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WELSH STATUTORY INSTRUMENTS

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**2009 No. 3359**

**The Assembly Learning Grants (European University Institute) (Wales) Regulations 2009**

**PART 2**

**APPLYING FOR SUPPORT AND ELIGIBILITY**

**Eligible students**

**8.**—(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 paragraphs (3) and (7), a person is an eligible student in connection with a designated course at the Institute if—

- (a) the academic authority notifies the Welsh Ministers in writing that the person has a reasonable chance of being offered a place on that course by the academic authority; and
- (b) the Welsh Ministers determine in connection with an application for support under these Regulations that he or she falls within one of the categories in Part 2 of Schedule 1.

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

- (a) subject to paragraph (4), he or she has attended a qualifying course;
- (b) he or she is in breach of an obligation to repay any loan;
- (c) he or she 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) he or she has, in the opinion of the Welsh Ministers, shown himself or herself by his or her conduct to be unfitted to receive support.

(4) Paragraph (3)(a) does not apply where the person has attended a qualifying course but the Welsh Ministers have 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) The number of eligible students must not exceed one.

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

(9) Despite paragraphs (2) and (3) and subject to paragraphs (7), (10) and (11), a person is an eligible student in connection with a designated course at the Institute if—

- (a) he or she qualified as an eligible student in connection with—
    - (i) an earlier academic year of the current course; or
    - (ii) a designated course that he or she attended at the Institute and from which his or her status as an eligible student was transferred to the current course; and
  - (b) his or her status as an eligible student has not terminated.
- (10) Where—
- (a) the Welsh Ministers determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person (“A”) was an eligible student in connection with an application for support for an earlier year of the current course or in connection with an application for support for a designated course at the Institute from which his or her status as an eligible student has been transferred to the current course; and
  - (b) the refugee status of A or of his or her spouse, civil partner, parent or step-parent, as the case may be, is due to expire before the first day of the academic year in respect of which A is applying for support and, as at the day before that academic year begins, no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A’s status as an eligible student terminates on the day before the first day of the academic year in respect of which he or she is applying for support.

- (11) Where—
- (a) the Welsh Ministers determined that, by virtue of being a person with leave to enter or remain or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible student in connection with an application for support for an earlier year of the current course or in connection with an application for support for a designated course at the Institute from which his or her status as an eligible student has been transferred to the current course; and
  - (b) the period for which the person with leave to enter or remain is allowed to stay in the United Kingdom is due to expire before the first day of the academic year in respect of which A is applying for support and, as at the day before that academic year begins, no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A’s status as an eligible student terminates on the day before the first day of the academic year in respect of which he or she is applying for support.

(12) Paragraphs (10) and (11) do not apply where the student began the course in connection with which the Welsh Ministers determined that he or she was an eligible student before 1 September 2007.

(13) The Welsh Ministers may take such steps and make such inquiries as they consider necessary to determine whether a person is an eligible student.

(14) The Welsh Ministers must inform a person who has been notified to them under paragraph (2) (a) whether he or she qualifies as an eligible student.

(15) A person who has received notification from the Welsh Ministers under paragraph (14) that he or she is an eligible student in connection with a course at the Institute and a person who is an eligible student at the Institute by virtue of paragraph (9) must, by the deadline for receipt of financial information, provide the Welsh Ministers with any information or documentation that they request in order to determine the amount of support payable under these Regulations in respect of the academic year.

(16) The deadline for receipt of financial information in relation to an academic year beginning on or after 1 September 2010, is 31 January 2010 or, in the case of grants payable under regulation 16(6), 31 January 2011.

(17) The Welsh Ministers must notify an eligible student of the amount of support payable in respect the academic year, if any.