
WELSH STATUTORY INSTRUMENTS

2022 No. 403 (W. 100)

EDUCATION, WALES

**The Education (Postgraduate Student Support)
(Miscellaneous Amendments) (Wales) Regulations 2022**

<i>Made</i>	- - - -	<i>29 March 2022</i>
<i>Laid before Senedd Cymru</i>		<i>30 March 2022</i>
<i>Coming into force</i>	- -	<i>6 May 2022</i>

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

PART 1

Title, commencement and application

Title and commencement

1.—(1) The title of these Regulations is the Education (Postgraduate Student Support) (Miscellaneous Amendments) (Wales) Regulations 2022.

(2) These Regulations come into force on 6 May 2022.

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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). See section 43(1) of the Teaching and Higher Education Act 1998 for the definitions of “prescribed” and “regulations”.
- (2) The function of the Secretary of State in section 22(1)(a) and 22(2)(b) of the Teaching and Higher Education Act 1998 were transferred to the National Assembly for Wales, so far as they relate to making provision in relation to Wales by section 44 of the Higher Education Act 2004 (c. 8). Section 44 of that Act also provided that the functions in section 22(2)(a) 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 making provision in relation to Wales. The Secretary of State’s function in section 42(6) of the Teaching and Higher Education Act 1998, in so far as being exercisable in relation to Wales, was transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, article 2 and Schedule 1 (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).

Application

2. These Regulations apply in relation to the provision of support to a student in relation to an academic year which begins on or after 1 August 2022, whether or not anything done under these Regulations is done before, on or after that date.

PART 2

Amendments to the Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017

CHAPTER 1

Introduction

3. The Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017⁽³⁾ are amended in accordance with this Part.

CHAPTER 2

EU Settlement Scheme – omission of grace period

Amendments to regulation 2

4. In regulation 2(1)—
- (a) omit the definition of “grace period”;
 - (b) in the definition of “person with protected rights” omit paragraph (1)(a)(iii).

Amendments to regulation 3

5. In regulation 3(10)(a)—
- (a) in paragraph (i), omit “(iii),”;
 - (b) in paragraph (ii), omit “(iii) or”.

Amendment to Schedule 1

6. In Schedule 1, omit paragraph 3(1)(a)(iii).

(3) S.I. 2017/523 (W. 109); relevant amendments are S.I. 2018/814 (W. 165); S.I. 2019/895 (W. 161); S.I. 2019/1192 (W. 209); S.I. 2020/1302 (W. 287); S.I. 2021/9 (W. 4); S.I. 2021/481 (W. 148) and S.I. 2021/1365 (W. 360).

PART 3

Amendments to the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018

CHAPTER 1

Introduction

7. The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018(4) are amended in accordance with this Part.

CHAPTER 2

EU Settlement Scheme – omission of grace period

Amendments to regulation 2

8. In regulation 2(1)—
- (a) omit the definition of “grace period”;
 - (b) in the definition of “person with protected rights”, omit paragraph (1)(a)(iii).

Amendments to regulation 3

9. In regulation 3(11)(a)—
- (a) in paragraph (i), omit “(iii),”;
 - (b) in paragraph (ii), omit “(iii) or”.

Amendment to Schedule 1

10. In Schedule 1, omit paragraph 3(1)(a)(iii).

CHAPTER 3

Eligibility for certain Afghan citizens

Amendment to regulation 2

11. In regulation 2(1), at the appropriate place, insert—
- ““person with leave to enter or remain as a relevant Afghan citizen” (*“person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan”*) means a person granted—
- (a) indefinite leave to enter the United Kingdom under paragraph 276BA2 of the immigration rules, indefinite leave to remain in the United Kingdom under paragraph 276BS2 of the immigration rules or leave to enter or indefinite leave to enter the United Kingdom under paragraph 276BJ2 or 276BO2 of the immigration rules;
 - (b) leave to enter or indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Relocations and Assistance Policy Scheme;

(4) S.I. 2018/656 (W. 124), amended by S.I. 2018/814 (W. 165); S.I. 2019/235 (W. 54); S.I. 2019/1192 (W. 209); S.I. 2019/1094; S.I. 2020/153 (W. 27); S.I. 2020/1302 (W. 287); S.I. 2021/9 (W. 4); S.I. 2021/73 (W. 19); S.I. 2021/481 (W. 148) and S.I. 2021/1365 (W. 360).

- (c) indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Citizens Resettlement Scheme; or
- (d) indefinite leave to enter or remain in the United Kingdom outside the immigration rules as the spouse, civil partner or dependent child of a person falling into paragraph (c) or dependent child of such a spouse or civil partner;”.

Amendment to regulation 8

12. In regulation 8, after paragraph (bb), insert—

- “(bc) the student becomes a person with leave to enter or remain as a relevant Afghan citizen;”.

Amendments to Schedule 1

13. In Schedule 1, in paragraph 4A(4)(b)—

- (a) in sub-paragraph (iii), omit the terminal “or” and at the end of sub-paragraph (iv), insert “or”;
- (b) after sub-paragraph (iv), insert—
 - “(v) a person with leave to enter or remain as a relevant Afghan citizen;”.

CHAPTER 4

Amendments relating to financial support

Amendments to regulation 13

14. In regulation 13—

- (a) in paragraph (1), for “£27,265” substitute “£27,880”;
- (b) in paragraph (2)(b), for “£27,265” substitute “£27,880”.

CHAPTER 5

Amendments relating to certain educational psychology programmes

Amendment to regulation 3

15. In regulation 3, after paragraph (3), insert—

- “(3A) A person (“A”) is not an eligible student if—
 - (a) A is undertaking a programme at Cardiff University leading to the award of doctorate in educational psychology which begins on or after 1 August 2022, and
 - (b) there has been bestowed on or paid to A in relation to A undertaking that programme any allowance, bursary or award of a similar description funded by the Welsh Ministers.”

PART 4

Amendments to the Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019

CHAPTER 1

Introduction

16. The Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019⁽⁵⁾ are amended in accordance with this Part.

CHAPTER 2

EU Settlement Scheme – omission of grace period

Amendments to regulation 12A

- 17.** In regulation 12A(a)—
- (a) in sub-paragraph (i), omit “(iii),”;
 - (b) in sub-paragraph (ii), omit “(iii) or”.

Amendments to Schedule 1

- 18.** In Schedule 1, in paragraph 3(1)—
- (a) omit the definition of “grace period”;
 - (b) in the definition of “person with protected rights”, omit paragraph (1)(a)(iii) of that definition.

Amendment to Schedule 2

- 19.** In Schedule 2, omit paragraph 1(2)(a)(iii).

Amendment to Schedule 4

- 20.** In Schedule 4, omit the table entry for “grace period”.

CHAPTER 3

Eligibility for certain Afghan citizens

Amendments to regulation 16

- 21.** In regulation 16—
- (a) in paragraph (1)(b), after sub-paragraph (i), insert—
“*(ia) the student becomes a person with leave to enter or remain as a relevant Afghan citizen;*”;
 - (b) in paragraph 2, at the appropriate place insert “*person with leave to enter or remain as a relevant Afghan citizen*” (“*person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan*”);”.

(5) S.I. 2019/895 (W. 161); relevant amendments are S.I. 2019/1094; S.I. 2020/153 (W. 27); S.I. 2020/918 (W. 206); S.I. 2020/1302 (W. 287); S.I. 2021/9 (W. 4); S.I. 2021/73 (W. 19); S.I. 2021/481 (W. 148) and S.I. 2021/1365 (W. 360).

Amendments to Schedule 2

22. In Schedule 2, paragraph 2A—

(a) in sub-paragraph (4)(b)—

- (i) omit the terminal “or” at the end of paragraph (iii);
- (ii) at the end of paragraph (iv), for the semi-colon substitute “, or”;
- (iii) after paragraph (iv), insert—

“(v) a person with leave to enter or remain as a relevant Afghan citizen;”.

(b) after sub-paragraph (4)(d) insert—

“(da) “person with leave to enter or remain as a relevant Afghan citizen” means a person granted—

- (i) indefinite leave to enter the United Kingdom under paragraph 276BA2 of the immigration rules, indefinite leave to remain in the United Kingdom under paragraph 276BS2 of the immigration rules or leave to enter or indefinite leave to enter the United Kingdom under paragraph 276BJ2 or 276BO2 of the immigration rules,
- (ii) leave to enter or indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Relocations and Assistance Policy Scheme,
- (iii) indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Citizens Resettlement Scheme, or
- (iv) indefinite leave to enter or remain in the United Kingdom outside the immigration rules as the spouse, civil partner or dependent child of a person falling into paragraph (iii) or dependent child of such a spouse or civil partner;”.

CHAPTER 4

Amendments relating to financial support

Amendments to regulation 31

23. In regulation 31—

- (a) in paragraph (2), for “£17,025” substitute “£17,430”;
- (b) in paragraph (3)(b), for “£17,025” substitute “£17,430”.

Amendments to regulation 36

24. In regulation 36—

- (a) in paragraph (8), for “£17,025” substitute “£17,430”;
- (b) in paragraph (10), for “£17,025” substitute “£17,430”.

CHAPTER 5

Amendments relating to certain postgraduate social work courses

Amendments to regulation 10

25. In regulation 10(1)—

- (a) in Exception 9, omit paragraph (d);
- (b) after Exception 9, insert—

“Exception 9A

In respect of P undertaking the designated course, there has been bestowed on or paid to P any allowance, bursary or award of a similar description made under section 116(2)(a) of the Regulation and Inspection of Social Care (Wales) Act 2016 save to the extent that P is eligible for such a payment in respect of travel expenses.

But this exception does not apply where the designated course begins on or after 1 August 2022.”

Insertion of new regulation 24A

- 26. In Part 6, after the heading to Chapter 2 of that Part, insert—

“Qualifying conditions for base grant

24A. An eligible student qualifies for a base grant in relation to a designated course unless the eligible student is a postgraduate social care student.”

Amendment to regulation 26

- 27. In regulation 26, after “eligible prisoner”, insert “or a postgraduate social care student”.

Amendment to regulation 31

- 28. In regulation 31(1), after “eligible student”, insert “who is not a postgraduate social care student”.

Insertion of new regulation 31A

- 29. After regulation 31, insert—

“31A.—(1) The amount of contribution to costs loan payable to an eligible student who is a postgraduate social care student (“P”) is calculated as follows—

£18,430

Minus

Amount of social care bursary bestowed on or paid to P.

(2) An eligible social care 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 amount calculated in accordance with paragraph (1), and
- (b) such application is made in accordance with regulation 18(2).

(3) In this regulation “social care bursary” means any allowance, bursary or award of a similar description under section 116(2)(a) of the Regulation and Inspection of Social Care (Wales) Act 2016 save to the extent that it is in respect of travel expenses.”

Amendment to Schedule 1

- 30. In Schedule 1, paragraph 3(1), at the appropriate place, insert—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

““postgraduate social care student” (“*myfyriwr gofal cymdeithasol ôl-raddedig*”) means an eligible student to whom there has been bestowed on or paid any allowance, bursary or award of a similar description under section 116(2)(a) of the Regulation and Inspection of Social Care (Wales) Act 2016;”.

29 March 2022

Jeremy Miles
Minister for Education and Welsh Language, one
of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend:

- (a) The Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017 (“the 2017 Regulations”) (see Part 2 of the Regulations),
- (b) The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018 (“the 2018 Regulations”) (see Part 3 of the Regulations), and
- (c) The Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019 (“the 2019 Regulations”) (see Part 4 of the Regulations).

Chapter 2 of Parts 2, 3 and 4 of the Regulations amend the 2017 Regulations, the 2018 Regulations and the 2019 Regulations as regards eligibility arising from the EU Settlement Scheme. The amendments remove references to the “grace period” as a result of that period now having elapsed.

Chapter 3 of Parts 3 and 4 of the Regulations amend the 2018 Regulations and 2019 Regulations. The amendments provide for Afghan citizens who are granted indefinite leave to enter or remain in the United Kingdom under the Afghan Relocations and Assistance Policy Scheme or the Afghan Citizens Resettlement Scheme to be eligible for student support provided they satisfy all other criteria.

Chapter 4 of Parts 3 and 4 of the Regulations make amendments to the 2018 Regulations and the 2019 Regulations relating to the amount of financial support that an eligible student may receive for an academic year beginning on or after 1 August 2022.

Chapter 5 of Part 3 of the Regulations amends the 2018 Regulations. The amendment provides for a person undertaking a programme leading to a doctorate in educational psychology at Cardiff University, which starts on or after 1 August 2022, to be ineligible for financial support where a bursary or similar award funded by the Welsh Ministers has been bestowed on or paid to them.

Chapter 5 of Part 4 of the Regulations amends the 2019 Regulations to make students undertaking a postgraduate social work course, which starts on or after 1 August 2022, eligible to receive a contribution to costs loan.

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.