
WELSH STATUTORY INSTRUMENTS

2017 No. 523

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

PART 1

GENERAL

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires—

“the 1998 Act” (“*Deddf 1998*”) means the Teaching and Higher Education Act 1998;

“academic authority” (“*awdurdod academaidd*”) means, in relation to an institution, the governing body or other body having the functions of a governing body and includes a person acting with the authority of that body;

“academic year” (“*blwyddyn academaidd*”) means the period of twelve months beginning on 1 January, 1 April, 1 July or 1 September of the calendar year in which the academic year of the course in question begins according to whether that academic year begins on or after 1 January and before 1 April, on or after 1 April and before 1 July, on or after 1 July and before 1 August or on or after 1 August and on or before 31 December, respectively;

“course” (“*cwrs*”) means, unless the context otherwise requires, a taught programme of study, a programme of research, or a combination of both, and which may include one or more periods of work experience, and which leads, on successful completion, to the award of a postgraduate master's degree;

“designated course” (“*cwrs dynodedig*”), means a course designated by regulation 4(1) or by the Welsh Ministers under regulation 4(6);

“Directive 2004/38” (“*Cyfarwyddeb 2004/38*”) means [Directive 2004/38/EC](#) of the European Parliament and of the Council⁽¹⁾ on the right of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

“distance learning course” (“*cwrs dysgu o bell*”) means a course in relation to which a student undertaking the course is not required to be in attendance by the institution providing the course, other than to satisfy any requirement imposed by the institution to attend any institution

(a) for the purpose of registration, enrolment or any examination; or

(b) on a weekend or during any vacation;

“electronic signature” (“*llofnod electronig*”) is so much of anything in electronic form as—

(a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and

- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both;

“eligible prisoner” (“*carcharor cymwys*”) means a prisoner—

- (a) who begins a designated course or on after 1 August 2017;
- (b) who has been authorised by the prison Governor or Director or other appropriate authority to study the designated course; and
- (c) whose earliest release date is within 4 years of the first day of the first academic year of the designated course;

“eligible student” (“*myfyriwr cymwys*”) has the meaning given in regulation 3;

“equivalent or higher qualification” (“*cymhwyster cyfatebol neu uwch*”) means a qualification determined in accordance with paragraph (2) to be an equivalent or higher qualification;

“EU national” (“*gwladolyn UE*”) means a national of a Member State of the EU;

“fees” (“*ffioedd*”) has the meaning given in section 41(1) of the Higher Education Act 2004(2);

“full-time equivalent” (“*cwrs llawnamser cyfatebol*”) means a full-time course leading to a postgraduate master’s degree in the same subject as the part-time course in question;

“healthcare bursary” (“*bwrsari gofal iechyd*”) means a bursary or award of similar description under section 63 of the Health Services and Public Health Act 1968(3) or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(4);

“information” (“*gwybodaeth*”) includes documents;

“Islands” (“*Ynysoedd*”) means the Channel Islands and the Isle of Man;

“period of eligibility” (“*cyfnod cymwystra*”) has the meaning given in regulation 5 in relation to an eligible student;

“periods of work experience” (“*cyfnodau o brofiad gwaith*”) means—

- (a) periods of industrial, professional or commercial experience associated with the designated course at an institution, but at a place outside that institution;
- (b) periods during which a student is employed and residing in a country whose language is one that the student is studying for that student’s designated course (provided that the period of residence in that country is a requirement of that student’s course and the study of one or more modern languages accounts for not less than one half of the total time spent studying on the course);

(2) 2004 c. 8. Section 41(1) has been amended but those amendments are not relevant to these Regulations.

(3) 1968 c. 46; section 63 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 7, the National Health Service Reorganisation Act 1973 (c. 32), Schedules 4 and 5, the National Health Service Act 1977 (c. 49), Schedules 15 and 16, the National Health Service (Scotland) Act 1978 (c. 29), Schedules 16 and 17, the Local Government Act 1985 (c. 51), Schedule 17, the Health and Medicines Act 1988 (c. 49), section 20, section 25(2) and Schedule 3, the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, the Health Authorities Act 1995 (c. 17), Schedule 1, the Local Government Reorganisation (Wales) (Consequential Amendments No. 2) Order 1996 (S.I. 1996/1008), the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, the Health Act 1999 (c. 8), Schedule 4, the Health and Social Care Act 2001 (c. 15), Schedule 5, the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedules 2, 5 and 9, S.I. 2002/2202, article 4(a) and (b), the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), Schedule 1, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedules 4, 11 and 14, the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) Order 2004 (S.I. 2004/288), article 7, the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004 (S.I. 2004/480); the Children Act 2004 (c. 31), section 55; S.I. 2004/957, the Schedule; the National Health Service (Consequential Provisions) Act 2006 (c. 43), Schedule 1, S.I. 2007/961, the Schedule, the Health Act 2009 (c. 21), Schedule 1 and the Health and Social Care Act 2012 (c. 7), Schedule 5 and the Social Services and Wellbeing (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413) (W. 131).

(4) S.I. 1972/1265 (N.I. 14).

“person with leave to enter or remain” (“*person sydd â chaniatâd i ddod i mewn neu i aros*”) means a person (“A” in this definition)—

- (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 A is considered not to qualify for recognition as a refugee it is thought right to allow A to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave; or
 - (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 A to enter or remain in the United Kingdom on the grounds of discretionary leave;
- (b) who has been granted leave to enter or to remain accordingly;
- (c) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002⁽⁵⁾); and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the period since A was granted leave to enter or remain;

“postgraduate master’s degree loan” (“*benthyciad at radd feistr ôl-raddedig*”) means a loan payable to an eligible student under Part 4 of these Regulations;

“prisoner” (“*carcharor*”) means a person who is serving a sentence of imprisonment in the United Kingdom including a person who is detained in a young offender institution;

“private institution” (“*sefydliad preifaf*”) means an institution which is not publicly funded;

“public funds” (“*cronfeydd cyhoeddus*”) means moneys provided by Parliament including funds provided by the Welsh Ministers;

“publicly funded” (“*a gyllidir yn gyhoeddus*”, “*cael ei gyllido’n gyhoeddus*”) means maintained or assisted by recurrent grants out of public funds, and related expressions are to be interpreted accordingly;

“refugee” (“*ffoadur*”) means a person who is recognised by Her Majesty’s government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28 July 1951⁽⁶⁾ as extended by the Protocol thereto which entered into force on 4 October 1967⁽⁷⁾;

“right of permanent residence” (“*hawl i breswyllo’n barhaol*”) means a right arising under Directive 2004/38 to reside in the United Kingdom permanently without restriction;

“student loans legislation” (“*y ddeddfwriaeth ar fenthyciadau i fyfyrwyr*”) means the Education (Student Loans) Act 1990⁽⁸⁾, the Education (Student Loans) (Northern Ireland) Order 1990⁽⁹⁾, the Education (Scotland) Act 1980⁽¹⁰⁾ and regulations made under those Acts or that Order, the

(5) 2002 c. 41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19), Schedules 2 and 4, the Immigration, Asylum and Nationality Act 2006 (c. 13), section 9, S.I. 2010/21, Immigration Act 2014 (c. 22), Schedule 9 Part 4, S.I. 2011/2581, S.I. 2014/2924 and S.I. 2016/360.

(6) Cmnd. 9171.

(7) Cmnd. 3906 (out of print).

(8) 1990 c. 6; repealed by the Teaching and Higher Education Act 1998 (c. 30), Schedule 4, with savings *see* the Teaching and Higher Education Act 1998 (Commencement No. 2 and Transitional Provisions) Order 1998 (S.I. 1998/2004) (C. 46).

(9) S.I. 1990/1506 (N.I. 11), amended by S.I. 1996/274 (N.I. 1), Article 43 and Schedule 5 Part II, S.I. 1996/1918 (N.I. 15), Article 3 and the Schedule and S.I. 1998/258 (N.I. 1), Articles 3 to 6 and revoked, with savings, by SR(N.I.) 1998 No. 306.

(10) 1980 c. 44.

Education (Student Support) (Northern Ireland) Order 1998**(11)** and regulations made under that Order or the 1998 Act and regulations made under the 1998 Act;

“student support regulations” (“*rheoliadau cymorth i fyfyrwyr*”) means the Education (Student Support) (Wales) Regulations 2017**(12)**;

“Turkish worker” (“*gweithiwr Twrcaid*”) means a Turkish national who—

- (a) is ordinarily resident in the United Kingdom and Islands; and
- (b) is, or has been, lawfully employed in the United Kingdom.

(2) The Welsh Ministers may determine that a qualification is an equivalent or higher qualification if—

- (a) an eligible student holds a higher education qualification from any institution whether or not in the United Kingdom; and
- (b) the qualification referred to in sub-paragraph (a) is a postgraduate master’s degree from an institution in the United Kingdom or is of an academic level which, in the opinion of the Welsh Ministers, is equivalent to or higher than a qualification to which the designated course leads.

(11) S.I.1998/1760 (N.I. 14) to which there have been amendments not relevant to these Regulations.

(12) S.I. 2017/47 (W. 21).