
WELSH STATUTORY INSTRUMENTS

2023 No. 87 (W. 17)

EDUCATION, WALES

**The Education (Student Finance) (Miscellaneous
Amendments) (Wales) Regulations 2023**

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| <i>Made</i> | - - - - | <i>30 January 2023</i> |
| <i>Laid before Senedd Cymru</i> | | <i>1 February 2023</i> |
| <i>Coming into force</i> | - - | <i>22 February 2023</i> |

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon the Secretary of State by sections 1 and 2 of the Education (Fees and Awards) Act 1983⁽¹⁾ and sections 22(1)(a), 22(2)(a), (b) and (c) and 42(6) of the Teaching and Higher Education Act 1998⁽²⁾, and now exercisable by them⁽³⁾, and powers conferred on them under sections 5(5)(b) and 55(2) of the Higher Education (Wales) Act 2015⁽⁴⁾.

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- (1) 1983 c. 40; section 1 was amended by the Education Reform Act 1988 (c. 40), Schedule 12, paragraph 91; the Further and Higher Education Act 1992 (c. 13), Schedule 8, paragraph 19; the Education Act 1994 (c. 30), Schedule 2, paragraph 7; the Education Act 1996 (c. 56), Schedule 37, paragraph 57; the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraphs 1 and 11; the Education Act 2002 (c. 32), Schedule 21, paragraph 5 and Schedule 22; the Education Act 2005 (c. 18), Schedule 14, paragraph 9; S.I. 2010/1080, Schedule 1, paragraph 12; S.I. 2010/1158, Schedule 2, paragraph 1; the Education Act 2011 (c. 21), Schedule 5, paragraph 5 and Schedule 16, paragraph 5; and the Deregulation Act 2015 (c. 20), Schedule 14, paragraph 33. Section 2 was amended by the Teaching and Higher Education Act 1998 (c. 30), section 44 and Schedule 4.
- (2) 1998 c. 30; section 22(1) was amended by the Learning and Skills Act 2000 (c. 21), section 146. See section 43(1) of the Teaching and Higher Education Act 1998 for the definitions of “prescribed” and “regulations”.
- (3) The functions of the Secretary of State in section 1 of the Education (Fees and Awards) Act 1983 were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by S.I. 2006/1458 with effect from 8 June 2006. The functions of the Secretary of State in section 2 of that Act were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by S.I. 1999/672. The function of the Secretary of State in section 22(2)(b) of the Teaching and Higher Education Act 1998 was transferred to the National Assembly for Wales, so far as it relates to making 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 2004 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 and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (4) 2015 anaw 1. See section 57(1) for the definitions of “prescribed” and “regulations”.

PART 1

Title, commencement and application

Title and commencement

1.—(1) The title of these Regulations is the Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023.

(2) These Regulations come into force on 22 February 2023.

Application

2.—(1) The following 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 2023, whether or not anything done under these Regulations is done before, on or after that date—

- (a) regulations 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 48, 49, 50, 51, 52, 53, 54, 55, 56 and 57 (update of amounts: the Education (Student Support) (Wales) Regulations 2017 and the Education (Student Support) (Wales) Regulations 2018);
- (b) regulations 33, 34, 35, 36, 58 and 59 (grants for dependants: the Education (Student Support) (Wales) Regulations 2017 and the Education (Student Support) (Wales) Regulations 2018).

(2) The following regulations apply in relation to the provision of support to a student in relation to a course which begins on or after 1 August 2023, whether or not anything done under these Regulations is done before, on or after that date—

- (a) regulations 4 and 5 (students from British overseas territories: fees and awards);
- (b) regulation 6 (family members of settled persons: fees and awards);
- (c) regulation 15 (students from British overseas territories: qualifying persons);
- (d) regulation 16 (family members of settled persons: qualifying persons);
- (e) regulations 38, 39, 40, 41, 42, 43, 44, 45, 46, 61, 62, 63, 68, 69, 70 and 71 (students from British overseas territories: eligibility);
- (f) regulations 47, 64 and 72 (family members of settled persons: eligibility);
- (g) regulation 65 (amendment to the annual instalment threshold: the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018);
- (h) regulation 66 (update of amounts: the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018);
- (i) regulations 73 and 74 (update of amounts: the Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019).

PART 2

Amendments to the Education (Fees and Awards) (Wales) Regulations 2007

CHAPTER 1

Introduction

3. The Education (Fees and Awards) (Wales) Regulations 2007⁽⁵⁾ are amended in accordance with this Part.

CHAPTER 2

Students from British overseas territories and related amendments

4. In each of regulations 4(1B), 5(4), 6(5), 7(5) and 8(4) for “9B and 9BA” substitute “9B, 9BA and 9E”.

5. In the Schedule—

(a) in paragraph 1—

- (i) in the definition of “family member” in the English text, for “aelod o deulu” substitute “aelod o’r teulu”;
- (ii) in the definition of “family member”, in paragraph (e), for “paragraphs 9, 9B, 9C, 9D and 9E” substitute “paragraphs 9, 9B, 9E or for the purposes of paragraphs 9C and 9D in relation to a person settled in the United Kingdom”;

(b) in paragraph 9C(1)(a)—

- (i) in sub-paragraph (i), for “a United Kingdom national” substitute “a person who is settled in the United Kingdom”;
- (ii) in sub-paragraph (ii), at the end insert “, or who would be such a person if they were ordinarily resident in the United Kingdom”.

CHAPTER 3

Family members of settled persons

6. In the Schedule, in paragraph 9D(1)(a) for “a United Kingdom national” substitute “settled in the United Kingdom”.

PART 3

Amendments to the Education (European University Institute) (Wales) Regulations 2014

CHAPTER 1

Introduction

7. The Education (European University Institute) (Wales) Regulations 2014⁽⁶⁾ are amended in accordance with this Part.

(5) S.I. 2007/2310 (W. 181); relevant amendments are S.I. 2021/481 (W. 148); S.I. 2021/1365 (W. 360) and S.I. 2022/764 (W. 166).

(6) S.I. 2014/3037 (W. 303); relevant amendments are S.I. 2020/1302 (W. 287); S.I. 2021/1294 (W. 328) and S.I. 2022/764 (W. 166).

CHAPTER 2

Omission of redundant provisions

8. In regulation 6—
 - (a) in paragraph (2)(b)(i), omit “2A,” “9A,” and “9BA, 9C, 9D,”;
 - (b) in paragraph (2)(b)(ii), omit “9,”;
 - (c) in paragraph (2A)(a), omit “9,”;
 - (d) in paragraph (2B), for “8A, 9B, 9BA and 9D” substitute “8A and 9B”;
 - (e) in paragraph (10E)(a)—
 - (i) in paragraph (i) for “(a)(iii), (iv) or (v)” substitute “(1)(a)(iii) or (iv)”;
 - (ii) in paragraph (ii) for “3(1)(a)(iii) or (iv)” substitute “3(1)(a)(iv)”.
9. In regulation 15—
 - (a) in paragraph (1), for “Subject to paragraph (2), an” substitute “An”;
 - (b) omit paragraph (2).
10. In regulation 17—
 - (a) in paragraph (1), for “Subject to paragraph (2), an” substitute “An”;
 - (b) omit paragraph (2).
11. In regulation 20—
 - (a) in paragraph (1), for “Subject to paragraph (3), an” substitute “An”;
 - (b) omit paragraph (3).
12. In regulation 22—
 - (a) in paragraph (1), for “Subject to paragraph (2), an” substitute “An”;
 - (b) omit paragraph (2).
13. In Schedule 1—
 - (a) in paragraph 1, in the definition of “family member”—
 - (i) in paragraphs (c) and (d), omit “or, for the purposes of paragraph 9A, in relation to a relevant person of Northern Ireland who would fall within Article 7(1)(c) of Directive 2004/38 if that person were an EU national or solely an EU national”;
 - (ii) in paragraph (e) for “paragraphs 9, 9B, 9C and 9D” substitute “paragraph 9B”;
 - (b) omit paragraphs 2A, 3(1)(a)(iii), 9, 9A, 9BA, 9C and 9D.

PART 4

Amendments to the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015

CHAPTER 1

Introduction

14. The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015(7) are amended in accordance with this Part.

(7) [S.I. 2015/1484 \(W. 163\)](#); relevant amendments are [S.I. 2021/481 \(W. 148\)](#).

CHAPTER 2

Students from British overseas territories and related amendments

15. In the Schedule—

- (a) in paragraph 1(1), in paragraph (e) of the definition of “family member”, for “paragraphs 9, 9B, 9C, 9D and 9E” substitute “paragraphs 9, 9B, 9E and for the purposes of paragraphs 9C and 9D in relation to persons settled in the United Kingdom”;
- (b) in paragraph 9C(1)(a)—
 - (i) in sub-paragraph (i), for “a United Kingdom national” substitute “a person who is settled in the United Kingdom”;
 - (ii) in sub-paragraph (ii), at the end insert “, or who would be such a person if they were ordinarily resident in the United Kingdom”.

CHAPTER 3

Family members of settled persons

- 16.** In the Schedule, in paragraph 9D(1)(a), for “a United Kingdom national” substitute “settled in the United Kingdom”.

PART 5

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

CHAPTER 1

Introduction

- 17.** The Education (Student Support) (Wales) Regulations 2017⁽⁸⁾ are amended in accordance with this Part.

CHAPTER 2

Financial support – uplifts

18. In regulation 16—

- (a) in paragraph (3)(a), for “£4,295” substitute “£4,215”;
- (b) in paragraph (3)(b), for “£4,705” substitute “£4,785”;
- (c) in paragraph (4)(a), for “£2,220” substitute “£2,175”;
- (d) in paragraph (4)(b), for “£2,280” substitute “£2,325”.

19. In regulation 19—

- (a) in paragraph (3)(a), for “£4,705” substitute “£4,785”;
- (b) in paragraph (4)(a), for “£2,280” substitute “£2,325”.

20. In regulation 24(3)(a), for “£32,546” substitute “£33,146”.

21. In regulation 26(3)—

- (a) in sub-paragraph (a), for “£3,262” substitute “£3,322”;
- (b) in sub-paragraph (b), for “£3,262” substitute “£3,322”.

22. In regulation 27—

⁽⁸⁾ [S.I. 2017/47 \(W. 21\)](#); relevant amendments are [S.I. 2021/481 \(W. 148\)](#) and [S.I. 2022/79 \(W. 28\)](#).

- (a) in paragraph (7)(a), for “£184” substitute “£187”;
- (b) in paragraph (7)(b), for “£315” substitute “£321”;
- (c) in paragraph (9)(a), for “£141” substitute “£144”.

23. In regulation 28(2), for “£1,862” substitute “£1,896”.

24. In regulation 43—

- (a) in paragraph (2)(i), for “£6,163” substitute “£6,277”;
- (b) in paragraph (2)(ii), for “£11,152” substitute “£11,357”;
- (c) in paragraph (2)(iii), for “£9,492” substitute “£9,667”;
- (d) in paragraph (2)(iv), for “£9,492” substitute “£9,667”;
- (e) in paragraph (2)(v), for “£7,961” substitute “£8,108”;
- (f) in paragraph (3)(i), for “£5,580” substitute “£5,683”;
- (g) in paragraph (3)(ii), for “£10,155” substitute “£10,342”;
- (h) in paragraph (3)(iii), for “£8,256” substitute “£8,408”;
- (i) in paragraph (3)(iv), for “£8,256” substitute “£8,408”;
- (j) in paragraph (3)(v), for “£7,375” substitute “£7,511”.

25. In regulation 45—

- (a) in paragraph (1)(a)(i), for “£2,926” substitute “£2,980”;
- (b) in paragraph (1)(a)(ii), for “£5,484” substitute “£5,585”;
- (c) in paragraph (1)(a)(iii), for “£4,666” substitute “£4,752”;
- (d) in paragraph (1)(a)(iv), for “£4,666” substitute “£4,752”;
- (e) in paragraph (1)(a)(v), for “£3,901” substitute “£3,973”;
- (f) in paragraph (1)(b)(i), for “£2,926” substitute “£2,980”;
- (g) in paragraph (1)(b)(ii), for “£5,484” substitute “£5,585”;
- (h) in paragraph (1)(b)(iii), for “£4,666” substitute “£4,752”;
- (i) in paragraph (1)(b)(iv), for “£4,666” substitute “£4,752”;
- (j) in paragraph (1)(b)(v), for “£3,901” substitute “£3,973”;
- (k) in paragraph (1)(c)(i), for “£4,622” substitute “£4,708”;
- (l) in paragraph (1)(c)(ii), for “£8,364” substitute “£8,518”;
- (m) in paragraph (1)(c)(iii), for “£7,119” substitute “£7,250”;
- (n) in paragraph (1)(c)(iv), for “£7,119” substitute “£7,250”;
- (o) in paragraph (1)(c)(v), for “£5,971” substitute “£6,081”;
- (p) in paragraph (2)(a)(i), for “£2,224” substitute “£2,265”;
- (q) in paragraph (2)(a)(ii), for “£4,194” substitute “£4,271”;
- (r) in paragraph (2)(a)(iii), for “£3,040” substitute “£3,096”;
- (s) in paragraph (2)(a)(iv), for “£3,040” substitute “£3,096”;
- (t) in paragraph (2)(a)(v), for “£3,040” substitute “£3,096”;
- (u) in paragraph (2)(b)(i), for “£2,224” substitute “£2,265”;
- (v) in paragraph (2)(b)(ii), for “£4,194” substitute “£4,271”;
- (w) in paragraph (2)(b)(iii), for “£3,411” substitute “£3,474”;

- (x) in paragraph (2)(b)(iv), for “£3,411” substitute “£3,474”;
- (y) in paragraph (2)(b)(v), for “£3,040” substitute “£3,096”;
- (z) in paragraph (2)(c)(i), for “£4,185” substitute “£4,262”;
- (aa) in paragraph (2)(c)(ii), for “£7,616” substitute “£7,757”;
- (bb) in paragraph (2)(c)(iii), for “£6,192” substitute “£6,306”;
- (cc) in paragraph (2)(c)(iv), for “£6,192” substitute “£6,306”;
- (dd) in paragraph (2)(c)(v), for “£5,531” substitute “£5,633”.

26. In regulation 50—

- (a) in paragraph (1)(a), for “£91” substitute “£93”;
- (b) in paragraph (1)(b), for “£176” substitute “£179”;
- (c) in paragraph (1)(c), for “£192” substitute “£196”;
- (d) in paragraph (1)(d), for “£192” substitute “£196”;
- (e) in paragraph (1)(e), for “£138” substitute “£141”.

27. In regulation 56—

- (a) in paragraph (3)(a), for “£4,622” substitute “£4,708”;
- (b) in paragraph (3)(b), for “£8,364” substitute “£8,518”;
- (c) in paragraph (3)(c), for “£7,119” substitute “£7,250”;
- (d) in paragraph (3)(d), for “£7,119” substitute “£7,250”;
- (e) in paragraph (3)(e), for “£5,971” substitute “£6,081”;
- (f) in paragraph (4)(a), for “£4,185” substitute “£4,262”;
- (g) in paragraph (4)(b), for “£7,616” substitute “£7,757”;
- (h) in paragraph (4)(c), for “£6,192” substitute “£6,306”;
- (i) in paragraph (4)(d), for “£6,192” substitute “£6,306”;
- (j) in paragraph (4)(e), for “£5,531” substitute “£5,633”.

28. In regulation 88(3)(a), for “£32,546” substitute “£33,146”.

29. In regulation 91—

- (a) in paragraph (3)(a), for “£3,262” substitute “£3,322”;
- (b) in paragraph (3)(b), for “£3,262” substitute “£3,322”.

30. In regulation 92—

- (a) in paragraph (6)(a), for “£184” substitute “£187”;
- (b) in paragraph (6)(b), for “£315” substitute “£321”;
- (c) in paragraph (8)(a), for “£141” substitute “£144”.

31. In regulation 93(2), for “£1,862” substitute “£1,896”.

32. In regulation 117(2)(a), for “£32,546” substitute “£33,146”.

CHAPTER 3

Grants for dependants

33. In regulation 29(2), for—

- (a) “£1,159” substitute “£1,180”;

- (b) “£3,473” substitute “£3,537”;
- (c) “£4,632” substitute “£4,717”;
- (d) “£5,797” substitute “£5,904”.

34. In regulation 89(3), for “50” substitute “25”.

35. In regulation 94(2), for—

- (a) “£1,159” substitute “£1,180”;
- (b) “£3,473” substitute “£3,537”;
- (c) “£4,632” substitute “£4,717”;
- (d) “£5,797” substitute “£5,904”.

36. In regulation 98—

(a) for paragraph (3) substitute—

“(3) In the case of part-time adult dependants’ grant, where the intensity of study is—

- (a) 25 per cent or more but less than 30 per cent, the amount payable is equal to 25 per cent of the resulting amount;
- (b) 30 per cent or more but less than 40 per cent, the amount payable is equal to 30 per cent of the resulting amount;
- (c) 40 per cent or more but less than 50 per cent, the amount payable is equal to 40 per cent of the resulting amount;
- (d) 50 per cent or more but less than 60 per cent, the amount payable is equal to 50 per cent of the resulting amount;
- (e) 60 per cent or more but less than 75 per cent, the amount payable is equal to 60 per cent of the resulting amount;
- (f) 75 per cent or more, the amount payable is equal to 75 per cent of the resulting amount.”;

(b) for paragraph (5) substitute—

“(5) In the case of part-time childcare grant, where the intensity of study is—

- (a) 25 per cent or more but less than 30 per cent, the amount payable is equal to 25 per cent of the resulting amount;
- (b) 30 per cent or more but less than 40 per cent, the amount payable is equal to 30 per cent of the resulting amount;
- (c) 40 per cent or more but less than 50 per cent, the amount payable is equal to 40 per cent of the resulting amount;
- (d) 50 per cent or more but less than 60 per cent, the amount payable is equal to 50 per cent of the resulting amount;
- (e) 60 per cent or more but less than 75 per cent, the amount payable is equal to 60 per cent of the resulting amount;
- (f) 75 per cent or more, the amount payable is equal to 75 per cent of the resulting amount.”;

(c) for paragraph (7), substitute—

“(7) In the case of part-time parents’ learning allowance, where the intensity of study is—

- (a) 25 per cent or more but less than 30 per cent, the amount payable is equal to 25 per cent of the resulting amount;

- (b) 30 per cent or more but less than 40 per cent, the amount payable is equal to 30 per cent of the resulting amount;
 - (c) 40 per cent or more but less than 50 per cent, the amount payable is equal to 40 per cent of the resulting amount;
 - (d) 50 per cent or more but less than 60 per cent, the amount payable is equal to 50 per cent of the resulting amount;
 - (e) 60 per cent or more but less than 75 per cent, the amount payable is equal to 60 per cent of the resulting amount;
 - (f) 75 per cent or more, the amount is equal to 75 per cent of the resulting amount.”;
- (d) in paragraph (9), for “50” substitute “25”.

PART 6

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

CHAPTER 1

Introduction

37. The Education (Student Support) (Wales) Regulations 2018(9) are amended in accordance with this Part.

CHAPTER 2

Students from British overseas territories and related amendments

38. In regulation 9(1)(a)(i), after “6BA,” insert “6BB,”.

39. In regulation 44(1), in Exception 2, for the words from “paragraphs 1(3)” to the end substitute “paragraphs 1(2)(d)(ii), 1(3), 4A(1)(b)(ii), 4A(2)(b)(ii), 6(1), 6A(1), 6A(2)(d)(ii), 6BA, 6BB, 6C, 6D, 7A(c)(ii) or 8A(1)(d)(ii).”

40. In regulation 54, in Exception 2, for the words from “paragraphs 1(3)” to the end substitute “paragraphs 1(2)(d)(ii), 1(3), 4A(1)(b)(ii), 4A(2)(b)(ii), 6(1), 6A(1), 6A(2)(d)(ii), 6BA, 6BB, 6C, 6D, 7A(c)(ii) or 8A(1)(d)(ii).”

41. In regulation 62(2), in Exception 2, for the words from “paragraphs 1(3)” to the end substitute “paragraphs 1(2)(d)(ii), 1(3), 4A(1)(b)(ii), 4A(2)(b)(ii), 6(1), 6A(1), 6A(2)(d)(ii), 6BA, 6BB, 6C, 6D, 7A(c)(ii) or 8A(1)(d)(ii).”

42. In regulation 69(2), in Exception 2, for the words from “paragraphs 1(3)” to the end substitute “paragraphs 1(2)(d)(ii), 1(3), 4A(1)(b)(ii), 4A(2)(b)(ii), 6(1), 6A(1), 6A(2)(d)(ii), 6BA, 6BB, 6C, 6D, 7A(c)(ii) or 8A(1)(d)(ii).”

43. In regulation 80(2)(b)(iii), for “or 6D(a)” substitute “, 6D(1)(a) or 6D(2)(a)”.

44. In Schedule 2—

(a) for paragraph 1(2)(d) substitute—

“(d) in a case where the person’s ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident immediately before the period of ordinary residence referred to in paragraph (c) in the territory comprising—

(9) S.I. 2018/191 (W. 42); relevant amendments are S.I. 2018/813 (W. 164); S.I. 2020/1302 (W. 287); S.I. 2021/73 (W. 19); S.I. 2021/481 (W. 148); S.I. 2022/49 (W. 18) and S.I. 2022/79 (W. 28).

- (i) the United Kingdom, Gibraltar, the EEA and Switzerland, or
 - (ii) the overseas territories.”;
- (b) in paragraph 4A—
 - (i) for sub-paragraph (1)(b) substitute—
 - “(b) has been ordinarily resident throughout the three-year period preceding the first day of the first academic year of the course either—
 - (i) in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland, or
 - (ii) in the territory comprising the United Kingdom, the EEA, Switzerland and the overseas territories, where at least part of that ordinary residence was in the overseas territories.”
 - (ii) for sub-paragraph (2)(b) substitute—
 - “(b) has been ordinarily resident throughout the three-year period preceding the first day of the first academic year of the course either—
 - (i) in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland, or
 - (ii) in the territory comprising the United Kingdom, the EEA, Switzerland and the overseas territories where at least part of that ordinary residence was in the overseas territories, and”;
- (c) in paragraph 6A(1)(c)—
 - (i) omit “Gibraltar,”;
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (d) in paragraph 6A(1)(d)—
 - (i) omit “Gibraltar,”;
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (e) in paragraph 6A(2)(d), for the words from “ordinarily resident” to the end substitute—
 - “ordinarily resident immediately before the period of ordinary residence referred to in paragraph (c) in the territory comprising—
 - (i) the United Kingdom, Gibraltar, the EEA and Switzerland, or
 - (ii) the overseas territories.”;
- (f) after paragraph 6BA insert—

“Category 6BB – Settled persons from the British overseas territories

6BB.—(1) A person—

- (a) who is settled in the United Kingdom on the first day of the first academic year of the course,
- (b) who is—
 - (i) undertaking a designated course in Wales, or
 - (ii) undertaking a designated postgraduate course in Wales,
- (c) who has been ordinarily resident in the specified British overseas territories for at least part of the three-year period preceding the first day of the first academic year of the course,

- (d) who has been ordinarily resident in the territory comprising the United Kingdom, the Islands and the specified British overseas territories throughout the three-year period preceding the first day of the first academic year of the course,
 - (e) who did not move to Wales from the Islands for the purpose of undertaking the current course, or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the current course, and
 - (f) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, the Islands and the specified British overseas territories has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.
- (2) Paragraph (f) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, the Islands and the specified British overseas territories in accordance with paragraph 9(2).”;
- (g) for paragraph 6D substitute—

“**6D.**—(1) A person—

- (a) who is—
 - (i) a United Kingdom national who has resident status in Gibraltar granted by the Government of Gibraltar, or
 - (ii) a family member of a United Kingdom national, where that family member has resident status in Gibraltar granted by the Government of Gibraltar,
- (b) who is undertaking—
 - (i) a designated course in Wales, or
 - (ii) a designated postgraduate course in Wales,
- (c) who has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
- (d) subject to sub-paragraph (3), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) A person—

- (a) who is—
 - (i) an EU national who has a right of residence in Gibraltar arising under the EU withdrawal agreement, or
 - (ii) a family member of an EU national, where that family member has a right of residence in Gibraltar arising under the EU withdrawal agreement,
- (b) who is—
 - (i) undertaking a designated course in Wales, or
 - (ii) undertaking a designated postgraduate course in Wales,
- (c) who has been ordinarily resident in the territory comprising the United Kingdom, the EEA, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course, and

- (d) subject to sub-paragraph (3), whose ordinary residence in the territory comprising the United Kingdom, the EEA, Switzerland and the overseas territories has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.
- (3) Paragraph (d) of sub-paragraphs (1) and (2) does not apply to a person treated as being ordinarily resident in the territory referred to in paragraph (c) of those sub-paragraphs in accordance with paragraph 9(2).”;
 - (h) for paragraph 7A(c) substitute—
 - “(c) has been ordinarily resident throughout the three-year period preceding the first day of the first academic year of the course either—
 - (i) in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland, or
 - (ii) in the territory comprising the United Kingdom, the EEA, Switzerland and the overseas territories where at least part of that ordinary residence was in the overseas territories, and”;
 - (i) in paragraph 8A(1), for paragraph (d) substitute—
 - “(d) has been ordinarily resident throughout the three-year period preceding the first day of the first academic year of the course either—
 - (i) in the territory comprising the United Kingdom, Gibraltar, the EEA, Switzerland and Turkey, or
 - (ii) in the territory comprising the United Kingdom, the EEA, Switzerland and the overseas territories where at least part of that ordinary residence was in the overseas territories.”;
 - (j) in paragraph 9—
 - (i) for sub-paragraph (2) substitute—
 - “(2) For the purposes of this Schedule, a person (“P”) is to be treated as ordinarily resident in an area if P would have been so resident but for the fact that—
 - (a) P,
 - (b) P’s spouse or civil partner, or
 - (c) in the case of a dependent direct relative in the ascending line, P’s child or child’s spouse or civil partner,
 is or was temporarily employed outside the area in question.”;
 - (ii) for sub-paragraph (3) substitute—
 - “(3) For the purposes of sub-paragraph (2), temporary employment outside the area in question includes—
 - (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;
 - (b) in the case of members of the regular armed forces of a specified British overseas territory, any period which they serve outside the territory comprising the United Kingdom and the specified British overseas territories as members of such forces;
 - (c) in the case of members of the regular armed forces of the Republic of Ireland, any period which they serve outside the territory comprising the United Kingdom, the Islands and the Republic of Ireland as members of such forces;

- (d) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland as members of such forces;
- (e) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the EEA, Switzerland and Turkey as members of such forces;
- (f) in the case of members of the regular armed forces of an EU overseas territory, any period which they serve outside the territory comprising the United Kingdom, the EEA, Switzerland and the overseas territories.”;
- (k) in paragraph 11(1), at the appropriate places insert—
 - ““overseas territories” (“*tiriogaethau tramor*”) means Anguilla, Aruba, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Faroe Islands, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Greenland, Mayotte, Montserrat, Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten), Pitcairn, Henderson, Ducie and Oeno Islands, South Georgia and the South Sandwich Islands, St Barthélemy, St Helena and Dependencies (Ascension Island and Tristan da Cunha), St Pierre et Miquelon, the Territory of New Caledonia and Dependencies, Turks and Caicos Islands, and Wallis and Futuna;”;
 - ““specified British overseas territories” (“*tiriogaethau tramor Prydeinig penodedig*”) means Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, South Georgia and the South Sandwich Islands, St Helena and Dependencies (Ascension Island and Tristan da Cunha), and Turks and Caicos Islands;”.

45. In Schedule 4, in paragraph 4(1)(a)(i)—

- (a) for “6A(2)” substitute “6A(2)(d)(i)”;
- (b) omit “6BA,”.

46. In Schedule 7, in Table 16, at the appropriate places insert the following table entries—

| | |
|---|------------------------------|
| ““overseas territories” | Schedule 2, paragraph 11(1)” |
| ““specified British overseas territories” | Schedule 2, paragraph 11(1)” |

CHAPTER 3

Family members of settled persons

47. In Schedule 2, in paragraph 6C(a), for “a United Kingdom national” substitute “settled in the United Kingdom”.

CHAPTER 4

Financial support – uplifts

48. In regulation 55, in Table 7—

- (a) in column 1, after “Beginning on or after 1 September 2022” insert “but before 1 September 2023”;

(b) at the end of the Table, insert the following table entry—

| | | | |
|---|------------|---|---------|
| “Beginning on or after 1 September 2023 | Category 1 | Living at home | £8,950 |
| | | Living away from home, studying in London | £13,635 |
| | | Living away from home, studying elsewhere | £10,720 |
| | Category 2 | Living at home | £4,475 |
| | | Living away from home, studying in London | £6,815 |
| | | Living away from home, studying elsewhere | £5,360” |

49. In regulation 56—

(a) in Table 8—

(i) in column 1, after “Beginning on or after 1 September 2022” insert “but before 1 September 2023”;

(ii) at the end of the Table, insert the following table entry—

| | | |
|---|---|----------|
| “Beginning on or after 1 September 2023 | Living at home | £9,950 |
| | Living away from home, studying in London | £14,635 |
| | Living away from home, studying elsewhere | £11,720” |

(b) in Table 8A—

(i) in column 1, after “Beginning on or after 1 September 2022” insert “but before 1 September 2023”;

(ii) at the end of the Table, insert the following table entry—

| | | |
|---|---|---------|
| “Beginning on or after 1 September 2023 | Living at home | £4,475 |
| | Living away from home, studying in London | £6,815 |
| | Living away from home, studying elsewhere | £5,360” |

50. In regulation 57(7), in Table 9—

(a) in column 1, after “Beginning on or after 1 September 2022” insert “but before 1 September 2023”;

(b) at the end of the Table, insert the following table entry—

| | | |
|---|---|------|
| “Beginning on or after 1 September 2023 | Living at home | £93 |
| | Living away from home, studying in London | £179 |

Living away from home, studying £141”
elsewhere

51. In regulation 58(2), in Table 10—

- (a) in column 1, after “Beginning on or after 1 September 2022” insert “but before 1 September 2023”;
- (b) at the end of the Table, insert the following table entry—

| | |
|---|--|
| “Beginning on or after 1 September 2023 | £7,650 multiplied by the intensity of study” |
|---|--|

52. In regulation 58A(2), in Table 10A—

- (a) in column 1, after “Beginning on or after 1 September 2022” insert “but before 1 September 2023”;
- (b) at the end of the Table, insert the following table entry—

| | |
|---|--|
| “Beginning on or after 1 September 2023 | £8,650 multiplied by the intensity of study” |
|---|--|

53. In regulation 63(2), for “£32,546” substitute “£33,146”.

54. In regulation 72(2), in Table 11—

- (a) in column 1, after “Beginning on or after 1 September 2022” insert “but before 1 September 2023”;
- (b) at the end of the Table, insert the following table entry—

| | |
|---|---------|
| “Beginning on or after 1 September 2023 | £3,322” |
|---|---------|

55. In regulation 74, in Table 12—

- (a) in column 1, after “Beginning on or after 1 September 2022” insert “but before 1 September 2023”;
- (b) at the end of the Table, insert the following table entry—

| | |
|---|---------|
| “Beginning on or after 1 September 2023 | £1,896” |
|---|---------|

56. In regulation 76(2)—

- (a) in Table 13—
 - (i) in column 1, after “Beginning on or after 1 September 2022” insert “but before 1 September 2023”;
 - (ii) at the end of the Table, insert the following table entry—

| | | |
|---|-------------------------------|-------|
| “Beginning on or after 1 September 2023 | One dependent child | £187 |
| | More than one dependent child | £321” |

- (b) in paragraph (4)(a), for “£141” substitute “£144”.

57. In Schedule 4, in paragraph 20(2), for “£32,546” substitute “£33,146”.

CHAPTER 5

Grants for dependants

58. In regulation 69(1)(c), for “50%” substitute “25%”.

59. In regulation 77—

(a) in paragraph (1), for—

- (i) “£6,159” substitute “£6,272”;
- (ii) “£8,473” substitute “£8,629”;
- (iii) “£9,632” substitute “£9,809”;
- (iv) “£10,797” substitute “£10,996”;

(b) for paragraph (2) substitute—

“(2) If the eligible student’s present course is a part-time course, the amount of GfD payable is the amount referred to in paragraph (a)(ii) or (d)(ii) of Step 4 of paragraph (1) multiplied by—

- (a) 25%, where the intensity of study for the current academic year is at least 25% but less than 30%;
- (b) 30%, where the intensity of study for the current academic year is at least 30% but less than 40%;
- (c) 40%, where the intensity of study for the current academic year is at least 40% but less than 50%;
- (d) 50%, where the intensity of study for the current academic year is at least 50% but less than 60%;
- (e) 60%, where the intensity of study for the current academic year is at least 60% but less than 75%;
- (f) 75%, where the intensity of study for the current academic year is 75% or more.”

PART 7

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

CHAPTER 1

Introduction

60. The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018⁽¹⁰⁾ are amended in accordance with this Part.

CHAPTER 2

Students from British overseas territories and related amendments

61. In regulation 3(2)(a), after “10BA,” insert “10BB,”.

62. In regulation 8(d), for “or 10D(1)(a)” substitute “, 10D(1)(a) or 10D(2)(a)”.

63. In Schedule 1—

⁽¹⁰⁾ S.I. 2018/656 (W. 124); relevant amendments are S.I. 2020/1302 (W. 287); S.I. 2021/481 (W. 148); S.I. 2021/1365 (W. 360) and S.I. 2022/764 (W. 166).

- (a) in paragraph 1(1), at the appropriate places insert—

““overseas territories” (“*tiriogaethau tramor*”) means Anguilla; Aruba; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; Gibraltar; Greenland; Mayotte; Montserrat; Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten); Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia and the South Sandwich Islands; St Barthélemy; St Helena and Dependencies (Ascension Island and Tristan da Cunha); St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; Turks and Caicos Islands; and Wallis and Futuna;”;

““specified British overseas territories” (“*tiriogaethau tramor Prydeinig penodedig*”) means Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia and the South Sandwich Islands; St Helena and Dependencies (Ascension Island and Tristan da Cunha); and Turks and Caicos Islands;”;

- (b) for paragraph 1(4) substitute—

“(4) For the purposes of this Schedule, a person (“A”) is to be treated as ordinarily resident in an area if A would have been so resident but for the fact that—

- (a) A;
- (b) A’s spouse or civil partner; or
- (c) in the case of a dependent direct relative in the ascending line, A’s child or child’s spouse or civil partner,

is or was temporarily employed outside the area in question.”;

- (c) for paragraph 1(5) substitute—

“(5) For the purposes of sub-paragraph (4), temporary employment outside the area in question includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;
- (b) in the case of members of the regular armed forces of a specified British overseas territory, any period which they serve outside the territory comprising the United Kingdom and the specified British overseas territories as members of such forces;
- (c) in the case of members of the regular armed forces of the Republic of Ireland, any period which they serve outside the territory comprising the United Kingdom, the Islands and the Republic of Ireland as members of such forces;
- (d) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland as members of such forces;
- (e) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey as members of such forces; and
- (f) in the case of members of the regular armed forces of an EU overseas territory, any period which they serve outside the territory comprising the

United Kingdom, the European Economic Area, Switzerland and the overseas territories.”;

- (d) in paragraph 3(1)(d)—
 - (i) omit “Gibraltar,”;
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (e) in paragraph 7A(1)(c)—
 - (i) omit “Gibraltar,”;
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (f) in paragraph 8A(1)(b)—
 - (i) omit “Gibraltar,”;
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (g) in paragraph 10A(1)—
 - (i) in paragraph (c)—
 - (aa) omit “Gibraltar,”;
 - (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
 - (ii) in paragraph (d)—
 - (aa) omit “Gibraltar,”;
 - (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (h) in paragraph 10A(2)—
 - (i) omit “Gibraltar,”;
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (i) after paragraph 10BA insert—

“**10BB.**—(1) A person—

- (a) who is settled in the United Kingdom on the first day of the first academic year of the course;
- (b) who is attending or undertaking a designated course in Wales;
- (c) who has been ordinarily resident in the specified British overseas territories for at least part of the three-year period preceding the first day of the first academic year of the course;
- (d) who has been ordinarily resident in the territory comprising the United Kingdom, the Islands and the specified British overseas territories throughout the three-year period preceding the first day of the first academic year of the course;
- (e) who did not move to Wales from the Islands for the purpose of undertaking the designated course, or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated course; and
- (f) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, the Islands and the specified British overseas territories has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (f) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, the Islands and the specified British overseas territories in accordance with paragraph 1(4).”;

(j) for paragraph 10D substitute—

“10D.—(1) A person—

(a) who is—

(i) a United Kingdom national who has resident status in Gibraltar granted by the Government of Gibraltar; or

(ii) a family member of a United Kingdom national where that family member has resident status in Gibraltar granted by the Government of Gibraltar;

(b) who is attending or undertaking a designated course in Wales;

(c) who has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and

(d) subject to sub-paragraph (3), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) A person—

(a) who is—

(i) an EU national who has a right of residence in Gibraltar arising under the EU withdrawal agreement; or

(ii) a family member of an EU national, where that family member has a right of residence in Gibraltar arising under the EU withdrawal agreement;

(b) who is attending or undertaking a designated course in Wales;

(c) who has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and

(d) subject to sub-paragraph (3), whose ordinary residence in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(3) Paragraph (d) of sub-paragraphs (1) and (2) does not apply to a person treated as being ordinarily resident in the territory referred to in paragraph (c) of those sub-paragraphs in accordance with paragraph 1(4).”

(k) in paragraph 11A(d)—

(i) omit “Gibraltar,”;

(ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;

(l) in paragraph 12A—

(i) in sub-paragraph (c)—

(aa) omit “Gibraltar,”;

(bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;

(ii) in sub-paragraph (d)—

(aa) omit “Gibraltar,”;

- (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (m) in paragraph 13A(d)—
 - (i) omit “Gibraltar,”;
 - (ii) for “and Turkey” substitute “, Turkey and the overseas territories”.

CHAPTER 3

Family members of settled persons

64. In Schedule 1—

- (a) in paragraph 1(1), in paragraph (e) of the definition of “family member”, for “paragraphs 10, 10B, 10C and 10D” substitute “paragraphs 10, 10B and 10D and for the purposes of paragraph 10C in relation to a person settled in the United Kingdom”;
- (b) in paragraph 10C(1)(a), for “a United Kingdom national” substitute “settled in the United Kingdom”.

CHAPTER 4

Amendment to annual threshold

65. In regulation 14(5)(a), for “£10,609” substitute “fifty percent of the amount specified in regulation 13(1)”.

CHAPTER 5

Financial support – uplifts

66. In regulation 13—

- (a) in paragraph (1), for “£27,880” substitute “£28,395”;
- (b) in paragraph (2)(b), for “£27,880” substitute “£28,395”.

PART 8

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

CHAPTER 1

Introduction

67. The Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019(11) are amended in accordance with this Part.

CHAPTER 2

Students from British overseas territories and related amendments

- 68. In regulation 9(1)(a)(i), after “8BA,” insert “8BB,”.
- 69. In regulation 16(1)(b)(iii), for “or 8D(a)” substitute “, 8D(1)(a) or 8D(2)(a)”.
- 70. In Schedule 2 —
 - (a) in paragraph 1(2)(d)—

(11) [S.I. 2019/895 \(W. 161\)](#); relevant amendments are [S.I. 2020/1302 \(W. 287\)](#); [S.I. 2021/481 \(W. 148\)](#); [S.I. 2021/1365 \(W. 360\)](#) and [S.I. 2022/764 \(W. 166\)](#).

- (i) omit “Gibraltar,”;
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (b) in paragraph 6A(1)(b)—
 - (i) omit “Gibraltar,”;
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (c) in paragraph 6A(2)(b)—
 - (i) omit “Gibraltar,”;
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (d) in paragraph 8A(1)(c)—
 - (i) omit “Gibraltar,”;
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (e) in paragraph 8A(1)(d)—
 - (i) omit “Gibraltar,”;
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (f) in paragraph 8A(2)(d)—
 - (i) omit “Gibraltar,”;
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (g) after paragraph 8BA insert—

“8BB.—(1) A person—

- (a) who is settled in the United Kingdom on the first day of the first academic year of the course,
- (b) who is undertaking a designated course in Wales,
- (c) who has been ordinarily resident in the specified British overseas territories for at least part of the three-year period preceding the first day of the first academic year of the course,
- (d) who has been ordinarily resident in the territory comprising the United Kingdom, the Islands and the specified British overseas territories throughout the three-year period preceding the first day of the first academic year of the course,
- (e) who did not move to Wales from the Islands for the purpose of undertaking the designated course, or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated course, and
- (f) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, the Islands and the specified British overseas territories has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (f) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, the Islands and the specified British overseas territories in accordance with paragraph 11(2).”;

- (h) for paragraph 8D substitute—

“8D.—(1) A person—

- (a) who is—

- (i) a United Kingdom national who has resident status in Gibraltar granted by the Government of Gibraltar, or
 - (ii) a family member of a United Kingdom national where that family member has resident status in Gibraltar granted by the Government of Gibraltar,
 - (b) who is undertaking a designated course in Wales,
 - (c) who has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
 - (d) subject to sub-paragraph (3), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.
- (2) A person—
- (a) who is—
 - (i) an EU national who has a right of residence in Gibraltar arising under the EU withdrawal agreement, or
 - (ii) a family member of an EU national, where that family member has a right of residence in Gibraltar arising under the EU withdrawal agreement,
 - (b) who is undertaking a designated course in Wales,
 - (c) who has been ordinarily resident in the territory comprising the United Kingdom, the EEA, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course, and
 - (d) subject to sub-paragraph (3), whose ordinary residence in the territory comprising the United Kingdom, the EEA, Switzerland and the overseas territories has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.
- (3) Paragraph (d) of sub-paragraphs (1) and (2) does not apply to a person treated as being ordinarily resident in the territory referred to in paragraph (c) of those sub-paragraphs in accordance with paragraph 11(2).”;
- (i) in paragraph 9A(c)—
 - (i) omit “Gibraltar,”;
 - (ii) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
 - (j) in paragraph 9A(d)—
 - (i) omit “Gibraltar,”;
 - (ii) for “and Switzerland” substitute “Switzerland and the overseas territories”;
 - (k) in paragraph 10A(1)(d)—
 - (i) omit “Gibraltar,”;
 - (ii) for “and Turkey” substitute “, Turkey and the overseas territories”;
 - (l) in paragraph 11—
 - (i) for sub-paragraph (2) substitute—
 - “(2) For the purposes of this Schedule, a person (“A”) is to be treated as ordinarily resident in an area if A would have been so resident but for the fact that—
 - (a) A,

- (b) A's spouse or civil partner, or
 - (c) in the case of a dependent direct relative in the ascending line, A's child or child's spouse or civil partner,
- is or was temporarily employed outside the area in question.”;
- (ii) for sub-paragraph (3) substitute—
- “(3) For the purposes of sub-paragraph (2), temporary employment outside the area in question includes—
- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;
 - (b) in the case of members of the regular armed forces of a specified British overseas territory, any period which they serve outside the territory comprising the United Kingdom and the specified British overseas territories as members of such forces;
 - (c) in the case of members of the regular armed forces of the Republic of Ireland, any period which they serve outside the territory comprising the United Kingdom, the Islands and the Republic of Ireland as members of such forces;
 - (d) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland as members of such forces;
 - (e) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the EEA, Switzerland and Turkey as members of such forces;
 - (f) in the case of members of the regular armed forces of an EU overseas territory, any period which they serve outside the territory comprising the United Kingdom, the EEA, Switzerland and the overseas territories.”;
- (m) in paragraph 13(1), at the appropriate places insert—
- ““overseas territories” (“*tiriogaethau tramor*”) means Anguilla, Aruba, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Faroe Islands, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Greenland, Mayotte, Montserrat, Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten), Pitcairn, Henderson, Ducie and Oeno Islands, South Georgia and the South Sandwich Islands, St Barthélemy, St Helena and Dependencies (Ascension Island and Tristan da Cunha), St Pierre et Miquelon, the Territory of New Caledonia and Dependencies, Turks and Caicos Islands, and Wallis and Futuna;”;
- ““specified British overseas territories” (“*tiriogaethau tramor Prydeinig penodedig*”) means Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, South Georgia and the South Sandwich Islands, St Helena and Dependencies (Ascension Island and Tristan da Cunha), and Turks and Caicos Islands;”.

71. In Schedule 4, in Table 3, at the appropriate places insert the following table entries—

| | |
|-------------------------|------------------------------|
| ““overseas territories” | Schedule 2, paragraph 13(1)” |
|-------------------------|------------------------------|

““specified British overseas territories” Schedule 2, paragraph 13(1)”

CHAPTER 3

Family members of settled persons

72. In Schedule 2, in paragraph 8C(a), for “a United Kingdom national” substitute “settled in the United Kingdom”.

CHAPTER 4

Financial support – uplifts

73. In regulation 31—

- (a) in paragraph (2), for “£17,430” substitute “£17,770”;
- (b) in paragraph (3)(b), for “£17,430” substitute “£17,770”.

74. In regulation 36—

- (a) in paragraph (8), for “£17,430” substitute “£17,770”;
- (b) in paragraph (10), for “£17,430” substitute “£17,770”.

30 January 2023

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 (Fees and Awards) (Wales) Regulations 2007 (“the 2007 Regulations”) (see Part 2 of the Regulations),
- (b) the Education (European University Institute) (Wales) Regulations 2014 (“the 2014 Regulations”) (see Part 3 of the Regulations),
- (c) the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015 (“the 2015 Regulations”) (see Part 4 of the Regulations),
- (d) the Education (Student Support) (Wales) Regulations 2017 (“the 2017 Regulations”) (see Part 5 of the Regulations),
- (e) the Education (Student Support) (Wales) Regulations 2018 (“the 2018 Regulations”) (see Part 6 of the Regulations),
- (f) the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018 (“the Doctoral Degree Loan Regulations”) (see Part 7 of the Regulations), and
- (g) the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019 (“the 2019 Regulations”) (see Part 8 of the Regulations).

Part 1 of these Regulations provides for the commencement and application of these Regulations. Regulation 2 sets out those regulations that are to apply to the provision of student support in relation to an academic year beginning on or after 1 August 2023 (*see* paragraph 1) and those regulations that are to apply to the provision of student support in relation to a course that begins on or after 1 August 2023 (*see* paragraph 2).

Parts 2 and 4 amend the 2007 Regulations and 2015 Regulations respectively. Chapter 2 of those Parts make amendments so that home fee status and qualifying person status applies to students who are from specified British overseas territories (“BOTs”) and who are settled in the United Kingdom. Chapter 3 of those Parts makes amendments so that family members of settled persons in the United Kingdom qualify for home fee status and qualifying person status.

Chapter 2 of Part 3 omits redundant provisions in the 2014 Regulations.

In each of Part 6, Part 7 and Part 8, Chapter 2 provides for persons who have settled status on arrival in the United Kingdom, and who came to the United Kingdom from specified BOTs, to qualify for certain student support (undergraduates qualify for tuition fee support but do not qualify for grants and loans for living costs). To qualify for support, persons resident in the BOTs will need to satisfy the three-year ordinary residence requirement in the United Kingdom, the Crown Dependencies or specified BOTs. Equivalent provision is also made for those covered by the EU withdrawal agreement, the EEA-EFTA Separation Agreement and the Swiss citizens’ rights agreement who have spent part of their residence period in either the BOTs or EU overseas territories.

In each of Part 6, Part 7 and Part 8, Chapter 3 makes amendments so that family members of all settled persons in the United Kingdom who are starting courses beginning on or after 1 August 2023 qualify for student support. This category of person must be ordinarily resident in the United Kingdom and Islands for three years before the start of their course in order to qualify for support. Previously, only family members of United Kingdom nationals qualified for support.

Status: This is the original version (as it was originally made).

Chapter 2 of Part 5, Chapter 4 of Part 6, Chapter 5 of Part 7 and Chapter 4 of Part 8 increase various amounts specified in the 2017 Regulations, the 2018 Regulations, the Doctoral Degree Loan Regulations and the 2019 Regulations respectively.

Chapter 3 of Part 5 and Chapter 5 of Part 6 amend the 2017 Regulations and the 2018 Regulations respectively to allow part-time students studying at an intensity of between 25% and 50% to qualify for grants for dependants and to increase the amount of income disregarded when calculating entitlement to grants for dependants.

Chapter 4 of Part 7 amends the Doctoral Degree Loan Regulations by increasing the maximum amount of support that the Welsh Ministers may pay as an instalment of support due to a student in respect of any one academic year.

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.