

2007 No. 2312 (W.183)

EDUCATION, WALES

**The Assembly Learning Grants and
Loans (Higher Education) (Wales)
(Amendment) Regulations 2007**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006 (“the 2006 Regulations”) and the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007 (“the 2007 Regulations”).

Changes are made to the corresponding provisions of the 2006 and 2007 Regulations as follows —

Compressed Degree Courses;

Regulations 5-8, 10-13, 18 and 21 of these Regulations amend the 2006 Regulations in relation to new “compressed” degrees. The Secretary of State may determine courses which are compressed degree courses provided by publicly funded educational institutions in England. Eligible students may qualify for support for the duration of those courses. Changes to the 2006 Regulations make provision in respect of students who are ordinarily resident in Wales undertaking such courses. Regulations 27, 28, 32, 34, 42, 44-48 and 51 of these Regulations make similar amendments to the 2007 Regulations.

Eligibility of Turkish Nationals;

Regulations 5, 9, 11, 12, 19, 22-25 and 26 of these Regulations amend the 2006 Regulations in relation to the eligibility of Turkish nationals. The 2006 Regulations are amended to comply with article 9 of Decision No. 1/80 of the Association Council of 19 September 1980 on the development of the Association between the European Community and Turkey.

The Association Council was created by the agreement establishing an association between the

European Community and Turkey which was signed in Ankara on 12 September 1963 by the Republic of Turkey on the one hand and the Member States of the EEC and the Community on the other. The agreement was concluded, approved and confirmed on behalf of the Community by Council Decision 64/732/EEC of 23 December 1963 (OJ 1973 C. 113 p.1).

Article 9 of Decision No. 1/80 of the Association Council of 19 September 1980 on the development of the association provides: “Turkish children residing legally in a Member State of the Community with their parents who are or have been legally employed in that member State, shall be admitted to courses of general education, apprenticeship and vocational training under the same educational entry qualifications as the children of nationals of that Member State. They may in that Member State be eligible to benefit from the advantages provided for under the national legislation in this area.”. Regulations 27, 33, 35, 41, 49, 52, 56, 57, 62 and 63 of these Regulations make similar amendments to the 2007 Regulations

Other Changes;

Regulations 20 and 50 of these Regulations amend regulation 46 of the 2006 Regulations and regulation 54 of the 2007 Regulations respectively in relation to the definition of a grant for fees for the purpose of Part 9 of the 2006 and 2007 Regulations.

Regulation 24 of these Regulations amends regulation 62 of the 2006 Regulations to specify the rules in relation to a student who becomes eligible for postgraduate support during the course of an academic year.

Regulations 29-31 of these Regulations amend regulation 6 (duration of period of eligibility) and regulation 7 (previous study) of the 2007 Regulations in relation to the definition of a previous course.

Regulations 36 and 37 of these Regulations amend regulation 15 of the 2007 Regulations so that a continuing student will be eligible for a grant for fees only where he or she has previously been determined as eligible for support in respect of a designated course.

Regulation 58 of these Regulations amends regulation 75 of the 2007 Regulations in relation to the definition of “full-time equivalent” and “period ordinarily required to complete the full-time equivalent” in respect of designated postgraduate courses.

Changes effected by regulations 59 and 60 of these Regulations to regulation 76 of the 2007 Regulations clarify the rules relating to period of eligibility in relation to postgraduate students.

Regulations 53-55 of these Regulations amend the figures in regulations 16(5), 37(4)(c), 65(1)(b), 65(5)(g), 65(5)(h), 65(5)(i) and 65(6)(a) of the 2007 Regulations.

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EDUCATION, WALES

**The Assembly Learning Grants and
Loans (Higher Education) (Wales)
(Amendment) Regulations 2007**

Made 4 August 2007

Laid before the National Assembly

for Wales 7 August 2007

Coming into force 31 August 2007

The Welsh Ministers, in exercise of the powers conferred upon the National Assembly for Wales by sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998⁽¹⁾, and now exercisable by them⁽²⁾ make the following Regulations:

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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 and the Higher Education Act 2004 (c. 8), section 42. Section 42 and section 43 were amended by the Education Act 2002 (c. 32), Schedule 12.
- (2) The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 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)(a) of Schedule 11 of the Government of Wales Act 2006 (c.32).

PART 1

GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2007.

(2) These Regulations come into force on 31 August 2007 and apply in relation to Wales.

Interpretation

2. In these Regulations—

“the 2006 Regulations” (“*Rheoliadau 2006*”) means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006(1).

“the 2007 Regulations” (“*Rheoliadau 2007*”) means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007(2).

Amendment to the 2006 Regulations and the 2007 Regulations

3. The 2006 Regulations are amended in accordance with Part 2.

4. The 2007 Regulations are amended in accordance with Part 3.

PART 2

AMENDMENTS TO THE 2006 REGULATIONS

5. In regulation 2(1)—

(a) in the appropriate place in the alphabetical order insert—

““compressed degree course” (“*cwrs gradd cywasgedig*”) means a course determined in accordance with paragraph (1A);

“compressed degree student” (“*myfyriwr cwrs gradd cywasgedig*”) means an eligible student who—

(a) is undertaking a compressed degree course in the United Kingdom (the “course”);

(b) begins the course on or after 1 September 2006; and

(c) either—

(1) S.I. 2006/126 (W. 19) amended by S.I. 2006/1863 (W. 196).

(2) S.I. 2007/1045 (W. 104).

- (i) is required to be in attendance on the course for part of the academic year for which he or she is applying for support; or
- (ii) is a disabled student who is not required to be in attendance on the course because he or she is unable to attend because of a reason which relates to his or her disability;”;
- (b) in the appropriate place in the alphabetical order, insert—
 - “intensive course” (“*cwrs dwys*”) means an accelerated course or a compressed degree course;”;
- (c) in the appropriate place in the alphabetical order insert—
 - “Turkish Worker” (“*Gweithiwr o Dwrci*”) means a Turkish national who—
 - (a) is ordinarily resident in the United Kingdom and Islands; and
 - (b) is, or has been, lawfully employed in the United Kingdom;”.

6. After regulation 2(1), insert—

“(1A) the Secretary of State may determine that a course is a compressed degree course, if in his opinion, that course is—

- (a) a course for a first degree (other than a foundation degree);
- (b) a full-time course designated under regulation 5(1); and
- (c) of two academic years’ duration.”.

7. In regulation 7(5), after “attended”, insert “or, in the case of a compressed degree course, undertook in the United Kingdom”.

8. For regulation 8(2) substitute—

“(2) The grounds for transfer are —

- (a) on the recommendation of the academic authority the eligible student starts to—
 - (i) attend another designated course at the institution;
 - (ii) undertake another compressed degree course in the United Kingdom at the institution; or
 - (iii) undertake a compressed degree course in the United Kingdom at the institution.
- (b) the eligible student starts to—
 - (i) attend a designated course at another institution; or

- (ii) undertake a compressed degree course in the United Kingdom at another institution;
- (c) after starting a course for the Certificate in Education, the eligible student is, on or before the completion of that course, admitted to a designated course for the degree of Bachelor of Education either at the same institution or at another institution;
- (d) after starting a course for the degree (other than an honours degree) of Bachelor of Education, the eligible student is, on or before the completion of that course, admitted to a designated course for the honours degree of Bachelor of Education either at the same institution or another institution; or
- (e) after starting a course for a first degree (other than an honours degree) the eligible student is, before the completion of that course, admitted to a designated course for an honours degree in the same subject or subjects at the institution.”.

9. After regulation 10(2)(e), insert—

“(ea) the applicant is a person mentioned in paragraph 12 of Part 2 of Schedule 1, in which case the application must reach the Welsh Ministers by 3 March 2008 or within a period of nine months beginning with the first day of the academic year in respect of which it is submitted, whichever is the later;”.

10. After regulation 11A(2) insert —

“(3) A student to whom this regulation applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for fee support.

(4) This regulation applies to—

- (a) a compressed degree student;
- (b) a disabled student who—
 - (i) is not a compressed degree student; and
 - (ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability.”

11. After regulation 11C(e), insert—

“(ea) the student becomes the child of a Turkish worker;”.

12. After regulation 18(8)(d), insert—

“(da) the student becomes the child of a Turkish worker;”.

13. After regulation 18(8), insert—

“(9) A student to whom this paragraph applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for the following grants—

- (a) grants for dependants;
- (b) maintenance grant or special support grant;
- (c) higher education grant.

(10) Paragraph (9) applies to —

- (a) a compressed degree student;
- (b) a disabled student who—
 - (i) is not a compressed degree student; and
 - (ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability.”

14. After regulation 31(3), insert—

“(4) A student to whom this paragraph applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for the loan for living costs.

(5) Paragraph (4) applies to —

- (a) a compressed degree student; and
- (b) a disabled student who—
 - (i) is not a compressed degree student; and
 - (ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability.”

15. In regulation 32 for “an accelerated course” in each place it occurs, substitute “an intensive course”.

16. In regulation 33 for “an accelerated course” in each place it occurs, substitute “an intensive course”.

17. In regulation 35 for “an accelerated course” in each place it occurs, substitute “an intensive course”.

18. For regulation 37, substitute—

“(1) Subject to regulation 39, the loan for living costs is payable in respect of three quarters of the academic year.

- (2) The loan for living costs is not payable —
- (a) in the case of a compressed degree student, in respect of the quarter nominated by the Welsh Ministers;
 - (b) in any other case, in respect of the quarter in which, in the opinion of the Welsh Ministers, the longest of any vacation occurs.”

19. After regulation 39(2)(d) insert—

“(da) the student becomes the child of a Turkish worker;”.

20. After regulation 46(4)(e), insert—

“(f) **GFF** is the amount, if any, of grant for fees for which the eligible student qualifies under Part 4”.

21. In regulation 46(6) for “an accelerated course”, substitute “an intensive course”.

22. In regulation 50, after paragraph 14(f), insert—

“(fa) the student becomes the child of a Turkish worker;”.

23. After regulation 55(3)(b), insert—

“(ba) the applicant is a person mentioned in paragraph 12 of Part 2 of Schedule 1, in which case the application must reach the Welsh Ministers by 1 December 2007 or within a period of six months beginning with the first day of the academic year in respect of which it is submitted, whichever is the later;”.

24. After regulation 62(12), insert—

“(13) Where one of the events listed in paragraph (14) occurs in the course of an academic year—

- (a) a student may qualify for a grant under this Part in respect of that academic year in accordance with this Part; and
- (b) a grant of the kind available under this Part is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(14) The events are—

- (a) the student’s course becomes a designated postgraduate course;
- (b) the student, his or her spouse, his or her civil partner or his or her parent is recognised as a refugee or becomes a person with leave to enter or remain as defined in Part 1 of Schedule 1;

- (c) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;
- (d) the student acquires the right of permanent residence as defined in Part 1 of Schedule 1;
- (e) the student becomes the child of a Turkish worker;
- (f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- (g) the student becomes a child of the Swiss national.

25. In Schedule 1—

- (a) for paragraph 1(4), substitute—

“(4) For the purposes of this Schedule, a person is to be treated as ordinarily resident in Wales, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey if he or she would have been so resident but for the fact that—

- (a) he or she;
- (b) his or her spouse or civil partner;
- (c) his or her parent; or
- (d) in the case of a dependent direct relative in the ascending line, his or her child or his or her child’s spouse or civil partner,

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

- (b) for paragraph 1(5), substitute—

“(5) For the purposes of sub-paragraph (4), temporary employment outside of Wales, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey 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 an EEA State or Switzerland, any period which they serve outside of the territory comprising

the European Economic Area and Switzerland as members of such forces; and

- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.”;

(c) after paragraph 11, insert—

“Children of Turkish workers

“12. A person who—

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.”.

26. After paragraph 8(d) of Schedule 3A, insert—

“(da) the student becomes the child of a Turkish worker;”.

PART 3

AMENDMENTS TO THE 2007 REGULATIONS

27. In regulation 2(1)—

- (a) in the appropriate place in the alphabetical order insert—

““compressed degree course” (“*cwrs gradd cywasgedig*”) means a course determined in accordance with paragraph (1A);

“compressed degree student” (“*myfyriwr cwrs gradd cywasgedig*”) means an eligible student who—

- (a) is undertaking a compressed degree course in the United Kingdom (the “course”);
- (b) either—
 - (i) began the course on or after 1 September 2006 and is continuing on that course after 31 August 2007; or
 - (ii) begins the course on or after 1 September 2007; and

- (c) either—
 - (i) is required to be in attendance on the course for part of the academic year for which he or she is applying for support; or
 - (ii) is a disabled student who is not required to be in attendance on the course because he or she is unable to attend because of a reason which relates to his or her disability;”;
- (b) in the appropriate place in the alphabetical order insert—

““intensive course” (“*cwrs dwys*”) means an accelerated course or a compressed degree course;”;
- (c) in the appropriate place in the alphabetical order insert—

““Turkish Worker” (“*Gweithiwr o Dwrci*”) means a Turkish national who—

 - (a) is ordinarily resident in the United Kingdom and Islands; and
 - (b) is, or has been, lawfully employed in the United Kingdom;”.

28. After regulation 2 (1), insert—

- “(1A) The Secretary of State may determine that a course is a compressed degree course, if in his opinion, that course is—
- (a) a course for a first degree (other than a foundation degree);
 - (b) a full-time course designated under regulation 5(1); and
 - (c) of two academic years’ duration.”.

29. Insert after paragraph (18) of regulation 6, the following paragraphs —

“(19) For the purposes of this regulation and subject to the exceptions in paragraphs (21), (22) and (23) a “previous course” is any full-time higher education course or any part-time course for the initial training of teachers which the student began to attend or, in the case of a compressed degree course, undertake in the United Kingdom and which meets one or both of the conditions in paragraph (20).

(20) The conditions are—

- (a) the course is provided by an institution in the United Kingdom which was publicly funded for some or all of the academic years during which the student took the course; or
- (b) any scholarship, exhibition, bursary, grant, allowance or award of any description which was paid in respect of

the student's attendance on the course to defray fees was from public funds or funds attributable to public funds.

(21) A course which would otherwise be a previous course will not be treated as such if —

- (a) the present course is a course for the initial training of teachers;
- (b) the duration of the present course does not exceed two years (the duration of a part-time course being expressed as its full-time equivalent); and
- (c) the student is not a qualified teacher.

(22) A course for the Certificate in Education which would otherwise be a previous course will not be treated as such if —

- (a) the present course is a course for the degree (including an honours degree) of Bachelor of Education;
- (b) the student transferred to the present course from the course for the Certificate in Education before the completion of that course or began the present course on completion of the course for the Certificate in Education.

(23) A course for the degree (other than an honours degree) of Bachelor of Education will not be treated as a previous course if —

- (a) the present course is a course for the honours degree of Bachelor of Education;
- (b) the student transferred to the present course from the course for the degree (other than an honours degree) of Bachelor of Education before the completion of that course or began the present course on completion of the course for the degree (other than an honours degree) of Bachelor of Education.”

30. In paragraphs (1) and (2) of regulation 7, omit the words “following attendance on a previous course or a designated part-time course”.

31. In regulation 7, omit paragraphs (6) and (7).

32. For regulation 8(2) substitute—

“(2) The grounds for transfer are —

- (a) on the recommendation of the academic authority the eligible student starts to—
 - (i) attend another designated course at the institution;

- (ii) undertake another compressed degree course in the United Kingdom at the institution; or
- (iii) undertake a compressed degree course in the United Kingdom at the institution;
- (b) the eligible student starts to—
 - (i) attend a designated course at another institution; or
 - (ii) undertake a compressed degree course in the United Kingdom at another institution;
- (c) after starting a course for the Certificate in Education, the eligible student is, on or before the completion of that course, admitted to a designated course for the degree of Bachelor of Education either at the same institution or another institution;
- (d) after starting a course for the degree (other than an honours degree) of Bachelor of Education, the eligible student is, on or before the completion of that course, admitted to a designated course for the honours degree of Bachelor of Education either at the same institution or another institution; or
- (e) after commencing a course for a first degree (other than an honours degree) the eligible student is, before the completion of that course, admitted to a designated course for an honours degree in the same subject or subjects at the institution.”.

33. After regulation 10(2)(c), insert—

- “(ca) the applicant is a person mentioned in paragraph 12 of Part 2 of Schedule 1, in which case the application must reach the Welsh Ministers by 3 March 2008 or within a period of nine months beginning with the first day of the academic year in respect of which it is submitted, whichever is the later;”.

34. After regulation 12(3) insert —

“(4) A student to whom this regulation applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for fee support.

- (5) This regulation applies to—
 - (a) a compressed degree student;
 - (b) a disabled student who—

- (i) is not a compressed degree student;
and
- (ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability.”

35. After regulation 14(e), insert—

“(ea) the student becomes the child of a Turkish worker;”.

36. In regulation 15(1), after the words “subject to”, insert the words “paragraph (4) and”.

37. After regulation 15(3), insert—

“(4) A continuing student does not qualify for a grant for fees in respect of any academic year of the course that begins on or after 1 September 2007 where in the course of assessing an application for support in respect of an academic year of the designated course that began before 1 September 2006 the National Assembly determined in accordance with regulations made by it under section 22 of the Act that the student did not qualify for fee support in respect of the designated course.

(5) This regulation applies to an old system student who started the present course before 1 September 2006 and is continuing on that course after 31 August 2007 (a “continuing student”).”

38. After regulation 16(5), for “£4,445”, substitute “£4,455.”

39. In regulation 18(1), after the words “Subject to paragraph (2)” insert the words, “and regulations 6 and 7”.

40. In regulation 20(1), omit the words, “Subject to paragraph (7)”.

41. After regulation 23(11)(d), insert—

“(da) the student becomes the child of a Turkish worker;”.

42. After regulation 23(11), insert—

“(12) A student to whom this paragraph applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for the following grants—

- (a) grants for dependants;
- (b) maintenance grant or special support grant;
- (c) higher education grant.

(13) Paragraph (12) applies to —

- (a) a compressed degree student;
- (b) a disabled student who—
 - (i) is not a compressed degree student; and
 - (ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability.”

43. In regulation 37(4)(c), for “£615” substitute “£610”.

44. After regulation 38(4), insert—

“(5) A student to whom this paragraph applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for the loan for living costs.

(6) Paragraph (5) applies to —

- (a) a compressed degree student; and
- (b) a disabled student who—
 - (i) is not a compressed degree student; and
 - (ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability.”

45. In regulation 39 for “an accelerated course” in each place it occurs, substitute “an intensive course”.

46. In regulation 40 for “an accelerated course” in each place it occurs, substitute “an intensive course”.

47. In regulation 42 for “an accelerated course” in each place it occurs, substitute “an intensive course”.

48. For regulation 44 substitute—

“(1) Subject to regulation 46, the loan for living costs is payable in respect of three quarters of the academic year.

(2) The loan for living costs is not payable —

- (a) in the case of a compressed degree student, in respect of the quarter nominated by the Welsh Ministers;
- (b) in any other case, in respect of the quarter in which, in the opinion of the Welsh Ministers, the longest of any vacation occurs.”

49. After regulation 46(2)(d), insert—

“(da) the student becomes the child of a Turkish worker;”.

- 50.** After regulation 54(4)(e), insert—
- “(f) **GFF** is the amount, if any, of grant for fees for which the eligible student qualifies under Part 4.”.
- 51.** In regulation 54(6) for “an accelerated course”, substitute “an intensive course”.
- 52.** In regulation 62, after paragraph 15(f), insert—
- “(fa)the student becomes the child of a Turkish worker;”.
- 53.** In regulation 65(1)(b), for “£1,000” substitute “£1,025”.
- 54.** In regulation 65(5)(g), 65(5)(h) and 65(5)(i), wherever the figure “£26,260” appears substitute “£26,265”.
- 55.**In regulation 65(6)(a), for the figures, “£15.92”, “£12.79,” and “£9.94” substitute the figures, “£15.81”, “£12.78” and “£9.92” respectively.
- 56.** After regulation 67(4)(a), insert—
- “(aa) the applicant is a person mentioned in paragraph 12 of Part 2 of Schedule 1, in which case the application must reach the Welsh Ministers by 1 December 2007 or within a period of six months beginning with the first day of the academic year in respect of which it is submitted, whichever is the later;”.
- 57.** After regulation 74(17)(d), insert—
- “(da) the student becomes the child of a Turkish worker;”.
- 58.** For sub-paragraphs (a) and (b) of regulation 75(3), substitute—
- “(a) “full-time equivalent” (“*cwrs amser-llawn cyfatebol*”) means a full-time postgraduate course leading to the same qualification as the part-time postgraduate course in question;
- “(b) “period ordinarily required to complete the full-time equivalent” (“*cyfnod y mae ei angen fel arfer i gwblhau'r cwrs amser-llawn cyfatebol*”) means the period that a standard full-time student would require to complete the full-time equivalent;”.
- 59.** In regulation 76(1), omit the words, “regulations 4 and 6” and insert the words, “regulation 74”.
- 60.** For regulation 76(7), substitute—
- “(7) Where the period of eligibility terminates—
- (a) before the end of the academic year in which the eligible postgraduate student

completes the designated postgraduate course; and

(b) otherwise than under paragraph (8), the Welsh Ministers may, at any time, renew or extend the period of eligibility for such period as they determine.”

61. After regulation 76(7), insert—

“(8) Where the eligible postgraduate student is undertaking a designated postgraduate course that is a part-time course, the period of eligibility terminates at the end of the relevant academic year where he or she cannot complete the course within the period specified in regulation 75(1)(b)(ii).

(9) For the purposes of paragraph (8), “relevant academic year” means the academic year during or at the end of which it becomes impossible for the student to complete the course within the period specified in regulation 75(1)(b)(ii).”

62. In Schedule 1—

(a) for paragraph 1(3), substitute—

“(3) For the purposes of this Schedule, a person is to be treated as ordinarily resident in Wales, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey if he or she would have been so resident but for the fact that—

- (a) he or she;
- (b) his or her spouse or civil partner;
- (c) his or her parent; or
- (d) in the case of a dependent direct relative in the ascending line, his or her child or his or her child’s spouse or civil partner,

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

(b) for paragraph 1(4), substitute—

“(4) For the purposes of sub-paragraph (3), temporary employment outside of Wales, the United Kingdom and Islands, the territory comprising the European Economic Area and Switzerland or the territory comprising the European Economic Area, Switzerland and Turkey 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 an EEA State or Switzerland, any period which they serve outside of the territory comprising the European Economic Area and Switzerland as members of such forces; and
 - (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.”;
- (c) after paragraph 11, insert—

“ Children of Turkish workers

12. A person who—

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.”.

63. After paragraph 5(d) of Schedule 4, insert—

“(da) the student becomes the child of a Turkish worker;”.

Jane E. Hutt

Minister for Children, Education, Lifelong Learning
and Skills, one of the Welsh Ministers

4 August 2007