
WELSH STATUTORY INSTRUMENTS

2021 No. 481

The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021

PART 4

AMENDMENTS TO THE EDUCATION (STUDENT SUPPORT) (WALES) REGULATIONS 2017

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

66. In regulation 110 (eligible postgraduate students)—

(a) for paragraph (3)(a) substitute—

“(a) the Welsh Ministers, in assessing a person’s application for support under regulation 115, have determined in connection with the designated postgraduate course that the person falls within one of the categories set out—

(i) in paragraph 2, 3, 4, 4ZA, 4ZB, 6A, 7A, 8A, 9B, 10A, 11A or 12A of Part 2 of Schedule 1; or

(ii) in paragraph 6, 7, 8, 10, 11 or 12 of Part 2 of Schedule 1 where paragraph (3A) applies; and”;

(b) after paragraph (3) insert—

“(3A) This paragraph applies where—

(a) in connection with a designated postgraduate course, the Welsh Ministers—

(i) in assessing an application for support by a person (“A”) determined that A fell within one of the categories set out in paragraph 6, 7, 8, 10, 11 or 12 of Part 2 of Schedule 1 in relation to an academic year of the course beginning before 1 August 2021; or

(ii) would have so determined had A made an application for support in accordance with this Part in relation to an academic year of the course beginning before that date; and

(b) A applies for support in connection with—

(i) that course; or

(ii) a designated postgraduate course to which A’s status as an eligible postgraduate student is transferred from that course in accordance with these Regulations.”;

(c) omit paragraph (7);

(d) after paragraph (12A) insert—

“(12B) Where—

- (a) the Welsh Ministers have determined that, by virtue of being a person with Calais leave (“A” in this paragraph) was an eligible postgraduate student in connection with an application for support for an earlier year of the present postgraduate course or an application for support in connection with another designated postgraduate course, from which A’s status as an eligible postgraduate student has been transferred to the present postgraduate course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which a person with Calais leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A’s status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(12C) Where—

- (a) the Welsh Ministers have determined that, by virtue of being a person granted leave to remain as a protected partner or the child of such a person, a person (“A” in this paragraph) was an eligible postgraduate student in connection with an application for support for an earlier year of the present postgraduate course or an application for support in connection with another designated postgraduate course from which A’s status as an eligible postgraduate student has been transferred to the present postgraduate course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which a person granted leave to remain as a protected partner 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),

A’s status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(12D) Where—

- (a) the Welsh Ministers have determined that, 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 (“A”) was an eligible postgraduate student in connection with an application for support for an earlier year of the present postgraduate course or an application for support in connection with another designated postgraduate course from which A’s status as an eligible postgraduate student has been transferred to the present postgraduate course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins A 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,

A’s status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(12E) Where—

- (a) the Welsh Ministers have determined that, by virtue of—
 - (i) falling within paragraph (a)(iii) or (iv) of the definition of “person with protected rights”; or
 - (ii) meeting the conditions in paragraph 3(1)(a)(iii) or (iv) of Part 2 of Schedule 1,

a person (“A”) is an eligible postgraduate student in connection with an application for support for an academic year of a designated postgraduate course; and

(b) as at the day before the academic year begins, A is not a person with protected rights,

A’s status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

(e) in paragraph (14), omit sub-paragraph (b).