

[^{F1}SCHEDULE 1

Regulation 11

ELIGIBLE STUDENTS

Textual Amendments

- F1** Regulations revoked (with application in accordance with reg. 8 of the amending S.I.) by [The Assembly Learning Grants \(European Institutions\) \(Wales\) Regulations 2007 \(S.I. 2007/2313\)](#), [reg. 5](#) (with regs. 6, 7)

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

Changes to legislation: There are currently no known outstanding effects for the The Assembly Learning Grants (European Institutions) (Wales) Regulations 2006. (See end of Document for details)

- (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;
 - (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(1);

“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;

(1) 1971 c. 77; section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c. 61).

“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;

“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 [F²Swiss 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 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.

(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.

Textual Amendments

- F2** Words in [Sch. 1 para. 1\(6\)\(a\)](#) substituted (with application in accordance with reg. 8 of the amending S.I.) by [The Assembly Learning Grants \(European Institutions\) \(Wales\) Regulations 2007 \(S.I. 2007/2313\)](#), reg. 1, [Sch. 1 para. 4](#)

Commencement Information

- I1** [Sch. 1 para. 1](#) in force at 7.7.2006, see [reg. 1](#)

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).

Commencement Information

I2 Sch. 1 para. 2 in force at 7.7.2006, see [reg. 1](#)

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).

Commencement Information

I3 Sch. 1 para. 3 in force at 7.7.2006, see [reg. 1](#)

Commencement Information

I2 Sch. 1 para. 2 in force at 7.7.2006, see [reg. 1](#)

I3 Sch. 1 para. 3 in force at 7.7.2006, see [reg. 1](#)

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.

Commencement Information

I4 Sch. 1 para. 4 in force at 7.7.2006, see [reg. 1](#)

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.

Commencement Information

I4 Sch. 1 para. 4 in force at 7.7.2006, see [reg. 1](#)

Commencement Information

I4 Sch. 1 para. 4 in force at 7.7.2006, see [reg. 1](#)

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).

Commencement Information

I5 Sch. 1 para. 6 in force at 7.7.2006, see [reg. 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⁽²⁾, as extended by the EEA Agreement.

Commencement Information

I6 Sch. 1 para. 7 in force at 7.7.2006, see [reg. 1](#)

Commencement Information

I5 Sch. 1 para. 6 in force at 7.7.2006, see [reg. 1](#)

I6 Sch. 1 para. 7 in force at 7.7.2006, see [reg. 1](#)

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—

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

- (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.

Commencement Information

17 Sch. 1 para. 8 in force at 7.7.2006, see **reg. 1**

EC nationals

9.—(1) A person who—

- (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.

Commencement Information

18 Sch. 1 para. 9 in force at 7.7.2006, see **reg. 1**

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 subparagraph (1) to be an EC national other than a United Kingdom national on the moving date.

Commencement Information

I9 Sch. 1 para. 10 in force at 7.7.2006, see **reg. 1**

Commencement Information

I8 Sch. 1 para. 9 in force at 7.7.2006, see **reg. 1**

I9 Sch. 1 para. 10 in force at 7.7.2006, see **reg. 1**

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).

Commencement Information

I10 Sch. 1 para. 11 in force at 7.7.2006, see **reg. 1**

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 sub-paragraph (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;

“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.

Commencement Information

III Sch. 2 para. 1 in force at 7.7.2006, see [reg. 1](#)

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.

Commencement Information

I12 Sch. 2 para. 2 in force at 7.7.2006, see [reg. 1](#)

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⁽³⁾ or under section 188 of the Finance Act 2004⁽⁴⁾, 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⁽⁵⁾.

Commencement Information

I13 Sch. 2 para. 3 in force at 7.7.2006, see reg. 1

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

⁽³⁾ 1988 c. 1.

⁽⁴⁾ 2004 c. 12.

⁽⁵⁾ "Financial Statistics" (ISSN 0015-203X).

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.

Commencement Information

I14 Sch. 2 para. 4 in force at 7.7.2006, see [reg. 1](#)

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.

Commencement Information

I15 Sch. 2 para. 5 in force at 7.7.2006, see [reg. 1](#)

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 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.

Commencement Information

I16 Sch. 2 para. 6 in force at 7.7.2006, see [reg. 1](#)

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.

Commencement Information

I17 Sch. 2 para. 7 in force at 7.7.2006, see [reg. 1](#)

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.]

Commencement Information

I18 Sch. 2 para. 8 in force at 7.7.2006, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Assembly Learning Grants (European Institutions) (Wales) Regulations 2006.