

## SCHEDULES

### SCHEDULE 1

Regulation 4(1)

#### Interpretation

#### Meaning of academic year

- 1.—(1) An “academic year”, in respect of a course, is determined as follows—
- (a) identify the period in Column 2 of Table 14 within which the academic year actually begins;
  - (b) the academic year is the period of 12 months beginning on the date specified in the entry in Column 1 of the Table corresponding to the period set out in Column 2.
- (2) But if the course is a compressed first year course, “academic year”, in respect of the first year of the course, means the period of 8 months beginning on the date so specified.
- (3) Any reference in these Regulations to an “academic year” is a reference to a year determined in accordance with sub-paragraphs (1) and (2).

**Table 14**

<i>Column 1 Start date of academic year for the purposes of these regulations</i>	<i>Column 2 Period within which academic year begins</i>
1 September	On or after 1 August but before 1 January
1 January	On or after 1 January but before 1 April
1 April	On or after 1 April but before 1 July
1 July	On or after 1 July but before 1 August

#### Educational institutions

- [<sup>F12</sup>2. In these regulations “recognised educational institution” means—
- (a) in relation to a full-time course that begins before 1 August 2019—
    - (i) a Welsh regulated institution;
    - (ii) a protected English provider;
    - (iii) a Scottish funded institution; or
    - (iv) a Northern Irish funded institution;
  - (b) in relation to a part-time course that begins before 1 August 2019 a publicly funded institution;
  - (c) in relation to a full-time course that begins on or after 1 August 2019—
    - (i) a Welsh regulated institution;

**Status:** Point in time view as at 25/05/2022.

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

- (ii) an English regulated institution;
- (iii) a Scottish funded institution;
- (iv) a Northern Irish funded institution;
- (d) in relation to a part-time course that begins on or after 1 August 2019—
  - (i) a Welsh funded institution;
  - (ii) an English regulated institution;
  - (iii) a Scottish funded institution;
  - (iv) a Northern Irish funded institution.]

#### Textual Amendments

- F1** Sch. 1 para. 2 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), **54**

[<sup>F2</sup>**2A.**—(1) In these regulations—

- (a) “Welsh funded institution” means an institution maintained or assisted by recurrent grants out of funds provided by the Welsh Ministers;
- (b) “Welsh regulated institution” means an institution which has a fee and access plan approved by the Higher Education Funding Council for Wales under section 7 of the Higher Education (Wales) Act 2015 whilst that plan remains in force;
- (c) “protected English provider” means an institution which on or after 1 August 2018 but before 1 August 2019 was maintained or assisted by recurrent grants pursuant to section 65 of the Further and Higher Education Act 1992 other than an institution maintained or assisted by recurrent grants made by the Higher Education Funding Council for Wales;
- (d) “registered English institution” means an institution registered by the Office for Students in the register;
- (e) “English regulated institution” means a registered English institution subject to a fee limit condition under section 10 of the Higher Education and Research Act 2017;
- (f) “English plan provider” means a registered English institution which has an access and participation plan approved by the Office for Students under section 29 of the Higher Education and Research Act 2017 and which remains in force;
- (g) “Scottish funded institution” means an institution maintained or assisted by recurrent grants out of funds provided by the Scottish Ministers;
- (h) “Northern Irish funded institution” means an institution maintained or assisted by recurrent grants out of funds provided by the Northern Ireland Executive.

(2) In sub-paragraph (1) reference to the register is to the register established and maintained by the Office for Students under section 3 of the Higher Education and Research Act 2017.]

#### Textual Amendments

- F2** Sch. 1 para. 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), **55**

### Textual Amendments

- F1** Sch. 1 para. 2 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), **54**
- F2** Sch. 1 para. 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), **55**

### Location of an eligible student

- 3.—(1) In these Regulations, in relation to an eligible student—
- (a) “living at home” means that the student is living at the student's parent's home while undertaking the present course;
  - (b) “living away from home, studying in London” means that the student is living away from the student's parent's home while—
    - (i) undertaking a course at the University of London,
    - (ii) undertaking a course at an institution requiring attendance in the academic year at a site that is wholly or partly in London where at least half of any quarter of the course is provided at such a site, or
    - (iii) undertaking a sandwich course in the academic year at an institution that requires the student to undertake work experience, or a combination of work experience and study, in London where that work experience, or combination of work experience and study, is undertaken for at least half of any quarter;
  - (c) “living away from home, studying elsewhere” means that the eligible student is living away from the student's parent's home but not studying in London, including attending an institution outside the United Kingdom as part of the student's course or undertaking an overseas work placement in an Erasmus year.
- (2) For the purposes of sub-paragraph (1), “London” means the area comprising the City of London and the former Metropolitan Police District.
- (3) In sub-paragraph (2), “former Metropolitan Police District” means—
- (a) Greater London, excluding the city of London, the Inner Temple and the Middle Temple,
  - (b) in the county of Essex, in the district of Epping Forest—
    - (i) the area of the former urban district of Chigwell, and
    - (ii) the parish of Waltham Abbey,
  - (c) in the county of Hertfordshire—
    - (i) in the borough of Broxbourne, the area of the former urban district of Cheshunt,
    - (ii) the district of Hertsmere, and
    - (iii) in the district of Welwyn Hatfield, the parish of Northaw, and
  - (d) in the county of Surrey—
    - (i) in the borough of Elmbridge, the area of the former urban district of Esher,
    - (ii) the boroughs of Epsom and Ewell and Spelthorne, and
    - (iii) in the district of Reigate and Banstead, the area of the former urban district of Banstead.

**Status:** Point in time view as at 25/05/2022.

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

### Meaning of Erasmus year

- 4.—(1) In these Regulations, an “Erasmus year” is an academic year in which a student—
- (a) participates in the ERASMUS scheme as part of a course provided wholly by a recognised educational institution, and
  - (b) satisfies condition A, B, or C in sub-paragraph (2).
- (2) The conditions are— *Condition A*
- (a) The course is provided by an institution in Northern Ireland, and
  - (b) the student completes all periods of study or work placement under the scheme outside the United Kingdom.

#### *Condition B*

- (a) The course is provided by an institution in England, Scotland or Wales,
- (b) at least one period of study or work placement under the scheme is attended at an institution or workplace outside the United Kingdom during the academic year, and
- (c) during that academic year, the aggregate of any one or more periods of full-time study at the institution in England, Scotland or Wales is less than 10 weeks.

#### *Condition C*

- (a) The course is provided by an institution in England, Scotland or Wales,
- (b) at least one period of study or work placement under the scheme is attended at an institution or workplace outside the United Kingdom during the academic year, and
- (c) during that academic year and any previous academic years of the course, the aggregate of any one or more periods of attendance (which are not periods of full-time study at the institution in England, Scotland or Wales), disregarding any intervening vacations, exceeds 30 weeks.

[<sup>F3</sup>(3) In sub-paragraph (1), “ERASMUS scheme” means—

- (a) the European Union’s action scheme for the mobility of university students,
- (b) the scheme established by the Secretary of State for Education known as the Turing Scheme, or
- (c) the scheme established by the Welsh Ministers known as the International Learning Exchange Programme.]

### Textual Amendments

**F3** Sch. 1 para. 4(3) substituted (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), **52**

### Part-time students – calculation of intensity of study

5.—(1) In these Regulations, a reference to the intensity of study in relation to a part-time course is a reference to the lower of—

- (a) the percentage calculated in accordance with sub-paragraph (2), or
  - (b) 75%.
- (2) The percentage is calculated as follows—

$$\frac{PT}{FT} \times 100$$

Where—

PT is the number of modules, credits, credit points, points or other units to be awarded to the student undertaking the part-time course by the academic authority if the student successfully completes the academic year in connection with which the student is applying for support, and

FT is—

- (a) where the course is provided by or on behalf of the Open University, 120;
  - (b) where the course is provided by or on behalf of any other institution, the number of modules, credits, credit points, points or other units that a standard full-time student would be required to obtain in each academic year in order to complete the full-time equivalent within the period ordinarily required to complete that course.
- (3) For the purposes of sub-paragraph (2)—
- (a) “full-time equivalent” means a full-time course leading to the same qualification as the part-time course in question;
  - (b) the “period ordinarily required to complete the full-time equivalent” means the period in which a standard full-time student would complete the full-time equivalent;
  - (c) “standard full-time student” means a student who is taken—
    - (i) to have started the full-time equivalent on the same date as the student undertaking the part-time course in question,
    - (ii) not to have been excused any part of the full-time equivalent,
    - (iii) not to have repeated any part of the full-time equivalent, and
    - (iv) not to have been absent from the full-time equivalent other than during vacations.

### Interpretation of other key terms

6.—(1) In these Regulations—

[<sup>F4</sup>“the 2020 Citizens’ Rights Regulations” (“*Rheoliadau Hawliau Dinasyddion 2020*”) means the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020;]

“academic authority” (“*awdurdod academiadd*”) means, in relation to an institution, the governing body or other body having the functions of a governing body and includes a person acting with the authority of that body;

“accelerated graduate entry course” (“*cwrs mynediad graddedig carlam*”) means a full-time course—

- (a) which leads to a qualification as a medical doctor or dentist,
- (b) the standard of which is not higher than a first degree course,
- (c) where the normal entry requirement is a first degree or equivalent qualification, and
- (d) which does not exceed 4 years duration;

“close relative” (“*perthynas agos*”) (in relation to a person (“P”)) means—

- (a) P's spouse or civil partner;
- (b) a person ordinarily living with P as if the person were P's spouse or civil partner;
- (c) P's parent, where P is under the age of 25;

**Status:** Point in time view as at 25/05/2022.

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

(d) [<sup>F5</sup>P's child, where P is dependent on that child;]

“compressed degree course” (“*cwrs gradd cywasgedig*”) means a course determined as such by—

- (a) the Welsh Ministers in accordance with sub-paragraph (2), or
- (b) the Secretary of State in accordance with regulation 2(2) of the Education (Student Support) Regulations 2011 <sup>M1</sup>;

“compressed first year course” (“*cwrs blwyddyn gyntaf gywasgedig*”) means a course where—

- (a) the first year is to be completed in a period of not more than seven months, and
- (b) no other years of the course are undertaken on such a compressed basis;

[<sup>F6</sup>“coronavirus” (“*coronafeirws*”) means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);]

“course for the initial training of teachers” (“*cwrs ar gyfer hyfforddiant cychwynnol athrawon*”) includes a teacher training course leading to a first degree but excludes an employment-based teacher training scheme (within the meaning given by regulation 7(2));

“distance learning course” (“*cwrs dysgu o bell*”) means a course in relation to which a student undertaking the course is not required to be in attendance by the institution providing the course, other than to satisfy any requirement imposed by the institution to attend any institution—

- (a) for the purposes of registration, enrolment or examination, or
- (b) on a weekend or during a vacation;

“end-on course” (“*cwrs penben*”) means—

- (a) a full-time first degree course (other than a first degree course for the initial training of teachers) which, disregarding any intervening vacation, a student undertakes immediately after ceasing to undertake a full-time relevant education course,
- (b) a full-time honours degree course which, disregarding any intervening vacation, a student undertakes immediately after ceasing to undertake a full-time relevant degree course,
- (c) a part-time first degree course (other than a first degree course for the initial training of teachers) which, disregarding any intervening vacation, a student undertakes immediately after ceasing to undertake a part-time relevant education course, or
- (d) a part-time honours degree course which, disregarding any intervening vacation, a student undertakes immediately after ceasing to undertake a part-time relevant degree course;

and in this definition—

“relevant degree course” (“*cwrs gradd perthnasol*”) means—

- (a) a foundation degree course, or
- (b) an ordinary degree course,

for which the student received or was entitled to receive support under these Regulations;

“relevant education course” (“*cwrs addysg perthnasol*”) means—

- (a) a course for the diploma of higher education,
- (b) 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, or

**Status:** Point in time view as at 25/05/2022.

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

(c) a course for the certificate of Higher Education,

for which the student received or was entitled to receive support under these Regulations; “fees” (“*ffioedd*”) has the meaning given in section 57(1) of the Higher Education (Wales) Act 2015<sup>M2</sup> but this definition does not apply to Oxbridge college fees (see Schedule 5);

<sup>F7</sup> ...

“member of the armed forces” (“*aelod o'r lluoedd arfog*”) means a member of the regular naval, military or air forces of the Crown;

“period of work experience” (“*cyfnod o brofiad gwaith*”) means—

- (a) a period of industrial, professional or commercial experience associated with full-time study at an institution but at a place outside that institution;
- (b) a period during which a student is employed and residing in a country whose language is one that the student is studying for the student's present course (provided that the period of residence in that country is a requirement of the student's course and the study of one or more modern languages accounts for not less than one half of the total time spent studying on the course);

[<sup>F4</sup>“person with protected rights” (“*person sydd â hawliau gwarchoddedig*”) means—

- [<sup>F8</sup>(1)] (a) a person within the personal scope of the citizens’ rights provisions who—
  - (i) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules,
  - (ii) is an Irish citizen who, pursuant to section 3ZA of the Immigration Act 1971, does not require leave to enter or remain in the United Kingdom,
  - (iii) <sup>F9</sup> ...
  - (iv) is an applicant for the purposes of regulation 4 of the 2020 Citizens’ Rights Regulations where the relevant period has not expired, or
    - [ otherwise has rights deemed to apply by virtue of any citizens’ rights <sup>F10</sup>(v) deeming provisions; or]
- (b) a family member of a relevant person of Northern Ireland for the purposes of residence scheme immigration rules, where that family member has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;

[ In paragraph (1)(a)(v) “citizens’ rights deeming provisions” means—

- <sup>F11</sup>(2) (a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
- (b) Article 17(2) and (3) (issuance of residence documents during the transition period) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement.]]

“present course” (“*cwrs presennol*”) means the designated course in respect of which a person applies for support under regulation 32;

“prisoner” (“*carcharor*”) means a person who is serving a sentence of imprisonment in the United Kingdom including a person detained in a young offender institution (and “prison” is to be construed accordingly);

**Status:** Point in time view as at 25/05/2022.

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

“publicly funded institution” (“*sefydliad a gyllidir yn gyhoeddus*”) means an institution in the United Kingdom maintained or assisted by recurrent grants out of funds provided by –

- (a) Parliament;
  - (b) the Welsh Ministers;
  - (c) the Scottish Ministers;
  - (d) the Northern Ireland Executive,
- or from funds attributable to such funds;

“qualified teacher” (“*athro cymwysiedig neu athrawes gymwysiedig*”) means a person who satisfies requirements specified in regulations under section 132 of the Education Act 2002<sup>M3</sup>;

“quarter” (“*chwarter*”) means a period of the academic year—

- (a) beginning on 1 September and ending on 31 December;
- (b) beginning on 1 January and ending on 31 March;
- (c) beginning on 1 April and ending on 30 June;
- (d) beginning on 1 July and ending on 31 August;

[<sup>F4</sup>“relevant period” (“*cyfnod perthnasol*”) has the meaning given by regulation 4 of the 2020 Citizens’ Rights Regulations;]

[<sup>F4</sup>“relevant person of Northern Ireland” (“*person perthnasol o Ogledd Iwerddon*”) has the meaning given by residence scheme immigration rules;]

“Research Council” (“*Cyngor Ymchwil*”) means any of the following research councils—

- (a) Arts and Humanities Research Council;
- (b) Biotechnology and Biological Sciences Research Council;
- (c) Economic and Social Research Council;
- (d) Engineering and Physical Sciences Research Council;
- (e) Medical Research Council;
- (f) Natural Environment Research Council;
- (g) Science and Technology Facilities Council;

[<sup>F4</sup>“residence scheme immigration rules” (“*rheolau mewnfudo’r cynllun preswyllo*”) has the meaning given by section 17(1) of the European Union (Withdrawal Agreement) Act 2020;]

“sandwich course” (“*cwrs rhyngosod*”) means a course—

- (a) which consists of alternate periods of full-time study in an institution and periods of work experience, and
- (b) where, taking the course as a whole, the student attends the periods of full-time study at the institution for an average of not less than 18 weeks in each year (and where days of full-time study alternate with days of work experience in any week, those days of study may be aggregated with each other and with any full weeks of full-time study in determining the number of weeks of full-time study in a year);

for the purposes of paragraph (b) the course is to be treated as beginning with the first period of full-time study and ending with the last such period;

but a course for the initial training of teachers is not a sandwich course;

nor is an academic year of a designated course which is an Erasmus year to be treated as a sandwich course;

“statutory award” (“*dyfarddal statudol*”) means any award bestowed, grant paid, or other support provided, by virtue of the 1998 Act or the Education Act 1962, or any comparable



award, grant, or other support, in respect of undertaking a course which is paid out of funds provided by a publicly funded institution;

“support” (“*cymorth*”), except where otherwise indicated, means financial support by way of grant or loan made by the Welsh Ministers under—

- (a) these Regulations, or
- (b) any other regulations made under section 22 of the 1998 Act;

[<sup>F4</sup>“Swiss citizens’ rights agreement” (“*cytundeb ar hawliau dinasyddion Swisaid*”) has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020.]

(2) The Welsh Ministers may determine that a course is a compressed degree course if the course—

- (a) is a full-time designated course for a first degree (other than a foundation degree), and
- (b) is of two academic years' duration.

[<sup>F12</sup>(3) For the purposes of these Regulations, a person is within the personal scope of the citizens’ rights provisions if that person falls within—

- (a) Article 10 (personal scope) of the EU withdrawal agreement,
- (b) Article 9 (personal scope) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020), or
- (c) Article 10 (personal scope) of the Swiss citizens’ rights agreement.]

#### Textual Amendments

- F4** Words in Sch. 1 para. 6(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), **128(a)**
- F5** Words in Sch. 1 para. 6(1) inserted (30.7.2018) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814), regs. 1(2), **15**
- F6** Words in Sch. 1 para. 6(1) inserted (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), **11**
- F7** Words in Sch. 1 para. 6 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), **54(a)**
- F8** Words in Sch. 1 para. 6(1) renumbered (31.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (Wales) Regulations 2021 (S.I. 2021/1365), regs. 1(2), **35(a)**
- F9** Words in Sch. 1 para. 6 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), **54(b)**
- F10** Words in Sch. 1 para. 6(1) inserted (31.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (Wales) Regulations 2021 (S.I. 2021/1365), regs. 1(2), **35(b)**
- F11** Words in Sch. 1 para. 6(1) inserted (31.12.2021) by The Education (Student Fees, Awards and Support) (Amendment) (Wales) Regulations 2021 (S.I. 2021/1365), regs. 1(2), **35(c)**
- F12** Sch. 1 para. 6(3) 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), **128(b)**

#### Marginal Citations

- M1** S.I. 2011/1986, amended by S.I. 2012/1653, S.I. 2013/235, S.I. 2013/630, S.I. 2013/1728, S.I. 2013/3106, S.I. 2014/1766, S.I. 2014/2103, S.I. 2014/2765, S.I. 2015/1951, S.I. 2016/211, S.I. 2016/270, S.I. 2016/584, S.I. 2017/52, S.I. 2017/114 and S.I. 2017/204.

**Status:** Point in time view as at 25/05/2022.

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

**M2** 2015 anaw 1.

**M3** 2002 c.32; the regulations are the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999, [S.I. 1999/2817](#), the Education (School Teachers' Qualifications) (England) Regulations 2003, [S.I. 2003/1662](#), the School Teachers' Qualifications (Wales) Regulations 2012, [S.I. 2012/724](#) and the Education Workforce Council (Accreditation of Initial Teacher Training) (Wales) Regulations 2017, [S.I. 2017/165](#).

**Status:**

Point in time view as at 25/05/2022.

**Changes to legislation:**

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