
WELSH STATUTORY INSTRUMENTS

2019 No. 235

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

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(1) 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—

““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(2) and in accordance with the immigration rules(3); and
- (b) has been ordinarily resident in the United Kingdom and the Islands throughout the period since the person was granted such leave;”;

(1) 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.

(2) 2016 c. 19.

(3) See paragraphs 352ZG to 352ZS.

- (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.”