
WELSH STATUTORY INSTRUMENTS

2014 No. 1712 (W. 172)

EDUCATION, WALES

**The Education (Student Support)
(Wales) (Amendment) Regulations 2014**

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| <i>Made</i> | - - - - | <i>1 July 2014</i> |
| <i>Laid before the National Assembly for Wales</i> | - - | <i>4 July 2014</i> |
| <i>Coming into force</i> | - - | <i>25 July 2014</i> |

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

Title, commencement and application

1. (1) The title of these Regulations is the Education (Student Support) (Wales) (Amendment) Regulations 2014.

(2) These Regulations come into force on 25 July 2014 and apply in relation to Wales.

Amendments

2. The Education (Student Support) (Wales) Regulations 2013(3) are amended in accordance with the following regulations.

3. (1) In regulation 2(1), in the appropriate place, insert—

“eligible part-time prisoner” (“*carcharorrhan-amsercymwys*”) means a prisoner—

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- (1) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11, the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6, the Finance Act 2003 (c. 14), section 147, the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 257 and the Education Act 2011 (c. 21), section 76. See section 43(1) of the Teaching and Higher Act 1998 for the definition of “prescribed” and “regulations”.
- (2) The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 (except so far as they relate to the making of any provision authorised by subsection (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22) were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004 and the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) Order 2005 (S.I. 2005/1833 (W. 149) (C. 79)) as amended by the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) (Amendment) Order 2006 (S.I. 2006/1660 (W. 159) (C. 56)). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(c) of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (3) S.I. 2013/3177 (W. 316).

- (a) who begins the present part-time course on or after 1 September 2014;
- (b) has been authorised by the prison Governor or Director or other appropriate authority to study the present part-time course;
- (c) whose earliest release date is within 6 years of the first day of the first academic year of the present part-time course; and
- (d) who has not transferred to the present part-time course under regulation 114 from a course beginning before 1 September 2014;

“grant for travel” (“*grant at deithio*”) means the grant payable under regulations 37 to 39;

“maintenance grant” (“*grant cynhaliaeth*”) means the grant payable under regulations 41 to 44;

“special support grant” (“*grant cymortharbennig*”) means the grant payable under regulations 45 to 48;

(2) In the English text, in regulation 2(1), in the definition of “eligible prisoner”, for the words “prisoner Governor” in sub-paragraph (b) substitute “prison Governor”.

4. In regulation 5(1)(e) after the words “wholly provided” insert “in the United Kingdom”.

5. In regulation 6(9), for the words “or a grant for living costs” substitute “, grant for travel, maintenance grant or a special support grant”.

6. In regulation 93, for paragraph (4) substitute—

“(4) Paragraph (3)(e) does not apply—

(a) where the eligible part-time student is an eligible part-time prisoner; or

(b) in respect of an academic year during which the student enters prison or is released from prison.”

7. In the English text, in regulation 97(5)(g) for “£1,886” substitute “£1.886”.

8. In regulation 99, after paragraph (9) insert—

“(10) Subject to paragraph (11), a new eligible part-time student does not qualify for a new part-time course grant if the new eligible part-time student is a prisoner.

(11) Paragraph (10) does not apply in respect of an academic year during which the new eligible part-time student enters prison or is released from prison.”

9. In regulation 100, after paragraph (6) insert—

“(7) Subject to paragraph (8), a new eligible part-time student does not qualify for a grant for disabled part-time students’ living costs if the new eligible part-time student is a prisoner.

(8) Paragraph (7) does not apply in respect of an academic year during which the new eligible part-time student enters prison or is released from prison.”

10. (1) In regulation 101, for paragraph (2) substitute—

“(2) Subject to paragraph (5), an eligible part-time student does not qualify for part-time grants for dependants if the eligible part-time student is a prisoner.”

(2) In regulation 101, after paragraph (4) insert—

“(5) Paragraph (2) does not apply in respect of an academic year during which the eligible part-time student enters prison or is released from prison.”

1 July 2014

Huw Lewis
Minister for Education and Skills, one of the
Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Education (Student Support) (Wales) Regulations 2013 (“the 2013 Regulations”) provide for financial support for students who are ordinarily resident in Wales and taking designated higher education courses in respect of academic years beginning on or after 1 September 2014.

These Regulations amend the 2013 Regulations.

Regulation 3 introduces a number of new terms into the list of defined terms in the 2013 Regulations. An “eligible part-time prisoner” is a prisoner who meets certain eligibility requirements set out in the definition, including being authorised to study a part-time course of higher education which begins on or after 1 September 2014. The term “prisoner” refers to a person who is serving a sentence of imprisonment in the United Kingdom including a person detained in a young offender institution.

Regulation 4 amends regulation 5 of the 2013 Regulations. This amendment provides that in order to be designated under the 2013 Regulations a course must be provided in the United Kingdom.

Regulation 5 amends regulation 6 of the 2013 Regulations in relation to the period of eligibility calculation for eligible students who have undertaken a previous course of higher education. This amendment provides that certain support (the grant for disabled students’ living costs and any of the grants for dependants) will not be caught by this particular period of eligibility calculation.

Regulations 6, 8, 9 and 10 amend various elements of the 2013 Regulations relating to the provision of support to part-time eligible students. These amendments provide that, subject to certain exceptions, prisoners who are eligible part-time prisoners will be able to access tuition fee support under the 2013 Regulations in respect of part-time higher education courses beginning on or after 1 September 2014. The amendments also provide that prisoners, including eligible part-time prisoners, will be unable to access any other type of part-time support under the 2013 Regulations.

Regulation 7 makes a minor amendment to a figure in the 2013 Regulations.