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WELSH STATUTORY INSTRUMENTS

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**2019 No. 235**

**The Education (Student Finance) (Miscellaneous  
Amendments) (Wales) Regulations 2019**

**PART 6**

**AMENDMENTS TO THE EDUCATION (STUDENT  
SUPPORT) (WALES) REGULATIONS 2018**

**Amendments to the Education (Student Support) (Wales) Regulations 2018**

**41.** The Education (Student Support) (Wales) Regulations 2018(1) are amended in accordance with regulations 42 to 60.

**Amendments to regulation 6**

**42.** In regulation 6 (designated courses – conditions)—

(a) for condition 4 substitute—

*“Condition 4*

- (a) Where the course is a full-time course that begins before 1 August 2019, it is provided—
  - (i) by a Welsh regulated institution, a protected English provider, a Scottish funded institution or a Northern Irish funded institution (whether alone or in conjunction with an institution outside the United Kingdom),
  - (ii) by a charity within the meaning given by section 1 of the Charities Act 2011 on behalf of a Welsh regulated institution, or
  - (iii) on behalf of a protected English provider by an institution that was before 1 August 2019 a publicly funded institution.
- (b) Where the course is a part-time course that begins before 1 August 2019, it is provided by an institution that before 1 August 2019 was a publicly funded institution (whether alone or in conjunction with an institution situated outside the United Kingdom).
- (c) Where the course is a full-time course that begins on or after 1 August 2019 it is provided by—
  - (i) a Welsh regulated institution, an English regulated institution, a Scottish funded institution or a Northern Irish funded institution (whether alone or in conjunction with an institution situated outside the United Kingdom),
  - (ii) a charity within the meaning given by section 1 of the Charities Act 2011 on behalf of a Welsh regulated institution, or

- (iii) a registered English institution on behalf of an English plan provider.
- (d) Where the course is a part-time course that begins on or after 1 August 2019 it is provided by—
  - (i) a Welsh funded institution, a Scottish funded institution, a Northern Irish funded institution or an English regulated institution (whether alone or in conjunction with an institution situated outside the United Kingdom), or
  - (ii) a registered English institution on behalf of an English plan provider.”;
- (b) for paragraph (2)(c) substitute—
  - “(c) an institution is not regarded as a Welsh funded institution or a publicly funded institution by reason only that—
    - (i) where the course begins before 1 August 2019, it was a connected institution which received a relevant payment before that date, or
    - (ii) where the course begins on or after 1 August 2019, it is a connected institution which receives a relevant payment.”;
- (c) after paragraph (2) insert—
  - “(2A) For the purpose of paragraph (2)—
    - (a) “a connected institution” means a connected institution within the meaning of section 65(3B) of the Further and Higher Education Act 1992, and
    - (b) “a relevant payment” means the payment of the whole or part of any grant, loan or other payment from the governing body of an institution which is provided to the connected institution in accordance with section 65(3A) of the Further and Higher Education Act 1992.”

### **Amendment to regulation 23**

- 43.** After regulation 23 (other persons who cease to have leave to enter or remain) insert—

**“Persons who cease to have section 67 leave to remain**

**23A.—**(1) This regulation applies where—

- (a) a person (“P”) was a Category 3A eligible student (see Schedule 2) in connection with an application for support—
  - (i) for an earlier year of the present course,
  - (ii) for a full-time course in relation to which the present course is a full-time end-on course, or
  - (iii) for a course from which P’s status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the period for which—
  - (i) P, or
  - (ii) the person who, as a result of having section 67 leave to remain, caused P to be a Category 3A eligible student,

is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002).

(2) Where this regulation applies, P’s status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.”

#### **Amendments to regulation 25**

**44.** In regulation 25 (part-time students – restrictions on support for graduates)—

(a) in paragraph (2), for Case 3 substitute—

*“Case 3*

The present course leads to an honours degree and is—

- (a) concerned with the study of the history, grammar and use of Welsh,
- (b) listed in the Higher Education Classification of Subjects in one of the following subject areas—
  - (i) subjects allied to medicine (CAH02);
  - (ii) biological and sport sciences (CAH03);
  - (iii) psychology (CAH04);
  - (iv) veterinary sciences (CAH05);
  - (v) agriculture, food and related studies (CAH06);
  - (vi) physical sciences (CAH07);
  - (vii) mathematical sciences (CAH09);
  - (viii) engineering and technology (CAH10);
  - (ix) computing (CAH11), or
- (c) a course whose code and label under the Higher Education Classification of Subjects is listed in Schedule 5A.”;

(b) for paragraph (3), substitute—

“In Case 3 and in Schedule 5A “the Higher Education Classification of Subjects” means the Higher Education Classification of Subjects maintained by the Universities and Colleges Admissions Service and the Higher Education Statistics Agency.”

#### **Amendment to regulation 40**

**45.** In regulation 40(3) (amount of tuition fee loan), Table 2, for “£5,535” substitute “£5,785”.

#### **Amendments to regulation 55**

**46.** In regulation 55 (amount of maintenance loan: full-time students), Table 7 for —

- (a) “£6,650” substitute “£6,840”;
- (b) “£10,250” substitute “£10,530”;
- (c) “£8,000” substitute “£8,225”;
- (d) “£3,325” substitute “£3,420”;
- (e) “£5,125” substitute “£5,265”;
- (f) “£4,000” substitute “£4,110”.

**Amendments to regulation 56**

47. In regulation 56 (amount of maintenance loan payable: full-time students to whom special support payment payable)—

- (a) in Table 8 for—
  - (i) “£7,650” substitute “£7,840”;
  - (ii) “£11,250” substitute “£11,530”;
  - (iii) “£9,000” substitute “£9,225”;
- (b) in Table 8A for—
  - (i) “£3,325” substitute “£3,420”;
  - (ii) “£5,125” substitute “£5,265”;
  - (iii) “£4,000” substitute “£4,110”.

**Amendments to regulation 57**

48. In regulation 57 (increased maintenance loan for full-time students in extended years), Table 9 for—

- (a) “£80” substitute “£84”;
- (b) “£153” substitute “£162”;
- (c) “£120” substitute “£127”.

**Amendment to regulation 58**

49. In regulation 58 (amount of maintenance loan: part-time students), Table 10 for “£5,650” substitute “£5,815”.

**Amendment to regulation 58A**

50. In regulation 58A (amount of maintenance loan: part-time students who qualify for special support payment), Table 10A for “£6,650” substitute “£6,815”.

**Amendments to regulation 63**

51. In regulation 63 (amount of disabled student’s grant), paragraph (2) for—

- (a) “£21,181” substitute “£22,472”;
- (b) “£15,885” substitute “£16,853”;
- (c) “£5,332” substitute “£5,657”;
- (d) “£1,785” substitute “£1,894”;
- (e) “£1,338” substitute “£1,420”.

**Amendments to regulation 80**

52. In regulation 80 (qualifying for a tuition fee loan during the academic year)—

- (a) in paragraph (2), after sub-paragraph (b)(i) insert—
  - “(ia) the student or the student’s parent becomes a person with section 67 leave to remain;”;
- (b) in paragraph (3), in the appropriate place insert—

““person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”);”.

### **Amendment to regulation 81**

**53.** In regulation 81 (qualifying for grants or maintenance loan during the academic year), after paragraph (3)(b)(i) insert—

- “(ia) the student or the student’s parent becomes a person with section 67 leave to remain;”.

### **Amendments to the Schedules**

**54.** In Schedule 1, for paragraph 2 substitute—

#### **“Educational institutions**

**2.** In these regulations “recognised educational institution” means—

- (a) in relation to a full-time course that begins before 1 August 2019—
- (i) a Welsh regulated institution;
  - (ii) a protected English provider;
  - (iii) a Scottish funded institution; or
  - (iv) a Northern Irish funded institution;
- (b) in relation to a part-time course that begins before 1 August 2019 a publicly funded institution;
- (c) in relation to a full-time course that begins on or after 1 August 2019—
- (i) a Welsh regulated institution;
  - (ii) an English regulated institution;
  - (iii) a Scottish funded institution;
  - (iv) a Northern Irish funded institution;
- (d) in relation to a part-time course that begins on or after 1 August 2019—
- (i) a Welsh funded institution;
  - (ii) an English regulated institution;
  - (iii) a Scottish funded institution;
  - (iv) a Northern Irish funded institution.”

**55.** In Schedule 1, after paragraph 2 insert—

**“2A.—(1)** In these regulations—

- (a) “Welsh funded institution” means an institution maintained or assisted by recurrent grants out of funds provided by the Welsh Ministers;
- (b) “Welsh regulated institution” means an institution which has a fee and access plan approved by the Higher Education Funding Council for Wales under section 7 of the Higher Education (Wales) Act 2015 whilst that plan remains in force;
- (c) “protected English provider” means an institution which on or after 1 August 2018 but before 1 August 2019 was maintained or assisted by recurrent grants pursuant to section 65 of the Further and Higher Education Act 1992 other than

an institution maintained or assisted by recurrent grants made by the Higher Education Funding Council for Wales;

- (d) “registered English institution” means an institution registered by the Office for Students in the register;
- (e) “English regulated institution” means a registered English institution subject to a fee limit condition under section 10 of the Higher Education and Research Act 2017<sup>(2)</sup>;
- (f) “English plan provider” means a registered English institution which has an access and participation plan approved by the Office for Students<sup>(3)</sup> under section 29 of the Higher Education and Research Act 2017 and which remains in force;
- (g) “Scottish funded institution” means an institution maintained or assisted by recurrent grants out of funds provided by the Scottish Ministers;
- (h) “Northern Irish funded institution” means an institution maintained or assisted by recurrent grants out of funds provided by the Northern Ireland Executive.

(2) In sub-paragraph (1) reference to the register is to the register established and maintained by the Office for Students under section 3 of the Higher Education and Research Act 2017.”

**56.** In Schedule 2, after paragraph 3 (category 3 – persons with leave to enter or remain and their family members) insert—

**“Category 3A – Persons with section 67 leave to remain**

**3A.—**(1) A person who—

- (a) is a person with section 67 leave to remain,
- (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 United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(2) A person who—

- (a) is the child of a person with section 67 leave to remain,
- (b) on the leave application date was under 18 years old and was the child of the person with section 67 leave to remain,
- (c) is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (d) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(3) In this paragraph—

“leave application date” (“*dyddiad y cais i gael caniatâd i aros*”) means the date on which the person with section 67 leave to remain made the application that led to that person being granted leave to remain in the United Kingdom.

“person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”) means a person who—

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(2) 2017 c. 29.

(3) The Office for Students is a body corporate established under section 1 of the Higher Education and Research Act 2017.

- (a) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016 and in accordance with the immigration rules, and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave.”

**57.** In Schedule 4—

- (a) in paragraph 2(1) for condition 4 substitute—

*“Condition 4*

- (a) where the course begins before 1 August 2019, it is provided by an institution that before 1 August 2019 was a publicly funded institution;
- (b) where the course begins on or after 1 August 2019, it is provided by a Welsh funded institution, a Scottish funded institution, a Northern Irish funded institution or an English regulated institution;”;
- (b) for paragraph 2(2)(c) substitute—
  - “(c) an institution is not regarded as publicly funded institution or a Welsh funded institution by reason only that—
    - (i) where the course begins before 1 August 2019, it was a connected institution which received a relevant payment before that date, or
    - (ii) where the course begins on or after 1 August 2019, it is a connected institution which receives a relevant payment.”;
- (c) after paragraph 2(2) insert—
  - “(3) For the purposes of sub-paragraph (2)—
    - (a) “a connected institution” means a connected institution within the meaning of section 65(3B) of the Further and Higher Education Act 1992; and
    - (b) “a relevant payment” means the payment of the whole or part of any grant, loan or other payment from the governing body of an institution which is provided to the connected institution in accordance with section 65(3A) of the Further and Higher Education Act 1992.”;
- (d) after paragraph 13 insert—

**“Persons who cease to have section 67 leave to remain**

**13A.—(1)** This paragraph applies where—

- (a) a person (“P”) was a category 3A eligible postgraduate student (see Schedule 2) in connection with an application for a disabled postgraduate student’s grant—
  - (i) for an earlier year of the present postgraduate course, or
  - (ii) in connection with a course from which P’s status as an eligible postgraduate student has been transferred to the present postgraduate course under paragraph 15, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for a disabled postgraduate student’s grant, the period for which—
  - (i) P, or
  - (ii) the person who, as a result of being a person with section 67 leave to remain, caused P to be a category 3A eligible postgraduate student,

is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002).

(2) Where this paragraph applies, P’s status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which P is applying for a disabled postgraduate student’s grant.”;

(e) in paragraph 14, after sub-paragraph (3)(b)(i) insert—

“(ia) the student or the student’s parent becomes a person with section 67 leave to remain;”;

(f) in paragraph 14, sub-paragraph (4), in the appropriate place insert—

““person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”);”;

(g) in paragraph 20 for “£10,590” substitute “£20,000”.

**58.** In Schedule 5, paragraph 4—

(a) after sub-paragraph (2)(a) insert—

“(aa) the student or the student’s parent becomes a person with section 67 leave to remain;”;

(b) in sub-paragraph (3), in the appropriate place insert—

““person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”);”.

**59.** After Schedule 5, insert the new schedule set out in Schedule 2 to these Regulations.

**60.** In Schedule 7 (index of defined terms), Table 16, insert the following entries into the appropriate places—

“English plan provider”	Schedule 1, paragraph 2(1)
“English regulated institution”	Schedule 1, paragraph 2(1)
“Northern Irish funded institution”	Schedule 1, paragraph 2(1)
“person with section 67 leave to remain”	Schedule 2, paragraph 3A(3)
“protected English provider”	Schedule 1, paragraph 2(1)
“registered English institution”	Schedule 1, paragraph 2(1)
“Scottish funded institution”	Schedule 1, paragraph 2(1)
“Welsh funded institution”	Schedule 1, paragraph 2(1)
“Welsh regulated institution”	Schedule 1, paragraph 2(1)

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