
WELSH STATUTORY INSTRUMENTS

2018 No. 191

The Education (Student Support) (Wales) Regulations 2018

PART 4

KEY CONCEPTS

CHAPTER 2

ELIGIBILITY

SECTION 1

Eligible students

Eligible students

9.—(1) A person is an eligible student in connection with a designated course that the person is undertaking if—

- (a) the person falls within one of the categories of persons set out in Schedule 2 and none of the exceptions set out in regulation 10 apply to the person, or
- (b) the person's circumstances fall within one of the cases set out in regulation 11.

(2) A person may, at any given time, be an eligible student only in connection with one designated course.

Eligible students - exceptions

10.—(1) A person (“P”) is not an eligible student if any of the following exceptions applies—

Exception 1

Where the designated course is a full-time course, an award within the meaning of the Education (Mandatory Awards) Regulations 2003^{M1} has been bestowed on P in respect of the course.

Exception 2

Where the designated course is a full-time course, P is eligible for a loan in relation to an academic year of the designated course under the Education (Student Loans) (Northern Ireland) Order 1990^{M2}.

Exception 3

In respect of P undertaking the designated course, P has been bestowed or paid—

- (a) where the course is a full-time course—
 - (i) a healthcare bursary, the amount of which is not calculated by reference to P's income (unless it is a bursary grant for living costs), or

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- (ii) an allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007 ^{M3};
- (b) where the course is a part-time course—
 - (i) a healthcare bursary (whether or not calculated by reference to P's income),
 - (ii) an allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007, or
 - (iii) a Scottish healthcare allowance (whether or not calculated by reference to P's income).

Exception 4

P is in breach of an obligation to repay a student loan.

Exception 5

P has reached the age of 18 and has not ratified an agreement for a student loan made with P when P was under 18.

Exception 6

The Welsh Ministers think that P's conduct is such that P is not fit to receive support.

Exception 7

P is a prisoner.

But P may be an eligible student despite being a prisoner if—

- (a) P's application for support is in respect of the academic year during which P enters or is released from prison,
 - (b) P's present course is a full-time end-on course, or
 - (c) P has been authorised by the prison Governor or Director or other appropriate authority to study the present course and P's earliest release date is within 6 years of the first day of the first academic year of the course.
- (2) In Exception 3, “bursary grant for living costs” is a grant for living costs made available under the NHS Wales Bursary Scheme.
- (3) In Exceptions 4 and 5, “student loan” means a loan made under—
- (a) the Education (Student Loans) Act 1990 ^{M4};
 - (b) the Education (Scotland) Act 1980;
 - (c) the Education (Student Loans) (Northern Ireland) Order 1990 ^{M5};
 - (d) the Education (Student Support) (Northern Ireland) Order 1998 ^{M6};
 - (e) regulations made under any of those Acts or Orders;
 - (f) these Regulations or any other regulations made under the 1998 Act.
- (4) In these Regulations—
- “healthcare bursary” (“*bwrsari iechyd*”) means a bursary or award of similar description under—
- (a) section 63(6) of the Health Services and Public Health Act 1968 ^{M7}, but not a payment made out of the Learning Support Fund;
 - (b) Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972 ^{M8};
- “Learning Support Fund” (“*Cronfa Cymorth Dysgu*”) means the fund made available by NHS England to certain students in respect of qualifying healthcare courses;

“Scottish healthcare allowance” (“*lwfans gofal iechyd yr Alban*”) means an allowance under sections 73(f) and 74(1) of the Education (Scotland) Act 1980^{M9} granted in respect of P attending a course leading to a qualification in a healthcare profession other than that of a medical doctor or dentist.

Marginal Citations

- M1** S.I. 2003/1994, amended by SI 2004/1038, S.I. 2004/1792, S.I. 2005/2083, S.I. 2005/3137, S.I. 2005/3482, S.I. 2006/930, S.I. 2007/1629, S.I. 2008/1477, S.I. 2010/1142 (W.101), S.I. 2010/1172, S.I. 2011/1043, S.I. 2014/107, S.I. 2016/211 and the Education Act 2005 section 74.
- M2** S.I. 1990/1506 (N.I. 11), amended by S.I. 1996/274 (N.I.1), **Article 43** and Schedule 5 Part II, S.I. 1996/1918 (N.I. 15), **Article 3** and the Schedule and S.I. 1998/258 (N.I. 1), **Articles 3 to 6** and revoked, with savings, by SR (NI) 1998 No 306.
- M3** S.S.I. 2007/151 as amended by S.S.I. 2007/503, S.S.I. 2008/206, S.S.I. 2009/188, S.S.I. 2009/309, S.S.I. 2012/72, S.S.I. 2013/80 and S.S.I. 2017/180.
- M4** 1990 c. 6; repealed by the Teaching and Higher Education Act 1998 (c. 30), **Schedule 4**, with savings see the Teaching and Higher Education Act 1998 (Commencement No. 2 and Transitional Provisions) Order 1998 (S.I. 1998/2004) (C. 46).
- M5** S.I. 1990/1506 (N.I. 11) amended by S.I. 1996/274 (N.I. 1), **Article 43** and Schedule 5 Part II, S.I. 1996/1918 (N.I. 15), **Article 3** and the Schedule and S.I. 1998/258 (N.I. 1), **Articles 3 to 6** and revoked, with savings, by SR (NI) 1998 No 306.
- M6** S.I. 1998/1760 (N.I. 14).
- M7** 1968 c.46.
- M8** S.I. 1972/1265 (N.I. 14).
- M9** 1980 c.44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c. 30), **section 29(1)** and the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6), **section 3(2)** and section 74 was amended by the Self Governing Schools etc. (Scotland) Act 1989 (c. 39), **section 82** and Schedule 10, paragraph 8(17).

Eligible students continuing on a course

- 11.—(1) Paragraph (2) applies to a person (“P”) if—
- (a) P's circumstances fall within one of the cases in paragraph (3), and
 - (b) Exception 3 in Regulation 10 does not apply in respect of the year for which P is applying for support.
- (2) Where this paragraph applies, P is an eligible student and accordingly—
- (a) P need not fall within any of the categories of student set out in Schedule 2, and
 - (b) none of the exceptions set out in Regulation 10 (other than Exception 3) prevent P from being an eligible student.
- (3) The cases are—
- Case 1*
- (a) P was an eligible student in connection with an earlier academic year of P's present course, and
 - (b) P was ordinarily resident in Wales on the first day of the first academic year of that course.
- Case 2*
- (a) P's present course is an end-on course,

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- (b) P was an eligible student in connection with the course (the “earlier course”) in relation to which P's present course is an end-on course,
- (c) P's period of eligibility for the earlier course ended only because P had completed that earlier course, and
- (d) P was ordinarily resident in Wales on the first day of the first academic year of the earlier course.

Case 3

- (a) P was an eligible student in connection with a designated course (the “earlier course”) other than the present course,
- (b) P's status as an eligible student in connection with the earlier course has been transferred to the present course (see Section 5), and
- (c) P was ordinarily resident in Wales on the first day of the first academic year of the earlier course.

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