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## WELSH STATUTORY INSTRUMENTS

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### 2017 No. 523

## The Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017

### PART 2

#### ELIGIBILITY

##### Designated courses

4.—(1) Subject to paragraphs (5) and (6), a course is a designated course for the purposes of section 22(1) of the 1998 Act and regulation 3 if it is—

- (a) a course which falls within paragraph (2);
- (b) one of the following—
  - (i) wholly provided by a publicly funded institution;
  - (ii) provided by a publicly funded institution situated in the United Kingdom on behalf of a publicly funded institution; or
  - (iii) provided by a publicly funded institution in conjunction with an institution which is situated outside the United Kingdom;
- (c) substantially provided in the United Kingdom; and
- (d) a course which—
  - (i) leads to an award granted or to be granted by a body falling within section 214(2) (a) or (b) of the Education Reform Act 1988<sup>M1</sup>; and
  - (ii) the teaching and supervision which comprise the course has been approved by that body.

[<sup>F1</sup>(2) For the purpose of paragraph (1)(a) the course must be one of the following—

- (a) a full-time course of one or two academic years' duration; or
- (b) a part-time course which is ordinarily possible to complete in up to four academic years.]

(3) For the purposes of paragraph (1)(b) and (c)—

- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;
- (b) a course is substantially provided in the United Kingdom where at least half of the teaching and supervision which comprise the course is provided in the United Kingdom;
- (c) a university and any constituent college or institution in the nature of a college of a university is to be regarded as publicly funded if either the university or the constituent college or institution is publicly funded;

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (d) an institution is not to be regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992 <sup>M2</sup>; and
- (e) a course is not to be regarded as provided on behalf of a publicly funded educational institution where a part of the course is provided by a private institution.
- (4) The designated course may, but need not, be a distance learning course.
- (5) A course is not a designated course for the purposes of regulation 3 if it is recognised as a designated course for the purposes of regulations 5 or 83 of the student support regulations.
- (6) For the purposes of section 22 of the 1998 Act <sup>M3</sup> and regulation 3, the Welsh Ministers may designate courses of higher education which are not designated under paragraph (1).
- (7) The Welsh Ministers may revoke or suspend the designation of a course which is designated under paragraph (6).

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#### Textual Amendments

- F1** [Reg. 4\(2\)](#) substituted (with application in accordance with reg. 1(4) of the amending S.I.) by [The Education \(Postgraduate Master's Degree Loans\) \(Wales\) \(Amendment\) Regulations 2018 \(S.I. 2018/277\)](#), regs. 1(3), **3**
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#### Marginal Citations

- M1** 1988 c. 40; [section 214\(2\)](#) was amended by the [Further and Higher Education Act 1992 \(c.13\)](#), [section 93](#) and Schedule 8.
- M2** 1992 c. 13; [section 65\(3A\)](#) was inserted by the [Teaching and Higher Education Act 1998 \(c. 30\)](#), [section 27](#).
- M3** 1998 c. 30.

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**Changes and effects yet to be applied to :**

- reg. 4(1)(b) substituted by [S.I. 2019/895 reg. 46\(a\)](#)
- reg. 4(3)(d) substituted by [S.I. 2019/895 reg. 46\(b\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 3(1) Sch. 1 para. 3 renumbered as Sch. 1 para. 3(1) by [S.I. 2021/481 reg. 98\(a\)](#)
- Sch. 1 para. 7(1) Sch. 1 para. 7 renumbered as Sch. 1 para. 7(1) by [S.I. 2020/1302 reg. 27\(3\)\(c\)\(i\)](#)
- Sch. 1 para. 4A(2)(b) full stop substituted for word by [S.I. 2021/9 reg. 39\(c\)](#)
- Sch. 1 para. 4A(3)(c) full stop substituted for word by [S.I. 2021/9 reg. 39\(f\)](#)
- Sch. 1 para. 5A(1)(b) full stop substituted for word by [S.I. 2021/9 reg. 40\(b\)](#)
- Sch. 1 para. 5A(2)(c) full stop substituted for word by [S.I. 2021/9 reg. 40\(e\)](#)
- Sch. 1 para. 9(5) inserted by [S.I. 2019/424 reg. 22\(3\)\(b\)\(iv\)](#) (This amendment not applied to legislation.gov.uk. Amending Regulations revoked immediately before IP completion day by [S.I. 2020/1302, regs. 1\(2\), 2\)](#)
- Sch. 1 para. 5A inserted by [S.I. 2019/895 reg. 48](#)
- Sch. 1 para. 7(2) inserted by [S.I. 2020/1302 reg. 27\(3\)\(c\)\(iii\)](#)
- Sch. 1 para. 8(3) inserted by [S.I. 2020/1302 reg. 27\(3\)\(d\)\(iv\)](#)
- Sch. 1 para. 9(5) inserted by [S.I. 2020/1302 reg. 27\(3\)\(e\)\(iv\)](#)
- Sch. 1 para. 2A(1)(e) inserted by [S.I. 2021/1365 reg. 30\(a\)\(iii\)](#)
- Sch. 1 para. 3(3) inserted by [S.I. 2021/1365 reg. 30\(b\)\(iii\)](#)
- Sch. 1 para. 9C(1)(e) inserted by [S.I. 2021/1365 reg. 30\(c\)](#)
- Sch. 1 para. 9BA inserted by [S.I. 2021/1365 reg. 32](#)
- Sch. 1 para. 1(1A) inserted by [S.I. 2021/481 reg. 95\(3\)](#)
- Sch. 1 para. 1(5)(aa) inserted by [S.I. 2021/481 reg. 95\(5\)\(b\)\(ii\)](#)
- Sch. 1 para. 2A inserted by [S.I. 2021/481 reg. 97](#)
- Sch. 1 para. 3(2) inserted by [S.I. 2021/481 reg. 98\(c\)](#)
- Sch. 1 para. 4ZB inserted by [S.I. 2021/481 reg. 100](#)
- Sch. 1 para. 6A inserted by [S.I. 2021/481 reg. 102](#)
- Sch. 1 para. 7(1)(d) inserted by [S.I. 2021/481 reg. 103\(a\)\(ii\)](#)
- Sch. 1 para. 7A inserted by [S.I. 2021/481 reg. 104](#)
- Sch. 1 para. 8A inserted by [S.I. 2021/481 reg. 106](#)
- Sch. 1 para. 9A-9D inserted by [S.I. 2021/481 reg. 108](#)
- Sch. 1 para. 10A inserted by [S.I. 2021/481 reg. 110](#)
- Sch. 1 para. 11A inserted by [S.I. 2021/481 reg. 112](#)
- Sch. 1 para. 12A inserted by [S.I. 2021/481 reg. 113](#)
- Sch. 1 para. 4ZA inserted by [S.I. 2021/9 reg. 38](#)
- Sch. 1 para. 4A omitted by [S.I. 2021/481 reg. 101](#)
- Sch. 1 para. 5A omitted by [S.I. 2021/481 reg. 101](#)
- Sch. 1 para. 4A(2)(c) omitted by [S.I. 2021/9 reg. 39\(d\)](#)
- Sch. 1 para. 4A(3)(d) omitted by [S.I. 2021/9 reg. 39\(g\)](#)
- Sch. 1 para. 5A(1)(c) omitted by [S.I. 2021/9 reg. 40\(c\)](#)
- Sch. 1 para. 5A(2)(d) omitted by [S.I. 2021/9 reg. 40\(f\)](#)
- Sch. 1 para. 3(1)(a)(iii) omitted by [S.I. 2022/403 reg. 6](#)
- Sch. 1 para. 3(1)(a) substituted by [S.I. 2021/481 reg. 98\(b\)](#)

- Sch. 1 para. 4ZA substituted by S.I. 2021/481 reg. 99
- Sch. 1 para. 4A(1) substituted by S.I. 2021/9 reg. 39(a)
- Sch. 1 para. 4A(2)(a)(ii) word inserted by S.I. 2021/9 reg. 39(b)
- Sch. 1 para. 4A(3)(b) word inserted by S.I. 2021/9 reg. 39(e)
- Sch. 1 para. 5A(1)(a) word inserted by S.I. 2021/9 reg. 40(a)
- Sch. 1 para. 5A(2)(b) word inserted by S.I. 2021/9 reg. 40(d)
- Sch. 1 para. 2A(1)(d) word moved by S.I. 2021/1365 reg. 30(a)(ii)
- Sch. 1 para. 9C(1)(d) word moved by S.I. 2021/1365 reg. 30(c)
- Sch. 1 para. 7(2) word substituted by S.I. 2021/481 reg. 103(b)
- Sch. 1 para. 9(5) word substituted by S.I. 2021/481 reg. 107(b)
- Sch. 1 para. 11(2) word substituted by S.I. 2021/481 reg. 111
- Sch. 1 para. 7(1)(b) words inserted by S.I. 2020/1302 reg. 27(3)(c)(ii)
- Sch. 1 para. 2A(1)(c) words inserted by S.I. 2021/1365 reg. 30(a)(ii)
- Sch. 1 para. 3(1)(a)(iv)(bb) words inserted by S.I. 2021/1365 reg. 30(b)(i)
- Sch. 1 para. 3(1)(a)(iv)(cc) words inserted by S.I. 2021/1365 reg. 30(b)(ii)
- Sch. 1 para. 2A(1)(a) words substituted by S.I. 2021/1365 reg. 30(a)(i)
- Sch. 1 para. 7(1)(c) words substituted by S.I. 2021/481 reg. 103(a)(i)
- reg. 1(4) inserted by S.I. 2019/895 reg. 44
- reg. 2(3) inserted by S.I. 2021/481 reg. 92(b)
- reg. 3(2)(2A) substituted for reg. 3(2) by S.I. 2021/481 reg. 93(a)
- reg. 3(2)(a) word inserted by S.I. 2021/1365 reg. 31
- reg. 3(10) inserted by S.I. 2021/481 reg. 93(b)
- reg. 3(10)(a)(i) word omitted by S.I. 2022/403 reg. 5(a)
- reg. 3(10)(a)(i) words substituted by S.I. 2021/1365 reg. 29
- reg. 3(10)(a)(ii) words omitted by S.I. 2022/403 reg. 5(b)
- reg. 8(ba) inserted by S.I. 2019/895 reg. 47
- reg. 8(ba) words inserted by S.I. 2021/481 reg. 94(a)
- reg. 8(bb) inserted by S.I. 2021/481 reg. 94(b)