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WELSH STATUTORY INSTRUMENTS

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**2017 No. 47**

**The Education (Student Support) (Wales) Regulations 2017**

**PART 12**

**SUPPORT FOR PART-TIME COURSES**

**Designated part-time courses**

**83.**—(1) Subject to paragraphs (2) and (3), a part-time course is designated for the purposes of section 22(1) of the 1998 Act and regulation 81 if—

- (a) it is a course listed in Schedule 2;
- (b) it is of at least one academic year's duration;
- (c) it is ordinarily possible to complete the course in not more than—
  - (i) twice the period ordinarily required to complete the full-time equivalent where the course begins before 1 September 2014; or
  - (ii) four times the period ordinarily required to complete the full-time equivalent where the course begins on or after 1 September 2014;
- (d) it is wholly provided by a publicly funded educational institution in the United Kingdom or is provided by such institution in conjunction with an institution outside the United Kingdom;
- (e) for a course beginning on or after 1 September 2017 it is substantially provided in the United Kingdom;
- (f) for a course beginning on or after 1 September 2016 which falls within paragraph 1, 2, 4, 6, 7 or 8 of Schedule 2, it is a course leading to an award granted or to be granted by a body falling within section 214(2)(a) or (b) of the Education Reform Act 1988<sup>(1)</sup>;
- (g) it is not designated by or under regulation 5; and
- (h) it is not designated by or under regulation 66.

(2) A course falling within paragraph 7 or 8 of Schedule 2 is not a designated part-time course where the governing body of a maintained school has arranged for the provision of such a course to a pupil of the school.

(3) A course that is taken as part of an employment-based teacher training scheme is not a designated part-time course.

(4) For the purposes of paragraph (1)—

- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;

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<sup>(1)</sup> 1988 c. 40; section 214(2) was amended by the Further and Higher Education Act 1992 (c. 13), Schedule 8.

- (b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded;
  - (c) an institution is not regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(2); and
  - (d) a course is substantially provided in the United Kingdom where at least half of the teaching and supervision which comprise the course is provided in the United Kingdom.
- (5) For the purposes of paragraph (1)(c)—
- (a) “full-time equivalent” (“*cwrs llawnamser cyfatebol*”) means a full-time course leading to the same qualification as the part-time course in question;
  - (b) the “period ordinarily required to complete the full-time equivalent” (“*cyfnod y mae ei angen fel arfer i gwblhau’r cwrs llawnamser cyfatebol*”) means—
    - (i) where the course is provided by or on behalf of the Open University, the period that a standard full-time student would require to complete the full-time equivalent if that student were awarded 120 credit points in each academic year;
    - (ii) where the course is provided by or on behalf of any other institution, the period in which a standard full-time student would complete the full-time equivalent;
  - (c) “standard full-time student” (“*myfyriwr llawnamser safonol*”) is a student who is to be taken—
    - (i) to have started the full-time equivalent on the same date as the eligible part-time student started the part-time course in question;
    - (ii) not to have been excused any part of the full-time equivalent;
    - (iii) not to have repeated any part of the full-time equivalent; and
    - (iv) not to have been absent from the full-time equivalent other than during vacations.
- (6) For the purposes of section 22 of the 1998 Act and regulation 81(1) the Welsh Ministers may designate courses of higher education which are not designated under paragraph (1).
- (7) For the purposes of this Part, a designated part-time course which begins on or after 1 September 2014 is treated as beginning before 1 September 2014 where—
- (a) it is a designated part-time course to which a person transfers pursuant to regulation 102 from a previous designated part-time course which began before 1 September 2014; or
  - (b) it is a designated part-time course which is an end-on course following on from a designated part-time course which began before 1 September 2014.
- (8) The Welsh Ministers may revoke or suspend the designation of a course which is designated under paragraph (6).

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(2) 1992 c. 13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 27.