
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.—^[F1(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 set out—
 - (i) in paragraph 1, 2, 2ZA, 2ZB, 3, 4A, 5A, 6A, 6B, ^[F26BA,] 6C, 6D, 7A or 8A of Schedule 2, or
 - (ii) in paragraph 4, 5, 6, 7 or 8 of Schedule 2 where paragraph (1A) applies, and none of the exceptions in regulation 10 apply to the person, or
- (b) the person's circumstances fall within one of the cases set out in regulation 11.

(1A) This paragraph applies where—

- (a) in connection with a designated course beginning before 1 August 2021 the Welsh Ministers—
 - (i) in assessing an application for support by a person (“A”) determined that A fell within one of the categories set out in paragraph 4, 5, 6, 7 or 8 of Schedule 2 in relation to an academic year of the course beginning before 1 August 2021, or
 - (ii) would have so determined had A made an application for support in accordance with these Regulations in relation to an academic year of the course beginning before that date, and
- (b) A applies for support in connection with—
 - (i) that course,
 - (ii) an end-on course following on from that course, or
 - (iii) a designated course to which A's status as an eligible student is transferred in accordance with these Regulations.]

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

Status: Point in time view as at 23/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, Cross Heading: SECTION 1. (See end of Document for details)

Textual Amendments

- F1** Reg. 9(1)(1A) substituted for reg. 9(1) (with application in accordance with reg. 2 of the amending S.I.) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/481), regs. 1(2), **115**
- F2** Word in reg. 9(1)(a)(i) inserted (31.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (Wales) Regulations 2021 (S.I. 2021/1365), regs. 1(2), **39**

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
 - (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.

^{F3}Exception 8

The designated course begins on or after 1 January 2028 and the only paragraph or paragraphs in Schedule 2 into which P falls is one or more of paragraphs 5A, 6B [^{F4}, 6BA], or 6D.]

Textual Amendments

- F3** Words in [reg. 10\(1\)](#) inserted (with application in accordance with reg. 2 of the amending S.I.) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/481\)](#), regs. 1(2), **116**
- F4** Word in [reg. 10\(1\)](#) inserted (31.12.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(Wales\) Regulations 2021 \(S.I. 2021/1365\)](#), regs. 1(2), **40**

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.

Status: Point in time view as at 23/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, Cross Heading: SECTION 1. (See end of Document for details)

- 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—
- P's circumstances fall within one of the cases in paragraph (3), and
 - 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—
- P need not fall within any of the categories of student set out in Schedule 2, and
 - 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

- P was an eligible student in connection with an earlier academic year of P's present course, and
- P was ordinarily resident in Wales on the first day of the first academic year of that course.

Case 2

- P's present course is an end-on course,
- 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,
- P's period of eligibility for the earlier course ended only because P had completed that earlier course, and
- P was ordinarily resident in Wales on the first day of the first academic year of the earlier course.

Case 3

- 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.

Status:

Point in time view as at 23/02/2022.

Changes to legislation:

There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, Cross Heading: SECTION 1.