
WELSH STATUTORY INSTRUMENTS

2019 No. 1192 (W. 209)

EDUCATION, WALES

**The Education (Student Finance) (Amendments
to Student Eligibility) (Wales) Regulations 2019**

<i>Made</i>	- - - -	<i>15 August 2019</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>16 August 2019</i>
<i>Coming into force</i>	- -	<i>9 September 2019</i>

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State under sections 1 and 2 of the Education (Fees and Awards) Act 1983⁽¹⁾ and sections 22 and 42(6) of the Teaching and Higher Education Act 1998⁽²⁾ and now exercisable by them⁽³⁾ and powers conferred on them under section 5(5)(b) of the Higher Education (Wales) Act 2015⁽⁴⁾ make the following Regulations:

Title and commencement

1.—(1) The title of these Regulations is the Education (Student Finance) (Amendments to Student Eligibility) (Wales) Regulations 2019.

(2) These Regulations come into force on 9 September 2019.

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- (1) 1983 c. 40; section 1 was amended by the Education Reform Act 1988 (c. 40), Schedule 12, paragraph 91; the Further and Higher Education Act 1992 (c. 13), Schedule 8, paragraph 19; the Education Act 1994 (c. 30), Schedule 2, paragraph 7; the Education Act 1996 (c. 56), Schedule 37, paragraph 57; the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraphs 1 and 11; the Education Act 2002 (c. 32), Schedule 21, paragraph 5 and Schedule 22; the Education Act 2005 (c. 18), Schedule 14, paragraph 9; S.I. 2005/3238, Schedule 1, paragraph 9; S.I. 2010/1158, Schedule 2, paragraph 1; the Education Act 2011 (c. 21), Schedule 5, paragraph 5 and Schedule 16, paragraph 5; and the Deregulation Act 2015 (c. 20), Schedule 14, paragraph 33. Section 2 was amended by the Teaching and Higher Education Act 1998 (c. 30) (“the 1998 Act”), section 44 and Schedule 4.
- (2) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000, section 146 and Schedule 11; the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6; the Finance Act 2003 (c. 14), section 147; the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7; the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 257; the Education Act 2011 (c. 21), section 76; S.I. 2013/1181 and the Higher Education and Research Act 2017 (c. 29), section 88. See section 43(1) of the 1998 Act for the definition of “prescribed” and “regulations”.
- (3) The functions of the Secretary of State in section 1 of the Education (Fees and Awards) Act 1983 (“the 1983 Act”) were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by S.I. 2006/1458 with effect from 8 June 2006. The functions of the Secretary of State in section 2 of the 1983 Act were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by S.I. 1999/672. The Secretary of State’s functions in section 22(2)(a) to (i) and (k) of the 1998 Act were transferred to the National Assembly for Wales so far as they relate to making provision in relation to Wales by section 44 of the Higher Education Act 2004, with subsections (a), (c) and (k) exercisable concurrently with the Secretary of State. The Secretary of State’s function in section 42 of the 1998 Act was transferred, in so far as exercisable in relation to Wales, to the National Assembly for Wales by S.I. 1999/672. All the above functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (4) 2015 anaw 1.

Amendments to the Education (Fees and Awards) (Wales) Regulations 2007

2.—(1) The Education (Fees and Awards) (Wales) Regulations 2007(5) are amended in accordance with this regulation.

(2) In the Schedule, in paragraph 1, in the definition of “person with leave to enter or remain”—

(a) after paragraph (a)(ii) insert—

“(ia) been granted leave to remain on the grounds of family life under the immigration rules;”;

(b) in paragraph (a)(iv), after “private” insert “or family”.

Amendments to the Education (European University Institute) (Wales) Regulations 2014

3.—(1) The Education (European University Institute) (Wales) Regulations 2014(6) are amended in accordance with this regulation.

(2) In regulation 3, in the definition of “person with leave to enter or remain”—

(a) after paragraph (a)(ii) insert—

“(ia) been granted leave to remain on the grounds of family life under the immigration rules;”;

(b) in paragraph (a)(iv), after “private” insert “or family”.

Amendments to the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015

4.—(1) The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015(7) are amended in accordance with this regulation.

(2) In the Schedule, in paragraph 1(1), in the definition of “person with leave to enter or remain”—

(a) after paragraph (a)(ii) insert—

“(ia) been granted leave to remain on the grounds of family life under the immigration rules;”;

(b) in paragraph (a)(iv), after “private” insert “or family”.

Amendments to the Education (Student Support) (Wales) Regulations 2017

5.—(1) The Education (Student Support) (Wales) Regulations 2017(8) are amended in accordance with this regulation.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “person with leave to enter or remain”—

(a) after paragraph (a)(ii) insert—

“(ia) been granted leave to remain on the grounds of family life under the immigration rules;”;

(b) in paragraph (a)(iv), after “private” insert “or family”.

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- (5) [S.I. 2007/2310 \(W. 181\)](#), amended by [S.I. 2010/1142 \(W. 101\)](#), [S.I. 2011/1978 \(W. 218\)](#), [S.I. 2018/814 \(W. 165\)](#) and [S.I. 2019/424 \(W. 98\)](#) (as from exit day, as defined by the European Union (Withdrawal) Act 2018 (c. 16), section 20(1) to (5)); there are other amending instruments but none is relevant.
- (6) [S.I. 2014/3037 \(W. 303\)](#), amended by [S.I. 2016/211 \(W. 84\)](#), [S.I. 2018/814 \(W. 165\)](#) and [S.I. 2019/424 \(W.98\)](#) (as from exit day, as defined by the European Union (Withdrawal) Act 2018, section 20(1) to (5)).
- (7) [S.I. 2015/1484 \(W. 163\)](#), amended by [S.I. 2016/276 \(W. 100\)](#), [S.I. 2018/814 \(W. 165\)](#) and [S.I. 2019/424 \(W. 98\)](#) (as from exit day, as defined by the European Union (Withdrawal) Act 2018, section 20(1) to (5)).
- (8) [S.I. 2017/47 \(W. 21\)](#), amended by [S.I. 2018/191 \(W. 42\)](#), [S.I. 2018/814 \(W. 165\)](#) and [S.I. 2019/424 \(W. 98\)](#) (as from exit day, as defined by the European Union (Withdrawal) Act 2018, section 20(1) to (5)).

Amendments to the Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017

6.—(1) The Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017(9) are amended in accordance with this regulation.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “person with leave to enter or remain”—

(a) after paragraph (a)(ii) insert—

“(ia) been granted leave to remain on the grounds of family life under the immigration rules;”;

(b) in paragraph (a)(iv), after “private” insert “or family”.

Amendments to the Education (Student Support) (Wales) Regulations 2018

7.—(1) The Education (Student Support) (Wales) Regulations 2018(10) are amended in accordance with this regulation.

(2) In Schedule 2, in paragraph 3(4)—

(a) after paragraph (a)(ii) insert—

“(ia) been granted leave to remain on the grounds of family life under the immigration rules;”;

(b) in paragraph (a)(iv), after “private” insert “or family”.

Amendments to the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018

8.—(1) The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018(11) are amended in accordance with this regulation.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “person with leave to enter or remain”—

(a) after paragraph (a)(ii) insert—

“(ia) been granted leave to remain on the grounds of family life under the immigration rules;”;

(b) in paragraph (a)(iv), after “private” insert “or family”.

Amendments to the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019

9.—(1) The Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019(12) are amended in accordance with this regulation.

(2) In Schedule 2, in paragraph 4(4)—

(a) after paragraph (a)(ii) insert—

(9) S.I. 2017/523 (W. 109), amended by S.I. 2017/712 (W. 169), S.I. 2018/277 (W. 53), S.I. 2018/814 (W. 165), S.I. 2019/424 (W. 98) (as from exit day, as defined by the European Union (Withdrawal) Act 2018, section 20(1) to (5)) and S.I. 2019/895 (W. 161).

(10) S.I. 2018/191 (W. 42), amended by S.I. 2018/813 (W. 164), S.I. 2018/814 (W. 165), S.I. 2019/235 (W. 54) and S.I. 2019/424 (W. 98) (as from exit day, as defined by the European Union (Withdrawal) Act 2018, section 20(1) to (5)).

(11) S.I. 2018/656 (W. 124), amended by S.I. 2018/814 (W. 165), S.I. 2019/235 (W. 54) and S.I. 2019/424 (W. 98) (as from exit day, as defined by the European Union (Withdrawal) Act 2018, section 20(1) to (5)).

(12) S.I. 2019/895 (W. 161), amended by S.I. 2019/1039 (W. 182) (as from exit day, as defined by the European Union (Withdrawal) Act 2018, section 20(1) to (5)).

“(ia) been granted leave to remain on the grounds of family life under the immigration rules;”;

(b) in paragraph (a)(iv), after “private” insert “or family”.

15 August 2019

Kirsty Williams
Minister for Education, one of the Welsh
Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend—

- (a) the Education (Fees and Awards) (Wales) Regulations 2007;
- (b) the Education (European University Institute) (Wales) Regulations 2014;
- (c) the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015;
- (d) the Education (Student Support) (Wales) Regulations 2017;
- (e) the Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017;
- (f) the Education (Student Support) (Wales) Regulations 2018;
- (g) the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018;
- (h) the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019.

The amendments insert into the definition of “leave to enter or remain”, in each of the Regulations referred to, persons granted leave to remain on the grounds of family life.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Higher Education Division, Welsh Government, Cathays Park, Cardiff CF10 3NQ.