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## 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.

**Changes to legislation:** *There are currently no known outstanding effects for the The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023. (See end of Document for details)*

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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023.