
WELSH STATUTORY INSTRUMENTS

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.

[^{F1}(3) But paragraph (2) does not apply if P is undertaking a distance learning course outside the United Kingdom because—

- (a) P or a close relative of P is serving as a member of the armed forces, or
- (b) P is unable to be in the United Kingdom for a reason related to coronavirus.]

Textual Amendments

- F1** [Reg. 19\(3\)](#) substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The Education \(Student Support\) \(Miscellaneous Amendments\) \(Wales\) \(No. 2\) Regulations 2020 \(S.I. 2020/708\)](#), regs. 1(2), 5

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.

Status: Point in time view as at 23/02/2022.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 3. (See end of Document for details)

- (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.

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)

(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](#).

[^{F2}Persons who cease to have stateless leave

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

- (a) a person (“P”) was [^{F3}an eligible student as a result of being a person granted stateless leave] (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 [^{F4}an 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

- F2** Reg. 22A inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **5**
- F3** Words in [reg. 22A\(1\)\(a\)](#) substituted (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), **118(a)**
- F4** Words in [reg. 22A\(1\)\(b\)\(ii\)](#) substituted (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), **118(b)**

Other persons who cease to have leave to enter or remain

- 23.**—(1) This regulation applies where—
- (a) a person (“P”) was a [^{F5}Category 3 eligible student or an eligible student on grounds of humanitarian protection under paragraph 339C of the immigration rules (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 [^{F6}or an eligible student on grounds of humanitarian protection under paragraph 339C of the immigration rules],

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 3. (See end of Document for details)

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

- F5** Words in [reg. 23\(1\)\(a\)](#) substituted (28.1.2021) by [The Education \(Student Fees, Awards and Support\) \(Ordinary Residence\) \(Wales\) Regulations 2021 \(S.I. 2021/9\)](#), regs. 1(2), [42\(a\)](#)
- F6** Words in [reg. 23\(1\)\(b\)\(ii\)](#) inserted (28.1.2021) by [The Education \(Student Fees, Awards and Support\) \(Ordinary Residence\) \(Wales\) Regulations 2021 \(S.I. 2021/9\)](#), regs. 1(2), [42\(b\)](#)

[^{F7}Persons who cease to have section 67 leave to remain

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

- (a) a person (“P”) was [^{F8}an eligible student as a result of being a person with section 67 leave to remain] (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 section 67 leave to remain, caused P to be [^{F9}an 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

- F7** [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](#)
- F8** Words in [reg. 23A\(1\)\(a\)](#) substituted (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), [119\(a\)](#)
- F9** Words in [reg. 23A\(1\)\(b\)\(ii\)](#) substituted (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), [119\(b\)](#)

[^{F10}Persons who cease to have Calais leave

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

- (a) a person (“P”) was an eligible student as a result of being a person with Calais leave (see Schedule 2, paragraph 2ZA) 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 P is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted.

(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

F10 Regs. 23B-23E 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), **120**

Persons who cease to have leave to remain as a protected partner

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

- (a) a person (“P”) was an eligible student as a result of being a person granted leave to remain as a protected partner—
 - (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 leave to remain as a protected partner, caused P to be an eligible student,

is allowed to stay in the United Kingdom has expired and no further leave to remain as 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.

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 3. (See end of Document for details)

Textual Amendments

F10 Regs. 23B-23E 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), **120**

Persons who cease to have leave to remain under residence scheme immigration rules

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

- (a) by virtue of being a person with protected rights with limited leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, a person (“P”) was an eligible student in connection with an application for support for—
 - (i) an earlier year of the current course,
 - (ii) a full-time course in relation to which the present course is a full-time end on course, or
 - (iii) a course from which P’s status 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, P no longer has extant limited leave to enter or remain granted by virtue of residence scheme immigration rules, and no further leave to enter or remain has been granted under those rules.

(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

F10 Regs. 23B-23E 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), **120**

23E. Where—

- (a) the Welsh Ministers have determined that, by virtue of—
 - (i) falling within [^{F11}paragraph (1)(a) ^{F12}... (iv) or (v)] of the definition of “person with protected rights”, or
 - (ii) meeting the conditions in paragraph 1(2)(a) ^{F13}... (iv) of Schedule 2,
 a person (“P”) is an eligible student in connection with an application for support for an academic year of a designated course, and
- (b) as at the day before the first day of the academic year, P is not a person with protected rights,
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

F10 Regs. 23B-23E 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), **120**

- F11** Words in reg. 23E(a)(i) substituted (31.12.2021) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(Wales\) Regulations 2021 \(S.I. 2021/1365\)](#), regs. 1(2), **34**
- F12** Word in reg. 23E(a)(i) omitted (with application in accordance with reg. 2 of the amending S.I.) by virtue of [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2022 \(S.I. 2022/79\)](#), regs. 1(2), **53(a)**
- F13** Words in reg. 23E(a)(ii) omitted (with application in accordance with reg. 2 of the amending S.I.) by virtue of [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2022 \(S.I. 2022/79\)](#), regs. 1(2), **53(b)**

[^{F14}**23F**.—(1) This regulation applies where—

- (a) a person (“P”) was an eligible student as a result of being a person with leave to enter or remain as a relevant Afghan citizen (see Schedule 2, paragraph 2ZA) 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 P is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal 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

- F14** [Reg. 23F](#) inserted (with application in accordance with reg. 2 of the amending S.I.) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2022 \(S.I. 2022/79\)](#), regs. 1(2), **35**

Status:

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

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There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, Cross Heading: SECTION 3.