WELSH STATUTORY INSTRUMENTS

2023 No. 1349

The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023

PART 6

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

CHAPTER 1

Introduction

33. The Education (Student Support) (Wales) Regulations 2018(**1**) are amended in accordance with this Part.

CHAPTER 2

Family members of Afghan citizens

34. In regulation 23F(1)—

    (a) in sub-paragraph (a), after "(see Schedule 2, paragraph 2ZA)" insert "or the spouse, civil partner, child or stepchild of such a person";

    (b) for sub-paragraph (b), substitute—

       "(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 being a person with leave to enter or remain as a relevant Afghan citizen, caused P to be an 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."

35. In each of regulations 80(2)(b)(ic) and 81(3)(b)(ic), at the end insert "or the spouse, civil partner, child or stepchild of such a person".

36. In Schedule 2, paragraph 2ZA, sub-paragraph (4)—

    (a) in paragraph (ea)—

       (i) omit sub-paragraph (ia);

       (ii) after sub-paragraph (ii) insert "or";

       (iii) omit sub-paragraph (iv) and the "or" before it;

    (b) in paragraph (g)(i)—

       (i) omit "or" after paragraph (ab);

(**1**) S.I. 2018/191 (W. 42), relevant amendments are S.I. 2021/481 (W. 148), S.I. 2022/79 (W. 28), S.I. 2022/764 (W. 166) and S.I. 2023/633 (W. 97). There are other amending instruments but none are relevant.

(ii) after paragraph (ac) insert—

"(ad)   a person with leave to enter or remain as a relevant Afghan citizen, or";

(c) in paragraph (g)(ii)—

(i) omit "or" after paragraph (aa);

(ii) after paragraph (ab) insert—

"or

(ac) a person with leave to enter or remain as a relevant Afghan citizen,";

(d) in paragraph (h)—

(i) omit "or" after sub-paragraph (i);

(ii) at the end of sub-paragraph (ii), for the full stop substitute ", or";

(iii) after sub-paragraph (ii) insert—

"(iii) a person with leave to enter or remain as a relevant Afghan citizen."

37. In Schedule 4—

(a) in paragraph 13F(1)—

(i) in paragraph (a), after "(see Schedule 2, paragraph 2ZA)" insert "or the spouse, civil partner, child or stepchild of such a person";

(ii) for paragraph (b) substitute—

"(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 being a person with leave to enter or remain as a relevant Afghan citizen, caused P to be an 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.";

(b) in paragraph 14(3)(b)(ic), at the end insert "or the spouse, civil partner, child or stepchild of such a person".

CHAPTER 3

Family members of Ukrainian nationals

38. In regulation 23G(1)—

(a) in sub-paragraph (a), after "(see Schedule 2, paragraph 2ZC)" insert "or the spouse, civil partner, child or stepchild of such a person";

(b) for sub-paragraph (b) substitute—

"(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 being a person granted leave to remain as a protected Ukrainian national, caused P to be an eligible student,

is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted."

39. In each of regulations 80(2)(b)(id) and 81(3)(b)(id), at the end insert "or the spouse, civil partner, child or stepchild of such a person".

40. In Schedule 2, in paragraph 2ZC—

    (a) after sub-paragraph (1) insert—

        "(1A) A person who—

            (a) is the spouse or civil partner of a protected Ukrainian national,

            (b) on the leave application date, was the spouse or civil partner of that person,

            (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom, and

            (d) is ordinarily resident in Wales on the first day of the first academic year of the course.

        (1B) A person who—

            (a) is—

                (i) the child of a protected Ukrainian national, or

                (ii) the child of the spouse or civil partner of a protected Ukrainian national,

            (b) on the leave application date was—

                (i) under 18 years old, and

                (ii) the child of a protected Ukrainian national or, as the case may be, the child of a person who was the spouse or civil partner of a protected Ukrainian national,

            (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom, and

            (d) is ordinarily resident in Wales on the first day of the first academic year of the course.";

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

        "(3) In this paragraph "leave application date" means the date on which a person ("P") made an application for leave to enter or remain in the United Kingdom that results in P becoming a person granted leave to enter or remain as a protected Ukrainian national."

41. In Schedule 4—

    (a) in paragraph 13G(1)—

        (i) in paragraph (a), after "(see Schedule 2, paragraph 2ZC)" insert "or the spouse, civil partner, child or stepchild of such a person";

        (ii) for paragraph (b) substitute—

            "(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 being a person granted leave to remain as a protected Ukrainian national, caused P to be an eligible student,

            is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted.";

(b) in paragraph 14(3)(b)(id), at the end insert "or the spouse, civil partner, child or stepchild of such a person".

CHAPTER 4

Scottish healthcare allowances

42. In regulation 10—

   (a) in paragraph (1), in Exception 3—

      (i) for paragraph (a) substitute—

         "(a)   where the course is a full-time course, a healthcare bursary, the amount of which is not calculated by reference to P's income (unless it is a bursary grant for living costs);";

      (ii) for paragraph (b) substitute—

         "(b)   where the course is a part-time course, a healthcare bursary (whether or not calculated by reference to P's income).";

   (b) in paragraph (4), omit the definition of "Scottish healthcare allowance".

43. In regulation 24(2), in Case 2, for paragraph (b) substitute—

   "(b)   the graduate is to receive any payment under a healthcare bursary, the amount of which is calculated by reference to the graduate's income;".

44. In regulation 39, for Exception 2 (but not the heading before it) substitute—

"Where the present course is not an accelerated graduate entry course, the academic year is a year in respect of which a student is eligible to apply for a healthcare bursary calculated by reference to the student's income (whether or not the calculation results in a nil amount)."

45. In regulation 44(1), for Exception 3 (but not the heading before it) substitute—

"The academic year is a year in respect of which the student is eligible to apply for a healthcare bursary calculated by reference to the student's income (whether or not the calculation results in a nil amount)."

46. In regulation 55(3), in Category 2, for paragraph (a) substitute—

   "(a)   an academic year in respect of which a student is eligible to apply for a healthcare bursary calculated by reference to the student's income (whether or not the calculation results in a nil amount), or".

47. In regulation 62(2), for Exception 3 (but not the heading before it) substitute—

"The present course is a full-time course and the academic year is a year in respect of which the student is eligible to apply for a healthcare bursary calculated by reference to the student's income (whether or not the calculation results in a nil amount)."

48. In regulation 65(1), for Condition 3 (but not the heading before it) substitute—

"The academic year is not a year in respect of which the student is eligible to apply for a healthcare bursary calculated by reference to the student's income (whether or not the calculation results in a nil amount)."

49. In regulation 69(2), for Exception 3 (but not the heading before it) substitute—

"The academic year is a year in respect of which the student is eligible to apply for a healthcare bursary calculated by reference to the student's income (whether or not the calculation results in a nil amount)."

50. In Schedule 4, in paragraph 5(1), in Exception 2 omit paragraph (b).

51. In Schedule 5, in paragraph 2, in Condition 4, for paragraph (b) substitute—

"(b)   is a course where at least one academic year is one in relation to which the eligible Oxbridge student is eligible to apply for a bursary or award of a similar description under section 63 of the Health Services and Public Health Act 1968 or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972, provided that the bursary or similar award is calculated by reference to the student's income (whether or not the calculation results in a nil amount)."

52. In Schedule 7, in Table 16, omit the table entry relating to "Scottish healthcare allowance".

CHAPTER 5

Amendment relating to healthcare bursary – maintenance loan

53. In regulation 55(3) (as amended by regulation 46 of these Regulations)—

(a) for Category 1 (but not the heading before it) substitute—

"An eligible student undertaking an academic year of a designated course, who is not a Category 2 student.";

(b) for Category 2 (but not the heading before it) substitute—

"An eligible student undertaking an academic year of a sandwich course during which the periods of full-time study undertaken by the student are in aggregate less than 10 weeks (unless it is a year to which regulation 44(2) applies)."

CHAPTER 6

Amendments to grants for dependants – distance learning students

54. In regulation 69(2), after Exception 7 insert—

"Exception 8

The present course is a distance learning course and the student ("S") is not in Wales on the first day of the first academic year of the course.

But this exception does not apply where—

(a) S is not in Wales on the first day of the first academic year of the course because S, or a close relative of S, is serving as a member of the armed forces outside Wales, or

(b) S is unable to be in Wales on the first day of the first academic year of the course for a reason related to coronavirus."

CHAPTER 7

Miscellaneous amendments

55. In Schedule 2, in paragraph 9(2)—

(a) in paragraph (b), omit "or"

(b) after paragraph (b) insert—

"(ba)   P's parent, or".

56. In Schedule 7, in Table 16, at the appropriate place in alphabetical order of the first column insert the following table entries—

""leave application date"	(for the purpose of Schedule 2, paragraph 2ZA" determining if a person is a protected spouse or civil partner or a protected child)

""leave application date" (for the purpose of determining if a person is a protected partner or a child of a protected partner)	Schedule 2, paragraph 2ZB"
""leave application date" (for the purpose of determining if a person is a spouse, civil partner, child or stepchild of a protected Ukrainian national)	Schedule 2, paragraph 2ZC"
""leave application date" (for the purpose of determining if a person is a spouse or civil partner of a person with leave to enter or remain or a child of a person with leave to enter or remain or a child of the spouse or civil partner of a person with leave to enter or remain)	Schedule 2, paragraph 3"