
WELSH STATUTORY INSTRUMENTS

2007 No. 2313

The Assembly Learning Grants (European Institutions) (Wales) Regulations 2007

PART 1

GENERAL

Title, commencement, application and interpretation

1. The title of these Regulations is the Assembly Learning Grants (European Institutions) (Wales) Regulations 2007 and they come into force on 31 August 2007.

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;

“2006 Regulations” (“*Rheoliadau 2006*”) means the Assembly Learning Grant (European Institutions) (Wales) Regulations 2006(1);

“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;

“current course” (“*cwrs cyfredol*”) means the designated course in respect of which a person is applying for support or to be recognised as an eligible student;

“eligible student” (“*myfyriwr cymwys*”) has the meaning given by regulation 10;

“European Community” (“*Cymuned 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 European University Institute;

“grants for living and other costs” (“*grantiau at gostau bywa chostau eraill*”) means the grants payable under regulations 20 or 22;

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

- (a) who has been informed by a person acting under the authority of the Secretary of State for the Home Department that, although he or she 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) who has been granted leave to enter or remain accordingly;
- (c) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002⁽²⁾); and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the period since he or she was granted leave to enter or remain;

“qualifying course” (“*cwrs cymwys*”) 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, for at least two academic years of the course, 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;

“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 theret⁽⁴⁾);

“relevant date” (“*dyddiad perthnasol*”) means 1 September 2007;

“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.

Amendment of the Assembly Learning Grants (European Institutions) (Wales) Regulations 2006

4. The 2006 Regulations are amended in accordance with Schedule 1.

Revocation and saving provisions

5. Subject to regulations 6 and 7, the Assembly Learning Grants (European Institutions) (Wales) Regulations 2006 are revoked in relation to Wales.

(2) 2002 c. 41.

(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. Regulation 5 of the 2006 Regulations continues to apply.

7. The 2006 Regulations are to continue to apply in relation to Wales in respect of an academic year beginning on or after 1 September 2006 but before 1 September 2007 and in respect of an academic year beginning on or after 1 September 2005 but before 1 September 2006 so far as the 2006 Regulations relate to an academic year beginning in that period.

8. These Regulations apply in relation to the provision of support to students in relation to an academic year which begins on or after 1 September 2007 whether anything done under these Regulations is done before, on or after 1 September 2007.