
WELSH STATUTORY INSTRUMENTS

2020 No. 142 (W. 25)

EDUCATION, WALES

**The Education (Student Support) (Miscellaneous
Amendments) (Wales) Regulations 2020**

<i>Made</i>	- - - -	<i>11 February 2020</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>13 February 2020</i>
<i>Coming into force</i>	- -	<i>2 March 2020</i>

The Welsh Ministers, in exercise of powers conferred on the Secretary of State by sections 22 and 42(6) of the Teaching and Higher Education Act 1998(1), and now exercisable by them(2), make the following Regulations:

PART 1

TITLE AND COMMENCEMENT

Title and commencement

1.—(1) The title of these Regulations is the Education (Student Support) (Miscellaneous Amendments) (Wales) Regulations 2020.

(2) These Regulations come into force on 2 March 2020.

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- (1) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11; the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6; the Finance Act 2003 (c. 14), section 147; the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7; the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 257; the Education Act 2011 (c. 21), section 76; S.I. 2013/1181 and the Higher Education and Research Act 2017 (c. 29), section 88. See section 43(1) of the Teaching and Higher Education Act 1998 for the definition of “prescribed” and “regulations”.
- (2) The Secretary of State’s functions in section 22(2)(a) to (i) and (k) were transferred to the National Assembly for Wales so far as they relate to making provision in relation to Wales by section 44 of the Higher Education Act 2004 (c. 8), with section 22(2) (a), (c) and (k) exercisable concurrently with the Secretary of State. The Secretary of State’s function in section 42 was transferred, in so far as exercisable in relation to Wales, to the National Assembly for Wales by S.I. 1999/672. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

PART 2

AMENDMENTS TO THE EDUCATION (STUDENT SUPPORT) (WALES) REGULATIONS 2017

Amendments to the Education (Student Support) (Wales) Regulations 2017

2. The Education (Student Support) (Wales) Regulations 2017⁽³⁾ are amended in accordance with regulations 3 and 4.

3. In regulation 2(1) (interpretation), in the definition of “end-on course”, after “2015 Regulations”, in each place it occurs, insert “or under these Regulations”.

4. In Schedule 5 (financial assessment)—

(a) in paragraph 5—

(i) in sub-paragraph (2), after “sub-paragraph (3)” insert “and sub-paragraph (4A)”;

(ii) after sub-paragraph (4) insert—

“(4A) If an eligible student’s household income is determined by reference to the residual income of two parents under paragraph 3(2)(a), the references in sub-paragraphs (2), (3) and (4) to the residual income of A are to be construed as if they were references to the aggregate of the residual incomes of both parents.”;

(b) in paragraph 6(1), after “(other than sub-paragraphs” insert “(4A),”;

(c) in paragraph 7—

(i) the existing text becomes sub-paragraph (1);

(ii) after that sub-paragraph insert—

“(2) But in the application of sub-paragraphs (2), (3) and (4) of paragraph 5 to the determination of a new eligible student’s parent’s partner’s residual income, references to A’s residual income in those sub-paragraphs are to be construed as if they were references to the aggregate of the residual incomes of the new eligible student’s parent and the new eligible student’s parent’s partner.”

PART 3

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

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

5. The Education (Student Support) (Wales) Regulations 2018⁽⁴⁾ are amended in accordance with regulation 6.

6. In paragraph 16 of Schedule 3 (calculation of income)—

(a) for sub-paragraph (3) substitute—

“(3) The applicable financial year is CY if the Welsh Ministers are satisfied that—

(a) where P is one of two persons whose residual incomes are aggregated under paragraph (b)(i) or (ii) of List A in paragraph 3(1), the aggregate of the residual

(3) S.I. 2017/47 (W. 21), to which there are amendments not relevant to these Regulations.

(4) S.I. 2018/191 (W. 42), to which there are amendments not relevant to these Regulations.

- incomes of P and the other person for CY is likely to be at least 15% lower than the aggregate of the residual incomes of P and the other person for PY-1, or
- (b) in any other case, P's residual income for CY is likely to be at least 15% lower than P's residual income for PY-1.”;
- (b) for sub-paragraph (5) substitute—
- “(5) Where this sub-paragraph applies—
- (a) the applicable financial year is CY if the Welsh Ministers are satisfied that—
- (i) where P is one of two persons whose residual incomes are aggregated under paragraph (b)(i) or (ii) of List A in paragraph 3(1), the aggregate of the residual incomes of P and the other person for CY is likely to be at least 15% lower than the aggregate of the residual incomes of P and the other person for PY, or
- (ii) in any other case, P's residual income for CY is likely to be at least 15% lower than P's residual income for PY;
- (b) otherwise, the applicable financial year is PY.”

PART 4

AMENDMENTS TO THE EDUCATION (STUDENT SUPPORT) (POSTGRADUATE MASTER'S DEGREES) (WALES) REGULATIONS 2019

Amendments to the Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019

7. The Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019(5) are amended in accordance with regulation 8.

8. In paragraph 16 of Schedule 3 (calculation of income), for sub-paragraph (3) substitute—

- “(3) The applicable financial year is CY if the Welsh Ministers are satisfied that—
- (a) where P is one of two persons whose residual incomes are aggregated under paragraph (b)(i) or (ii) of List A in paragraph 3(1), the aggregate of the residual incomes of P and the other person for CY is likely to be at least 15% lower than the aggregate of the residual incomes of P and the other person for PY-1, or
- (b) in any other case, P's residual income for CY is likely to be at least 15% lower than P's residual income for PY-1.”

11 February 2020

Kirsty Williams
Minister for Education, one of the Welsh
Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend—

- (a) the Education (Student Support) (Wales) Regulations 2017 (“the 2017 Regulations”),
- (b) the Education (Student Support) (Wales) Regulations 2018 (“the 2018 Regulations”), and
- (c) the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019 (“the Master’s Regulations”).

The 2017 Regulations provide for financial support for students taking designated higher education courses which begin on or after 1 September 2017.

Regulation 3 amends the definition of “end-on course” in regulation 2(1) of the 2017 Regulations. It inserts “or under these Regulations” at paragraphs (a), (b), (c), (d), (e) and (f) so that the definition refers to the 2017 Regulations as well as to previous Regulations, with the effect that a student who completes a course attracting support under the 2017 Regulations and then, disregarding any intervening vacation, immediately starts one of a number of other courses listed in the definition of “end-on course” will continue to be eligible for support for the later course under the 2017 Regulations.

Regulation 4(a) amends paragraph 5 of Schedule 5 to the 2017 Regulations. It introduces a new paragraph 5(4A) and makes an amendment to paragraph 5(2) which is consequential on the introduction of paragraph 5(4A). Paragraph 5(4A) provides that sub-paragraphs (2), (3) and (4) of paragraph 5 are to be read so that, if there are two parents in an eligible student’s household, the aggregate of both parents’ residual incomes is used when determining which financial year to use when calculating the residual incomes of those parents.

Regulation 4(b) makes an amendment which is consequential on the introduction of paragraph 5(4A) of Schedule 5 to the 2017 Regulations.

Regulation 4(c) amends paragraph 7 of Schedule 5 to the 2017 Regulations. It introduces a new paragraph 7(2) and makes a change to the existing text of paragraph 7 which is consequential on the introduction of paragraph 7(2). Paragraph 7(2) provides that, when sub-paragraphs (2), (3) and (4) of paragraph 5 are applied to the determination of a new eligible student’s parent’s partner’s income, those sub-paragraphs are to be read so that the aggregate of the student’s parent’s residual income and the student’s parent’s partner’s residual income is used when determining which financial year to use when calculating the residual incomes of the parent and the parent’s partner.

The 2018 Regulations provide for financial support for students taking designated higher education courses which begin on or after 1 August 2018. They also provide support for courses which begin before that date and are subsequently converted from full-time to part-time or part-time to full-time on or after 1 August 2018.

Regulation 6 amends paragraph 16 of Schedule 3 to the 2018 Regulations so that, if there are two parents, or a parent and a parent’s partner, in an eligible student’s household, the aggregate of both those persons’ residual incomes is used when determining which financial year to use when calculating their residual incomes.

The Master’s Regulations provide for the making of grants and loans to students for postgraduate master’s degree courses which begin on or after 1 August 2019.

Regulation 8 amends paragraph 16 of Schedule 3 to the Master’s Regulations so that, if there are two parents, or a parent and a parent’s partner, in an eligible student’s household, the aggregate of

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both those persons' residual incomes is used when determining which financial year to use when calculating their residual incomes.