



To:

Higher education institutions in Wales providing designated higher education courses
Further education institutions in Wales providing designated higher education courses
Other providers providing designated higher education courses
The Student Loans Company
UCAS
The Open University in Wales
Student Finance Wales Stakeholder Group
NUS Wales
Higher Education Funding Council for Wales
Universities Wales
Colleges Wales
and other interested parties

August 2018

Dear Colleague

AMENDMENTS TO STUDENT SUPPORT REGULATIONS

This information notice relates to the amendments made by the Education (Student Support) (Wales) (Amendment) Regulations 2018 (“2018 Amendment Regulations”) and by the Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (“2018 Student Finance Amendment Regulations”). The 2018 Amendment Regulations came into force on 1 August 2018 and the Student Finance Amendment Regulations came into force on 30 July 2018.

The 2018 Amendment Regulations amend the Education (Student Support) (Wales) Regulations 2018.

The 2018 Student Finance Amendment Regulations amend:

- The Education (Student Support) (Wales) Regulations 2018
- The Education (Student Support) (Wales) Regulations 2017
- The Education (Fees and Awards) (Wales) Regulations 2007
- The Education (European University Institute) Regulations 2014
- The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015



- The Education (Postgraduate Master’s Degree Loan) (Wales) Regulations 2017; and
- The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018.

The amendments made by the 2018 Student Finance Amendment Regulations are summarised in Annex A and the amendments made by the 2018 Amendment Regulations are summarised in Annex B. Both Regulations are available at <http://www.legislation.gov.uk/wsi/2018/814/contents/made> and <http://www.legislation.gov.uk/wsi/2018/813/contents/made> respectively.

ENQUIRIES

If you have any queries about this Information Notice, please contact the Higher Education Division at HEDConsultationsMailbox@gov.wales.

Annex A

The Education (Student Finance) (Miscellaneous Amendments) (Wales) (Regulations) 2018

Summary of amendments made to the Education (Student Support) (Wales) Regulations 2018

New residency categories

- a new category of person – persons granted stateless leave and their family members
- – change to the definition of a ‘person with leave to enter or remain and their family members’ to include a person who has been granted leave to remain on the grounds of private life under the immigration rules.

Other amendments

- A change to regulation 14 so that the maximum period of eligibility calculated in accordance with paragraph (2) does not apply to grants for dependants or disabled students.
- An amendment to Regulation 16 providing for eligible students who have completed a full-time course for the Certificate of Higher Education or an ordinary degree, and who go on to undertake certain further study, to be subject to the maximum period of eligibility. An additional amendment to Regulation 16 to ensure that the calculation of the maximum period for eligibility does not apply to grants for dependants or disabled students.
- A change to the Welsh language text of regulation 30 paragraph (4), to ensure it has the same meaning as the English language text.
- New regulation 34A which provides that the Welsh Ministers have discretion to treat as eligible a student who received incorrect notification that they are eligible in cases where the information or documentation provided by the student, in relation to their application for support, was not materially inaccurate.
- Amendment in relation to the maximum amount of tuition fee loan for eligible students undertaking an Erasmus year of a full-time course provided by an institution in England, Scotland or Wales. It also amends the maximum

amount of tuition fee loan for Category 4 students in regulation 40, who are studying at an ordinary course provider located in Scotland.

- Amendment providing that if a part-time student's household income is £59,200 or more, the student will not receive a means-tested maintenance grant.
- Exception 5 in regulation 54 is removed, so that eligible students studying on courses leading to qualification as a landscape architect, landscape designer, landscape manager, town planner or a town and country planner qualify for a maintenance loan.
- Amendments to regulation 65 and 66 to adjust the threshold amounts of an eligible student's household income for the purposes of calculating a grant for travel for medical students (regulation 65) and grant for travel for study or work overseas (regulation 66).
- Change to the definition of "close relative in paragraph 6(1) of Schedule 1.
- A change to the term "recognised educational institution" to "publicly funded institution", in paragraph 2(2) of Schedule 4 for consistency with Condition 4 of paragraph 2(1).
- Minor amendments to the Welsh language text of paragraphs 2(2)(c) and 9(c) of Schedule 4, to ensure it has the same meaning as the English language text.

Summary of amendments made to the Education (Student Support) (Wales) Regulations 2017

New residency categories

- Four new definitions: “close relative”, “immigration rules”, “member of the armed forces” and “person granted stateless leave” are inserted. It also amends the definition of “person with leave to enter or remain” to ensure that persons who have leave to remain on the grounds of private life, and their family members, are included in the relevant category of eligible student.
- Amendments to Schedule 1 which are consequential on the amendment to the definition of “person with leave to enter or remain” and to create a new category of eligible student: persons granted stateless leave and their family members.

Other amendments

- Amendments to regulation 6 so that the calculations of the maximum period for eligibility in paragraphs (8) and (11) do not apply to grants for dependants or disabled students. The amendments also provide for eligible students who have completed a full-time course for the Certificate of Higher Education or an ordinary degree, and who go on to undertake certain further study, to be subject to the maximum period of eligibility calculated in accordance with paragraph (11).
- Exemption to the requirements that an eligible student must undertake their distance learning course in Wales on the first day of the first academic year of the course, and to undertake that course in the United Kingdom, in order to be eligible for fee support.
- Exemption to the requirements that an eligible student must undertake their distance learning course in Wales on the first day of the first academic year of the course, and to undertake that course in the United Kingdom, in order to be eligible for a grant for disabled students’ living costs.
- Amendment to regulation 41 removing paragraph (4), so that eligible students studying on courses leading to qualification as a landscape architect, landscape designer, landscape manager, town planner or a town and country planner qualify for a loan for living costs.

- Amendment to regulation 81 to provide exemptions to the requirements that an eligible part-time student must undertake their distance learning course in Wales on the first day of the first academic year of the course, and undertake that course in the United Kingdom, in order to be eligible for support under regulations 85 to 88.

Summary of amendments made to the Education (Fees and Awards) (Wales) Regulations 2007

- Regulation 5 and the Schedule is amended to include persons granted leave to remain the grounds of private life in the definition of “person with leave to enter or remain” and to insert a new category of “persons granted stateless leave and their family members”.

Summary of amendments made to the Education (European University Institute) (Wales) Regulations 2014

- Amendments are made to ensure that persons who have been granted leave to remain on the grounds of private life and their family members are included in the existing category of eligible student “persons with leave to enter or remain and their family members” and to insert a new category of “persons granted stateless leave and their family members”.

Summary of amendments made to the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015

- Amendments to the Schedule to ensure that persons with leave to remain on the grounds of private life are included in the definition of “person with leave to enter or remain” and to insert a new category of “persons granted stateless leave and their family members”. That Schedule lists those persons who may be qualifying persons.

Summary of amendments to the Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017 and the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018

- Schedule 1 of each of the regulations are amended by adding a new category of person – persons granted stateless leave and their family members – and by amending the definition of a ‘person with leave to enter or remain and their family members’ to also include a person who has been granted leave to remain on the grounds of private life under the immigration rules.

Annex B

The Education (Student Support) (Wales) (Amendment) Regulations 2018

Summary of amendments made to the Education (Student Support) (Wales) Regulations 2018

- Where a student's household income exceeds £18,370 but is less than £59,200, the maximum amount of maintenance grant payable is reduced by £1 for every £5.750 of household income exceeding £18,370 where the student is living away from home, studying somewhere other than London.
- An amendment that makes provision for the calculation of the amount of maintenance loan payable to full-time students who qualify for a special support payment under regulation 50 of the 2018 Regulations.
- A new regulation 58A is inserted into the regulations. . Regulation 58A makes provision for the calculation of maintenance loan payable to part-time students who qualify for a special support payment under regulation 50 of the 2018 Regulations.
- Regulations 81, 93, 94 and 95 of the 2018 Regulations provide for the calculation of maintenance loan entitlement where a student qualifies for support but at a point during the academic year is absent from the course or their period of eligibility ends or is terminated.