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WELSH STATUTORY INSTRUMENTS

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**2019 No. 235 (W. 54)**

**EDUCATION, WALES**

**The Education (Student Finance) (Miscellaneous  
Amendments) (Wales) Regulations 2019**

<i>Made</i>	- - - -	<i>12 February 2019</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>13 February 2019</i>
<i>Coming into force</i>	- -	<i>8 March 2019</i>

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 1 and 2 of the Education (Fees and Awards) Act 1983<sup>(1)</sup> and sections 22 and 42(6) of the Teaching and Higher Education Act 1998<sup>(2)</sup> now exercisable by them<sup>(3)</sup> and powers conferred on them under sections 5(5)(b) of the Higher Education (Wales) Act 2015<sup>(4)</sup> make the following Regulations:

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- (1) 1983 c. 40; section 1 was amended by the Education Reform Act 1988 (c. 40), Schedule 12, paragraph 91; the Further and Higher Education Act 1992 (c. 13), Schedule 8, paragraph 19; the Education Act 1994 (c. 30), Schedule 2, paragraph 7; the Education Act 1996 (c. 56), Schedule 37, paragraph 57; the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraphs 1 and 11; the Education Act 2002 (c. 32), Schedule 21, paragraph 5 and Schedule 22; the Education Act 2005 (c. 18), Schedule 14, paragraph 9; S.I. 2005/3238, Schedule 1, paragraph 9; S.I. 2010/1158, Schedule 2, paragraph 1; the Education Act 2011 (c. 21), Schedule 5, paragraph 5 and Schedule 16, paragraph 5; and the Deregulation Act 2015 (c. 20), Schedule 14, paragraph 33. Section 2 was amended by the Teaching and Higher Education Act 1998 (c. 30), section 44 and Schedule 4.
- (2) 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; the Education Act 2011 (c. 21), section 76; S.I. 2013/1181 and the Higher Education and Research Act 2017 (c. 29), section 88. See section 43(1) of the Teaching and Higher Education Act 1998 for the definition of “prescribed” and “regulations”.
- (3) The functions of the Secretary of State in section 1 of the 1983 Act were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by S.I. 2006/1458 with effect from 8 June 2006. The functions of the Secretary of State in section 2 of the 1983 Act were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by S.I. 1999/672. The Secretary of State’s functions in section 22(2)(a) to (i) and (k) of the 1998 Act were transferred to the National Assembly for Wales so far as they relate to making provision in relation to Wales by section 44 of the Higher Education Act 2004 (c. 8), with subsections (a), (c) and (k) exercisable concurrently with the Secretary of State. The Secretary of State’s function in section 42 was transferred, in so far as exercisable in relation to Wales, to the National Assembly for Wales by S.I. 1999/672. All the above functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
- (4) 2015 anaw 1.

## PART 1

### TITLE, COMMENCEMENT AND APPLICATION

#### **Title, commencement and application**

1.—(1) The title of these Regulations is the Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2019.

(2) This regulation and regulations 3, 4, 6(b), 8(a), 12, 13(b), 21, 34(a) and 45 come into force on 8 March 2019.

(3) All other regulations and the Schedules—

(a) come into force on 8 March 2019; and

(b) apply to the provision of support to students in relation to an academic year which begins on or after 1 August 2019, whether anything done under these Regulations is done before, on or after that date.

## PART 2

### AMENDMENTS TO THE EDUCATION (FEES AND AWARDS) (WALES) REGULATIONS 2007

#### **Amendments to the Education (Fees and Awards) (Wales) Regulations 2007**

2. The Education (Fees and Awards) (Wales) Regulations 2007(5) are amended in accordance with regulations 3 to 6.

3. For “United Kingdom and Islands” in each place in which it occurs, substitute “United Kingdom and the Islands”.

#### **Amendment to regulation 4**

4. In regulation 4 (fee charging) in paragraph (4), for “a condition imposed under section 28 of the Higher Education Act 2004” substitute “section 10 of the Higher Education (Wales) Act 2015”.

#### **Amendments to regulation 5**

5. In regulation 5 (awards by local authorities), in paragraph (1)—

(a) in sub-paragraph (b), for “within paragraphs 4A and 5” substitute “within paragraphs 4A, 5 and 5A”;

(b) in sub-paragraph (c), for “within paragraphs 4A, 5 and 9” substitute “within paragraphs 4A, 5, 5A and 9”.

#### **Amendments to the Schedule**

6. In the Schedule—

(a) in paragraph 1, in the appropriate place insert—

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(5) [S.I. 2007/2310 \(W.181\)](#) as amended by [S.I. 2010/1142 \(W. 101\)](#), [S.I. 2011/1978 \(W. 218\)](#) and [S.I. 2018/814 \(W. 165\)](#); there are other amending instruments but none is relevant.

““person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”) means a person who—

- (a) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016<sup>(6)</sup> and in accordance with the immigration rules<sup>(7)</sup>; and
- (b) has been ordinarily resident in the United Kingdom and the Islands throughout the period since the person was granted such leave;”;
- (b) in paragraph 4A for “Wales” in each place in which it occurs, substitute “the United Kingdom”;
- (c) after paragraph 5 (persons with leave to enter or remain and their family members), insert—

**“Persons with section 67 leave to remain**

**5A.—**(1) A person who—

- (a) is a person with section 67 leave to remain;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the United Kingdom and the Islands throughout the three-year period preceding the first day of the first academic year of the course.

(2) A person who—

- (a) is the child of a person with section 67 leave to remain;
- (b) on the leave application date was under 18 years old and was the child of the person with section 67 leave to remain;
- (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (d) has been ordinarily resident in the United Kingdom and the Islands throughout the three-year period preceding the first day of the first academic year of the course.

(3) In this paragraph—

“leave application date” means the date on which the person with section 67 leave to remain made the application that led to that person being granted leave to remain in the United Kingdom.”

## PART 3

### AMENDMENTS TO THE EDUCATION (EUROPEAN UNIVERSITY INSTITUTE) (WALES) REGULATIONS 2014

#### **Amendments to the Education (European University Institute) (Wales) Regulations 2014**

7. The Education (European University Institute) (Wales) Regulations 2014<sup>(8)</sup> are amended in accordance with regulations 8 to 10.

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<sup>(6)</sup> 2016 c. 19.

<sup>(7)</sup> See paragraphs 352ZG to 352ZS.

<sup>(8)</sup> S.I. 2014/3037 (W. 303), as amended by S.I. 2016/211 (W. 84) and S.I. 2018/814 (W. 165).

### Amendments to regulation 3

8. In regulation 3, in the appropriate places insert—

- (a) ““Islands” (*“Ynysoedd”*) means the Channel Islands and the Isle of Man;”
- (b) ““person with section 67 leave to remain” (*“person sydd â chaniatâd i aros o dan adran 67”*) means a person who—
  - (a) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016 and in accordance with the immigration rules; and
  - (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

### Amendments to regulation 6

9. In regulation 6 (eligible students)—

(a) after paragraph (10) insert—

“(10A) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person with section 67 leave to remain or the child of such a person, a person (“A” in this paragraph) was an eligible student in connection with an application for support for an earlier year of the current course or in connection with an application for support for a designated course at the Institute from which A’s status as an eligible student has been transferred to the current course; and
- (b) the period for which a person with section 67 leave to remain is allowed to stay in the United Kingdom is due to expire before the first day of the academic year in respect of which A is applying for support and, as at the day before that academic year begins, no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),  
A’s status as an eligible student terminates on the day before the first day of the academic year in respect of which A is applying for support.”;
- (b) in paragraph (11), for “Paragraphs (9) and (10)” substitute “Paragraphs (9), (9A), (10) and (10A)”.

### Amendment to Schedule 1

10. In Schedule 1, after paragraph 5 insert—

#### “Persons with section 67 leave to remain

5A.—(1) A person who—

- (a) is a person with section 67 leave to remain;
  - (b) is ordinarily resident in Wales on the first day of the first academic year of the course; and
  - (c) 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 who—
- (a) is the child of a person with section 67 leave to remain;

- (b) on the leave application date was under 18 years old and was the child of the person with section 67 leave to remain;
- (c) is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (d) 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) In this paragraph—

“leave application date” means the date on which the person with section 67 leave to remain made the application that led to that person being granted leave to remain in the United Kingdom.”

## PART 4

### AMENDMENTS TO THE HIGHER EDUCATION (QUALIFYING COURSES, QUALIFYING PERSONS AND SUPPLEMENTARY PROVISION) (WALES) REGULATIONS 2015

#### **Amendments to the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015**

11. The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015(9) are amended in accordance with regulation 12 and 13.

12. For “United Kingdom and Islands” in each place in which it occurs, substitute “United Kingdom and the Islands”.

#### **Amendments to the Schedule**

13. In the Schedule—

- (a) in paragraph 1(1), in the appropriate place insert—
  - ““person with section 67 leave to remain” (*“person sydd â chaniatâd i aros o dan adran 67”*) means a person who—
  - (a) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016 and in accordance with the immigration rules; and
  - (b) has been ordinarily resident in the United Kingdom and the Islands throughout the period since the person was granted such leave;”;
- (b) in paragraph 4A for “Wales” in each place in which it occurs, substitute “the United Kingdom”;
- (c) after paragraph 5 (persons with leave to enter or remain and their family members) insert—

#### **“Persons with section 67 leave to remain**

5A.—(1) A person who—

- (a) is a person with section 67 leave to remain;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and

- (c) has been ordinarily resident in the United Kingdom and the Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (2) A person who—
  - (a) is the child of a person with section 67 leave to remain;
  - (b) on the leave application date was under 18 years old and was the child of the person with section 67 leave to remain;
  - (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
  - (d) has been ordinarily resident in the United Kingdom and the Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (3) In this paragraph—
 

“leave application date” means the date on which the person with section 67 leave to remain made the application that led to that person being granted leave to remain in the United Kingdom.”

## PART 5

### AMENDMENTS TO THE EDUCATION (STUDENT SUPPORT) (WALES) REGULATIONS 2017

#### **Amendments to the Education (Student Support) (Wales) Regulations 2017**

**14.** The Education (Student Support) (Wales) Regulations 2017<sup>(10)</sup> are amended in accordance with regulations 15 to 40.

#### **Amendments to regulation 2**

- 15.** In regulation 2 (interpretation), paragraph (1)—
- (a) omit the definition of “English regulated institution”;
  - (b) in the appropriate place insert—
    - “(i) “person with section 67 leave to remain” (*“person sydd â chaniatâd i aros o dan adran 67”*) means a person who—
      - (a) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016 and in accordance with the immigration rules; and
      - (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”;
    - (i) “protected English provider” (*“darparwr Seisnig gwarchodedig”*) means an institution which on or after 1 August 2018 but before 1 August 2019 was maintained or assisted by recurrent grants pursuant to section 65 of the Further and Higher Education Act 1992 other than an institution maintained or assisted by recurrent grants made by the Higher Education Funding Council for Wales;”<sup>(11)</sup>

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<sup>(10)</sup> S.I. 2017/47 (W. 21) as amended by S.I. 2018/191 (W. 42) and S.I. 2018/814 (W. 165).

<sup>(11)</sup> 1992 c. 13 as amended by section 27 of the Teaching and Higher Education Act 1998 (c. 30), S.I. 2010/1158 and section 122 and Schedule 11 to the Higher Education and Research Act 2017 (c. 29). Despite the amendment made by the Higher Education and Research Act 2017, S.I. 2018/245 provides that, for the period which begins 1 April 2018 and ends 31 July 2019, section 65(1)

- (c) for the definition of “recognised educational institution” substitute—
- ““recognised educational institution” (*“sefydliad addysgol cydnabyddedig”*) means—
- (a) a Welsh regulated institution;
  - (b) a protected English provider; or
  - (c) an institution maintained or assisted by recurrent grants out of public funds that is wholly or mainly situated in Scotland or Northern Ireland;”.

#### **Amendments to regulation 4**

**16.** In regulation 4 (eligible students)—

- (a) after paragraph (10) insert—

“(10A) Where—

- (a) the Welsh Ministers have determined that by virtue of being a person with section 67 leave to remain or the child of such a person, a person (“A” in this paragraph) was—
  - (i) an eligible student in connection with an application for support for an earlier year of the present course, an application for support for a course in relation to which the present course is an end-on course or an application for support in connection with a designated part-time course, designated distance learning course, or other designated course from which A’s status as an eligible part-time student, eligible distance learning student or eligible student has been transferred to the present course; or
  - (ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which A’s status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and
- (b) as at the day before the academic year in respect of which A is applying for support starts, the period for which a person granted section 67 leave to remain is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A’s status as an eligible or qualifying student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (b) in paragraph (11), for “Paragraphs (9), (9A) and (10)” substitute “Paragraphs (9), (9A), (10) and (10A)”.

#### **Amendments to regulation 5**

**17.** In regulation 5 (designated courses)—

- (a) for paragraph (1)(e) substitute—

“(e) for a course beginning before 1 September 2017, provided by an institution that was before that date a publicly funded institution (whether alone or in conjunction with an institution situated outside the United Kingdom);”;

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to (4) of the Further and Higher Education Act 1992 continues to apply as if paragraph 15 of Schedule 11 to the Higher Education and Research Act 2017 had not been commenced but as if the reference to “matters within the responsibility of the Higher Education Funding Council for England” in section 62(6)(a) of that 1992 Act were a reference to “matters within the responsibility of the Office for Students and, where applicable, United Kingdom Research and Innovation”. The Office for Students is a body corporate established by section 1 of the Higher Education and Research Act 2017.

(b) after paragraph (1)(e) insert—

- “(ea) for a course beginning on or after 1 September 2017, provided by—
- (i) a recognised educational institution (whether alone or in conjunction with an institution situated outside the United Kingdom);
  - (ii) a charity within the meaning given by section 1 of the Charities Act 2011 on behalf of a Welsh regulated institution;
  - (iii) an institution that was publicly funded before 1 August 2019 on behalf of a protected English provider.”;

(c) for paragraph (5)(c) substitute—

- “(c) an institution is not to be regarded as having been publicly funded before 1 August 2019 by reason only that it received public funds before that date from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992;”(12).

#### **Amendment to regulation 15**

18. In regulation 15 (events), after paragraph (b) insert—

- “(ba) the student or the student’s parent becomes a person with section 67 leave to remain;”.

#### **Amendments to regulation 16**

19. In regulation 16 (new fee grant)—

- (a) in paragraph (3)—
  - (i) in sub-paragraph (a) for “£4,800” substitute “£4,665”;
  - (ii) in sub-paragraph (b) for “£4,200” substitute “£4,335”;
- (b) in paragraph (4)—
  - (i) in sub-paragraph (a) for “£2,480” substitute “£2,410”;
  - (ii) in sub-paragraph (b) for “£2,020” substitute “£2,090”.

#### **Amendments to regulation 19**

20. In regulation 19 (new fee loan in respect of courses beginning on or after 1 September 2012)

- (a) in paragraph (3)(a) for “£4,200” substitute “£4,335”;
- (b) in paragraph (4)(a) for “£2,020” substitute “£2,090”.

#### **Amendments to regulation 20**

21. In regulation 20 (additional fee loan in respect of courses beginning on or after 1 September 2012)—

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(12) 1992 c. 13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 27 and amended by the Higher Education and Research Act 2017 (c. 29), section 122(1) and Schedule 11, paragraph 15(1) and (6). Despite that amendment, S.I. 2018/245 provides that, for the period which begins 1 April 2018 and ends 31 July 2019, section 65(1) to (4) of the Further and Higher Education Act 1992 continues to apply as if paragraph 15 of Schedule 11 to the Higher Education and Research Act 2017 had not been commenced but as if the reference to “matters within the responsibility of the Higher Education Funding Council for England” in section 62(6)(a) of that 1992 Act were a reference to “matters within the responsibility of the Office for Students and, where applicable, United Kingdom Research and Innovation”. The Office for Students is a body corporate established by section 1 of the Higher Education and Research Act 2017.



- (a) in paragraph (5)(b), for “£900” substitute “£1,800”;
- (b) in paragraph (6)(b), for “£675” substitute “£1,350”.

### **Amendment to regulation 23**

**22.** In regulation 23 (general qualifying conditions for grants for living costs), after paragraph (12)(b) insert—

- “(ba) the student or the student’s parent becomes a person with section 67 leave to remain;”.

### **Amendments to regulation 24**

**23.** In regulation 24 (grants for disabled students’ living costs), paragraph (3)—

- (a) in sub-paragraph (a) for “£21,181” substitute “£22,472”;
- (b) in sub-paragraph (b) for “£5,332” substitute “£5,657”;
- (c) in sub-paragraph (d) for “£1,785” substitute “£1,894”.

### **Amendments to regulation 43**

**24.** In regulation 43 (maximum amount of loans for certain eligible students)—

- (a) in paragraph (2)—
  - (i) in sub-paragraph (i) for “£5,529” substitute “£5,684”;
  - (ii) in sub-paragraph (ii) for “£10,007” substitute “£10,288”;
  - (iii) in sub-paragraph (iii) for “£8,517” substitute “£8,756”;
  - (iv) in sub-paragraph (iv) for “£8,517” substitute “£8,756”;
  - (v) in sub-paragraph (v) for “£7,143” substitute “£7,344”;
- (b) in paragraph (3)—
  - (i) in sub-paragraph (i) for “£5,006” substitute “£5,147”;
  - (ii) in sub-paragraph (ii) for “£9,112” substitute “£9,368”;
  - (iii) in sub-paragraph (iii) for “£7,408” substitute “£7,616”;
  - (iv) in sub-paragraph (iv) for “£7,408” substitute “£7,616”;
  - (v) in sub-paragraph (v) for “£6,617” substitute “£6,803”.

### **Amendments to regulation 45**

**25.** In regulation 45 (students with reduced entitlement)—

- (a) in paragraph (1)(a)—
  - (i) in paragraph (i) for “£2,625” substitute “£2,699”;
  - (ii) in paragraph (ii) for “£4,920” substitute “£5,058”;
  - (iii) in paragraph (iii) for “£3,500” substitute “£3,598”;
  - (iv) in paragraph (iv) for “£3,500” substitute “£3,598”;
  - (v) in paragraph (v) for “£3,500” substitute “£3,598”;
- (b) in paragraph (1)(b)—
  - (i) in paragraph (i) for “£2,625” substitute “£2,699”;
  - (ii) in paragraph (ii) for “£4,920” substitute “£5,058”;

- (iii) in paragraph (iii) for “£4,186” substitute “£4,304”;
- (iv) in paragraph (iv) for “£4,186” substitute “£4,304”;
- (v) in paragraph (v) for “£3,500” substitute “£3,598”;
- (c) in paragraph (1)(c)—
  - (i) in paragraph (i) for “£4,147” substitute “£4,263”;
  - (ii) in paragraph (ii) for “£7,505” substitute “£7,716”;
  - (iii) in paragraph (iii) for “£6,388” substitute “£6,567”;
  - (iv) in paragraph (iv) for “£6,388” substitute “£6,567”;
  - (v) in paragraph (v) for “£5,357” substitute “£5,508”;
- (d) in paragraph (2)(a)—
  - (i) in paragraph (i) for “£1,996” substitute “£2,052”;
  - (ii) in paragraph (ii) for “£3,763” substitute “£3,869”;
  - (iii) in paragraph (iii) for “£2,727” substitute “£2,804”;
  - (iv) in paragraph (iv) for “£2,727” substitute “£2,804”;
  - (v) in paragraph (v) for “£2,727” substitute “£2,804”;
- (e) in paragraph (2)(b)—
  - (i) in paragraph (i) for “£1,996” substitute “£2,052”;
  - (ii) in paragraph (ii) for “£3,763” substitute “£3,869”;
  - (iii) in paragraph (iii) for “£3,060” substitute “£3,146”;
  - (iv) in paragraph (iv) for “£3,060” substitute “£3,146”;
  - (v) in paragraph (v) for “£2,727” substitute “£2,804”;
- (f) in paragraph (2)(c)—
  - (i) in paragraph (i) for “£3,755” substitute “£3,860”;
  - (ii) in paragraph (ii) for “£6,834” substitute “£7,026”;
  - (iii) in paragraph (iii) for “£5,556” substitute “£5,712”;
  - (iv) in paragraph (iv) for “£5,556” substitute “£5,712”;
  - (v) in paragraph (v) for “£4,963” substitute “£5,102”.

#### **Amendment to regulation 49**

**26.** In regulation 49 (students becoming eligible during the course of an academic year), after paragraph (2)(b) insert—

- “(ba) the student or the student’s parent becomes a person with section 67 leave to remain;”.

#### **Amendments to regulation 50**

- 27.** In regulation 50 (increases in maximum amount), paragraph (1)—
- (a) in sub-paragraph (a) for “£80” substitute “£84”;
  - (b) in sub-paragraph (b) for “£153” substitute “£162”;
  - (c) in sub-paragraph (c) for “£166” substitute “£177”;
  - (d) in sub-paragraph (d) for “£166” substitute “£177”;

- (e) in sub-paragraph (e) for “£120” substitute “£127”.

#### **Amendments to regulation 64**

**28.** In regulation 64 (eligible distance learning students)—

- (a) after paragraph (11) insert—

“(11A) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person with section 67 leave to remain or the child of such a person, a person (“A” in this paragraph) was an eligible distance learning student in connection with an application for support for an earlier year of the present distance learning course or an application for support in connection with a designated course, designated part-time course or other designated distance learning course from which A’s status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the present distance learning course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which a person with section 67 leave to remain is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A’s status as an eligible distance learning student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (b) in paragraph (12), for “Paragraphs (10), (10A) and (11)” substitute “Paragraphs (10), (10A), (11) and (11A)”.

#### **Amendments to regulation 65**

**29.** In regulation 65 (students becoming eligible during the course of the academic year)—

- (a) in paragraph (2), for “(b), (e)”, substitute “(b), (ba), (e)”;  
(b) in paragraph (3), for “(b), (e)” substitute “(b), (ba), (e)”; and  
(c) in paragraph (4), after sub-paragraph (b) insert—

“(ba) the student or the student’s parent becomes a person with section 67 leave to remain;”.

#### **Amendments to regulation 81**

**30.** In regulation 81 (eligible part-time students)—

- (a) after paragraph (10) insert—

“(10A) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person with section 67 leave to remain or the child of such a person, a person (“A” in this paragraph) was an eligible part-time student in connection with an application for support for an earlier year of the present part-time course or an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which A’s status as an eligible part-time student, eligible student or eligible distance learning student has been transferred to the present part-time course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which a person with section 67 leave to remain is

allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

(b) in paragraph (11), for “Paragraphs (9), (9A) and (10)” substitute “Paragraphs (9), (9A), (10) and (10A)”;

(c) for paragraphs (28) and (29) substitute—

“(28) A course is specified for the purpose of paragraph (27) if—

- (a) it is concerned with the study of the history, grammar and use of Welsh;
- (b) the course is listed in the Higher Education Classification of Subjects in one of the following subject areas—
  - (i) subjects allied to medicine (CAH02);
  - (ii) biological and sport sciences (CAH03);
  - (iii) psychology (CAH04);
  - (iv) veterinary sciences (CAH05);
  - (v) agriculture, food and related studies (CAH06);
  - (vi) physical sciences (CAH07);
  - (vii) mathematical sciences (CAH09);
  - (viii) engineering and technology (CAH10);
  - (ix) computing (CAH11); or
- (c) it is a course whose code and label under the Higher Education Classification of Subjects is listed in Schedule 7.

(29) In this regulation and in Schedule 7 “the Higher Education Classification of Subjects” means the Higher Education Classification of Subjects maintained by the Universities and Colleges Admissions Service and the Higher Education Statistics Agency<sup>(13)</sup>.”

### **Amendments to regulation 82**

**31.** In regulation 82 (students becoming eligible during the course of the academic year)—

- (a) in paragraph (2), for “(b), (e)” substitute “(b), (ba), (e)”;
- (b) in paragraph (3), for “(b), (e)” substitute “(b), (ba), (e)”;
- (c) in paragraph (4), after paragraph (b) insert—

“(ba) the student or the student’s parent becomes a person with section 67 leave to remain;”.

### **Amendments to regulation 83**

**32.** In regulation 83 (designated part-time courses)—

(a) for paragraph (1)(d) substitute—

“(d) it is wholly provided by an institution in the United Kingdom that was before 1 August 2019 a publicly funded institution or is provided by such an institution in conjunction with an institution outside the United Kingdom;”;

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<sup>(13)</sup> See <https://www.hesa.ac.uk/innovation/hecos>.

(b) for paragraph (4)(c) substitute—

“(c) an institution is not to be regarded as having been publicly funded before 1 August 2019 by reason only that it received public funds before that date from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992;”.

#### **Amendments to regulation 88**

**33.** In regulation 88 (grants for disabled part-time student’s living costs), paragraph (3)—

- (a) in sub-paragraph (a) for “£15,885” substitute “£16,853”;
- (b) in sub-paragraph (b) for “£5,332” substitute “£5,657”;
- (c) in sub-paragraph (d) for “£1,338” substitute “£1,420”.

#### **Amendments to regulation 110**

**34.** In regulation 110 (eligible postgraduate students)—

- (a) in paragraph (11A)(b), for “person with leave to enter or remain” substitute “person granted stateless leave”;
- (b) after paragraph (12) insert—

“(12A) Where—

(a) the Welsh Ministers have determined that, by virtue of being a person with section 67 leave to remain or the child of such a person, a person (“A” in this paragraph) was an eligible postgraduate student in connection with an application for support for an earlier year of the present postgraduate course or an application in connection with another designated postgraduate course from which A’s status as an eligible postgraduate student has been transferred to the present postgraduate course; and

(b) as at the day before the academic year in respect of which A is applying for support starts, the period for which the person with section 67 leave to remain is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A’s status as an eligible postgraduate student terminates immediately before the first day of the first academic year in respect of which A is applying for support.”;

- (c) in paragraph (13), for “Paragraphs (11) and (12)” substitute “Paragraphs (11), (11A), (12) and (12A)”.

#### **Amendment to regulation 111**

**35.** In regulation 111 (students becoming eligible during the course of the academic year), after paragraph (2)(b) insert—

“(ba) the student or the student’s parent becomes a person with section 67 leave to remain;”.

#### **Amendments to regulation 112**

**36.** In regulation 112 (designated postgraduate courses)—

- (a) for paragraph (1)(c) substitute—

- “(c) it is wholly provided by an institution in the United Kingdom that was before 1 August 2019 a publicly funded institution or is provided by such an institution in conjunction with an institution outside the United Kingdom;”;
- (b) for paragraph (2)(c) substitute—
  - “(c) an institution is not to be regarded as having been publicly funded before 1 August 2019 by reason only that it received public funds before that date from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992;”.

#### **Amendment to regulation 117**

37. In regulation 117 (amount of grant), for “£10,590” substitute “£20,000”.

#### **Amendments to the Schedules**

38. In Schedule 1, after paragraph 5 (persons with leave to enter or remain and their family members) insert—

##### **“Persons with section 67 leave to remain**

- 5A.—(1) A person who—
- (a) is a person with section 67 leave to remain;
  - (b) is ordinarily resident in Wales on the first day of the first academic year of the course; and
  - (c) 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 who—
- (a) is the child of a person with section 67 leave to remain;
  - (b) on the leave application date was under 18 years old and was the child of the person with section 67 leave to remain;
  - (c) is ordinarily resident in Wales on the first day of the first academic year of the course; and
  - (d) has been ordinarily resident in the United Kingdom and Islands for the three-year period preceding the first day of the first academic year of the course.
- (3) In this paragraph, “leave application date” means the date on which the person with section 67 leave to remain made the application that led to that person being granted leave to remain in the United Kingdom.”

39. In Schedule 4, in paragraph 6 after sub-paragraph (a) insert—

“(aa) the student or the student’s parent becomes a person with section 67 leave to remain;”.

40. After Schedule 6, insert the new schedule set out in Schedule 1 to these Regulations.

## PART 6

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

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

**41.** The Education (Student Support) (Wales) Regulations 2018(14) are amended in accordance with regulations 42 to 60.

#### **Amendments to regulation 6**

**42.** In regulation 6 (designated courses – conditions)—

(a) for condition 4 substitute—

*“Condition 4*

(a) Where the course is a full-time course that begins before 1 August 2019, it is provided—

(i) by a Welsh regulated institution, a protected English provider, a Scottish funded institution or a Northern Irish funded institution (whether alone or in conjunction with an institution outside the United Kingdom),

(ii) by a charity within the meaning given by section 1 of the Charities Act 2011 on behalf of a Welsh regulated institution, or

(iii) on behalf of a protected English provider by an institution that was before 1 August 2019 a publicly funded institution.

(b) Where the course is a part-time course that begins before 1 August 2019, it is provided by an institution that before 1 August 2019 was a publicly funded institution (whether alone or in conjunction with an institution situated outside the United Kingdom).

(c) Where the course is a full-time course that begins on or after 1 August 2019 it is provided by—

(i) a Welsh regulated institution, an English regulated institution, a Scottish funded institution or a Northern Irish funded institution (whether alone or in conjunction with an institution situated outside the United Kingdom),

(ii) a charity within the meaning given by section 1 of the Charities Act 2011 on behalf of a Welsh regulated institution, or

(iii) a registered English institution on behalf of an English plan provider.

(d) Where the course is a part-time course that begins on or after 1 August 2019 it is provided by—

(i) a Welsh funded institution, a Scottish funded institution, a Northern Irish funded institution or an English regulated institution (whether alone or in conjunction with an institution situated outside the United Kingdom), or

(ii) a registered English institution on behalf of an English plan provider.”;

(b) for paragraph (2)(c) substitute—

“(c) an institution is not regarded as a Welsh funded institution or a publicly funded institution by reason only that—

- (i) where the course begins before 1 August 2019, it was a connected institution which received a relevant payment before that date, or
- (ii) where the course begins on or after 1 August 2019, it is a connected institution which receives a relevant payment.”;
- (c) after paragraph (2) insert—
  - “(2A) For the purpose of paragraph (2)—
    - (a) “a connected institution” means a connected institution within the meaning of section 65(3B) of the Further and Higher Education Act 1992, and
    - (b) “a relevant payment” means the payment of the whole or part of any grant, loan or other payment from the governing body of an institution which is provided to the connected institution in accordance with section 65(3A) of the Further and Higher Education Act 1992.”

### **Amendment to regulation 23**

43. After regulation 23 (other persons who cease to have leave to enter or remain) insert—

#### **“Persons who cease to have section 67 leave to remain**

##### **23A.—(1) This regulation applies where—**

- (a) a person (“P”) was a Category 3A 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 having section 67 leave to remain, caused P to be a Category 3A eligible student,

is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002).

(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.”

### **Amendments to regulation 25**

44. In regulation 25 (part-time students – restrictions on support for graduates)—

- (a) in paragraph (2), for Case 3 substitute—

#### *“Case 3*

The present course leads to an honours degree and is—

- (a) concerned with the study of the history, grammar and use of Welsh,



- (b) listed in the Higher Education Classification of Subjects in one of the following subject areas—
    - (i) subjects allied to medicine (CAH02);
    - (ii) biological and sport sciences (CAH03);
    - (iii) psychology (CAH04);
    - (iv) veterinary sciences (CAH05);
    - (v) agriculture, food and related studies (CAH06);
    - (vi) physical sciences (CAH07);
    - (vii) mathematical sciences (CAH09);
    - (viii) engineering and technology (CAH10);
    - (ix) computing (CAH11), or
  - (c) a course whose code and label under the Higher Education Classification of Subjects is listed in Schedule 5A.”;
- (b) for paragraph (3), substitute—
- “In Case 3 and in Schedule 5A “the Higher Education Classification of Subjects” means the Higher Education Classification of Subjects maintained by the Universities and Colleges Admissions Service and the Higher Education Statistics Agency.”

#### **Amendment to regulation 40**

45. In regulation 40(3) (amount of tuition fee loan), Table 2, for “£5,535” substitute “£5,785”.

#### **Amendments to regulation 55**

46. In regulation 55 (amount of maintenance loan: full-time students), Table 7 for —
- (a) “£6,650” substitute “£6,840”;
  - (b) “£10,250” substitute “£10,530”;
  - (c) “£8,000” substitute “£8,225”;
  - (d) “£3,325” substitute “£3,420”;
  - (e) “£5,125” substitute “£5,265”;
  - (f) “£4,000” substitute “£4,110”.

#### **Amendments to regulation 56**

47. In regulation 56 (amount of maintenance loan payable: full-time students to whom special support payment payable)—
- (a) in Table 8 for—
    - (i) “£7,650” substitute “£7,840”;
    - (ii) “£11,250” substitute “£11,530”;
    - (iii) “£9,000” substitute “£9,225”;
  - (b) in Table 8A for—
    - (i) “£3,325” substitute “£3,420”;
    - (ii) “£5,125” substitute “£5,265”;

(iii) “£4,000” substitute “£4,110”.

#### **Amendments to regulation 57**

**48.** In regulation 57 (increased maintenance loan for full-time students in extended years), Table 9 for—

- (a) “£80” substitute “£84”;
- (b) “£153” substitute “£162”;
- (c) “£120” substitute “£127”.

#### **Amendment to regulation 58**

**49.** In regulation 58 (amount of maintenance loan: part-time students), Table 10 for “£5,650” substitute “£5,815”.

#### **Amendment to regulation 58A**

**50.** In regulation 58A (amount of maintenance loan: part-time students who qualify for special support payment), Table 10A for “£6,650” substitute “£6,815”.

#### **Amendments to regulation 63**

**51.** In regulation 63 (amount of disabled student’s grant), paragraph (2) for—

- (a) “£21,181” substitute “£22,472”;
- (b) “£15,885” substitute “£16,853”;
- (c) “£5,332” substitute “£5,657”;
- (d) “£1,785” substitute “£1,894”;
- (e) “£1,338” substitute “£1,420”.

#### **Amendments to regulation 80**

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

- (a) in paragraph (2), after sub-paragraph (b)(i) insert—
  - “(ia) the student or the student’s parent becomes a person with section 67 leave to remain;”;
- (b) in paragraph (3), in the appropriate place insert—
  - ““person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”);”.

#### **Amendment to regulation 81**

**53.** In regulation 81 (qualifying for grants or maintenance loan during the academic year), after paragraph (3)(b)(i) insert—

- “(ia) the student or the student’s parent becomes a person with section 67 leave to remain;”.

#### **Amendments to the Schedules**

**54.** In Schedule 1, for paragraph 2 substitute—

**“Educational institutions**

2. In these regulations “recognised educational institution” means—
- (a) in relation to a full-time course that begins before 1 August 2019—
    - (i) a Welsh regulated institution;
    - (ii) a protected English provider;
    - (iii) a Scottish funded institution; or
    - (iv) a Northern Irish funded institution;
  - (b) in relation to a part-time course that begins before 1 August 2019 a publicly funded institution;
  - (c) in relation to a full-time course that begins on or after 1 August 2019—
    - (i) a Welsh regulated institution;
    - (ii) an English regulated institution;
    - (iii) a Scottish funded institution;
    - (iv) a Northern Irish funded institution;
  - (d) in relation to a part-time course that begins on or after 1 August 2019—
    - (i) a Welsh funded institution;
    - (ii) an English regulated institution;
    - (iii) a Scottish funded institution;
    - (iv) a Northern Irish funded institution.”

55. In Schedule 1, after paragraph 2 insert—

- “2A.—(1)** In these regulations—
- (a) “Welsh funded institution” means an institution maintained or assisted by recurrent grants out of funds provided by the Welsh Ministers;
  - (b) “Welsh regulated institution” means an institution which has a fee and access plan approved by the Higher Education Funding Council for Wales under section 7 of the Higher Education (Wales) Act 2015 whilst that plan remains in force;
  - (c) “protected English provider” means an institution which on or after 1 August 2018 but before 1 August 2019 was maintained or assisted by recurrent grants pursuant to section 65 of the Further and Higher Education Act 1992 other than an institution maintained or assisted by recurrent grants made by the Higher Education Funding Council for Wales;
  - (d) “registered English institution” means an institution registered by the Office for Students in the register;
  - (e) “English regulated institution” means a registered English institution subject to a fee limit condition under section 10 of the Higher Education and Research Act 2017<sup>(15)</sup>;
  - (f) “English plan provider” means a registered English institution which has an access and participation plan approved by the Office for Students<sup>(16)</sup> under section 29 of the Higher Education and Research Act 2017 and which remains in force;

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<sup>(15)</sup> 2017 c. 29.

<sup>(16)</sup> The Office for Students is a body corporate established under section 1 of the Higher Education and Research Act 2017.

- (g) “Scottish funded institution” means an institution maintained or assisted by recurrent grants out of funds provided by the Scottish Ministers;
- (h) “Northern Irish funded institution” means an institution maintained or assisted by recurrent grants out of funds provided by the Northern Ireland Executive.

(2) In sub-paragraph (1) reference to the register is to the register established and maintained by the Office for Students under section 3 of the Higher Education and Research Act 2017.”

**56.** In Schedule 2, after paragraph 3 (category 3 – persons with leave to enter or remain and their family members) insert—

**“Category 3A – Persons with section 67 leave to remain**

**3A.—**(1) A person who—

- (a) is a person with section 67 leave to remain,
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (c) 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 who—

- (a) is the child of a person with section 67 leave to remain,
- (b) on the leave application date was under 18 years old and was the child of the person with section 67 leave to remain,
- (c) is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (d) 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) In this paragraph—

“leave application date” (*“dyddiad y cais i gael caniatâd i aros”*) means the date on which the person with section 67 leave to remain made the application that led to that person being granted leave to remain in the United Kingdom.

“person with section 67 leave to remain” (*“person sydd â chaniatâd i aros o dan adran 67”*) means a person who—

- (a) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016 and in accordance with the immigration rules, and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave.”

**57.** In Schedule 4—

- (a) in paragraph 2(1) for condition 4 substitute—

*“Condition 4*

- (a) where the course begins before 1 August 2019, it is provided by an institution that before 1 August 2019 was a publicly funded institution;
- (b) where the course begins on or after 1 August 2019, it is provided by a Welsh funded institution, a Scottish funded institution, a Northern Irish funded institution or an English regulated institution;”;

- (b) for paragraph 2(2)(c) substitute—

- “(c) an institution is not regarded as publicly funded institution or a Welsh funded institution by reason only that—
  - (i) where the course begins before 1 August 2019, it was a connected institution which received a relevant payment before that date, or
  - (ii) where the course begins on or after 1 August 2019, it is a connected institution which receives a relevant payment.”;
- (c) after paragraph 2(2) insert—
  - “(3) For the purposes of sub-paragraph (2)—
    - (a) “a connected institution” means a connected institution within the meaning of section 65(3B) of the Further and Higher Education Act 1992; and
    - (b) “a relevant payment” means the payment of the whole or part of any grant, loan or other payment from the governing body of an institution which is provided to the connected institution in accordance with section 65(3A) of the Further and Higher Education Act 1992.”;
- (d) after paragraph 13 insert—

**“Persons who cease to have section 67 leave to remain**

**13A.**—(1) This paragraph applies where—

- (a) a person (“P”) was a category 3A 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 with section 67 leave to remain, caused P to be a category 3A eligible postgraduate student,

is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002).

(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.”;

- (e) in paragraph 14, after sub-paragraph (3)(b)(i) insert—
  - “(ia) the student or the student’s parent becomes a person with section 67 leave to remain;”;
- (f) in paragraph 14, sub-paragraph (4), in the appropriate place insert—
  - ““person with section 67 leave to remain” (*“person sydd â chaniatâd i aros o dan adran 67”*);”;
- (g) in paragraph 20 for “£10,590” substitute “£20,000”.

**58.** In Schedule 5, paragraph 4—

(a) after sub-paragraph (2)(a) insert—

“(aa) the student or the student’s parent becomes a person with section 67 leave to remain;”;

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

““person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”);”.

**59.** After Schedule 5, insert the new schedule set out in Schedule 2 to these Regulations.

**60.** In Schedule 7 (index of defined terms), Table 16, insert the following entries into the appropriate places—

“English plan provider”	Schedule 1, paragraph 2(1)
“English regulated institution”	Schedule 1, paragraph 2(1)
“Northern Irish funded institution”	Schedule 1, paragraph 2(1)
“person with section 67 leave to remain”	Schedule 2, paragraph 3A(3)
“protected English provider”	Schedule 1, paragraph 2(1)
“registered English institution”	Schedule 1, paragraph 2(1)
“Scottish funded institution”	Schedule 1, paragraph 2(1)
“Welsh funded institution”	Schedule 1, paragraph 2(1)
“Welsh regulated institution”	Schedule 1, paragraph 2(1)

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## PART 7

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

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

**61.** The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018(17) are amended in accordance with regulations 62 to 66.

#### **Amendments to regulation 2**

**62.** In regulation 2 (interpretation), in paragraph (1) in the appropriate places insert—

““English plan provider” (“*darparwr cynllun Seisnig*”) means a registered English institution which has an access and participation plan approved by the Office for Students under section 29 of the Higher Education and Research Act 2017 and which remains in force;”;

““English regulated institution” (“*sefydliad rheoleiddiedig Seisnig*”) means a registered English institution subject to a fee limit condition under section 10 of the Higher Education and Research Act 2017;”;

““Northern Irish funded institution” (“*sefydliad a gyllidir gan Ogledd Iwerddon*”) means an institution maintained or assisted by recurrent grants out of funds provided by the Northern Ireland Executive;”;

““person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”) means a person who—

- (a) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016 and in accordance with the immigration rules; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”

““registered English institution” (“*sefydliad Seisnig cofrestredig*”) means an institution registered by the Office for Students in the register;”;

““Scottish funded institution” (“*sefydliad a gyllidir gan yr Alban*”) means an institution maintained or assisted by recurrent grants out of funds provided by the Scottish Ministers;”;  
and

““Welsh funded institution” (“*sefydliad a gyllidir gan Gymru*”) means an institution maintained or assisted by recurrent grants out of funds provided by the Welsh Ministers;”.

#### Amendments to regulation 4

63. In regulation 4 (designated courses)—

(a) for paragraph (1)(b) substitute—

“(b) it is one of the following—

- (i) where the course begins before 1 August 2019, it is provided by an institution that before 1 August 2019 was a publicly funded institution (whether alone or in conjunction with another such publicly funded institution or with an institution situated outside the United Kingdom);
- (ii) where the course begins on or after 1 August 2019, it is provided by—
  - (aa) a Welsh funded institution, a Scottish funded institution, a Northern Irish funded institution or an English regulated institution (whether alone or in conjunction with an institution within or outside the United Kingdom); or
  - (ab) a registered English institution on behalf of an English plan provider;”.

(b) for paragraph (2)(d) substitute—

“(d) an institution is not regarded as a publicly funded institution or a Welsh funded institution by reason only that—

- (i) where the course begins before 1 August 2019, it was a connected institution which received a relevant payment before that date; or
- (ii) where the course begins on or after 1 August 2019, it is a connected institution which receives a relevant payment;”

(c) after paragraph (2) insert—

“(2A) For the purpose of paragraph (2)—

- (a) “a connected institution” means a connected institution within the meaning of section 65(3B) of the Further and Higher Education Act 1992; and
- (b) “a relevant payment” means the payment of the whole or part of any grant, loan or other payment from the governing body of an institution which is provided to

the connected institution in accordance with section 65(3A) of the Further and Higher Education Act 1992.”

#### **Amendment to regulation 8**

**64.** In regulation 8 (events), after paragraph (b) insert—

“(ba) the student or the student’s parent becomes a person with section 67 leave to remain;”.

#### **Amendments to regulation 13**

**65.** In regulation 13 (amount of postgraduate doctoral degree loan)—

- (a) in paragraph (1) for “£25,000” substitute “£25,700”;
- (b) in paragraph (2)(b) for “£25,000” substitute “£25,700”.

#### **Amendment to Schedule 1**

**66.** In Schedule 1, after paragraph 6 (persons with leave to enter or remain and their family members) insert—

##### **“Persons with section 67 leave to remain**

**6A.—**(1) A person who—

- (a) is a person with section 67 leave to remain;
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (c) 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 who—

- (a) is the child of a person with section 67 leave to remain;
- (b) on the leave application date was under 18 years old and was the child of the person with section 67 leave to remain;
- (c) is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (d) 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) In this paragraph—

“leave application date” means the date on which the person with section 67 leave to remain made the application that led to that person being granted leave to remain in the United Kingdom.”

12 February 2019

*Kirsty Williams*  
Minister for Education, one of the Welsh  
Ministers



## SCHEDULES

### SCHEDULE 1

Regulation 40

“Schedule 7

(Regulation 81(28))

#### Higher Education Classification of Subjects Course Codes and Labels

Table 1 sets out the Higher Education Classification of Subjects (HECoS) course codes and labels for the purposes of paragraph (28)(c) of regulation 81.

**Table 1**

<i>HECoS code</i>	<i>HECoS label</i>
100706	Hair and make-up
101374	Hair services
100131	Radiology
100456	Childhood studies
100302	History
100337	Philosophy
100621	Gender studies
101233	Cultural studies
100986	Water resource management
100807	Heritage management
101091	Quaternary studies
101078	Applied environmental sciences
101079	Hydrology
101072	Pollution control
100381	Environmental sciences
101070	Climate change
101067	Soil science
101394	Glaciology and cryospheric systems
100408	Environmental geography
101352	Biogeography
101065	Maritime geography
101064	Geomorphology
100410	Physical geography

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>HECoS code</i>	<i>HECoS label</i>
101058	Mapping science
101056	Remote sensing
100369	Geographical information systems
100052	Ergonomics”

SCHEDULE 2

Regulation 59

“Schedule 5A

(Regulation 25(2))

Higher Education Classification of Subjects Course Codes and Labels

Table 15A sets out the Higher Education Classification of Subjects (HECoS) course codes and labels for the purposes of sub-paragraph (c) of Case 3 in regulation 25(2).

**Table 15A**

<i>HECoS code</i>	<i>HECoS label</i>
100706	Hair and make-up
101374	Hair services
100131	Radiology
100456	Childhood studies
100302	History
100337	Philosophy
100621	Gender studies
101233	Cultural studies
100986	Water resource management
100807	Heritage management
101091	Quaternary studies
101078	Applied environmental sciences
101079	Hydrology
101072	Pollution control
100381	Environmental sciences
101070	Climate change
101067	Soil science
101394	Glaciology and cryospheric systems
100408	Environmental geography
101352	Biogeography
101065	Maritime geography

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<i>HECoS code</i>	<i>HECoS label</i>
101064	Geomorphology
100410	Physical geography
101058	Mapping science
101056	Remote sensing
100369	Geographical information systems
100052	Ergonomics”

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## EXPLANATORY NOTE

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

These Regulations amend—

- (a) the Education (Fees and Awards) (Wales) Regulations 2007 (“the Fees and Awards Regulations”);
- (b) the Education (European University Institute) (Wales) Regulations 2014 (“the European University Institute Regulations”);
- (c) the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015 (“the Qualifying Courses and Persons Regulations”);
- (d) the Education (Student Support) (Wales) Regulations 2017 (“the 2017 Regulations”);
- (e) the Education (Student Support) (Wales) Regulations 2018 (“the 2018 Regulations”); and
- (f) the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018 (“the Doctoral Regulations”).

The Fees and Awards Regulations provide that, in the circumstances described in the Regulations, it is lawful for institutions to discriminate between some or all of those persons mentioned in the Schedule and any other person by charging higher fees to persons not mentioned in the Schedule, than the fees which are charged to persons so mentioned. Regulations 3, 4 and 6(b) of these Regulations make technical amendments to the Fees and Awards Regulations to update and correct language used. Regulations 5 and 6(a) and (c) of these Regulations amend regulation 5 of and the Schedule to the Fees and Awards Regulations to create a new category of persons: persons with section 67 leave to remain.

The European University Institute Regulations provide for support for one eligible student taking a designated higher education course at the European University Institute. Regulations 8 to 10 of these Regulations make amendments to the European University Institute Regulations to insert definitions and to create a new category of eligible student: persons with section 67 leave to remain.

The Qualifying Courses and Persons Regulations prescribe the qualifying courses and persons for the purposes of section 5 of the Higher Education (Wales) Act 2015, which sets out that fee and access plans must specify (or provide for the determination of) fee limits in relation to qualifying courses and qualifying persons each academic year. Regulations 12 and 13(b) make technical amendments to the Qualifying Courses and Persons Regulations to update and correct language used. Regulation 13(a) and (c) of these Regulations makes amendments to the Qualifying Courses and Persons

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulations to add a new category to the list of persons who may be qualifying persons: persons with section 67 leave to remain.

The 2017 Regulations provide for financial support for eligible students taking designated higher education courses which begin before 1 September 2018. The 2018 Regulations provide for financial support for eligible students taking designated higher education courses which begin on or after 1 September 2018.

Regulation 15 amends regulation 2(1) of the 2017 Regulations. It makes amendments to existing definitions and inserts a definition of “person with section 67 leave to remain”. Regulation 38 makes amendments to Schedule 1 to the 2017 Regulations to create a new category of eligible student: persons with section 67 leave to remain.

Regulations 16, 18, 22, 26, 28, 29, 30(a) and (b), 31, 34, 35 and 39 make amendments to the 2017 Regulations which are consequential on the amendments made by regulations 15 and 38.

Regulations 21 and 34(a) correct errors in the 2017 Regulations.

Regulation 17 amends regulation 5 of the 2017 Regulations. It provides a new basis for the designation of full-time courses by the 2017 Regulations.

Regulations 19, 20, 23, 24, 25, 27, 33 and 37 substitute figures in regulations 16, 19, 24, 43, 45, 50, 88 and 117 of the 2017 Regulations, concerning grants and loans for tuition fees and living costs for full-time students, grants for disabled part-time students’ living costs and support for postgraduate students with disabilities.

Regulation 30(c) amends paragraphs (28) and (29) of regulation 81 of the 2017 Regulations. This amendment replaces references to the Joint Academic Coding System as maintained by the Universities and Colleges Admission Service (“UCAS”) with references to the Higher Education Classification of Subjects maintained by UCAS and the Higher Education Statistics Agency.

Regulation 32 amends regulation 83 of the 2017 Regulations. It provides a new basis for the designation of part-time courses by the 2017 Regulations.

Regulation 36 amends regulation 112 of the 2017 Regulations. It provides a new basis for the designation of postgraduate courses by the 2017 Regulations.

Regulation 40 introduces Schedule 1, which provides for a new Schedule 7 to the 2017 Regulations. This relates to the amendments made by regulation 30(c).

Regulation 42 amends regulation 6 of the 2018 Regulations. It provides a new basis for the designation of full-time and part-time courses by the 2018 Regulations.

Regulation 45 corrects an error in the 2018 Regulations.

Regulation 56 amends Schedule 2 to the 2018 Regulations to create a new category of eligible student: persons with section 67 leave to remain.

Regulations 43, 52, 53, 57(d) and 58 make amendments to the 2018 Regulations which are consequential on the amendments made by regulation 56.

Regulation 44 amends regulation 25 of the 2018 Regulations. This amendment replaces references to the Joint Academic Coding System with references to the Higher Education Classification of Subjects.

Regulations 46, 47, 48, 49, 50 and 51 substitute figures in regulations 55, 56, 57, 58, 58A and 63 of the 2018 Regulations respectively, which concerns maintenance loans for full-time and part-time students and disabled student’s grant.

Regulations 54 and 55 amend paragraph 2 of Schedule 1 to the 2018 Regulations. The amendments introduce new definitions of educational institutions.

Regulation 57(a), (b) and (c) amends paragraph 2 of Schedule 4 to the 2018 Regulations. It provides a new basis for the designation of courses for the purposes of the disabled postgraduate student’s grant by the 2018 Regulations.

Regulation 59 introduces Schedule 2, which provides for a new Schedule 5A to the 2018 Regulations. This relates to the amendments made by regulation 44.

Regulation 60 amends the index of defined expressions in Schedule 7 to the 2018 Regulations.

The Doctoral Regulations provide for financial support for eligible students undertaking designated postgraduate doctoral degree courses.

Regulation 62 amends regulation 2 of the Doctoral Regulations. It provides for new and amended definitions related to other amendments made by these Regulations.

Regulation 63 amends regulation 4 of the Doctoral Regulations. It provides a new basis for the designation of postgraduate doctoral degree courses by the Doctoral Regulations.

Regulation 65 substitutes figures in regulation 13 of the Doctoral Regulations, concerning the amount of postgraduate doctoral degree loan.

Regulation 66 amends Schedule 1 to the Doctoral Regulations to create a new category of eligible student: persons with section 67 leave to remain. Regulation 64 makes an amendment to regulation 8 of the Doctoral Regulations which is consequential on the amendments made by regulation 66.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Higher Education Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.