
STATUTORY INSTRUMENTS

2006 No. 953

The Education (Student Support) (European Institutions) Regulations 2006

PROSPECTIVE

PART 1 GENERAL

Citation, commencement, application and interpretation

1. These Regulations may be cited as the Education (Student Support) (European Institutions) Regulations 2006 and shall come into force on 30th April 2006.

2. These Regulations apply only in relation to England⁽¹⁾.

3. In these Regulations—

“1998 Act” means the Teaching and Higher Education Act 1998;

“2000 Regulations” means the Education (Student Support) (European Institutions) Regulations 2000⁽²⁾;

“academic authority” means in relation to an institution, the governing body or other body having the functions of a governing body and includes a person acting with the authority of that body;

“College” means the College of Europe;

“current academic year” means the academic year beginning on or after 1st September 2005 but on or before 31st August 2006;

“current course” means the designated course in respect of a person is applying for support;

“current Directive student” means a Directive student who began the current course before 1st September 2006;

“current student” means a student who—

(a) began the current course before 1st September 2006;

(b) had been determined to be eligible for support in connection with his attendance on that course before 30th April 2006 pursuant to regulations made by the Secretary of State under the 1998 Act; and

(c) was ordinarily resident in England immediately before the moving date;

“Directive student” means a person who—

(1) In relation to Wales, 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 under section 44 of the Higher Education Act 2004 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.

(2) S.I.2000/2197, amended by S.I. 2001/563 and S.I. 2001/2892.

Status: This version of this Instrument contains provisions that are prospective.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Student Support) (European Institutions) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) falls within paragraph 6 of Part 2 of Schedule 1 by virtue of being—
 - (i) an EEA self-employed person;
 - (ii) a Swiss self-employed person;
 - (iii) a family member of an EEA self-employed person or a Swiss self-employed person;
 - (iv) a dependent direct relative of in the ascending line of an EEA migrant worker or the spouse or civil partner of such a worker;

(b) falls within paragraph 3 of Part 2 of Schedule 1;

(c) falls within paragraph 9 of Part 2 of Schedule 1 by virtue of being a family member of an EC national;

(d) falls within paragraph 8 of Part 2 of Schedule 1;

“eligible student” has the meaning given by regulation 11;

“European Community” means the territory comprised by the Member States of the European Community as constituted from time to time;

“European institution” means—

- (a) the Bologna Center;
- (b) the College of Europe;
- (c) the Institute;

“grants for living and other costs” means the grants payable under regulations 23 or 25;

“Institute” means the European University Institute;

“moving date” means the date on which the applicant moves to Belgium, Italy or Poland, as the case may be, for the purpose of—

- (a) in any case where he is required by the relevant European institution to attend an intensive course of language tuition immediately before the designated course, attending that course of language tuition; or
- (b) in any other case, attending the designated course;

“new academic year” means an academic year beginning on or after 1st September 2006;

“new student” except in Schedule 2 means a student who—

- (a) begins the current course on or after 1st September 2006 but on or before 31st August 2007;
- (b) has been determined to be eligible for support in connection with his attendance on that course pursuant to the 2000 Regulations before 30th April 2006; and
- (c) is ordinarily resident in England;

“next academic year” means the academic year beginning on or after 1st September 2006 but on or before 31st August 2007;

“refugee” means a person who is recognised by Her Majesty’s government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951⁽³⁾ as extended by the Protocol thereto which entered into force on 4th October 1967⁽⁴⁾;

⁽³⁾ Cmnd. 9171.

⁽⁴⁾ Cmnd. 3906 (out of print; photocopies are available, free of charge, from the Student Support Division, Department for Education and Skills, Mowden Hall, Staindrop Road, Darlington DL3 9BG).

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“statutory award” means any award bestowed, grant paid or other support provided by virtue of the 1998 Act or the Education Act 1962(5), or any comparable award, grant or other support in respect of undertaking a course which is paid out of public funds;

“student loans legislation” means the Education (Student Loans) Act 1990, the Education (Student Loans) (Northern Ireland) Order 1990, the Education (Scotland) Act 1980 and regulations made thereunder, the Education (Student Support) (Northern Ireland) Order 1998 and regulations made thereunder or the 1998 Act and regulations made thereunder;

“supplementary grants” means the grants payable under Chapter 4 of Part 4.

Commencement Information

- I1** Reg. 1 in force at 30.4.2006, see [reg. 1](#)
- I2** Reg. 2 in force at 30.4.2006, see [reg. 1](#)
- I3** Reg. 3 in force at 30.4.2006, see [reg. 1](#)

Revocation, saving and transitional provisions

4. The 2000 Regulations, the Education (Student Support) (European Institutions) (Amendment) Regulations 2001(6) and the Education (Student Support) (European Institutions) (Amendment) (No. 2) Regulations 2001(7) are revoked in relation to England.

5. The 2000 Regulations shall continue to apply in relation to England in respect of an academic year beginning before 1st September 2005.

6. Subject to regulations 7 to 10, these Regulations shall only apply in relation to the provision of support in connection with a new academic year.

7.—(1) Any payment of support that has been or was to be made under the 2000 Regulations to a current student in respect of the current academic year is to be treated as a payment made or to be made under these Regulations.

(2) Subject to paragraph (3), the Secretary of State may reassess, in accordance with these Regulations, the amount of support payable to a current student in respect of the current academic year.

(3) Where the Secretary of State reassesses the amount of support payable to a current student in accordance with paragraph (2) and the amount of support payable to the student decreases, the amount of support payable to the student is the amount determined to be payable to him under the 2000 Regulations.

(4) A current student may apply under these Regulations for support in connection with the current academic year if he had not applied for support under the 2000 Regulations before 30th April 2006.

8.—(1) Where before 30th April 2006—

- (a) a current student or a prospective student applied for support under the 2000 Regulations in respect of the next academic year; and

(5) 1962 c. 12; sections 1 to 4 and Schedule 1 were substituted by the provision sets out in Schedule 5 to the Education Act 1980 (c. 20). Section 1(3)(d) was amended by the Education (Grants and Awards) Act 1984 (c. 11), section 4. Section 4 was amended by the Education Act 1994 (c. 30), Schedule 2, paragraph 2. The entire Act was repealed by the Teaching and Higher Education Act 1998 (c. 30), section 44(2) and Schedule 4, subject to the transitional provisions and savings set out in the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998 (S.I. 1998/3237), article 3.

(6) S.I. 2001/563.

(7) S.I. 2001/2892.

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- (b) the Secretary of State had not determined, if relevant, whether the student was eligible for support in connection with his attendance on the current course or the amount of support payable, if any, to that student,

the application is to be treated as if it had been made under and in accordance with these Regulations.

(2) Any payment of support made or to be made under the 2000 Regulations to a current student or a new student in respect of the next academic year before 30th April 2006 is to be treated as a payment made or to be made under these Regulations.

(3) Subject to paragraph (4), the Secretary of State may reassess, in accordance with these Regulations, the amount of support determined before 30th April 2006 to be payable to a current student or a new student in respect of the next academic year.

(4) Where the Secretary of State reassesses the amount of support payable to a current student in accordance with paragraph (2) and the amount of support payable to the student decreases, the amount of support payable to the student is the amount determined to be payable to him under the 2000 Regulations.

- (5) For the purposes of paragraph (1), “prospective student” means a person—
- (a) who starts the current course in the next academic year; and
 - (b) applied for support under the 2000 Regulations in respect of that course before 30th April 2006; but
 - (c) in respect of whom no decision as to his eligibility for support in connection with the current course had been made by the Secretary of State before 30th April 2006.

9.—(1) If the Secretary of State had before 30th April 2006 determined under the 2000 Regulations that a person starting a course in the current academic year or in the next academic year was not an eligible student in connection with his attendance on a course designated for the purpose of regulation 4 of the 2000 Regulations, she may—

- (a) treat that person’s application as an application for support made under and in accordance with these Regulations; and
- (b) determine, in accordance with these Regulations, whether the applicant is an eligible student and if so, the amount of support (if any) payable to him in respect of—
 - (i) in the case of a person who started his course in the current academic year, the current academic year and the next academic year; and
 - (ii) in the case of a person who starts his course in the next academic year, that academic year.

10. A current Directive student may apply under these Regulations for support or an additional amount of support in connection with the current academic year.

Commencement Information

- I4 Reg. 4 in force at 30.4.2006, see [reg. 1](#)
- I5 Reg. 5 in force at 30.4.2006, see [reg. 1](#)
- I6 Reg. 6 in force at 30.4.2006, see [reg. 1](#)
- I7 Reg. 7 in force at 30.4.2006, see [reg. 1](#)
- I8 Reg. 8 in force at 30.4.2006, see [reg. 1](#)
- I9 Reg. 9 in force at 30.4.2006, see [reg. 1](#)
- I10 Reg. 10 in force at 30.4.2006, see [reg. 1](#)

PART 2

ELIGIBILITY

Eligible students

11.—(1) An eligible student qualifies for financial support in connection with his attendance on a designated course subject to and in accordance with these Regulations.

(2) Subject to paragraph (3), a person is an eligible student in connection with a designated course if the Secretary of State has determined that—

- (a) he falls within one of the categories in Part 2 of Schedule 1; and
- (b) by reason of merit he should be eligible for support in connection with his attendance at that course.

(3) A person is not an eligible student if—

- (a) subject to paragraph (4), he has attended a qualifying course;
- (b) he is in breach of an obligation to repay any loan;
- (c) he has reached the age of 18 and not ratified any agreement for a loan made with him when he was under the age of 18; or
- (d) he has, in the opinion of the Secretary of State, shown himself by his conduct to be unfitted to receive support.

(4) Paragraph (3)(a) does not apply where the person has attended a qualifying course but the Secretary of State has determined that having regard to the particular circumstances of that person's case it is appropriate to pay him support in connection with the current course.

(5) For the purposes of paragraph (3)(b) and (c), “loan” means a loan made under the student loans legislation.

(6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (3)(c) only applies if the agreement was made—

- (a) before 25th September 1991; and
- (b) with the concurrence of the borrower's curator or at a time when he had no curator.

(7) An eligible student in respect of whom the first academic year of the course begins on or after 1st September 2000 shall not, at any time, qualify for support for more than one designated course.

(8) A person is also an eligible student for the purposes of these Regulations if—

- (a) he is—
 - (i) a current student ; or
 - (ii) a new student; and
- (b) the Secretary of State had not determined before 30th April 2006 that he should no longer be eligible for support in connection with the current course.

(9) For the purposes of this regulation, “qualifying course” means a course—

- (a) which is—
 - (i) a postgraduate or comparable course; and
 - (ii) of at least two academic years' duration; and
- (b) in respect of which the student received a statutory award [other than an award intended to assist with additional expenditure that the student was obliged to incur in connection with his attendance on the course by reason of a disability to which he is or was subject] for at least two academic years of the course.

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Commencement Information

I11 Reg. 11 in force at 30.4.2006, see [reg. 1](#)

Designated courses

12. A course is designated for the purposes of section 22(1) of the 1998 Act and regulation 11 if it is—

- (a) a postgraduate or comparable course;
- (b) a full-time course;
- (c) of at least one academic year's duration; and
- (d) provided by a European institution.

Commencement Information

I12 Reg. 12 in force at 30.4.2006, see [reg. 1](#)

Period of eligibility

13.—(1) Subject to the following paragraphs, a student's status as an eligible student in connection with a designated course will terminate at the end of the academic year in which the relevant European institution would ordinarily expect the student to complete the course ("period of eligibility").

(2) The student's period of eligibility terminates when the student—

- (a) withdraws from his designated course in circumstances in which the Secretary of State will not transfer his status as an eligible student in accordance with regulation 14; or
- (b) abandons or is expelled from his designated course.

(3) The Secretary of State may terminate the student's period of eligibility if she is satisfied that the student has by his conduct shown himself unfitted to receive support.

(4) Where the student's period of eligibility will terminate under paragraph (1) before the end of the academic year in which the student will actually complete the course, the Secretary of State may, at any time, extend or renew the period of eligibility for such period as she determines.

(5) If the Secretary of State is satisfied that an eligible student has failed to comply with any requirement to provide information under these Regulations or has provided information which is inaccurate in a material particular, the Secretary of State may do one or more of the following—

- (a) terminate the student's period of eligibility;
- (b) determine that the student no longer qualifies for any particular type of support or particular amount of support;
- (c) treat any support already paid to the student as an overpayment which may be recovered in accordance with regulation 42.

Commencement Information

I13 Reg. 13 in force at 30.4.2006, see [reg. 1](#)

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Transfer of eligibility

14.—(1) Where an eligible student transfers to another designated course at the same European institution, the Secretary of State must transfer the student’s status as an eligible student where—

- (a) she receives a request from the eligible student to do so;
- (b) she is satisfied that the eligible student has begun to attend that other course on the recommendation of the academic authority; and
- (c) the student’s status as an eligible student has not terminated.

(2) An eligible student who transfers under paragraph (1) shall receive in connection with the academic year of the course to which he transfers the remainder of the support assessed by the Secretary of State in respect of the academic year of the course from which he transfers.

(3) An eligible student who transfers under paragraph (1) after the Secretary of State has assessed support in connection with the academic year of the course from which he is transferring but before he completes that year may not, in connection with the academic year of the course to which he transfers, apply for another grant of a kind that he has already applied for under these Regulations in connection with the academic year of the course from which he is transferring.

Commencement Information

I14 Reg. 14 in force at 30.4.2006, see [reg. 1](#)

PART 3

APPLYING FOR SUPPORT AND PROVISION OF INFORMATION

Applications for financial support

15.—(1) A person (the “applicant”) must apply for support in connection with each academic year of a designated course by completing and submitting to the Secretary of State an application in such form and accompanied by such documentation as the Secretary of State may require.

(2) The Secretary of State may take such steps and make such inquiries as she considers necessary to determine whether the applicant is an eligible student, whether he qualifies for support and the amount of support payable, if any.

(3) The Secretary of State must notify the applicant of whether he qualifies for support and, if he does qualify, the amount of support payable in respect the academic year, if any.

Commencement Information

I15 Reg. 15 in force at 30.4.2006, see [reg. 1](#)

Time limits

16.—(1) The general rule is that the application must reach the Secretary of State by 31st August 2006.

(2) The general rule in paragraph (1) does not apply where—

- (a) the application is made by a current student as provided for in regulation 7(4), in which case the application must reach the Secretary of State no later than 30th January 2007;

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- (b) the application is made by a current Directive student in respect of the current academic year, in which case the application must reach the Secretary of State no later than 30th January 2007;
 - (c) one of the events described in paragraph (3) occurs, in which case the application must reach the Secretary of State within a period of nine months beginning with the day on which the relevant event occurs;
 - (d) the applicant is applying for the grant payable under regulation 27, in which case the application must reach the Secretary of State as soon as reasonably practicable; or
 - (e) the Secretary of State considers that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the Secretary of State not later than the date she specifies.
- (3) The events referred to in paragraph (2)(c) are—
- (a) the applicant’s spouse, civil partner or parent—
 - (i) is recognised as a refugee; or
 - (ii) becomes a person with leave to enter or remain as described in paragraph 1 of Part 1 of Schedule 1;
 - (b) a state accedes to the European Community and the applicant is a national of that state or a family member of a person who is a national of that state;
 - (c) the applicant becomes a family member of an EC national;
 - (d) the applicant becomes a person described in paragraph 6(1)(a)(iii) or (vi) of Part 2 of Schedule 1; or
 - (e) the applicant becomes the child of a Swiss national.

Commencement Information

I16 Reg. 16 in force at 30.4.2006, see [reg. 1](#)

Information

17. Every applicant and eligible student must, as soon as reasonably practicable after he is requested to do so, provide the Secretary of State with such information as the Secretary of State considers she requires for the purposes of these Regulations.

18. Every applicant and eligible student must immediately inform the Secretary of State and provide her with particulars if—

- (a) he withdraws from, abandons or is expelled from his course;
- (b) he transfers to another course at the same European Institution;
- (c) he ceases to attend his course and does not intend to or is not permitted to continue it for the remainder of the academic year;
- (d) he is absent from his course for more than 60 days due to illness or for any period for any other reason;
- (e) the month for the start or the completion of the course changes;
- (f) his home or term-time address changes.

19. Information provided to the Secretary of State pursuant to these Regulations must be in the format required by the Secretary of State and, if the Secretary of State requires the information to

be signed by the person providing it, an electronic signature in such form as the Secretary of State may specify satisfies this requirement.

Commencement Information

- I17** Reg. 17 in force at 30.4.2006, see [reg. 1](#)
- I18** Reg. 18 in force at 30.4.2006, see [reg. 1](#)
- I19** Reg. 19 in force at 30.4.2006, see [reg. 1](#)

PART 4

FINANCIAL SUPPORT

General

20.—(1) Subject to paragraph (2), the general rule is that—

- (a) an eligible student who is attending a designated course provided by the Bologna Center (“Bologna Center student”) qualifies for support in connection with an academic year of that course in accordance with the provisions of Chapter 1;
- (b) an eligible student who is attending a designated course provided by the College of Europe (“College of Europe student”) qualifies in connection with an academic year of that course for—
 - (i) a grant for fees and grants for living and other costs in accordance with Chapter 2; and
 - (ii) supplementary grants in accordance with Chapter 4; and
- (c) an eligible student who is attending a designated course provided by the Institute (“Institute student”) qualifies in connection with an academic year for—
 - (i) grants for living and other in accordance with Chapter 3; and
 - (ii) supplementary grants in accordance with Chapter 4.

(2) If the academic year in respect of which the eligible student has applied for support is a year of repeat study the Secretary of State may determine that—

- (a) the student does not qualify for a particular type or amount of support in respect of the year of repeat study; or
- (b) that student does not qualify for any support in respect of the year of repeat study.

(3) In determining whether an eligible student should not qualify for some or any support in accordance with paragraph (2) the Secretary of State shall have regard to the circumstances of the case and in particular the reasons for which the student has been required to repeat an academic year.

(4) For the purposes of this regulation, “year of repeat study” means an academic year which the student has previously attended but is required by the relevant European Institution to attend again.

Commencement Information

- I20** Reg. 20 in force at 30.4.2006, see [reg. 1](#)

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CHAPTER 1

GRANTS FOR FEES FOR BOLOGNA CENTER STUDENTS

Grant for fees

21.—(1) A Bologna Center student qualifies for a grant for fees in respect of an academic year of the current course calculated in accordance with paragraph (2).

(2) Subject to paragraph (3), the amount of grant for fees payable in respect of an academic year is the aggregate amount of fees payable by the student in respect of, or otherwise in connection with, his attendance on the course during that academic year.

(3) Despite paragraph (2), the grant for fees payable under this regulation shall not exceed 22,700 euro.

Commencement Information

I21 Reg. 21 in force at 30.4.2006, see [reg. 1](#)

CHAPTER 2

GRANTS FOR COLLEGE OF EUROPE STUDENTS

Grant for fees

22.—(1) A College of Europe student qualifies for a grant for fees in respect of an academic year of the current course calculated in accordance with paragraph (2).

(2) Subject to paragraph (3), the amount of grant for fees payable in respect of an academic year is the aggregate amount of fees payable by the student in respect of, or otherwise in connection with, his attendance on the current course during that academic year.

(3) Despite paragraph (2), the amount of grant for fees shall not exceed—

- (a) in respect of the current academic year, 9,450 euro; and
- (b) in respect of any other academic year, 10,250 euro.

Commencement Information

I22 Reg. 22 in force at 30.4.2006, see [reg. 1](#)

Grants for living and other costs

23.—(1) Subject to paragraph (2), a College of Europe Student qualifies in respect of an academic year for the grants for living and other costs specified in and calculated in accordance with paragraphs (3) to (7).

(2) A College of Europe student does not qualify for any of the grants payable under this regulation if paragraph 9 of Part 2 of Schedule 1 is the only paragraph of Part 2 of that Schedule into which the student falls.

(3) A College of Europe student qualifies for a grant for living costs of an amount equal to the sum of **(A + B)** where—

- (a) in respect of the current academic year—
 - (i) **A** is £2,233.22; and

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- (ii) **B** is £45.58 for each week, including a week during which the student is required to attend the College for less than 5 days, that the student is required to attend the College in excess of 30 weeks and 3 days; and
- (b) in respect of any other academic year—
 - (i) **A** is £2,290; and
 - (ii) **B** is £47 for each week, including a week during which the student is required to attend the College for less than 5 days, that the student is required to attend the College in excess of 30 weeks and 3 days.
- (4) A College of Europe student qualifies for a grant for board and lodging of 6,000 euro.
- (5) A College of Europe student qualifies for a grant for travel home of an amount equal to **(A – B)** where—
 - A** is the amount determined by the Secretary of State to be the cost of three return journeys from the student’s home address to the College; and
 - B** is—
 - (i) in respect of the current academic year, £93; and
 - (ii) in respect of any other academic year, £95.
- (6) A College of Europe student qualifies for a grant for college travel of such amount as the Secretary of State determines to be the reasonable cost of travel from the student’s residence whilst attending the College to the College.
- (7) A College of Europe student qualifies for a grant for research travel of such amount as the Secretary of State determines to be the reasonable cost of travel incurred for the purposes of completing periods of research authorised by the College during the academic year in respect of which support is being applied for.
- 24. A deduction may be made in accordance with Part 5 from the amount payable in respect of any of the grants calculated in accordance with regulation 23.

Commencement Information

- I23** Reg. 23 in force at 30.4.2006, see [reg. 1](#)
- I24** Reg. 24 in force at 30.4.2006, see [reg. 1](#)

CHAPTER 3

GRANTS FOR INSTITUTE STUDENTS

Grants for living and other costs.

- 25.—(1) Subject to paragraphs (2) and (3), an Institute student qualifies in respect of an academic year for the grants for living and other costs specified in and calculated in accordance with paragraphs (4) to (8).
- (2) An Institute student does not qualify for any of the grants payable under this regulation if paragraph 9 of Part 2 of Schedule 1 is the only paragraph of Part 2 of that Schedule into which the student falls.
- (3) An Institute student does not qualify for the grant payable under paragraph (8) if the ordinary duration of the designated course in connection with which he has been determined to be an eligible student is one academic year or less.
- (4) An Institute student qualifies for a grant for living costs—

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- (a) in respect of the current academic year, of 12,760 euro; and
- (b) in any other case, of 12,840 euro.

(5) An Institute student qualifies for a grant for travel home of the amount determined by the Secretary of State to be the reasonable cost of one return journey from the student's home address to the Institute;

(6) An Institute student qualifies for a grant for college travel of the amount determined by the Secretary of State to be the reasonable cost of travel from the student's residence whilst attending the Institute to the Institute.

(7) An Institute student qualifies for a grant for research travel of the amount determined by the Secretary of State to be the reasonable cost of travel incurred for the purposes of completing periods of research authorised by the Institute during the academic year in respect of which support is being applied for.

(8) An Institute student qualifies for a grant for medical insurance of the amount determined by the Secretary of State to be the reasonable cost of insuring the student against liability for the cost of medical treatment provided outside the United Kingdom where the ordinary duration of the course is more than one academic year.

26. A deduction may be made in accordance with Part 5 from the amount payable in respect of any of the grants calculated under paragraphs (4) to (7) of regulation 25.

Commencement Information

- I25** Reg. 25 in force at 30.4.2006, see [reg. 1](#)
- I26** Reg. 26 in force at 30.4.2006, see [reg. 1](#)

CHAPTER 4

SUPPLEMENTARY GRANTS

Disabled students' allowance – qualifying conditions

27.—(1) Subject to paragraph (2), a College of Europe student or an Institute student qualifies for a disabled students' allowance to assist with the additional expenditure which the Secretary of State is satisfied that he is obliged to incur by reason of a disability to which he is subject in respect of his attendance at a designated course.

(2) A College of Europe student or an Institute student does not qualify for a disabled students' allowance if paragraph 9 of Part 2 of Schedule 1 is the only paragraph of Part 2 of that Schedule into which the student falls.

Commencement Information

- I27** Reg. 27 in force at 30.4.2006, see [reg. 1](#)

Amount of disabled students' allowance

28.—(1) Subject to paragraph (2), the amount of the disabled student's allowance is the amount that the Secretary of State considers appropriate in accordance with the student's circumstances.

- (2) The amount of disabled students' allowance must not exceed—
 - (a) in respect of the current academic year—

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- (i) £11,840 in respect of the academic year for expenditure on a non-medical personal helper;
 - (ii) £4,680 in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;
 - (iii) any additional expenditure incurred—
 - (aa) in the country where the relevant institution is located for the purpose of attending the institution; and
 - (bb) within or outside the United Kingdom for the purpose of travelling to the relevant institution in order to attend the relevant course;
 - (iv) £1,565 in respect of the academic year for any other expenditure including expenditure incurred for the purposes referred to in paragraph (i) or (ii) which exceeds the specified maxima;
- (b) in respect of any other academic year—
- (i) £12,135 in respect of an academic year for expenditure on a non-medical personal helper;
 - (ii) £4,795 in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;
 - (iii) any additional expenditure incurred—
 - (aa) in the country where the relevant institution is located for the purpose of attending the institution; and
 - (bb) within or outside the United Kingdom for the purpose of travelling to the relevant institution in order to attend the relevant course;
 - (iv) £1,605 in respect of an academic year for any other expenditure including expenditure incurred for the purposes referred to paragraph (i) or (ii) which exceeds the specified maxima.

Commencement Information

I28 Reg. 28 in force at 30.4.2006, see [reg. 1](#)

Grant for dependants

29.—(1) The grant for dependants consists of the following elements—

- (a) adult dependants' grant; and
- (b) parents learning allowance.

(2) The qualifying conditions for each element and the amounts payable are set out in regulations 30 to 33.

Commencement Information

I29 Reg. 29 in force at 30.4.2006, see [reg. 1](#)

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Adult dependants' grant

30.—(1) Subject to paragraph (3), a College of Europe Student or an Institute student qualifies for an adult dependants' grant in connection with his attendance on a designated course in accordance with this regulation.

- (2) The adult dependants' grant is available in respect of—
- (a) the student's partner; or
 - (b) an adult dependant of the student whose net income does not exceed—
 - (i) in respect of the current academic year, £3,345;
 - (ii) in respect of any other academic year, £3,530.

(3) A College of Europe student or an Institute student does not qualify for the grant payable under this regulation if paragraph 9 of Part 2 of Schedule 1 is the only paragraph of Part 2 of that Schedule into which the student falls.

31.—(1) The amount of adult dependants' grant payable in respect of an academic year is calculated in accordance with regulation 33, the basic amount being—

- (a) in respect of the current academic year, £2,395; and
- (b) in respect of any other academic year—
 - (i) £2,455; or
 - (ii) where the person in respect of whom the student is applying for adult dependants' grant is ordinarily resident outside of the United Kingdom, such amount not exceeding £2,455 as the Secretary of State considers reasonable in the circumstances.

Commencement Information

I30 Reg. 30 in force at 30.4.2006, see [reg. 1](#)

I31 Reg. 31 in force at 30.4.2006, see [reg. 1](#)

Parents' learning allowance

32.—(1) Subject to paragraph (2), a College of Europe student or an Institute student qualifies in connection with his attendance on a designated course for the parents' learning allowance if he has one or more dependent children.

(2) A College of Europe student or an Institute student does not qualify for the grant payable under this regulation if paragraph 9 of Part 2 of Schedule 1 is the only paragraph of Part 2 of that Schedule into which the student falls.

(3) The amount of parents' learning allowance payable in respect of an academic year is calculated in accordance with regulation 33, the basic amount being—

- (a) in respect of the current academic year, £1,365;
- (b) in respect of any other academic year, £1,400.

Commencement Information

I32 Reg. 32 in force at 30.4.2006, see [reg. 1](#)

Calculations

33.—(1) Subject to the following paragraphs, the amount payable in respect of a particular element of the grant for dependants for which the College of Europe student or Institute student qualifies under regulations 29 to 32 is the amount of that element remaining after applying, until it is extinguished or no element remains payable under regulations 29 to 32, an amount equal to **(A – B)** as follows and in the following order—

- (a) to reduce the basic amount of the adult dependants' grant where the student qualifies for that element under regulation 30; and
- (b) to reduce the basis amount of parents' learning allowance where the student qualifies for that element under regulation 32.

(2) Subject to paragraphs (4) and (5), where **B** is greater than or equal to **A**, the basic amount of each element of the grant for dependants for which the student qualifies is payable.

(3) Where **(A – B)** is equal to or exceeds the aggregate of the basic amounts of the elements of the grant for dependants for which the eligible student qualifies, the amount payable in respect of each element is nil.

(4) The amount of adult dependants' grant calculated under paragraph (1) is reduced by one half where—

- (a) the student's partner—
 - (i) is an eligible student; or
 - (ii) holds a statutory award; and
- (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which he is entitled under the statutory award.

(5) Where the amount of the parents' learning allowance calculated under paragraph (1) is £0.01 or more but less than £50, the amount of parents' learning allowance payable is £50.

(6) For the purposes of this regulation—

- (a) in respect of the current academic year—

A is the aggregate of the net income of each of the eligible student's dependants; and

B is £1,050 where the student has no dependent children;

£3,145 where the student is not a lone parent and has one dependent child;

£4,195 where the student is not a lone parent and has more than one dependent child;

£4,195 where the student is a lone parent and has one dependent child;

£5,250 where the student is a lone parent and has more than one dependent child;

- (b) in respect of any other academic year—

A is the aggregate of the net income of each of the eligible student's dependants; and

B is £1,075 where the student has no dependent children;

£3,225 where the student is not a lone parent and has one dependent child;

£4,300 where the student is not a lone parent and has more than one dependent child;

£4,300 where the student is a lone parent and has one dependent child;

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£5,380 where the student is a lone parent and has more than one dependent child.

34. A deduction may be made in accordance with Part 5 from the amount payable in respect of a particular element of the grant for dependants calculated in accordance with regulations 30 to 33.

Commencement Information

I33 Reg. 33 in force at 30.4.2006, see [reg. 1](#)

I34 Reg. 34 in force at 30.4.2006, see [reg. 1](#)

Interpretation

35.—(1) For the purposes of regulations 30 to 33—

- (a) “adult dependant” means, in relation to a student, an adult person dependent on the student other than his child, his partner (including a spouse or civil partner from whom the Secretary of State considers the student is separated) or his former partner;
- (b) “child” in relation to a student includes any child of his partner who is dependent on him and any child for whom he has parental responsibility who is dependent on him;
- (c) “dependant” means, in relation to a student, his partner, his dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;
- (d) “dependent” means wholly or mainly financially dependent;
- (e) “lone parent” means a student who does not have a partner and who has a dependent child or dependent children;
- (f) “net income” has the meaning given in paragraph (2);
- (g) subject to sub-paragraphs (h), (i) and (j), “partner” means any of the following—
 - (i) the spouse of a student;
 - (ii) the civil partner of a student;
 - (iii) a person ordinarily living with a student as if he were his spouse where that student—
 - (aa) was aged 25 or over at the start of the academic year in respect of which the student’s contribution falls to be assessed; and
 - (bb) started the designated course on or after 1st September 2000;
 - (iv) a person ordinarily living with a student as if he were his civil partner where that student—
 - (aa) was aged 25 or over at the start of the academic year in respect of which the student’s contribution falls to be assessed; and
 - (bb) started the designated course on or after 1st September 2005;
- (h) unless otherwise indicated, a person who would otherwise be a partner under sub-paragraph (g) is not to be treated as a partner if—
 - (i) in the opinion of the Secretary of State, that person and the student are separated; or
 - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the student;
- (i) for the purposes of the definition of “adult dependant”, a person is to be treated as a partner if he would be a partner under sub-paragraph (g) but for the fact that the student

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with whom is living was not aged 25 or over at the start of the academic year in respect of which the student's contribution falls to be assessed;

- (j) for the purposes of the definitions of "child" and "lone parent", a person is to be treated as a partner if he would be a partner under sub-paragraph (g) but for the date on which the student began the designated course or the fact that the student with whom he is ordinarily resident was not aged 25 or over at the start of the academic year in respect of which the student's contribution falls to be assessed.

(2) Subject to paragraph (3), a dependant's net income is his income from all sources for the academic year in question reduced by the amount of income tax and social security contributions payable in respect of it but disregarding—

- (a) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the dependant is subject;
- (b) child benefit payable under Part IX of the Social Security Contributions and Benefits Act 1992⁽⁸⁾;
- (c) any financial support payable to the dependant by a local authority in accordance with regulations made under sections 2, 3 and 4 of the Adoption and Children Act 2002⁽⁹⁾;
- (d) any guardian's allowance to which the dependant is entitled under section 77 of the Social Security Contributions and Benefits Act 1992;
- (e) in the case of a dependant with whom a child being looked after by a local authority is boarded out, any payment made to that dependant in purpose of section 23 of the Children Act 1989⁽¹⁰⁾;
- (f) any payments made to the dependant under section 15 of and Schedule 1 to the Children Act 1989 in respect of a person who is not the dependant's child or any assistance given by a local authority pursuant to section 24 of that Act; and
- (g) any child tax credit to which the dependant is entitled under Part 1 of the Tax Credits Act 2002.

(3) Where a student or his partner makes any recurrent payments which were previously made by the student in pursuance of an obligation incurred before the first academic year of the student's course, the partner's net income is net income calculated in accordance with paragraph (2) reduced by—

- (a) an amount equal to the payments in question for the academic year, if in the opinion of the Secretary of State the obligation has been reasonably incurred; or
- (b) such lesser amount, if any, as the Secretary of State considers appropriate if, in her opinion, a lesser obligation could reasonably have been incurred.

(4) For the purposes of paragraph (2), where—

- (a) the dependant is a dependent child;
- (b) the relevant academic year is a new academic year; and
- (c) payments are made to the student towards the child's maintenance;

those payments are to be treated as the child's income.

Commencement Information

I35 Reg. 35 in force at 30.4.2006, see [reg. 1](#)

⁽⁸⁾ 1992 c. 4.

⁽⁹⁾ 2002 c. 38.

⁽¹⁰⁾ 1989 c. 41. Section 23 was amended by the Children Act 2004 (c. 31), section 49(3).

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PART 5

CONTRIBUTIONS

Student's contribution

36.—(1) A College of Europe student or Institute student's contribution in respect of an academic year is the amount, if any, calculated under Schedule 2.

(2) For the purposes of the exercise of the Secretary of State's functions under these Regulations she may require a student to provide from time to time such information as she requires in order to assess the student's contribution.

Commencement Information

I36 Reg. 36 in force at 30.4.2006, see [reg. 1](#)

Application of the student's contribution

37.—(1) The contribution calculated in accordance with regulation 36 shall be applied—

- (a) in the case of a College of Europe student in accordance with regulation 38; and
- (b) in the case of an Institute student in accordance with regulation 39.

38.—(1) In the case of a College of Europe student, the Secretary of State must apply the student's contribution—

- (a) first, to reduce the amount of grant for living costs calculated under regulation 23(3);
- (b) second—
 - (i) in the case of a student who is eligible for the grant for dependants, to reduce—
 - (aa) first, the amount of grant for dependants calculated in accordance with regulation 33; and
 - (bb) second, the amount of grant for board and lodging calculated in accordance with regulation 23(4);
 - (ii) in any other case, the amount of grant for board and lodging calculated under regulation 23(4);
- (c) third, to reduce the amount of grant for travel home calculated in accordance with regulation 23(5);
- (d) fourth, to reduce the amount of grant for college travel calculated in accordance with regulation 23(6);
- (e) fifth, subject to paragraph (2), to reduce the amount of grant for research travel calculated in accordance with regulation 23(7).

(2) Where the contribution available to reduce the amount of grant for research travel in accordance with paragraph (1)(e) exceeds the amount of that grant calculated under regulation 23(7), the amount of that grant payable to the student is nil.

39.—(1) In the case of an Institute student, the Secretary of State must apply the student's contribution—

- (a) first, to reduce the amount of grant for living costs calculated in accordance with regulation 25(4);

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- (b) second—
- (i) in the case of a student who is eligible for the grant for dependants, to reduce—
 - (aa) first, the amount of grant for dependants calculated in accordance with regulation 33;
 - (bb) second, the amount of grant for travel home calculated in accordance with regulation 25(5); and
 - (cc) third, the amount of grant for college travel calculated in accordance with regulation 25(6);
 - (ii) in any other case, to reduce the amount of grant for college travel calculated in accordance with regulation 25(6);
 - (c) third, subject to paragraph (2), to reduce the amount of grant for research travel calculated in accordance with regulation 25(7).
- (2) Where the contribution available to reduce the amount of grant for research travel in accordance with paragraph (1)(c) exceeds the amount of that grant calculated under regulation 26(7), the amount of that grant payable to the student is nil.

Commencement Information

- I37** Reg. 37 in force at 30.4.2006, see [reg. 1](#)
- I38** Reg. 38 in force at 30.4.2006, see [reg. 1](#)
- I39** Reg. 39 in force at 30.4.2006, see [reg. 1](#)

PART 6

PAYMENTS

Payment of grant for fees

40.—(1) The Secretary of State must not pay the grant for fees for which a student qualifies until she has received a valid request for payment from the academic authority.

(2) The Secretary of State may make the payments of the grant for fees to the academic authority in such instalments and at such times as she considers to be appropriate.

Commencement Information

- I40** Reg. 40 in force at 30.4.2006, see [reg. 1](#)

Payment of grants for living and other costs and supplementary grants

41.—(1) The Secretary of State may pay the grants for living and other costs and the supplementary grants for which a student qualifies in such instalments and at such times as she considers appropriate.

(2) The Secretary of State may, if she considers it appropriate to do so, pay the grant payable under regulation 23(4) or regulation 25(4) to the relevant academic authority for the authority to pay the relevant grant on her behalf.

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(3) Where a final assessment of the amount of grants for living and other costs or supplementary grants payable to a student cannot be made on the basis of the information provided by the student, the Secretary of State may make provisional payments of those grants pending the final assessment.

(4) The Secretary of State may, if she considers it appropriate to do so, make a payment of disabled students' allowance before the start of the academic year in respect of which that payment is due.

(5) The Secretary of State must not make any payments of support to a student who has withdrawn from, abandoned or been expelled from his course after the date on which he withdraws from, abandons or is expelled from his course unless she considers it appropriate to do so taking into account the circumstances of the student's case.

(6) The Secretary of State must not make any payments of support to a student who is absent from his course—

- (a) for more than 60 days due to illness; or
- (b) for any period for any other reason,

unless she considers that it is appropriate to do so taking into account the circumstances of the student's case.

Commencement Information

I41 Reg. 41 in force at 30.4.2006, see [reg. 1](#)

Overpayments

42.—(1) The Secretary of State may recover any overpayment of grant for fees from the academic authority.

(2) An eligible student shall, if required to do so by the Secretary of State, repay any amount paid to that student under Part 4 which for whatever reason exceeds the amount of support to which he is entitled under Part 4.

Commencement Information

I42 Reg. 42 in force at 30.4.2006, see [reg. 1](#)

28th March 2006

Bill Rammell
Minister of State
Department for Education and Skills

Status:

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Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 1 para. 1 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 1 para. 2 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 1 para. 3 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 1 para. 4 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 1 para. 5 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 1 para. 6 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 1 para. 7 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 1 para. 8 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 1 para. 9 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 1 para. 10 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 1 para. 11 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 1 para. 1(6)(a) words substituted by [S.I. 2006/1785 reg. 7](#)
- Sch. 2 para. 1 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 2 para. 2 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 2 para. 3 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 2 para. 4 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 2 para. 5 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 2 para. 6 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 2 para. 7 coming into force by [S.I. 2006/953 reg. 1](#)
- Sch. 2 para. 8 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 1 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 2 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 2 words omitted by [S.I. 2006/1785 reg. 3\(a\)](#)
- reg. 2 words substituted by [S.I. 2006/1785 reg. 3\(b\)](#)
- reg. 3 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 4 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 5 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 6 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 7 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 8 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 8(4) words substituted by [S.I. 2006/1785 reg. 4](#)
- reg. 9 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 10 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 11 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 12 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 13 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 14 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 15 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 16 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 17 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 18 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 19 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 20 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 21 coming into force by [S.I. 2006/953 reg. 1](#)
- reg. 21(3) sum substituted by [S.I. 2006/1785 reg. 5](#)
- reg. 22 coming into force by [S.I. 2006/953 reg. 1](#)

- reg. 23 coming into force by S.I. 2006/953 reg. 1
- reg. 24 coming into force by S.I. 2006/953 reg. 1
- reg. 25 coming into force by S.I. 2006/953 reg. 1
- reg. 25(4)(b) sum substituted by S.I. 2006/1785 reg. 6
- reg. 26 coming into force by S.I. 2006/953 reg. 1
- reg. 27 coming into force by S.I. 2006/953 reg. 1
- reg. 28 coming into force by S.I. 2006/953 reg. 1
- reg. 29 coming into force by S.I. 2006/953 reg. 1
- reg. 30 coming into force by S.I. 2006/953 reg. 1
- reg. 31 coming into force by S.I. 2006/953 reg. 1
- reg. 32 coming into force by S.I. 2006/953 reg. 1
- reg. 33 coming into force by S.I. 2006/953 reg. 1
- reg. 34 coming into force by S.I. 2006/953 reg. 1
- reg. 35 coming into force by S.I. 2006/953 reg. 1
- reg. 36 coming into force by S.I. 2006/953 reg. 1
- reg. 37 coming into force by S.I. 2006/953 reg. 1
- reg. 38 coming into force by S.I. 2006/953 reg. 1
- reg. 39 coming into force by S.I. 2006/953 reg. 1
- reg. 40 coming into force by S.I. 2006/953 reg. 1
- reg. 41 coming into force by S.I. 2006/953 reg. 1
- reg. 42 coming into force by S.I. 2006/953 reg. 1