
WELSH STATUTORY INSTRUMENTS

2018 No. 191

The Education (Student Support) (Wales) Regulations 2018

PART 4

KEY CONCEPTS

CHAPTER 1

DESIGNATED COURSES

Designated courses

5. In these Regulations (and for the purposes of section 22 of the Teaching and Higher Education Act 1998 (“the 1998 Act”)), a course is a designated course if it—

- (a) satisfies each of the conditions in regulation 6(1), and
- (b) does not fall within any of the exceptions in regulation 7(1).

Designated courses – conditions

6.—(1) The conditions are—

Condition 1

The course is one of the following—

- (a) a first degree course;
- (b) a course for the Diploma of Higher Education;
- (c) a course for the Higher National Diploma or Higher National Certificate of—
 - (i) the Business and Technology Education Council, or
 - (ii) the Scottish Qualification Authority;
- (d) a course for the certificate of Higher Education;
- (e) a course for the initial training of teachers;
- (f) a course for the further training of youth and community workers;
- (g) a course in preparation for a professional examination of a standard higher than that of—
 - (i) an examination at advanced level for the General Certificate of Education or at higher level for the Scottish Certificate of Education, or
 - (ii) an examination for the National Certificate or the National Diploma of either of the bodies mentioned in paragraph (c),so long as a first degree (or equivalent qualification) is not normally required for entry to the course;
- (h) a course—

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- (i) providing education (whether or not in preparation for an examination) the standard of which is higher than that of a course mentioned in paragraph (g) but not higher than that of a first degree course, and
- (ii) for entry to which a first degree (or equivalent qualification) is not normally required.

Condition 2

The course is either—

- (a) a full-time course,
- (b) a sandwich course, or
- (c) a part-time course.

Condition 3

The duration of the course is at least one academic year.

[^{F1}Condition 4

- (a) (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.]

Condition 5

At least half of the teaching and supervision which comprise the course is provided in the United Kingdom.

Condition 6

^{M1}The course 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 unless the course falls within paragraph (c) or (e) of Condition 1.

(2) For the purposes of Condition 4—

- (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 university and any constituent college, or constituent institution in the nature of a college, of a university is regarded as a recognised educational institution if either the university or the constituent college or institution is a recognised educational institution;

[^{F2}(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.]

[^{F3}(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.]

(3) In this regulation, if paragraph (4) applies to a course, it is considered to be a single course for a first degree (or equivalent qualification) even if the course leads to another degree or qualification being conferred before the degree (or equivalent qualification) (regardless of whether part of the course is optional).

(4) This paragraph applies to a course—

- (a) the standard of which is not higher than a first degree, and
- (b) which leads to a qualification as a medical doctor, dentist, veterinary surgeon, architect, landscape architect, landscape designer, landscape manager, town planner or town and country planner.

Textual Amendments

- F1** Words in [reg. 6](#) substituted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2019 \(S.I. 2019/235\)](#), [regs. 1\(3\)\(a\)](#), [42\(a\)](#)
- F2** [Reg. 6\(2\)\(c\)](#) substituted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2019 \(S.I. 2019/235\)](#), [regs. 1\(3\)\(a\)](#), [42\(b\)](#)
- F3** [Reg. 6\(2A\)](#) inserted (with application in accordance with [reg. 1\(3\)\(b\)](#) of the amending S.I.) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2019 \(S.I. 2019/235\)](#), [regs. 1\(3\)\(a\)](#), [42\(c\)](#)

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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.

Designated courses – exceptions

7.—(1) The exceptions are—

Exception 1

A course taken as part of an employment-based teacher training scheme.

Exception 2

A course falling within paragraph (g) or (h) of Condition 1 of regulation 6(1) if the governing body of a maintained school has arranged for the provision of the course to a pupil of the school.

(2) For the purposes of Exception 1, “employment-based teacher training scheme” means—

- (a) a scheme established by the Welsh Ministers under Regulation 8 of the Education (School Teachers' Qualifications) (Wales) Regulations 2004^{M2} or under Regulation 8 of the School Teachers' Qualifications (Wales) Regulations 2012^{M3} whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a maintained school, independent school or other institution except a pupil referral unit;
- (b) a scheme established by the Secretary of State whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a school, city college, Academy, independent school or other institution except a pupil referral unit.

(3) For the purposes of Exception 2, “maintained school” means—

- (a) a community, foundation or voluntary school,
- (b) a community or foundation special school, or
- (c) a maintained nursery school.

Marginal Citations

M2 [S.I. 2004/1729](#) (W. 173), as amended by [S.I. 2007/2811](#) (W. 238), [S.I. 2008/215](#) (W. 26) and [S.I. 2010/1142](#) (W.101). [S.I. 2004/1729](#) was revoked, with savings, by [S.I. 2012/724](#) (W. 96).

M3 [S.I. 2012/724](#) (W. 96)

Designation of other courses

8.—(1) The Welsh Ministers may specify that a course is to be treated as a designated course despite the fact that, but for the specification, it would not otherwise be a designated course^{M4}.

(2) The Welsh Ministers may suspend or revoke the specification of a course made under paragraph (1).

Marginal Citations

- M4** See <http://www.studentfinancewales.co.uk/practitioners/policy-information/designated-courses.aspx> for a list of designated courses specified, suspended or revoked by the Welsh Ministers under this regulation.

Status:

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Changes to legislation:

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