
WELSH STATUTORY INSTRUMENTS

2021 No. 481

The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021

PART 4

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

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

53. In regulation 4 (eligible students)—

(a) for paragraph (2) substitute—

“(2) Subject to the following provisions of this regulation, a person is an eligible student in connection with a designated course if, in assessing the person’s application for support under regulation 9, the Welsh Ministers determine that the person falls within one of the categories set out—

- (a) in paragraph 2, 2A, 3, 4, 4ZA, 4ZB, 6A, 7A, 8A, 9A, 9B, 9C, 9D, 10A, 11A or 12A of Part 2 of Schedule 1, or
- (b) in paragraph 6, 7, 8, 9, 10, 11 or 12 of Part 2 of Schedule 1 where paragraph (2A) applies.

(2A) This paragraph applies where—

- (a) in connection with a designated course, the Welsh Ministers—
 - (i) in assessing an application for support by a person (“A”) determined that A fell within one of the categories set out in paragraph 6, 7, 8, 9, 10, 11 or 12 of Part 2 of Schedule 1 in relation to an academic year of the course beginning before 1 August 2021; or
 - (ii) would have so determined had A made an application for support in accordance with these Regulations in relation to an academic year of the course beginning before that date; and
- (b) A applies for support in connection with—
 - (i) that course;
 - (ii) an end-on course following on from that course; or
 - (iii) a designated course to which A’s status as an eligible student is transferred or a designated part-time course to which A transfers and in relation to which A’s status is converted to that of an eligible part-time student in accordance with these Regulations.”;

(b) in paragraph (6), omit sub-paragraph (d);

(c) in paragraph (7), after “(2)” insert “, (2A)”;

(d) in paragraph (8)(c)—

- (i) in paragraph (i)—
 - (aa) at the end of sub-paragraph (aa) insert “or”;
 - (bb) at the end of sub-paragraph (bb) omit “or”;
 - (cc) omit sub-paragraph (cc);
- (ii) in paragraph (ii), omit “, an eligible distance learning student”;
- (e) in paragraph (9)(a)(i), omit “, a designated distance learning course” and “, an eligible distance learning student”;
- (f) in paragraphs (9A)(a)(i), (9B)(a)(i), (10)(a)(i) and (10A)(a)(i), omit “, designated distance learning course” and “, eligible distance learning student”;
- (g) after paragraph (10A) insert—
 - “(10B) Where—
 - (a) the Welsh Ministers have determined that by virtue of being a person with Calais leave, 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 or other designated course from which A’s status as an eligible part-time 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 Calais leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

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.

- (10C) Where—
 - (a) the Welsh Ministers have determined that by virtue of being a person granted leave to remain as a protected partner 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 or other designated course from which A’s status as an eligible part-time 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 leave to remain as a protected partner 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⁽¹⁾),

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.

(10D) Where—

- (a) the Welsh Ministers have determined that by virtue of being a person with protected rights with limited leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, a person (“A”) 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 or other designated course from which A's status as an eligible part-time 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;
- (b) as at the day before the academic year in respect of which A is applying for support starts A no longer has extant limited leave to enter or remain granted by virtue of residence scheme immigration rules, and no further leave to enter or remain has been granted under those rules,

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.

(10E) Where—

- (a) the Welsh Ministers have determined that, by virtue of—
 - (i) falling within paragraph (a)(iii) or (iv) of the definition of “person with protected rights”; or
 - (ii) meeting the conditions in paragraph 3(1)(a)(iii) or (iv) of Part 2 of Schedule 1,a person (“A”) is an eligible student in connection with an application for support for an academic year of a designated course or a qualifying student in connection with an academic year of a qualifying course; and
- (b) as at the day before the academic year begins, A is not a person with protected rights,

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.”

(1) 2002 c. 41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), Schedules 2 and 4, the Immigration, Asylum and Nationality Act 2006 (c. 13), section 9, S.I. 2010/21 and the Immigration Act 2014 (c. 22), Schedule 9.