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WELSH STATUTORY INSTRUMENTS

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**2018 No. 191**

**The Education (Student Support) (Wales) Regulations 2018**

**PART 4**

KEY CONCEPTS

CHAPTER 2

ELIGIBILITY

*SECTION 3*

*Termination of eligibility*

**Early termination of eligibility**

**19.**—(1) An eligible student's ("P's") period of eligibility terminates at the end of the day on which—

- (a) P withdraws from P's designated course and the Welsh Ministers do not transfer P's status as an eligible student under regulation 28, or
- (b) P abandons or is expelled from P's designated course.

(2) Where—

- (a) an eligible student's ("P's") designated course is a distance learning course, and
- (b) P undertakes the course outside the United Kingdom,

P's period of eligibility terminates at the beginning of the first day on which P undertakes the course outside the United Kingdom.

(3) But paragraph (2) does not apply where P is undertaking a distance learning course outside the United Kingdom because P or a close relative of P is serving as a member of the armed forces.

**Misconduct and failure to provide accurate information**

**20.**—(1) The Welsh Ministers may terminate an eligible student's period of eligibility if they are satisfied that the student's conduct is such that the student is no longer fit to receive support.

(2) Paragraph (3) applies if the Welsh Ministers are satisfied that an eligible student—

- (a) has failed to comply with a requirement to provide information or documentation under these Regulations, or
- (b) has provided information or documentation which was materially inaccurate.

(3) Where this paragraph applies, the Welsh Ministers may—

- (a) terminate the student's period of eligibility;
- (b) determine that the student does not qualify for a particular category of support or amount of such support.

*Status: Point in time view as at 08/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, Cross Heading: SECTION 3. (See end of Document for details)*

### Reinstatement of eligibility after termination

**21.**—(1) Where a student's period of eligibility terminates under regulation 19 or 20 during the academic year in which the student completes the present course, the Welsh Ministers may reinstate the student's period of eligibility for such period as they think appropriate.

(2) But a reinstated period of eligibility may not extend beyond the end of the maximum period of eligibility calculated in accordance with Section 2 of this Chapter.

### Refugees who cease to have leave to remain

**22.**—(1) This regulation applies where—

- (a) a person (“P”) was a Category 2 eligible student (see Schedule 2) in connection with an application for support—
  - (i) for an earlier year of the present course,
  - (ii) for a full-time course in relation to which the present course is a full-time end-on course, or
  - (iii) for a course from which P's status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the refugee status of—
  - (i) P, or
  - (ii) the person whose status as a refugee meant that P was a Category 2 eligible student, has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002)  
M1.

(2) Where this regulation applies, P's status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.

(3) In this regulation, “refugee” has the meaning given by paragraph 11 of Schedule 2.

#### Marginal Citations

**M1** 2002 c.41. Section 104 was amended by the [Asylum and Immigration \(Treatment of Claimants etc.\) Act 2004 \(c. 19\)](#), [Schedules 2](#) and 4, the [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), [section 9](#), S.I. 2010/21, the [Immigration Act 2014 \(c. 22\)](#), [Schedule 9](#).

### [<sup>F1</sup>Persons who cease to have stateless leave

**22A.**—(1) This regulation applies where—

- (a) a person (“P”) was a Category 2A eligible student (see Schedule 2) in connection with an application for support—
  - (i) for an earlier year of the present course,
  - (ii) for a full time-course in relation to which the present course is a full-time end-on course, or
  - (iii) for a course from which P's status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the period for which—

- (i) P, or
- (ii) the person, who, as a result of being a person granted stateless leave, caused P to be a Category 2A eligible student,  
is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no application for administrative review in accordance with the immigration rules is pending.

(2) Where this regulation applies, P's status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.]

#### Textual Amendments

- F1** Reg. 22A inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), 5

#### Other persons who cease to have leave to enter or remain

**23.**—(1) This regulation applies where—

- (a) a person (“P”) was a Category 3 eligible student (see Schedule 2) in connection with an application for support—
  - (i) for an earlier year of the present course,
  - (ii) for a full-time course in relation to which the present course is a full-time end-on course, or
  - (iii) for a course from which P's status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the period for which—
  - (i) P, or
  - (ii) the person who, as a result of having leave to enter or remain, caused P to be a category 3 eligible student,

is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002).

(2) Where this regulation applies, P's status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.

#### [<sup>F2</sup>Persons who cease to have section 67 leave to remain

**23A.**—(1) This regulation applies where—

- (a) a person (“P”) was a Category 3A eligible student (see Schedule 2) in connection with an application for support—
  - (i) for an earlier year of the present course,
  - (ii) for a full-time course in relation to which the present course is a full-time end-on course, or
  - (iii) for a course from which P's status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and

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(b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the period for which—

(i) P, or

(ii) the person who, as a result of having section 67 leave to remain, caused P to be a Category 3A eligible student,

is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002).

(2) Where this regulation applies, P's status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.]

#### Textual Amendments

**F2** [Reg. 23A](#) 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), **43**

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**Changes to legislation:**

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