

SCHEDULE 3

STUDENT'S CONTRIBUTION

PART 1

Interpretation

1.—(1) In this Schedule—

“EEA State” (“*Gwladwriaeth yr AEE*”) has the meaning given by paragraph 1 of Part 1 of Schedule 2;

“existing student” (“*myfyriwr presennol*”) means a College of Europe student who is not a new 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 yr aelwyd*”) has the meaning given in paragraph 2;

“independent eligible student” (“*myfyriwr cymwys annibynnol*”) 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 1 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 1 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;

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“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 a European University 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 support is sought 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 Welsh Ministers consider 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) he or she is aged 25 or over on the first day of the relevant year;
- (b) 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;
- (c) he or she has no parent living;
- (d) the Welsh Ministers are satisfied that neither his or her parents can be found or that it is not reasonably practicable to get in touch with either of them;
- (e) he or she has communicated with neither of his or her parents for the period of one year before the beginning of the relevant year or, in the opinion of the Welsh Ministers, he or she can demonstrate on other grounds that he or she is irreconcilably estranged from his or her parents;
- (f) he or she has been provided with accommodation by, or he or she has, pursuant to an order of a competent court been in the custody or care of, any legal person who is not the student’s 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 his or her course (“the relevant period”) (provided that he or she has not in fact at any time during the relevant period been under the charge or control of his or her parents);
- (g) his or her parents are residing outside of the European Community and the Welsh Ministers are 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;
- (h) where paragraph 4(9) applies and the parent whom the Welsh Ministers considered the more appropriate for the purposes of that paragraph has died (irrespective of whether the parent in question has a partner);

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- (i) he or she is a member of a religious order who resides in a house of that order;
 - (j) as at the first day of the relevant year, he or she has the care of a person under the age of 18; or
 - (k) he or she 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 aggregate not less than three years, and for the purposes of this paragraph he or she 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, 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) he or she 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)(j) in respect of an academic year of a designated course retains that status for the duration of the period of eligibility.