
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

61. In regulation 81 (eligible part-time students)—

(a) for paragraph (2) substitute—

“(2) Subject to the following provisions of this regulation, a person is an eligible part-time student in connection with a designated part-time course if, in assessing the person’s application for support under regulation 99, 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 part-time 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 this Part 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) a designated part-time course to which A’s status as an eligible part-time student is transferred; or
 - (iii) a designated course to which A transfers and in relation to which A’s status is converted to that of an eligible student in accordance with these Regulations.”;

(b) 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”;
- (c) in paragraphs (9)(a), (9A)(a), (9B)(a), (10)(a) and (10A)(a)—
 - (i) omit “, designated distance learning course”, and
 - (ii) for “, eligible student or eligible distance learning student” substitute “or eligible student”;
- (d) after paragraph (10A) insert—
 - “(10B) Where—
 - (a) the Welsh Ministers have determined that, by virtue of being a person with Calais leave (“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 or other designated part-time course from which A’s status as an eligible part-time student or eligible 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 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 part-time 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 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 or other designated part-time course from which A’s status as an eligible student or eligible part-time 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 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),

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.

(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 residence scheme immigration rules, a person (“A”) 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 or other designated part-time course from which A’s status as an eligible student or eligible part-time 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, 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 part-time 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 part-time student in connection with an application for support for an academic year of a designated part-time 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 part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (e) in paragraph (12), for the words from “in Part 2” to the end substitute “or paragraphs in Part 2 of Schedule 1 into which the eligible part-time student falls is one or more of paragraphs 2A, 9, 9A, 9C or 9D.”;
- (f) in paragraph (21), omit sub-paragraph (c).