
WELSH STATUTORY INSTRUMENTS

2019 No. 235

**The Education (Student Finance) (Miscellaneous
Amendments) (Wales) Regulations 2019**

PART 7

**AMENDMENTS TO THE EDUCATION (POSTGRADUATE
DOCTORAL DEGREE LOANS) (WALES) REGULATIONS 2018**

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

61. The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018(1) are amended in accordance with regulations 62 to 66.

Amendments to regulation 2

62. In regulation 2 (interpretation), in paragraph (1) in the appropriate places insert—

““English plan provider” (*“darparwr cynllun Seisnig”*) 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;”;

““English regulated institution” (*“sefydliad rheoleiddiedig Seisnig”*) means a registered English institution subject to a fee limit condition under section 10 of the Higher Education and Research Act 2017;”;

““Northern Irish funded institution” (*“sefydliad a gyllidir gan Ogledd Iwerddon”*) means an institution maintained or assisted by recurrent grants out of funds provided by the Northern Ireland Executive;”;

““person with section 67 leave to remain” (*“person sydd â chaniatâd i aros o dan adran 67”*) means a person who—

- (a) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016 and in accordance with the immigration rules; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”

““registered English institution” (*“sefydliad Seisnig cofrestredig”*) means an institution registered by the Office for Students in the register;”;

““Scottish funded institution” (*“sefydliad a gyllidir gan yr Alban”*) means an institution maintained or assisted by recurrent grants out of funds provided by the Scottish Ministers;”;
and

““Welsh funded institution” (*“sefydliad a gyllidir gan Gymru”*) means an institution maintained or assisted by recurrent grants out of funds provided by the Welsh Ministers;”.

Amendments to regulation 4

63. In regulation 4 (designated courses)—

(a) for paragraph (1)(b) substitute—

“(b) it is one of the following—

(i) where the course begins before 1 August 2019, it is provided by an institution that before 1 August 2019 was a publicly funded institution (whether alone or in conjunction with another such publicly funded institution or with an institution situated outside the United Kingdom);

(ii) where the course begins on or after 1 August 2019, it is provided by—

(aa) a Welsh funded institution, a Scottish funded institution, a Northern Irish funded institution or an English regulated institution (whether alone or in conjunction with an institution within or outside the United Kingdom); or

(ab) a registered English institution on behalf of an English plan provider;”.

(b) for paragraph (2)(d) substitute—

“(d) an institution is not regarded as a publicly funded institution or a Welsh funded institution by reason only that—

(i) where the course begins before 1 August 2019, it was a connected institution which received a relevant payment before that date; or

(ii) where the course begins on or after 1 August 2019, it is a connected institution which receives a relevant payment;”

(c) after paragraph (2) insert—

“(2A) For the purpose of paragraph (2)—

(a) “a connected institution” means a connected institution within the meaning of section 65(3B) of the Further and Higher Education Act 1992; and

(b) “a relevant payment” means the payment of the whole or part of any grant, loan or other payment from the governing body of an institution which is provided to the connected institution in accordance with section 65(3A) of the Further and Higher Education Act 1992.”

Amendment to regulation 8

64. In regulation 8 (events), after paragraph (b) insert—

“(ba) the student or the student’s parent becomes a person with section 67 leave to remain;”.

Amendments to regulation 13

65. In regulation 13 (amount of postgraduate doctoral degree loan)—

(a) in paragraph (1) for “£25,000” substitute “£25,700”;

(b) in paragraph (2)(b) for “£25,000” substitute “£25,700”.

Amendment to Schedule 1

66. In Schedule 1, after paragraph 6 (persons with leave to enter or remain and their family members) insert—

“Persons with section 67 leave to remain

6A.—(1) A person who—

- (a) is a person with section 67 leave to remain;
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(2) A person who—

- (a) is the child of a person with section 67 leave to remain;
- (b) on the leave application date was under 18 years old and was the child of the person with section 67 leave to remain;
- (c) is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (d) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(3) In this paragraph—

“leave application date” means the date on which the person with section 67 leave to remain made the application that led to that person being granted leave to remain in the United Kingdom.”