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WELSH STATUTORY INSTRUMENTS

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**2017 No. 712 (W. 169)**

**EDUCATION, WALES**

**The Education (Postgraduate Master's Degree Loans) (Wales) (Amendment) Regulations 2017**

<i>Made</i>	- - - -	<i>27 June 2017</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>30 June 2017</i>
<i>Coming into force</i>	- -	<i>28 July 2017</i>

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 22 and 42(6) of the Teaching and Higher Education Act 1998(1), and now exercisable by them(2) make the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Education (Postgraduate Master's Degree Loans) (Wales) (Amendment) Regulations 2017.

(2) These Regulations come into force on 28 July 2017 and apply in relation to Wales.

**Amendments**

2. The Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017(3) are amended as follows.

3. In regulation 3 (eligible students) —

(a) at the beginning of paragraph (3)(k), insert “subject to paragraph (8),”;

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- (1) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), 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 and the Education Act 2011 (c. 21), section 76 and S.I. 2013/1881. See section 43(1) of the Teaching and Higher Education Act 1998 for the definition of “prescribed” and “regulations”.
- (2) The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 (except so far as they relate to the making of any provision authorised by subsection (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22) were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004 and the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) Order 2005 (S.I. 2005/1833 (W. 149) (C.79)) as amended by the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) (Amendment) Order 2006 (S.I. 2006/1660 (W. 159) (C. 56)). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(c) of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (3) S.I. 2017/523 (W. 109).

(b) for paragraph (8), substitute —

“(8) The Welsh Ministers may deem a person described in paragraph (3)(i) or (3)(k) to be an eligible student where the Welsh Ministers are of the view that the person had not been able to complete the course to which the previous loan related due to compelling personal reasons.”

4. In regulation 14(3), after “payment of”, omit “the”.

5. In Schedule 1 (Eligible Students), sub-paragraph 9(1)—

(a) after “person”, omit “who”;

(b) at the beginning of paragraph (a) insert “who”;

(c) in paragraph (a), omit “either”;

(d) at the beginning of paragraph (b) insert “who”;

(e) at the end of paragraph (b) omit “or”;

(f) at the beginning of paragraph (c) insert “who”.

27 June 2017

*Kirsty Williams*  
Cabinet Secretary for Education, one of the  
Welsh Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017 (“the 2017 Regulations”) provide for the making of loans to students who are ordinarily resident in Wales for postgraduate master’s degree courses which begin on or after 1 August 2017.

Regulation 3 amends regulation 3 of the 2017 Regulations to enable the Welsh Ministers, in certain circumstances, to deem a person who has received a postgraduate master’s degree loan under the 2017 Regulations or a loan (other than under the 2017 Regulations) in respect of a postgraduate master’s degree course from a government authority in the United Kingdom to be eligible for support under the 2017 Regulations.

Regulations 4 and 5 correct typographical or grammatical errors.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.