an overpayment remains to be recovered;</p> <p>(b) determining whether and how to recover such amount; and</p> <p>(c) taking action to recover that amount.</p>

	Postgraduate students with disabilities
127 Applications for support	<p>Determining the form of application <i>except that</i> the Welsh Ministers must approve the application forms before they are made available to applicants.</p> <p><i>All functions in respect of students commencing their courses on or after 1 September 2014.</i></p>
128 and Schedule 3	All functions in so far as they concern the postgraduate student related functions set out in this appointment Schedule.
130 Payment of grant	<p>All functions other than determining whether to make and making provisional assessments.</p> <p><i>All functions in respect of students commencing their courses on or after 1 September 2014.</i></p>
131 Overpayments	<p>Whilst the student in question remains an eligible postgraduate student, taking action, in accordance with a determination made by the relevant Local Authority, to recover an overpayment of support or a payment of support to be treated as an overpayment.</p> <p>Once the student in question ceases to be an eligible postgraduate student:</p> <p>(a) determining whether any overpayment or payment to be treated as an overpayment remains to be recovered;</p> <p>(b) determining whether and how to recover such amount; and</p> <p>(c) taking action to recover that amount.</p>
Schedule 4 - College Fee loans	<p>Paragraph 12 - Payment</p> <p>Paragraph 13 - Conditions of entitlement to payment of college fee loan</p> <p>Paragraph 14 – Information Requirements</p> <p>Paragraph 15 – Overpayment</p>