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WELSH STATUTORY INSTRUMENTS

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**2024 No. 501 (W. 79)**

**EDUCATION, WALES**

**The Education (Student Support) (Postgraduate Master's Degrees) (Wales) (Amendment) Regulations 2024**

<i>Made</i>	- - - -	<i>11 April 2024</i>
<i>Laid before Senedd Cymru</i>		<i>15 April 2024</i>
<i>Coming into force</i>	- -	<i>8 May 2024</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon the Secretary of State by sections 22(1)(a) and (2)(a), (b), (c) and (i), and 42(6) of the Teaching and Higher Education Act 1998<sup>(1)</sup> and now exercisable by them<sup>(2)</sup>.

**Title, coming into force and application**

1.—(1) The title of these Regulations is the Education (Student Support) (Postgraduate Master's Degrees) (Wales) (Amendment) Regulations 2024.

(2) These Regulations come into force on 8 May 2024.

(3) These Regulations apply in relation to the provision of support to a student in relation to a course which begins on or after 1 August 2024, whether or not anything done under these Regulations is done before, on or after that date.

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(1) 1998 c. 30; section 22(1) was amended by the Learning and Skills Act 2000 (c. 21), section 146(2)(a). Section 22(2)(i) was amended by the Higher Education Act 2004 (c. 8), section 43(2). See section 43(1) of the Teaching and Higher Education Act 1998 for the definitions of “prescribed” and “regulations”.

(2) The functions of the Secretary of State in section 22(1)(a) and (2)(b) and (i) of the Teaching and Higher Education Act 1998 were transferred to the National Assembly for Wales, so far as they relate to the making of provision in relation to Wales, by section 44 of the Higher Education Act 2004. Section 44 of that Act also provided that the functions in section 22(2)(a) and (c) of the Teaching and Higher Education Act 1998 were to be exercised by the National Assembly for Wales concurrently with the Secretary of State, so far as they relate to the making of provision in relation to Wales. The function of the Secretary of State in section 42(6) of the Teaching and Higher Education Act 1998, so far as exercisable in relation to Wales, was transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

## **Amendment of the Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019**

2. The Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019(3) are amended in accordance with regulations 3 to 13.

### **Amendment to regulation 10**

3. In regulation 10(1), in exception 9A, omit the words from “save” to the end.

### **Amendment to regulation 17**

4. In regulation 17(3), after “regulation 36” insert “or 36A”.

### **Amendment to regulation 18**

5. In regulation 18(2)(d), at the beginning insert “in relation to a designated course beginning before 1 August 2024,”.

### **Amendment to regulation 19**

6. In regulation 19(1), after “regulation 31(4)” insert “or 31ZA(4)”.

### **Amendments to regulations 24, 24A and 26**

7.—(1) In regulation 24 (base grant and contribution to costs grant), at the end insert “beginning before 1 August 2024”.

(2) In regulation 24A (qualifying conditions for base grant)—

- (a) after “designated course” insert “beginning before 1 August 2024”;
- (b) omit “unless the eligible student is a postgraduate social care student”.

(3) In regulation 26 (qualifying conditions for contribution to costs grant)—

- (a) after “designated course” insert “beginning before 1 August 2024”;
- (b) omit “or a postgraduate social care student”.

### **Amendments to regulation 31**

8. In regulation 31 (amount of contribution to costs loan)—

- (a) in the heading, at the end insert “— courses beginning before 1 August 2024”;
- (b) before paragraph (1) insert—

“(A1) This regulation applies in relation to a designated course beginning before 1 August 2024.”;

- (c) in paragraph (1) omit “who is not a postgraduate social care student”.

### **Insertion of new regulation 31ZA**

9. After regulation 31 (amount of contribution to costs loan) insert—

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(3) [S.I. 2019/895 \(W. 161\)](#); relevant amendments are [S.I. 2020/153 \(W. 27\)](#); [S.I. 2021/73 \(W. 19\)](#); [S.I. 2022/403 \(W. 100\)](#) and [S.I. 2023/87 \(W. 17\)](#).

**“Amount of contribution to costs loan — courses beginning on or after 1 August 2024**

**31ZA.**—(1) This regulation applies in relation to a designated course beginning on or after 1 August 2024.

(2) Subject to paragraph (3), the amount of contribution to costs loan available to an eligible student in respect of a designated course is £18,950.

(3) Where an eligible prisoner applies for a contribution to costs loan, the amount of loan must not exceed the lesser of—

- (a) the fees payable in respect of the designated course, and
- (b) £18,950.

(4) Except where regulation 36A(6) and (7) applies, an eligible student may apply to the Welsh Ministers to amend the amount of contribution to costs loan for which the student has applied, provided that—

- (a) in aggregate, the amounts of contribution to costs loan applied for do not exceed the applicable amounts set out in paragraphs (2) and (3);
- (b) such application is made in accordance with regulation 18(2).”

**Omission of regulation 31A**

10. Omit regulation 31A.

**Amendments to regulation 36**

11. In regulation 36 (effect of becoming, or ceasing to be, an eligible prisoner)—

- (a) in the heading, at the end insert “— courses beginning before 1 August 2024”;
- (b) before paragraph (1) insert—

“(A1) This regulation applies in relation to a designated course beginning before 1 August 2024.”

**Insertion of new regulation 36A**

12. After regulation 36 (effect of becoming, or ceasing to be, an eligible prisoner) insert—

**“Effect of becoming, or ceasing to be, an eligible prisoner — courses beginning on or after 1 August 2024**

**36A.**—(1) This regulation applies in relation to a designated course beginning on or after 1 August 2024.

(2) Paragraph (3) applies where an eligible student who is in receipt of a contribution to costs loan becomes an eligible prisoner and continues to undertake a designated course.

(3) The Welsh Ministers must—

- (a) adjust future payment of the contribution to costs loan or future payments of instalments of the contribution to costs loan, so that the total of the support received by the eligible student does not exceed the amount to which the student, as an eligible prisoner, is entitled to under regulation 31ZA(3), and
- (b) make any future payments of the contribution to costs loan in accordance with regulation 33(4).

(4) Paragraphs (5) to (7) apply where an eligible prisoner who is in receipt of a contribution to costs loan ceases to be an eligible prisoner and remains an eligible student, and continues to undertake a designated course.

(5) The Welsh Ministers must make any future payments of the contribution to costs loan in accordance with regulation 33(2).

(6) Where an eligible student (“P”) ceases to be an eligible prisoner P may, subject to paragraph (7), apply for the amount of contribution to costs loan to be increased.

(7) The maximum amount of the increase of P’s contribution to costs loan for which P may apply under paragraph (6) is calculated by reference to the following formula—

$$(Q - F) \times \left(\frac{R}{T}\right)$$

where—

Q equals £18,950;

F equals the amount of contribution to costs loan for which P qualifies as an eligible prisoner;

R equals the number of days of the designated course which remain when P ceases to be an eligible prisoner.

T equals the total number of days of the duration of the designated course;”

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

**13.** In Schedule 1, in paragraph 3(1), omit the definition of “postgraduate social care student”.

11 April 2024

*Lynne Neagle*  
Cabinet Secretary for Education, one of the  
Welsh Ministers

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## EXPLANATORY NOTE

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

The Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019 ("the 2019 Regulations") provide for the making of grants and loans to students who are ordinarily resident in Wales and undertaking postgraduate master's degree courses which begin on or after 1 August 2019.

These Regulations amend the 2019 Regulations to provide that the base grant and contribution to costs grant will not be available to students who begin courses on or after 1 August 2024. These Regulations also increase the maximum amount of contribution to costs loan available to such students under the 2019 Regulations, which corresponds to the total amount of support payable to previous student cohorts.

Regulation 1 provides for the coming into force and application of these Regulations.

Regulation 7 amends the qualifying conditions for the base grant and contribution to costs grant to provide that eligible students will only qualify for such support in relation to designated courses which begin before 1 August 2024.

Regulation 9 inserts a new regulation 31ZA into the 2019 Regulations to provide for the amount of contribution to costs loan payable to eligible students who begin designated courses on or after 1 August 2024. This provision reflects the removal of grant support and increases the maximum amount of contribution to costs loan available.

Regulation 12 inserts a new regulation 36A into the 2019 Regulations to provide for the effect of an eligible student becoming or ceasing to be an eligible prisoner on their entitlement to support, where the eligible student begins a designated course on or after 1 August 2024. This provision reflects the removal of grant support and the increase in the maximum amount of contribution to costs loan.

Regulations 3, 7(2)(b) and (3)(b), 8(c), 10 and 13 omit redundant provisions relating to postgraduate social care students. The amount of support bestowed on or paid to such students under section 116(2)(a) of the Regulation and Inspection of Social Care (Wales) Act 2016 exceeds the maximum amount of contribution to costs loan payable to such students under regulation 31A of the 2019 Regulations. Regulation 31A and other related provisions are therefore redundant.

Regulations 4 and 6 make amendments which are consequential on the amendments made by regulations 12 and 9 respectively. Regulation 5 makes incidental provision to reflect the removal of grant support. Regulations 8 and 11 disapply regulations 31 and 36 of the 2019 Regulations respectively in relation to designated courses beginning on or after 1 August 2024.

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.