
WELSH STATUTORY INSTRUMENTS

2019 No. 235

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

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(1) 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 gwarchoddedig”*) 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;”;

(c) for the definition of “recognised educational institution” substitute—

““recognised educational institution” (*“sefydliad addysgol cydnabyddedig”*) means—

- (a) a Welsh regulated institution;

(1) [S.I. 2017/47 \(W. 21\)](#) as amended by [S.I. 2018/191 \(W. 42\)](#) and [S.I. 2018/814 \(W. 165\)](#).

(2) [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) 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) 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);”;

(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;”(3).

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)

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(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)—

(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—

(3) 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.

“(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)”;
- (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)”; and
- (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(4).”

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)”; and
 - (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;”;
 - (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;”.

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

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.