
WELSH STATUTORY INSTRUMENTS

2021 No. 9

**The Education (Student Fees, Awards and Support)
(Ordinary Residence) (Wales) Regulations 2021**

PART 8

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

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

52. The Education (Postgraduate Doctorate Degree Loans) (Wales) Regulations 2018(1) are amended in accordance with regulations 53 to 57.

53. In regulation 2(1), in the definition of “person with leave to enter or remain”, in paragraph (a) (i), omit “humanitarian protection or”.

54. For regulation 8(b) substitute—

“(b) the student or the student’s spouse, civil partner, parent, parent’s spouse or parent’s civil partner is recognised as a refugee, becomes a person granted stateless leave, becomes a person with leave to enter or remain or becomes a person granted humanitarian protection under paragraph 339C of the immigration rules;”.

55. In Schedule 1, after paragraph 4 (refugees and their family members) insert—

“Protected persons and their family members

4A.—(1) A person—

- (a) granted leave to enter or remain as a protected person;
- (b) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so since the person was granted such leave; and
- (c) who is ordinarily resident in Wales on the first day of the first academic year of the course.

(2) A person who—

- (a) is the spouse or civil partner of a person granted leave to enter or remain as a protected person;
- (b) on the leave application date, was the spouse or civil partner of a person granted leave to enter or remain as a protected person; and

(1) S.I. 2018/656 (W. 124), amended by S.I. 2018/814 (W. 165); S.I. 2019/235 (W. 54); S.I. 2019/1094; S.I. 2019/1192 (W. 209); S.I. 2020/153 (W. 27); and S.I. 2020/1302 (W. 287) (as from IP completion day, as defined by the European Union (Withdrawal Agreement) Act 2020 (c. 1), section 39(1) to (5)).

- (c) is ordinarily resident in Wales on the first day of the first academic year of the course.
- (3) A person—
 - (a) who—
 - (i) is the child of a person granted leave to enter or remain as a protected person, or the child of the spouse or civil partner of a person granted leave to enter or remain as a protected person; and
 - (ii) on the leave application date, was the child of a person granted leave to enter or remain as a protected person or the child of a person, who, on the leave application date, was the spouse or civil partner of a person granted leave to enter or remain as a protected person;
 - (b) who was under 18 on the leave application date; and
 - (c) who is ordinarily resident in Wales on the first day of the first academic year of the course.
- (4) In this paragraph—
 - (a) “leave application date” means the date on which a person made an application for leave to enter or remain in the United Kingdom that results in a person becoming a person granted leave to enter or remain as a protected person;
 - (b) “person granted leave to enter or remain as a protected person” means a person who has extant leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules.”
- 56.** In Schedule 1, in paragraph 5 (persons granted stateless leave and their family members)—
 - (a) for sub-paragraph (1) substitute—

“(1) A person granted stateless leave who is ordinarily resident in Wales on the first day of the first academic year of the course.”;
 - (b) at the end of sub-paragraph (2)(a)(ii) insert “and”;
 - (c) at the end of sub-paragraph (2)(b) for “; and” substitute a full stop;
 - (d) omit sub-paragraph (2)(c);
 - (e) at the end of sub-paragraph (3)(b) insert “and”;
 - (f) at the end of sub-paragraph (3)(c) for “; and” substitute a full stop;
 - (g) omit sub-paragraph (3)(d).
- 57.** In Schedule 1, in paragraph 6A (persons with section 67 leave to remain)—
 - (a) at the end of sub-paragraph (1)(a) insert “and”;
 - (b) at the end of sub-paragraph (1)(b) for “; and” substitute a full stop;
 - (c) omit sub-paragraph (1)(c);
 - (d) at the end of sub-paragraph (2)(b) insert “and”;
 - (e) at the end of sub-paragraph (2)(c) for “; and” substitute a full stop;
 - (f) omit sub-paragraph (2)(d).