
WELSH STATUTORY INSTRUMENTS

2018 No. 814

**The Education (Student Finance) (Miscellaneous
Amendments) (Wales) Regulations 2018**

PART 2

**AMENDMENTS TO THE EDUCATION (STUDENT
SUPPORT) (WALES) REGULATIONS 2018**

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

2. The Education (Student Support) (Wales) Regulations 2018(1) are amended in accordance with regulations 3 to 20.

3. In regulation 14 (maximum period of eligibility – tuition fee loans and grants for new students), in paragraph (2)—

- (a) for “, a disabled student’s grant,” substitute “or”; and
- (b) omit “or a grant for dependants”.

4. In regulation 16 (maximum period of eligibility – tuition fee loans and grants for certain continuing students)—

- (a) for paragraph (1)(b)(i) substitute—
 - “(i) who has completed a relevant course (the “preliminary course”),”;
- (b) in paragraph (1)(c)(i), after “full-time foundation degree course” insert “or ordinary degree course”;
- (c) in paragraph (2)—
 - (i) for “, a disabled student’s grant” substitute “or”;
 - (ii) omit “or a grant for dependants”; and
- (d) after paragraph (3) insert—
 - “(4) In paragraph (1)(b)(i), “relevant course” means a full-time course for the—
 - (a) Diploma of Higher Education,
 - (b) Certificate of Higher Education, or
 - (c) Higher National Diploma or Higher National Certificate of either the Business and Technology Education Council or the Scottish Qualification Authority.”

5. After regulation 22 (refugees who cease to have leave to remain) insert—

“Persons who cease to have stateless leave

22A.—(1) This regulation applies where—

- (a) a person (“P”) was a Category 2A eligible student (see Schedule 2) in connection with an application for support—
 - (i) for an earlier year of the present course,
 - (ii) for a full time-course in relation to which the present course is a full-time end-on course, or
 - (iii) for a course from which P’s status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the period for which—
 - (i) P, or
 - (ii) the person, who, as a result of being a person granted stateless leave, caused P to be a Category 2A eligible student,
 - is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no application for administrative review in accordance with the immigration rules⁽²⁾ is pending.

(2) Where this regulation applies, P’s status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.”

6. In the Welsh text of regulation 30, in paragraph (4), after “unrhyw fenthyciad cynhaliaeth” for “a” substitute “neu”.

7. After regulation 34 (Welsh Ministers’ decision on an application) insert—

“34A.—(1) This regulation applies where—

- (a) a person (“P”) makes an application for support in accordance with regulation 32,
- (b) any information or documentation provided by P in, or in connection with, the application is not materially inaccurate, and
- (c) P receives notification from the Welsh Ministers under regulation 34(5) incorrectly stating that P is an eligible student.

(2) Despite the notification incorrectly stating that P is an eligible student, the Welsh Ministers may, for the purposes of these Regulations, treat P as being an eligible student.”

8. In regulation 40 (amount of tuition fee loan)—

(a) in paragraph (3)—

- (i) at the end of Category 1 for “or 5” substitute “, 5 or 6”;
- (ii) in Category 4, omit “, including an eligible student undertaking an Erasmus year of a full-time course provided by an institution in England, Scotland or Wales”; and
- (iii) after Category 5 insert—

“Category 6

An eligible student undertaking an Erasmus year of a full-time course provided by an institution in England, Scotland or Wales.”;

(b) in Table 2 of paragraph (3)—

- (i) omit the words “and Scotland” from the 14th row of column 4 (location of course provider);

(2) See Appendix AR: administrative review.

- (ii) insert the words “Scotland and” before the words “Northern Ireland” in the 15th row of column 4; and
- (iii) at the end insert—

Beginning on or after 1 September 2018	6	Ordinary provider	Wales	£1,350
			England and Scotland	£1,385

9. In regulation 47 (amount of maintenance grant: part-time students), in paragraph (4), for “exceeds £59,200” substitute “is £59,200 or more”.

10. In regulation 54 (qualifying conditions for a maintenance loan), omit Exception 5.

11. In regulation 65 (grant for travel for medical students), in paragraph (3)—

- (a) for “£59,200 or less” substitute “less than £59,200”; and
- (b) for “more than £59,200” substitute “£59,200 or more”.

12. In regulation 66 (grant for travel for study or work overseas), in paragraph (2)—

- (a) for “£59,200 or less” substitute “less than £59,200”; and
- (b) for “more than £59,200” substitute “£59,200 or more”.

13. In regulation 80 (qualifying for a tuition fee loan during the academic year)—

- (a) in paragraph (2), sub-paragraph (b)(i), after “is recognised as a refugee or” insert “becomes a person granted stateless leave or”;
- (b) in paragraph (3), in the appropriate place insert—
““person granted stateless leave” (“person y rhoddyd caniatâd iddo aros fel person diwladwriaeth”).

14. In regulation 81 (qualifying for grants or maintenance loan during the academic year), paragraph (3), sub-paragraph (b)(i), after “is recognised as a refugee or” insert “becomes a person granted stateless leave or”.

15. In Schedule 1, paragraph 6(1), in the definition of “close relative” after paragraph (c) insert—
“(d) P’s child, where P is dependent on that child;”.

16. In Schedule 2—

- (a) after paragraph 2 (category 2 - refugees and their family members) insert—

“Category 2A - Persons granted stateless leave and their family members

2A.—(1) A person granted stateless leave who—

- (a) is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (b) 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—

- (a) who—
- (i) is the spouse or civil partner of a person granted stateless leave, and
- (ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave,

- (b) who is ordinarily resident in Wales on the first day of the first academic year of the course, and
 - (c) who 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) A person—
- (a) who—
 - (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave, and
 - (ii) on the leave application date, was the child of a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave,
 - (b) who was under 18 on the leave application date,
 - (c) who is ordinarily resident in Wales on the first day of the first academic year of the course, and
 - (d) who 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.
- (4) In this paragraph—
- (a) “leave application date” (*“dyddiad y cais i gael caniatâd i aros”*) means the date on which a person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules,
 - (b) “person granted stateless leave” (*“person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth”*) means a person who—
 - (i) has extant leave to remain as a stateless person under the immigration rules, and
 - (ii) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave.”;
- (b) in paragraph 3 (category 3 – persons with leave to enter or remain and their family members)—
- (i) for sub-paragraph (2)(b) substitute—
 - “(b) who was the spouse or civil partner of the person with leave to enter or remain on the leave application date,”;
 - (ii) for sub-paragraph (3)(b) substitute—
 - “(b) who, on the leave application date, was under 18 years old and was the child of the person with leave to enter or remain or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date,”;
 - (iii) for sub-paragraph (4)(a) and (b) substitute—
 - “(a) who has—
 - (i) applied for refugee status but has, as a result of that application, been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is considered not to qualify for recognition as a refugee it is thought right to allow P to enter or remain in the United Kingdom on the

grounds of humanitarian protection or discretionary leave, and who has been granted leave to enter or remain accordingly,

(ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow P to enter or remain in the United Kingdom on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly,

(iii) been granted leave to remain on the grounds of private life under the immigration rules,

(iv) been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is not considered to qualify for leave to remain on the grounds of private life under the immigration rules, P has been granted leave to remain outside the rules⁽³⁾ on the grounds of Article 8 of the European Convention on Human Rights,”; and

(iv) after sub-paragraph (4) insert—

“(5) In this paragraph, “leave application date” means the date on which the person with leave to enter or remain made the application that led to that person being granted leave to enter or remain in the United Kingdom.”; and

(c) in paragraph 11, in the appropriate place insert—

““immigration rules” (“*rheolau mewnfudo*”) means the rules laid before Parliament by the Secretary of State under section 3(2) of the Immigration Act 1971⁽⁴⁾.”

17. In Schedule 4—

(a) in paragraph 2(2), for “recognised educational institution”, in each place where it occurs, substitute “publicly funded institution”;

(b) after paragraph 12 insert—

“Persons who cease to have stateless leave

12A.—(1) This paragraph applies where—

(a) a person (“P”) was a category 2A eligible postgraduate student (see Schedule 2) in connection with an application for a disabled postgraduate student’s grant—

(i) for an earlier year of the present postgraduate course, or

(ii) in connection with a course from which P’s status as an eligible postgraduate student has been transferred to the present postgraduate course under paragraph 15, and

(b) as at the end of the day before the first day of the academic year in respect of which P is applying for a disabled postgraduate student’s grant, the period for which—

(i) P, or

(ii) the person who, as a result of being a person granted stateless leave, caused P to be a Category 2A eligible postgraduate student,

⁽³⁾ Paragraph 276BE(2) of the immigration rules refers.

⁽⁴⁾ 1971 c. 77.

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is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no application for administrative review in accordance with the immigration rules⁽⁵⁾ is pending.

(2) Where this paragraph applies, P’s status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which P is applying for a disabled postgraduate student’s grant.”;

(c) in paragraph 14, sub-paragraph (3)(b)(i), after “is recognised as a refugee or” insert “becomes a person granted stateless leave or”; and

(d) in paragraph 14, sub-paragraph (4), in the appropriate place insert—

““person granted stateless leave” (“*person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth*”);”.

18. In the Welsh text of Schedule 4—

(a) in paragraph 2(2)(c), omit “gan Gyngor Cyllido Addysg Uwch Cymru”; and

(b) in paragraph 9(c), for “yn dod yn fyfyrwr cwmwys” substitute “hefyd yn cymhwyso i gael cymorth”.

19. In Schedule 5, paragraph 4—

(a) in sub-paragraph (2)(a), after “is recognised as a refugee or” insert “becomes a person granted stateless leave or”;

(b) in sub-paragraph (3), in the appropriate place insert—

““person granted stateless leave” (“*person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth*”);”.

20. In Schedule 7 (index of defined terms), Table 16, in the appropriate places insert—

“immigration rules”	Schedule 2, paragraph 11
“person granted stateless leave”	Schedule 2, paragraph 2A(4)

(5) See Appendix AR :administrative review.