

L.N. 320 of 2021

**EDUCATION ACT
(CAP. 605)**

Students Maintenance Grants (Amendment) Regulations, 2021

IN EXERCISE of the powers conferred by article 71 of the Education Act, the Minister for Education has made the following regulations:-

1. (1) The title of these regulations is the Students Maintenance Grants (Amendment) Regulations, 2021 and these regulations shall be read and construed as one with the Students Maintenance Grants Regulations, hereinafter referred to as "the principal regulations".

Citation and
commencement.
S.L. 605. 06.

(2) These regulations shall come into force on 1st October 2021.

2. In sub-regulation (2) of regulation 3 of the principal regulations, the words "provided that they apply annually for the students' maintenance grants and are considered to be eligible in accordance with these regulations." shall be substituted by the words "provided that they apply on their first year of studies at every institution or course for the students' maintenance grants and are considered to be eligible in accordance with these regulations:

Amends
regulation 3 of
the principal
regulations.

Provided that the Students Maintenance Grants Board may issue guidelines on the application process."

3. Regulation 4 of the principal regulations shall be re-numbered as sub-regulation (1) and it shall be amended as follows:

Amends
regulation 4 of
the principal
regulations.

(a) in paragraph (a) thereof, immediately after the words "Status of Long-term Residents (Third Country Nationals) Regulations" there shall be added the words "or a person having the same rights as a European Union national under the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community";

(b) in the proviso to paragraph (b) thereof, the words "as residing outside Malta; and" shall be substituted by the words

"as residing outside Malta:" and immediately thereafter there shall be added the following new proviso:

"Provided further that for any period of time for any other purpose not considered acceptable, the Board shall consider a trip outside Malta of more than six (6) months absence in a year or an aggregate of ten (10) months absence in the whole five (5) years as having interrupted the five (5) year residency requirement; and"; and

(c) immediately after paragraph (f) thereof there shall be added the following new sub-regulation:

"(2) Non-Maltese and, or Non-EU citizen students applying for maintenance grants shall, upon application for a programme or course of study within their institution, apply for an exemption of fees at the Ministry, following approval of which they may be considered eligible for the students' maintenance grants.".

Amends
regulation 5 of
the principal
regulations.

4. Regulation 5 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof, the words "shall be rewarded the maintenance grant" shall be substituted by the words "shall receive the maintenance grant"; and

(b) sub-regulation (2) thereof shall be substituted by the following new sub-regulation:

"(2) Where the structure of a particular course so warrants, such as in the case of students following an apprenticeship course, or a course having a summer semester, the Board may approve the payment of the four (4) weekly students' maintenance grant, and where applicable, the supplementary grant, and, or the apprenticeship special stipend, during the summer recess.".

Amends
regulation 6 of
the principal
regulations.

5. Regulation 6 of the principal regulations shall be amended as follows:

(a) sub-regulation (3) thereof shall be substituted by the following new sub-regulation:

"(3) The Board shall have the right to waive the means testing with respect to:

(a) students with physical and, or intellectual disability, after ascertaining the level of disability through documentation issued by authorised bodies; and, or

(b) students who are residing in residential care."; and

(b) sub-regulation (4) thereof shall be deleted.

6. In regulation 7 of the principal regulations, the words "as indicated in the Schedule" shall be substituted by the words "as published by the Board".

Amends regulation 7 of the principal regulations.

7. In regulation 8 of the principal regulations, the words "as indicated in the Schedule" shall be substituted the words "as published by the Board".

Amends regulation 8 of the principal regulations.

8. Regulation 10 of the principal regulations shall be amended as follows:

Amends regulation 10 of the principal regulations.

(a) the words "full-time employment or part-time employment" shall be substituted by the words "full-time employment, part-time self-employed or part-time employment"; and

(b) the words "will not be considered eligible for the students' maintenance grants." shall be substituted the words "will not be considered eligible for the students' maintenance grants:" and immediately thereafter there shall be added the following new proviso:

"Provided that the Board may request students to present acceptable evidence for the above, such as a contract of work, a pay slip, a declaration from an employer or an affidavit."

9. Regulation 11 of the principal regulations shall be amended as follows:

Amends regulation 11 of the principal regulations.

(a) the marginal note thereof shall be substituted by the following new marginal note:

"Repeaters and students pursuing an extension year or an additional year.";

(b) sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

"(1) Students who are required to repeat one year of the course of studies they are following or who are accepted by the relative educational institution to pursue an extension year or an additional year in which they are required to attend for the course of studies regularly, are to receive during the repeat year, the extension year or the additional year, the four (4) weekly stipend or part thereof in accordance with categories established by the Board according to the hours of attendance:

Provided that students who repeat a year of their chosen course of studies or pursue an extension year or an additional year may still apply for the supplementary grant:

Provided further that students who repeat a year of their chosen course of studies or pursue an extension year or an additional year shall not be eligible for the annual grant."; and

(c) in sub-regulation (2) thereof, the words "shall be considered as repeaters for the purpose of these regulations" shall be substituted by the words "shall be considered as repeaters for the purpose of these regulations and shall receive, apart from the four (4) weekly stipend, the initial grant or part thereof if any refund due has been effected,".

Amends
regulation 12 of
the principal
regulations.

10. Regulation 12 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof, the words "that the students have starting attending regularly and resumed satisfactory progress" shall be substituted by the words "that the students have resumed attending regularly and are making satisfactory progress";

(b) in sub-regulation (2) thereof, the words "Students who abandon the course without officially resigning shall be bound to reimburse to the Government of Malta all of the initial yearly grant, the one time grant received for that course of studies in case of degree courses and all the four weekly payments, unless it is proved to the satisfaction of the Board that the student had discontinued to attend the course of studies at a determined date." shall be deleted;

(c) sub-regulations (3) and (4) thereof shall be re-numbered as sub-regulations (4) and (5) respectively;

(d) immediately after sub-regulation (2) thereof there shall be added the following new sub-regulation:

"(3) Students who abandon the course without officially resigning shall be bound to reimburse to the Government all of the initial yearly grant, the one time grant received for that course of studies in case of degree courses and all the four (4) weekly payments, unless it is proved to the satisfaction of the Board that the student had discontinued to attend the course of studies at a determined date."; and

(e) in the proviso to sub-regulation (4) thereof, as re-numbered, the words "with the Department of Education" shall be substituted by the words "with the Ministry for Education".

11. Regulation 13 of the principal regulations shall be amended as follows:

Amends
regulation 13 of
the principal
regulations.

(a) the first proviso thereof shall be amended as follows:

(i) paragraph (a) thereof shall be substituted by the following new paragraph:

"(a) a one time shift from one educational course to another for every student who fails to complete a course of studies and opts to start another course at the same level or lower;";

(ii) paragraph (c) thereof shall be substituted by the following new paragraph:

"(c) a postgraduate course required as a pre-requisite for the purpose of obtaining a warrant to practise a profession, which may include, as part of it, an unrated preparatory programme, if the student was not in receipt of the students' maintenance grants at the same level;";

(iii) paragraph (d) thereof shall be substituted by the following new paragraph:

"(d) students who pursue the Doctor of Medicine course after having completed or partially followed a degree course:

Provided also that students who pursue the

Bachelor of Science (Honours) in Medical Sciences (Intercalated Year) and students who, after following this course, continue their studies as third year students in the Doctor of Medicine course shall be eligible to receive the maintenance grant."; and

(iv) paragraph (e) thereof shall be deleted; and

(b) in the second proviso thereof, the words "Provided that students pursuing a second course," shall be substituted by the words "Provided further that students pursuing a second course,".

Amends
regulation 15 of
the principal
regulations.

12. Regulation 15 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof, the words "for a duration of one year, which may be further extended," shall be substituted by the words "for a duration of three (3) years"; and

(b) immediately after sub-regulation (2) thereof there shall be added the following new sub-regulations:

"(3) Members of the Board shall be eligible for re-appointment.

(4) (a) The Board shall meet as often as may be necessary or expedient, but in no case less frequently than once every month.

(b) The Board shall not act unless a quorum consisting of not less than half the number of members is present.

(c) The meetings of the Board shall be chaired by the chairperson or, in his absence, by another member delegated by the chairperson.

(d) Decisions where no consensus is reached shall be taken by a majority of the votes of the members present and voting and in the case of an equality of votes the chairperson shall have and exercise a second or casting vote.

(e) Where a member is absent, without justification, for three (3) consecutive meetings, the Board shall inform the Minister who may proceed to replace the said member.".

13. Regulation 16 of the principal regulations shall be amended as follows:

Amends regulation 16 of the principal regulations.

(a) in paragraph (h) thereof, the words "on further and higher education financial support." shall be substituted by the words "on further and higher education financial support;"; and

(b) immediately after paragraph (h) thereof there shall be added the following new paragraphs:

"(i) conduct checks with other authorities on the documents and the veracity of information supplied by applicants; and

(j) issue and publish guidelines on the application and administration of these regulations.".

14. The Schedule to the principal regulations shall be amended as follows:

Amends the Schedule to the principal regulations.

(a) in item 4 of Part I thereof, the words "ETC Job Bridge" shall be substituted by the word "Jobsplus";

(b) Part II thereof shall be amended as follows:

(i) in the heading of Section A thereof, immediately after the words "General Degree Courses" there shall be added the words "(Level 5 upwards)";

(ii) in the heading of Section B thereof, immediately after the words "Certificate and Diploma Courses" there shall be added the words "(Level 5)";

(iii) immediately after item 2 of Section B thereof there shall be added the following new paragraph:

"Students following a level 4 certificate course may be entitled to the same grants as those indicated in Part I of this Schedule, as determined by the Board.";

(iv) Section C thereof shall be re-numbered as Section D; and

(v) immediately after Section B thereof there shall be added the following new section:

"C. Preparatory Programmes

Students who follow preparatory programmes shall only be eligible to the stipend rates and yearly grant indicated in the respective sections mentioned above, unless the Board determines otherwise."; and

(c) immediately after Part IV thereof there shall be added the following new Parts:

"Part V - Rates

All rates listed under this Schedule are updated, following approval by the Minister for Education and the Minister for Finance, and are published by the Board on a yearly basis.

Part VI - Apprenticeship

Students following courses which involve a compulsory apprenticeship component are to receive a total amount, when including maintenance grants (any type of grant) and the employer's grant, in line with article 15(1) of the Work-Based Learning and Apprenticeship Act.

The Board shall publish the workings of how the amount is worked out.".
