
WELSH STATUTORY INSTRUMENTS

2006 No. 1794 (W.189)

EDUCATION, WALES

**The Assembly Learning Grants (European
Institutions) (Wales) Regulations 2006**

Made - - - - 5 July 2006

Coming into force - - 7 July 2006

The National Assembly for Wales, in exercise of the powers in sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998 Act 1998(1), makes the following Regulations:

PART 1

GENERAL

Title, commencement, application and interpretation

1. The title of these Regulations is the Assembly Learning Grants (European Institutions) (Wales) Regulations 2006 and they come into force on 7 July 2006.

2. These Regulations apply in relation to Wales.

3.—(1) In these Regulations—

“1998 Act” (“*Deddf 1998*”) means the Teaching and Higher Education Act 1998;

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

“academic authority” (“*awdurdod academaidd*”) 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” (“*Coleg*”) means the College of Europe;

(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), sections 42 and 43 and Schedule 7. 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.

“current academic year” (“*blwyddyn academaidd gyfredol*”) means the academic year beginning on or after 1 September 2005 but on or before 31 August 2006;

“current course” (“*cwrs cyfredol*”) means the designated course in respect of which a person is applying for support;

“current Directive student” (“*myfyriwr Cyfarwyddeb cyfredol*”) means a Directive student who began the current course before 1 September 2006;

“current student” (“*myfyriwr cyfredol*”) means a student who—

- (a) began the current course before 1 September 2006;
- (b) had been determined to be eligible for support in connection with his or her attendance on that course before 7 July 2006 pursuant to regulations under the 1998 Act; and
- (c) was ordinarily resident in Wales immediately before the moving date;

“Directive student” (“*myfyriwr Cyfarwyddeb*”) means a person who—

- (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 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” (“*myfyriwr cymwys*”) has the meaning given by regulation 11;

“European Community” (“*y Gymuned Ewropeaidd*”) means the territory comprised by the Member States of the European Community as constituted from time to time;

“European institution” (“*sefydliad Ewropeaidd*”) means—

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

“grants for living and other costs” (“*grantiau at gostau byw a chostau eraill*”) means the grants payable under regulations 23 or 25;

“Institute” (“*Sefydliad*”) means the European University Institute;

“moving date” (“*dyddiad symud*”) 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 or she 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” (“*blwyddyn academaidd newydd*”) means an academic year beginning on or after 1 September 2006;

“new student” (“*myfyriwr newydd*”) except in Schedule 2 means a student who—

- (a) begins the current course on or after 1 September 2006 but on or before 31 August 2007;

(b) has been determined to be eligible for support in connection with his or her attendance on that course pursuant to the 2000 Regulations before 7 July 2006; and

(c) is ordinarily resident in Wales;

“next academic year” (“*blwyddyn academaidd nesaf*”) means the academic year beginning on or after 1 September 2006 but on or before 31 August 2007;

“refugee” (“*ffoadur*”) 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 28 July 1951(3) as extended by the Protocol which entered into force on 4 October 1967(4);

“statutory award” (“*dyfarniad statudol*”) 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” (“*y ddeddfwriaeth ar fenthyciadau i fyfyrwyr*”) 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” (“*grantiau atodol*”) means the grants payable under Chapter 4 of Part 4.

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

(2) Where these Regulations refer to a determination made (or not made) or other thing done (or not done) by the National Assembly, then, in relation to any time before the transfer to the National Assembly of the function of making the determination or the doing of the thing when the function in question was a function of the Secretary of State under the 2000 Regulations, the reference to the National Assembly is to be read as a reference to the Secretary of State(6).

Revocation, saving and transitional provisions

4. The 2000 Regulations, the Education (Student Support) (European Institutions) (Amendment) Regulations 2001(7) and the Education (Student Support) (European Institutions) (Amendment) (No. 2) Regulations 2001(8) are revoked in relation to Wales.

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

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

(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).

(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) 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: see the Higher Education Act 2004 (Commencement No.2 and Transitional Provision) Order 2004, S.I. 2004/1833 (W.149).

(7) S.I. 2001/563.

(8) S.I. 2001/2892.

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 by the National Assembly under these Regulations.

(2) Subject to paragraph (3), the National Assembly 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 National Assembly 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 or her under the 2000 Regulations.

(4) A current student may apply under these Regulations for support in connection with the current academic year if he or she had not applied for support under the 2000 Regulations before 7 July 2006.

8.—(1) Where before 7 July 2006—

- (a) a current student or a prospective student applied for support under the 2000 Regulations in respect of the next academic year; and
- (b) no determination had been made, if relevant, as to whether the student was eligible for support in connection with his or her attendance on the current course or as to 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 7 July 2006 is to be treated as a payment made or to be made under these Regulations.

(3) Subject to paragraph (4), the National Assembly may reassess, in accordance with these Regulations, the amount of support determined before 7 July 2006 to be payable to a current student or a new student in respect of the next academic year.

(4) Where the National Assembly 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 or her 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 7 July 2006; but
- (c) in respect of whom no decision as to his or her eligibility for support in connection with the current course had been made before 7 July 2006.

9.—(1) If before 7 July 2006 a determination had been made 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 or her attendance on a course designated for the purpose of regulation 4 of the 2000 Regulations—

- (a) that person’s application may be treated as an application for support made under and in accordance with these Regulations; and
- (b) a determination may accordingly be made, in accordance with these Regulations, as to whether the applicant is an eligible student and if so, the amount of support (if any) payable to him or her in respect of—

- (i) in the case of a person who started his or her 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 or her 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.

PART 2

ELIGIBILITY

Eligible students

11.—(1) An eligible student qualifies for financial support in connection with his or her 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 National Assembly has determined that—

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

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

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

(4) Paragraph (3)(a) does not apply where the person has attended a qualifying course but the National Assembly has determined that having regard to the particular circumstances of that person's case it is appropriate to pay him or her 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 25 September 1991; and
- (b) with the concurrence of the borrower's curator or at a time when he or she had no curator.

(7) An eligible student in respect of whom the first academic year of the course begins on or after 1 September 2000 may 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 or she is—
 - (i) a current student ; or
 - (ii) a new student; and
- (b) no determination was made before 7 July 2006 that he or she 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 or her attendance on the course by reason of a disability to which he or she is or was subject for at least two academic years of the course.

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.

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 or her designated course in circumstances in which the National Assembly will not transfer his or her status as an eligible student in accordance with regulation 14; or
 - (b) abandons or is expelled from his or her designated course.

(3) The National Assembly may terminate the student's period of eligibility if it is satisfied that the conduct of the student has shown that he or she is 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 National Assembly may, at any time, extend or renew the period of eligibility for such period as it determines.

(5) If the National Assembly 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 National Assembly 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.

Transfer of eligibility

14.—(1) Where an eligible student transfers to another designated course at the same European institution, the National Assembly must transfer the student's status as an eligible student where—

- (a) it receives a request from the eligible student to do so;
- (b) it 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) is to receive in connection with the academic year of the course to which he or she transfers the remainder of the support assessed by the National Assembly in respect of the academic year of the course from which he or she transfers.

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

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 National Assembly an application in such form and accompanied by such documentation as the National Assembly may require.

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

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

Time limits

16.—(1) The general rule is that the application must reach the National Assembly by 31 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 National Assembly no later than 30 January 2007;
- (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 National Assembly no later than 30 January 2007;
- (c) one of the events described in paragraph (3) occurs, in which case the application must reach the National Assembly 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 National Assembly as soon as reasonably practicable; or
- (e) the National Assembly 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 National Assembly not later than the date it 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.

Information

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

18. Every applicant and eligible student must immediately inform the National Assembly and provide the Assembly with particulars if—

- (a) he or she withdraws from, abandons or is expelled from the course;
- (b) he or she transfers to another course at the same European Institution;
- (c) he or she ceases to attend the course and does not intend to or is not permitted to continue it for the remainder of the academic year;
- (d) he or she is absent from the 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 or her home or term-time address changes.

19. Information provided to the National Assembly pursuant to these Regulations must be in the format required by the Assembly and, if the Assembly requires the information to be signed by the person providing it, an electronic signature in such form as it may specify satisfies this requirement.

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 costs 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 National Assembly 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 National Assembly must 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.

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 or her attendance on the course during that academic year.
- (3) Despite paragraph (2), the grant for fees payable under this regulation is not to exceed 22,700 euro.

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 or her attendance on the current course during that academic year.
- (3) Despite paragraph (2), the amount of grant for fees is not to exceed—
 - (a) in respect of the current academic year, 9,450 euro; and
 - (b) in respect of any other academic year, 10,250 euro.

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

(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—

(iii) **A** is £2,290; and

(iv) **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 National Assembly 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 National Assembly 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 National Assembly 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.

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 the student 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—
- (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 National Assembly 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 National Assembly 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 National Assembly 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 National Assembly 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.

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 National Assembly is satisfied that the student is obliged to incur by reason of a disability to which he or she is subject in respect of his or her 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.

Amount of disabled students' allowance

28.—(1) Subject to paragraph (2), the amount of the disabled student's allowance is the amount that the National Assembly 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—
 - (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.

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.

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 or her 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 National Assembly considers reasonable in the circumstances.

Parents' learning allowance

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

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 basic 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 or she 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;

£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.

Interpretation

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

- (a) “adult dependant” (“*dibynnydd mewn oed*”) means, in relation to a student, an adult person dependent on the student other than his or her child, his or her partner (including a spouse or civil partner from whom the National Assembly considers the student is separated) or his or her former partner;
- (b) “child” (“*plentyn*”) in relation to a student includes any child of the student's partner who is dependent on the student and any child for whom the student has parental responsibility who is dependent on him or her;
- (c) “dependant” (“*dibynnydd*”) means, in relation to a student, the student's partner, his or her dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;
- (d) “dependent” (“*dibynnol*”) means wholly or mainly financially dependent;
- (e) “lone parent” (“*rhiant unigol*”) means a student who does not have a partner and who has a dependent child or dependent children;
- (f) “net income” (“*incwm net*”) has the meaning given in paragraph (2);
- (g) subject to sub-paragraphs (h), (i) and (j), “partner” (“*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 that person were his or her 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 1 September 2000;
 - (iv) a person ordinarily living with a student as if that person were his or her 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 1 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 National Assembly, 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 the person would be a partner under sub-paragraph (g) but for the fact that the student with whom he or she 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 the person 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 or she 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 or her 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⁽⁹⁾;
 - (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⁽¹⁰⁾;
 - (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 for the purposes of section 23 of the Children Act 1989⁽¹¹⁾;
 - (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 or her 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 National Assembly the obligation has been reasonably incurred; or

⁽⁹⁾ 1992 c. 4.

⁽¹⁰⁾ 2002 c. 38.

⁽¹¹⁾ 1989 c. 41. Section 23 was amended by the Children Act 2004 (c. 31), section 49(3).

- (b) such lesser amount, if any, as the National Assembly considers appropriate if, in its 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.

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 National Assembly's functions under these Regulations the Assembly may require a student to provide from time to time such information as it requires in order to assess the student's contribution.

Application of the student's contribution

37.—(1) The contribution calculated in accordance with regulation 36 must 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 National Assembly 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 National Assembly must apply the student's contribution—

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

(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.

PART 6

PAYMENTS

Payment of grant for fees

40.—(1) The National Assembly must not pay the grant for fees for which a student qualifies until it has received a valid request for payment from the academic authority.

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

Payment of grants for living and other costs and supplementary grants

41.—(1) The National Assembly 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 it considers appropriate.

(2) The National Assembly may, if it 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 its behalf.

(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 National Assembly may make provisional payments of those grants pending the final assessment.

(4) The National Assembly may, if its 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 National Assembly must not make any payments of support to a student who has withdrawn from, abandoned or been expelled from the course after the date on which the student

withdraws from, abandons or is expelled from the course unless it considers it appropriate to do so taking into account the circumstances of the student's case.

(6) The National Assembly must not make any payments of support to a student who is absent from the course—

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

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

Overpayments

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

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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(12)

5 July 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

SCHEDULE 1

Regulation 11

ELIGIBLE STUDENTS

PART 1

Interpretation

1.—(1) For the purposes of this Schedule—

“Directive 2004/38” (“*Cyfarwyddeb 2004/38*”) means Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

“EC national” (“*gwladolyn o'r GE*”) means a national of a Member State of the European Community;

“EEA frontier self-employed person” (“*person hunangyflogedig ffin yr EEA*”) has the meaning given by sub-paragraph (2);

“EEA frontier worker” (“*gweithiwr ffin yr EEA*”) has the meaning given by sub-paragraph (3);

“EEA migrant worker” (“*gweithiwr mudol o'r EEA*”) means an EEA national who is or, in the case of an EEA national who applies for support after the moving date, was a worker, other than an EEA frontier worker, in the United Kingdom;

“EEA national” (“*gwladolyn o'r EEA*”) means a national of an EEA State other than the United Kingdom;

“EEA self-employed person” (“*person hunangyflogedig o'r EEA*”) means an EEA national who is or, in the case of an EEA national who has applied for support after the moving date, was a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

“EEA State” (“*Gwladwriaeth EEA*”) means a Member State of the European Economic Area;

“employed person” (“*person cyflogedig*”) means an employed person within the meaning of Annex 1 to the Switzerland Agreement;

unless otherwise indicated, “family member” (“*aelod o'r teulu*”) means—

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person or an EEA self-employed person—
 - (i) his or her spouse or civil partner;
 - (ii) his or her child or the child of his or her spouse or civil partner; or
 - (iii) dependent direct relatives in his or her ascending line or that of his or her spouse or civil partner;
- (b) in relation to a Swiss employed person, a Swiss frontier employed person, a Swiss frontier self-employed person or a Swiss self-employed person—
 - (i) his or her spouse or civil partner; or
 - (ii) his or her child or the child of his or her spouse or civil partner;
- (c) in relation to an EC national who is not self-sufficient—
 - (i) his or her spouse or civil partner; or
 - (ii) direct descendants of his or her or of his or her spouse or civil partner who are—
 - (aa) under the age of 21;

Status: This is the original version (as it was originally made).

- (bb) dependants of his or her or of his or her spouse or civil partner;
- (d) in relation to an EC national who is self-sufficient—
 - (i) his or her spouse or civil partner;
 - (ii) direct descendants of his or her or of his or her spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of his or her or of his or her spouse or civil partner;
 - (iii) dependent direct relatives in his or her ascending line or that of his or her spouse or civil partner;
- (e) in relation to a United Kingdom national, for the purposes of paragraph 9—
 - (i) his or her spouse or civil partner; or
 - (ii) direct descendants of his or her or of his or her spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of his or her or of his or her spouse or civil partner;

“person with leave to enter or remain” (“*person â chaniatâd i ddod i mewn neu aros*”) means a person who—

- (a) has been informed by a person acting under the authority of the Secretary of State for the Home Department that, although the person is considered not to qualify for recognition as a refugee, it is thought right to allow him or her to enter or remain in the United Kingdom;
- (b) has been granted leave to enter or to remain accordingly; and
- (c) has been ordinarily resident in the British Islands throughout the period since he or she was granted leave to enter or remain;

“right of permanent residence” (“*hawl i breswyllo'n barhaol*”) means a right arising under Directive 2004/38 to reside in the United Kingdom permanently without restriction;

“self-employed person” (“*person hunangyflogedig*”) means—

- (a) in relation to an EEA national, a person who is self-employed within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be; or
- (b) in relation to a Swiss national, a person who is a self-employed person within the meaning of Annex 1 to the Switzerland Agreement;

“self-sufficient” (“*hunangynhaliol*”) means self-sufficient within the meaning of Article 7(1)(b) of Directive 2004/38;

“settled” (“*wedi setlo*”) has the meaning given by section 33(2A) of the Immigration Act 1971(13);

“Swiss employed person” (“*person cyflogedig o'r Swistir*”) means a Swiss national who is or, in the case of a person who applies for support after the moving date, was an employed person, other than a Swiss frontier employed person, in the United Kingdom;

“Swiss frontier employed person” (“*person cyflogedig ffin y Swistir*”) has the meaning given in sub-paragraph (4);

“Swiss frontier self-employed person” (“*person hunangyflogedig ffin y Swistir*”) has the meaning given in sub-paragraph (5);

“Swiss self-employed person” (“*person hunangyflogedig o'r Swistir*”) means a Swiss national who is or, in the case of a person who applies for support after the moving date, was a self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom;

(13) 1971 c. 77; section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c. 61).

“United Kingdom national” (“*gwladolyn o'r Deyrnas Unedig*”) means a person who falls to be treated as a national of the United Kingdom for the purposes of the Community Treaties;

“worker” (“*gweithiwr*”) means a worker within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be.

(2) Subject to sub-paragraph (6), “EEA frontier self-employed person” (“*person hunangyflogedig ffin yr EEA*”) means an EEA national who—

- (a) is a self-employed person in Wales; and
- (b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to his or her residence in Switzerland or that EEA State, as the case may be, daily or at least once a week.

(3) Subject to sub-paragraph (6), “EEA frontier worker” (“*gweithiwr ffin yr EEA*”) means an EEA national who—

- (a) is a worker in Wales; and
- (b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to his or her residence in Switzerland or that EEA State, as the case may be, daily or at least once a week.

(4) Subject to sub-paragraph (6), “Swiss frontier employed person” (“*person cyflogedig ffin y Swistir*”) means a Swiss national who—

- (a) is an employed person in Wales; and
- (b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to his or her residence in Switzerland or that EEA State, as the case may be, daily or at least once a week

(5) Subject to sub-paragraph (6), “Swiss frontier self-employed person” (“*person hunangyflogedig ffin y Swistir*”) means a Swiss national who—

- (a) is a self-employed person in Wales; and
- (b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to his or her residence in Switzerland or that EEA State, as the case may be, daily or at least once a week

(6) Where an EEA national or a Swiss national applies for support after the moving date—

- (a) he or she may be treated as an EEA frontier self-employed person or a Swiss employed person, as the case may be, if the National Assembly is satisfied that immediately before the moving date he or she was—

- (i) a self-employed person in Wales; and
 - (ii) residing in Switzerland or in the territory of an EEA State other than the United Kingdom and returning to his or her residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

- (b) he or she may be treated as an EEA frontier worker or a Swiss frontier employed person, as the case may be, if the National Assembly is satisfied that immediately before the moving date he or she was—

- (i) a worker or an employed person in Wales; and
 - (ii) residing in Switzerland or in the territory of an EEA State other than the United Kingdom and returning to his or her residence in Switzerland or that EEA State, as the case may be, daily or at least once a week.

(7) For the purposes of this Schedule, “parent” (“*rhiant*”) includes a guardian, any other person having parental responsibility for a child and any person having care of a child and “child” (“*plentyn*”) is to be construed accordingly.

Status: This is the original version (as it was originally made).

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

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

is or was temporarily employed outside Wales, the United Kingdom and Islands or, as the case may be, outside the territory comprising the European Economic Area and Switzerland.

(9) For the purposes of sub-paragraph (8), temporary employment outside of Wales, the United Kingdom or the territory comprising the European Economic Area and Switzerland 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; and
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the European Economic Area and Switzerland as members of such forces.

(10) For the purposes of this Schedule—

- (a) an area which—
 - (i) was previously not part of the European Community or the European Economic Area; but
 - (ii) at any time before or after these Regulations come into force has become part of one or other or both of those areas,is to be considered to have always been a part of the European Economic Area;
- (b) a person who acquires the right of permanent residence after the beginning of the first year of the course is to be considered to have had that status as of the beginning of the first year of the course;
- (c) a person who becomes the child of a Swiss national after the beginning of the first year of the course is to be considered to have been such a child as of the beginning of the first year of the course.

PART 2

Categories

Persons who are settled in the United Kingdom

2.—(1) A person—

- (a) who, immediately before the moving date, is settled in the United Kingdom other than by reason of having acquired a right of permanent residence;
- (b) either—
 - (i) in the case of a person who applies for support before the moving date, who—
 - (aa) is ordinarily resident in Wales on the date on which he or she makes that application; and

- (bb) satisfies the National Assembly that he or she will be ordinarily resident in Wales immediately before the moving date; and
 - (ii) in any other case, who satisfies the National Assembly that he or she was ordinarily resident in Wales immediately before the moving date;
 - (c) had been ordinarily resident throughout the three-year period preceding the moving date in the United Kingdom and Islands; and
 - (d) had not during any part of the period referred to in paragraph (c) been ordinarily resident in the United Kingdom and Islands wholly or mainly for the purpose of receiving full-time education.
- (2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(8).

3. A person—

- (a) who, immediately before the moving date, is settled in the United Kingdom by reason of having acquired the right of permanent residence;
- (b) either—
 - (i) in the case of a person who applies for support before the moving date, who—
 - (aa) is ordinarily in Wales on the date on which he or she makes that application; and
 - (bb) satisfies the National Assembly that he or she will be ordinarily resident in Wales immediately before the moving date; and
 - (ii) in any other case, who satisfies the National Assembly that he or she was ordinarily resident in Wales immediately before the moving date;
- (c) who had been ordinarily resident in the United Kingdom throughout the three-year period preceding the moving date; and
- (d) in a case where his or her ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

Refugees and persons with leave to enter or remain

4. A person who—

- (a) is either—
 - (i) a refugee who is ordinarily resident in the United Kingdom and Islands who has not ceased to be so resident since he or she was recognised as a refugee; or
 - (ii) the spouse, civil partner, child or step-child of a person mentioned in paragraph (i); and
- (b) either—
 - (i) in the case of a person who applies for support before the moving date—
 - (aa) is ordinarily resident in Wales on the date he or she applies for support; and
 - (bb) satisfies the National Assembly that he or she will be ordinarily resident in Wales immediately before the moving date; or
 - (ii) in the case of a person who applies for support after the moving date, satisfies the National Assembly that he or she was ordinarily resident in Wales immediately before the moving date.

Status: This is the original version (as it was originally made).

5. A person who—
- (a) is either—
 - (i) a person with leave to enter or remain; or
 - (ii) the spouse, civil partner, child or step-child of a person with leave to enter or remain;
 - (b) either—
 - (i) in the case of a person who applies for support before the moving date—
 - (aa) is ordinarily resident in Wales on the date he or she applies for support; and
 - (bb) satisfies the National Assembly that he or she will be ordinarily resident in Wales immediately before the moving date; or
 - (iii) in any other case, satisfies the National Assembly that he or she was ordinarily resident in Wales immediately before the moving date; and
 - (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the moving date.

Workers, employed persons, self-employed persons and their family members

- 6.—(1) A person who—
- (a) is—
 - (i) an EEA migrant worker or an EEA self-employed person;
 - (ii) a Swiss employed person or a Swiss self-employed person;
 - (iii) a family member of a person mentioned in paragraph (i) or (ii);
 - (iv) an EEA frontier worker or an EEA frontier self-employed person;
 - (v) a Swiss frontier employed person or a Swiss frontier self-employed person; or
 - (vi) a family member of a person in (iv) or (v);
 - (b) subject to sub-paragraph (2)—
 - (i) in the case of a person who applies for support before the moving date—
 - (aa) is ordinarily resident in Wales on the date he or she applies for support; and
 - (bb) satisfies the National Assembly that he or she will be ordinarily resident in Wales immediately before the moving date; or
 - (ii) in any other case, satisfies the National Assembly that he or she was ordinarily resident in Wales immediately before the moving date;
 - (c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the moving date.
- (2) Paragraph (b) of sub-paragraph (1) does not apply where the person applying for support falls within paragraph (a)(iv), (v) or (vi) of sub-paragraph (1).

7. A person who—
- (a) either—
 - (i) in the case of a person applying for support before the moving date—
 - (aa) is ordinarily resident in Wales on the date he or she applies for support; and
 - (bb) satisfies the National Assembly that he or she will be ordinarily resident in Wales immediately before the moving date; or
 - (ii) in any other case, who satisfies the National Assembly that he or she was ordinarily resident in Wales immediately before the moving date;

- (b) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the moving date; and
- (c) is entitled to support by virtue of article 12 of Council Regulation (EEC) No. 1612/68 on the freedom of movement of workers⁽¹⁴⁾, as extended by the EEA Agreement.

Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere

- 8.—(1) A person who—
- (a) is settled in the United Kingdom;
 - (b) left the United Kingdom and exercised a right of residence after having been settled in the United Kingdom;
 - (c) either—
 - (i) in the case of a person applying for support before the moving date and subject to paragraph (2)—
 - (aa) is ordinarily resident in Wales on the date he or she applies for support; and
 - (bb) satisfies the National Assembly that he or she will be ordinarily resident in Wales immediately before the moving date; or
 - (ii) in the case of a person applying for support after the moving date, satisfies the National Assembly that he or she was ordinarily resident in Wales immediately before the moving date;
 - (d) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the moving date; and
 - (e) in a case where his or her ordinary residence referred to in paragraph (d) was wholly or mainly for the purposes of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).

(2) For the purposes of this paragraph, a person has exercised a right of residence if he or she is a United Kingdom national, a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement) or a person who has the right of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom or, in the case of a person who is settled in the United Kingdom and has a right of permanent residence, if he or she goes to the state within the territory comprising the European Economic Area and Switzerland of which he or she is a national or of which the person in relation to whom he or she is a family member is a national.

(3) A person who applies for support before the moving date and who is not ordinarily resident in Wales on the date he or she applies for support, may be treated as satisfying paragraphs (c)(i)(aa) and (bb) of sub-paragraph (1) if the National Assembly is satisfied that—

- (a) he or she is not so resident for a reason connected with the exercise of the right of residence referred to in paragraph (b) of sub-paragraph (1); and
- (b) he or she will be ordinarily resident in Wales immediately before the moving date.

EC nationals

- 9.—(1) A person who—

⁽¹⁴⁾ OJ No L257, 19.10.1968, p2 (OJ/SE 1968 (II) p475).

Status: This is the original version (as it was originally made).

- (a) is either—
 - (i) an EC national on the moving date ; or
 - (ii) a family member of such a person;
- (b) either—
 - (i) in the case of a person applying for support before the moving date—
 - (aa) is ordinarily resident in Wales on the date he or she applies for support; and
 - (bb) satisfies the National Assembly that he or she will be so resident immediately before the moving date; or
 - (ii) in the case of a person applying for support after the moving date, satisfies the National Assembly that he or she was ordinarily resident in Wales immediately before the moving date;
- (c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the moving date; and
- (d) subject of sub-paragraph (2), whose ordinary residence in the territory comprising the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the European Economic Area and Switzerland in accordance with paragraph 1(8).

(3) Where a state accedes to the European Community after the moving date and a person is a national of that state or the family member of a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EC national on the moving date is treated as being satisfied.

10.—(1) A person who—

- (a) is an EC national other than a United Kingdom national on the moving date;
- (b) either—
 - (i) in the case of a person applying for support before the moving date—
 - (aa) is ordinarily resident in Wales on the date he or she applies for support;
 - (bb) satisfies the National Assembly that he or she will be ordinarily resident in Wales immediately before the moving date; or
 - (ii) in any other case, satisfies the National Assembly that he or she was ordinarily resident in England immediately before the moving date;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the moving date; and
- (d) in a case whose ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(2) Where a state accedes to the European Community after the moving date and a person is a national of that state, the person is treated as satisfying the requirement in paragraph (a) of sub-paragraph (1) to be an EC national other than a United Kingdom national on the moving date.

Children of Swiss nationals

11. A person who—

- (a) is the child of a Swiss national who is entitled to support from the National Assembly by virtue of article 3(6) of Annex 1 to the Swiss Agreement immediately before the moving date;
- (b) either—
 - (i) in the case of a person applying for support before the moving date—
 - (aa) is ordinarily resident in Wales; and
 - (bb) satisfies the National Assembly that he or she will be ordinarily resident in Wales immediately before the moving date; or
 - (ii) in any other case, satisfies the National Assembly that he or she was ordinarily resident in Wales immediately before the moving date;
- (c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case whose ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

SCHEDULE 2

Regulation 36

STUDENT'S CONTRIBUTION

PART 1

Interpretation

1.—(1) In this Schedule—

“EEA State” (“*Gwladwriaeth EEA*”) has the meaning given by paragraph 1 of Part 1 of Schedule 1;

“existing student” (“*myfyriwr presennol*”) means a College of Europe student who is not a new eligible student;

“financial year” (“*blwyddyn ariannol*”) means the period of twelve months in respect of which the income of a person whose residual income is calculated under the provisions of Part 2 of this Schedule is computed for the purposes of the income tax legislation which applies to it;

“household income” (“*incwm aelwyd*”, “*incwm yr aelwyd*” ac “*incwm sydd gan yr aelwyd*”) has the meaning given in paragraph 2;

“independent eligible student” (“*myfyriwr annibynnol cymwys*”) has the meaning given in subparagraph (2);

“Member State” (“*Aelod-wladwriaeth*”) means a Member State of the European Community;

“new student” (“*myfyriwr newydd*”) means a College of Europe student who begins a designated course on or after 1st September 2004;

“parent” (“*rhiant*”) means a natural or adoptive parent and “child” (“*plentyn*”), “mother” (“*mam*”) and “father” (“*tad*”) are to be construed accordingly;

Status: This is the original version (as it was originally made).

“parent student” (“*myfyriwr sy'n rhiant*”) means a College of Europe student who is the parent of a College of Europe student;

“partner” (“*partner*”) in relation to a student means any of the following—

- (i) the spouse of the student;
- (ii) the civil partner of the student;
- (iii) a person ordinarily living with the student as if he or she were the spouse of the student where the student falls within sub-paragraph (2)(a) and begins the designated course on or after 1 September 2000;
- (iv) a person ordinarily living with the student as if that person were the student’s civil partner where the student falls within sub-paragraph (2)(a) and begins the designated course on or after 1st September 2005;

“partner” (“*partner*”) in relation to the parent of a College of Europe student means any of the following other than another parent of the College of Europe student—

- (a) the spouse of the College of Europe student’s parent;
- (b) the civil partner of the College of Europe student’s parent;
- (c) a person ordinarily living with the parent of the College of Europe student as if he or she were the parent’s spouse;
- (d) a person ordinarily living with the parent of the College of Europe student as if he or she were the parent’s civil partner;

“preceding financial year” (“*blwyddyn ariannol flaenorol*”) means the financial year immediately preceding the relevant year;

“relevant year” (“*blwyddyn berthnasol*”) means the academic year in respect of which the household income falls to be assessed;

“residual income” (“*incwm gweddilliol*”) means taxable income after the application of paragraph 3 (in the case of a student), paragraph 4 (in the case of a College of Europe student’s parent), paragraph 5 (in the case of a student’s partner) and paragraph 6 (in the case of the partner of a College of Europe Student’s parent);

“student” (“*myfyriwr*”) means a College of Europe student or an Institute student as the case may be.

“taxable income” (“*incwm trethadwy*”) means, in relation to paragraph 3, in respect of an academic year for which an application has been made under regulation 15 and, in relation to paragraph 4, in respect (subject to sub-paragraphs (3), (4) and (5) of paragraph 4) of the preceding financial year, a person’s taxable income from all sources computed as for the purposes of—

- (a) the Income Tax Acts;
- (b) the income tax legislation of another EEA State or Switzerland which applies to the person’s income;
- (c) where the legislation of more than one EEA State or of an EEA State and Switzerland applies to the period, the legislation under which the National Assembly considers the person will pay the largest amount of tax in that period (except as otherwise provided in paragraph 4);

(2) An “independent eligible student” (“*Myfyriwr cymwys annibynnol*”) is a College of Europe student where—

- (a) the National Assembly had determined under the 2000 Regulations and before the relevant date, that he or she was an independent eligible student;
- (b) he or she is aged 25 or over on the first day of the relevant year;

- (c) he or she is married or in a civil partnership before the beginning of the relevant year, whether or not the marriage or civil partnership is still subsisting;
 - (d) he or she has no parent living;
 - (e) the National Assembly is satisfied that neither of the student's parents can be found or that it is not reasonably practicable to get in touch with either of them;
 - (f) the student has communicated with neither parent for the period of one year before the beginning of the relevant year or, in the opinion of the National Assembly, the student can demonstrate on other grounds that he or she is irreconcilably estranged from his or her parents;
 - (g) the student has been provided with accommodation by, or has pursuant to an order of a competent court been in the custody or care of, any legal person who is not his or her parent throughout any three-month period ending on or after the date on which he or she attains the age of 16 and before the first day of the course ("the relevant period") (provided that the student has not in fact at any time during the relevant period been under the charge or control of his or her parents);
 - (h) his or her parents are residing outside of the European Community and the National Assembly is satisfied that either—
 - (i) the assessment of the household income by reference to their residual income would place those parents in jeopardy; or
 - (ii) it would not be reasonably practicable for those parents as a result of the calculation of any contribution under paragraph 7 to send any relevant funds to the United Kingdom;
 - (i) where paragraph 4(9) applies and the parent whom the National Assembly considered the more appropriate for the purposes of that paragraph has died (irrespective of whether the parent in question has a partner);
 - (j) he or she is a member of a religious order who resides in a house of that order;
 - (k) as at the first day of the relevant year, he or she has the care of a person under the age of 18;
 - (l) the student has supported himself or herself out of his or her earnings for any period or periods ending before the first academic year of the course which periods together are in aggregate not less than three years, and for the purposes of this paragraph the student is to be treated as supporting himself or herself out of his or her earnings during any period in which—
 - (i) he or she was participating in arrangements for training for the unemployed under any scheme operated by, or sponsored or funded by any state authority or agency, whether national, regional or local ("relevant authority");
 - (ii) he or she was in receipt of benefit payable by any relevant authority in respect of a person who is available for employment but who is unemployed;
 - (iii) he or she was available for employment and complied with any requirement of registration imposed by a relevant authority as a condition of entitlement for participation in arrangements for training or receipt of benefits;
 - (iv) he or she held a State Studentship or other comparable award; or
 - (v) the student received any pension, allowance or other benefit paid by any person by reason of a disability to which he or she is subject, or by reason of confinement, injury or sickness.
- (3) Any College of Europe student who qualifies as an independent eligible student under subparagraph (2)(k) in respect of an academic year of a designated course retains that status for the duration of the period of eligibility.

PART 2

Calculation of contribution

Household income

2.—(1) The amount of a College of Europe student or an Institute student's contribution depends on the household income.

(2) The household income is—

(a) in the case of a College of Europe student who is not an independent eligible student, the residual income of the eligible student aggregated with the residual income of the College of Europe student's parents (subject to paragraph 4(9)) and—

(i) in the case of a new College of Europe student who began the course before 1 September 2005, the residual income of the partner of the student's parent (other than a person ordinarily living with the parent of an eligible student as if he or she were the parent's civil partner) provided that the National Assembly has selected that parent under paragraph 4(9); or

(ii) in the case of a new College of Europe student who began the course on or after 1 September 2005, the residual income of the partner of the student's parent (provided that the National Assembly has selected that parent under paragraph 4(9));

(b) in the case of—

(i) an independent eligible student who has a partner, or

(ii) an Institute student who has a partner,

the residual income of the student aggregated with the residual income of that student's partner (subject to sub-paragraph (5)); or

(c) in the case of—

(i) an independent eligible student who does not have a partner; or

(ii) an Institute student who does not have a partner,

the residual income of that student.

(3) In determining the household income an amount calculated in accordance with sub-paragraph (4) there is to be deducted—

(a) in the case of a College of Europe student—

(i) for each child wholly or mainly financially dependent on the student or his or her partner; or

(ii) for each child other than the College of Europe student wholly or mainly financially dependent on the College of Europe student's parent or the student's parent's partner whose residual income is being taken into account; and

(b) in the case of an Institute student, for each child wholly or mainly financially dependent on the student or his or her partner.

(4) The amount referred to in sub-paragraph (3) is—

(a) in respect of the current academic year, £1,025; and

(b) in respect of any other academic year, £1050.

(5) For the purpose of calculating the contribution payable in respect of a parent student, the residual income of the parent student's partner is not to be aggregated under sub-paragraph (2)(b) in the case of a parent student whose child or whose partner's child holds an award—

- (a) in respect of which the household income is calculated with reference to the residual income of the parent student or of the parent student's partner or of both; or
- (b) in respect of which a parental contribution is otherwise applicable with reference to the parent student or his partner.

Calculation of the student's residual income

3.—(1) For the purpose of determining the residual income of a student, there is to be deducted from his or her taxable income (unless already deducted in determining taxable income) the aggregate of any amounts falling within any of the following sub-paragraphs—

- (a) any remuneration for work done during any academic year of the student's course, provided that such remuneration does not include any sums paid in respect of any period for which he or she has leave of absence or is relieved of normal duties for the purpose of attending that course;
- (b) the gross amount of any premium or other sum paid by the student in relation to a pension (not being a pension payable under a policy of life assurance) in respect of which relief is given under section 273, 619 or 639 of the Income and Corporation Taxes Act 1988⁽¹⁵⁾ or under section 188 of the Finance Act 2004⁽¹⁶⁾, or where the student's income is computed for the purpose of the income tax legislation of another Member State, the gross amount of any such premium or sum in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts.

(2) Where the student receives income in a currency other than sterling, the value of that income for the purpose of this paragraph is—

- (a) if the student purchases sterling with the income, the amount of sterling the student so receives; or
- (b) otherwise, the value of the sterling the income would purchase using the rate for the month in which it is received published by the Office for National Statistics⁽¹⁷⁾.

Calculation of parent's residual income

4.—(1) For the purposes of determining the taxable income of a student's parent, any deductions which fall to be made or exemptions which are permitted—

- (a) by way of personal reliefs provided for in Chapter 1 of Part VII of the Income and Corporation Taxes Act 1988, or where the income is computed for the purposes of the income tax legislation of another EEA State or Switzerland, the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;
- (b) pursuant to any enactment or rule of law under which payments which would otherwise under United Kingdom law form part of a person's income are not treated as such; or
- (c) under sub-paragraph (2)

are not to be made or permitted.

(2) For the purpose of determining the residual income of a parent, there is to be deducted from the taxable income determined under sub-paragraph (1) the aggregate of any amounts falling within any of the following sub-paragraphs—

- (a) the gross amount of any premium or other sum paid by the student in relation to a pension (not being a pension payable under a policy of life assurance) in respect of which relief

⁽¹⁵⁾ 1988 c. 1.

⁽¹⁶⁾ 2004 c. 12.

⁽¹⁷⁾ "Financial Statistics" (ISSN 0015-203X).

Status: This is the original version (as it was originally made).

is given under section 273, 619 or 639 of the Income and Corporation Taxes Act 1988 or under section 188 of the Finance Act 2004, or where the student's income is computed for the purpose of the income tax legislation of another EEA State or Switzerland, the gross amount of any such premium or sum in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

- (b) in any case where income is computed in accordance with sub-paragraph (6) any sums equivalent to the deduction mentioned in paragraph (a), provided that any sums so deducted are not to exceed the deductions which would be made if the whole of the student's parent's income were in fact income for the purposes of the Income Tax Acts; and
- (c) in the case of a parent student or a student's parent who holds a statutory award—
 - (i) where the student is an old student or an old Directive student applying for support in connection with an old academic year, £1,025; and
 - (ii) in any other case, £1,050.

(3) Where the National Assembly is satisfied that the income of the parent in the financial year beginning immediately before the relevant year ("current financial year") is, as a result of some event beyond the parent's control, likely to be not more than 85 per cent, of the sterling value of his or her income in the preceding financial year the Assembly may, for the purpose of enabling the student to attend the course without hardship, ascertain the household income for the current financial year.

(4) Where the National Assembly is satisfied that the income of the parent in any financial year is, as a result of some event beyond the parent's control, likely to be and to continue after that year to be not more than 85 per cent. of the sterling value of his or her income in the previous financial year the Assembly may, for the purpose of enabling the student to attend the course without hardship, ascertain the household income for the academic year of the student's course in which that event occurred by taking as the residual income of the parent the average of his or her residual income for each of the financial years in which that academic year falls.

(5) Where the student's parent satisfies the National Assembly that that parent's income is wholly or mainly derived from the profits of a business or profession carried on by him or her, then any reference in this Part of the Schedule to a preceding financial year is to be read as a reference to the earliest period of twelve months which ends after the start of the preceding financial year and in respect of which accounts are kept relating to that business or profession.

(6) Where a student's parent is in receipt of any income which does not form part of that parent's income for the purposes of the Income Tax Acts or the income tax legislation of another EEA State or Switzerland by reason only that—

- (a) the parent is not resident, ordinarily resident or domiciled in the United Kingdom, or where his or her income is computed as for the purposes of the income tax legislation of another EEA State or Switzerland, not so resident, ordinarily resident or domiciled in that EEA State or Switzerland;
- (b) the income does not arise in the United Kingdom, or where the parent's income is computed for the purposes of the income tax legislation of another EEA State or Switzerland, does not arise in that EEA State or Switzerland; or
- (c) the income arises from an office, service or employment, income from which is exempt from tax in pursuance of any legislation,

his or her taxable income for the purpose of this Schedule is to be computed as though the income under this sub-paragraph were part of his or her income for the purpose of the Income Tax Acts or the income tax legislation of another EEA State or Switzerland, as the case may be.

(7) Where the income of the student's parent is computed as for the purposes of the income tax legislation of another EEA State or Switzerland, it is to be computed under the provisions of this Schedule in the currency of that EEA State or Switzerland and the income of the student's parent

for the purposes of this Schedule is the sterling value of that income determined in accordance with the rate for the month in which the last day of the financial year in question falls, as published by the Office for National Statistics.

(8) Where one of the student's parents dies either before or during the relevant year and that parent's income has been or would be taken into account for the purpose of determining the household income then,—

- (a) where the parent dies before the relevant year, the household income is to be determined by reference to the income of the surviving parent; or
- (b) where the parent dies during the relevant year, the household income is to be taken to be the aggregate of—
 - (i) the appropriate proportion of the household income determined by reference to the income of both parents, being the proportion in respect of that part of the relevant year during which both parents were alive; and
 - (ii) the appropriate proportion of the household income determined by reference to the income of the surviving parent, being the proportion in respect of that part of the relevant year remaining after the death of the other parent.

(9) Where the National Assembly determines that the parents were separated for the duration of the relevant year, the household income is to be determined by reference to the income of whichever parent the National Assembly considers most appropriate under the circumstances.

(10) Where the National Assembly determines that the parents separated in the course of the relevant year, the household income is determined by reference to the aggregate of—

- (a) the appropriate proportion of the household income determined in accordance with sub-paragraph (9), being the proportion in respect of that part of the relevant year for which the parents are separated; and
- (b) the appropriate proportion of the household income determined otherwise in respect of the remainder of the relevant year.

Calculation of the student's partner's residual income

5.—(1) Subject to sub-paragraphs (2), (3) and (4) of this paragraph and with the exception of sub-paragraphs (8), (9) and (10) of paragraph 4, a student's partner's income is to be determined in accordance with paragraph 4, reference to the parent being construed as references to the student's partner.

(2) Where the National Assembly determines that the student and his or her partner were separated for the duration of the relevant year, the partner's income is not taken into account in determining the household income.

(3) Where the National Assembly determines that the student and his partner separated in the course of the relevant year, the partner's income is determined by reference to his or her income under sub-paragraph (1) divided by fifty-two and multiplied by the number of complete weeks in the relevant year for which the National Assembly determines that the student and his or her partner were not separated.

(4) Where a student has more than one partner in any one academic year, the provisions of this paragraph apply in relation to each.

Calculation of parent's partner's residual income

6. The income of a new student's parent's partner whose income is part of the household income by virtue of paragraph 2(2)(a) is to be determined in accordance with paragraph 5, references to the

Status: This is the original version (as it was originally made).

student's partner being construed as references to the new student's parent's partner, and references to the student being construed as references to the student's parent.

Calculation of contribution

7.—(1) A student's contribution is to be calculated in accordance with this regulation.

(2) In relation to a College of Europe student who is not an independent eligible student, a College of Europe student who is an independent eligible student who has a partner and an Institute student who has a partner, the contribution is—

- (a) in respect of the current academic year—
 - (i) where the household income is £22,010 or more, £45 with the addition of £1 for every complete £9.50 by which the household income exceeds £22,010; and
 - (ii) in any case where the household income is less than £22,010, nil.
- (b) in respect of any other academic year—
 - (i) where the household income is £22,560 or more, £45 with the addition of £1 for every complete £9.50 by which the household income exceeds £22,560; and
 - (ii) where the household income is less than £22,010, nil.

(3) In relation to a College of Europe student who is independent eligible student who does not have a partner and an Institute student who does not have a partner, the contribution is—

- (a) in respect of the current academic year,
 - (i) where the household income is £10,250 or more, £45 with the addition of £1 for every complete £9.50 by which the household income exceeds £10,250; and
 - (ii) where the household income is less than £10,250, nil; and
- (b) in respect of any other academic year—
 - (i) where the household income is £10,505 or more, £45 with the addition of £1 for every complete £9.50 by which the household income exceeds £10,505; and
 - (ii) where the household income is less than £10,505, nil.

(4) The amount of contribution is not to exceed—

- (a) where the contribution is calculated under sub-paragraph (2)(a) or (3)(a), £7,250; and
- (b) where the contribution is payable under sub-paragraph (2)(b) or (3)(b), £7,430.

(5) Where sub-paragraph (6) applies, the aggregate of the contributions calculated—

- (a) under sub-paragraph (2)(a) or (3)(a), is not to exceed—
 - (i) £7,250; or
 - (ii) the contribution which would be payable if only one student held an award.

(b) under paragraph (2)(b) or (3)(b), is not to exceed—

- (i) £7,430; or
- (ii) the contribution which would be payable if only one student held an award.

(6) This sub-paragraph applies where the household income consists of the residual income of—

- (a) two or more College of Europe students in respect of the same income under paragraph 4 or, where the relevant parent's partner's residual income is taken into account, under paragraphs 4 and 6; or
- (b) an independent eligible student and his or her partner where both hold a statutory award.

Split contributions

8.—(1) Where a contribution is payable under paragraph 7 above and one or more of the conditions in sub-paragraph (2) are satisfied, the amount of contribution payable in respect of the College of Europe student is to be the amount that the National Assembly considers just taking into account—

- (a) the application of paragraph 7 of this Part of the Schedule to new College of Europe students and existing students respectively; and
 - (b) the particular circumstances of the College of Europe student.
- (2) The conditions referred to in sub-paragraph (1) above are—
- (a) more than one child of the College of Europe student's parents holds a statutory award;
 - (b) the College of Europe student's parent holds a statutory award;
 - (c) the College of Europe student's parent's partner holds a statutory award;
 - (d) the College of Europe student's partner holds a statutory award.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for support for students taking designated higher education courses at the Bologna Center, the College of Europe or the European University Institute (“European Institutions”) in respect of the academic year beginning on or after 1 September 2006. They apply in relation to Wales only.

In addition, these Regulations make certain transitional provisions (regulations 7 to 10) in respect of the academic year commencing on or after 1 September 2005 but before 1 September 2006.

These Regulations revoke the Education (Student Support) (European Institutions) Regulations 2000. Regulation 5 sets out the extent of the revocation.

Part 1 of these Regulations sets out relevant definitions, as well as transitional and saving provisions.

Part 2 of these Regulations sets out the conditions that a student must satisfy in order to be eligible for support in connection with a course provided by a European Institution. This Part also makes provision for transfers between courses provided by a European Institution.

Part 3 of these Regulations covers the time limits and procedure for applying for support and the provision of information in connection with an application.

Part 4 of these Regulations sets out the various types of grants available to students who are attending courses at a European Institution and the conditions that a student must satisfy in order to qualify for them. Different provision is made according to which European Institution the student is studying at.

Part 5 of these Regulations deals with the calculation and application of a financial contribution from the student in the case of students at the College of Europe and the European University Institute.

Part 6 of these Regulations deals with payments of support and the recovery of overpayments.

These Regulations implement the provisions of Directive [2004/38/EC](#) of the European Parliament and of the Council of 29 April 2004 (OJ L158, 30.04.2004, p.77-123) on the rights of citizens of the Union and their family members to move and reside freely in the territory of the member states so

Status: This is the original version (as it was originally made).

far as the Directive relates to student support. Certain categories of person who were not formerly eligible for support in connection with courses provided by the European Institutions will be eligible as a result of the Directive. To qualify for support under these Regulations, a student must fall within one of the categories set out in Part 2 of Schedule 1. Schedule 1 includes the categories of person who are eligible for support under these Regulations in connection with courses provided by the European Institutions as a result of the Directive. A copy of the Transposition Note in relation to the implementation of the Directive in so far as it relates to support in connection with courses provided by the European Institutions is available on the website of the Office of Public Sector Information www.opsi.gov.uk. A copy has been placed in the libraries of both Houses of Parliament.