
WELSH STATUTORY INSTRUMENTS

2011 No. 736

The Assembly Learning Grants (European Institutions) (Wales) Regulations 2011

PART 4

FINANCIAL SUPPORT

CHAPTER 1

GENERAL PROVISION

Number of awards

13.—(1) The Welsh Ministers may award support to one eligible student at any one time undertaking a designated course at the Bologna Center (“Bologna Center student”).

(2) The Welsh Ministers may award support to one eligible student at any one time in an academic year undertaking a designated course at the College of Europe (“College of Europe student”).

(3) If more than one eligible student applies for support in respect of the same academic year and European institution, the Welsh Ministers must (if they have determined to award support) award that support to whichever of the applicants applied first in time to the European institution concerned.

(4) Where more than one eligible student applies on the same day in respect of the same academic year and European institution, the Welsh Ministers must (if they have determined to award support) award that support to whichever of the eligible students the Welsh Ministers determine is most suitable to receive support.

Nature of Support Awarded

14.—(1) Where the Welsh Ministers have determined to award support under regulation 13(1), they must award a grant for fees in accordance with Chapter 2.

(2) Where the Welsh Ministers have determined to award support under regulation 13(2), subject to regulation 29 they must award—

- (a) a grant for fees in accordance with Chapter 3; and
- (b) grants for living and other costs in accordance with Chapter 4.

No Support for Repeat Study

15.—(1) An eligible student at a European institution does not qualify for any support in respect of a year of repeat study.

(2) “Year of repeat study” (“*blwyddyn o ailadrodd astudiaethau*”) means an academic year which the student has previously undertaken but is required by the European institution to undertake again.

CHAPTER 2

GRANTS FOR FEES FOR BOLOGNA CENTER STUDENTS

Grant for fees

16.—(1) A Bologna Center student qualifies for a grant for fees in respect of one academic year of a designated course calculated in accordance with paragraph (2).

(2) The amount of grant for fees payable to a Bologna Center student in respect of one academic year is the aggregate amount of fees payable by the student in respect of, or otherwise in connection with, the student's undertaking of the designated course during that academic year, subject to paragraph (3).

(3) The maximum grant for fees payable under this regulation is 28,200 euro.

CHAPTER 3

GRANTS FOR FEES FOR COLLEGE OF EUROPE STUDENTS

Grant for fees

17.—(1) A College of Europe student qualifies for a grant for fees in respect of one academic year of a designated course calculated in accordance with paragraph (2).

(2) The amount of grant for fees payable to a College of Europe student in respect of one academic year is the aggregate amount of fees payable by the student in respect of, or otherwise in connection with, the student's undertaking of the designated course during that academic year, subject to paragraph (3).

(3) The maximum amount of grant for fees payable under this regulation is 14,000 euro.

CHAPTER 4

GRANTS FOR LIVING AND OTHER COSTS FOR COLLEGE OF EUROPE STUDENTS

General

18.—(1) A College of Europe student awarded support ("student" in this Chapter) does not qualify for any of the grants payable under this Chapter if paragraph 9 of Part 2 of Schedule 1 is the only paragraph of Part 2 of that Schedule into which the student falls.

(2) The amount payable in respect of any of the grants for living and other costs other than the disabled student's allowance and the grant for dependants as provided for in regulations 23 to 26, may be reduced in accordance with Part 5.

Grant for living costs

19. A student qualifies for a grant for living costs of an amount equal to the sum of (A + B)

where—

A is £2,463; and

B is £50 for each week the student is required to attend the College of Europe in excess of 30 weeks and 3 days, including a week during which the student is required to attend the College of Europe for less than 5 days.

Grant for board and lodging

20. A student qualifies for a maximum grant for board and lodging of up to 7,000 euro.

Grants for travel

21.—(1) A student qualifies for a grant for travel home of an amount equal to (A – B)

where—

A is the amount determined by the Welsh Ministers to be the cost of three return journeys from the student's home address to the College of Europe; and

B is £102.

(2) A student qualifies for a grant for college travel of such amount as the Welsh Ministers determine to be the reasonable cost of travel to the College of Europe from the student's term-time address.

(3) Subject to the prior agreement of the Welsh Ministers before costs are incurred, a student qualifies for a grant for research travel of such amount as the Welsh Ministers determine to be the reasonable cost of travel incurred for the purposes of completing periods of research authorised by the College of Europe during the academic year in respect of which support is awarded.

Disabled students' allowance

22.—(1) A student qualifies for a disabled students' allowance to assist with the additional expenditure which the Welsh Ministers are satisfied the student is obliged to incur in connection with the student's undertaking of a designated course by reason of a disability to which the student is subject.

(2) Subject to paragraph (3), the amount of the disabled student's allowance is the amount that the Welsh Ministers consider appropriate in accordance with the student's circumstances to assist with one or more types of eligible expenditure as described in paragraph (4).

(3) The amount of disabled student's allowance must not exceed £10,260 in respect of the academic year.

(4) The types of eligible expenditure are—

(a) expenditure on a non-medical personal helper;

(b) expenditure on major items of specialist equipment;

(c) any additional expenditure incurred—

(i) in the country where the College of Europe is located for the purpose of attending the institution; and

(ii) within or outside the United Kingdom for the purpose of travelling to the College of Europe in order to attend the current course.

Grant for dependants – general

23.—(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 24 to 26.

Adult dependants grant

24.—(1) A student qualifies for an adult dependants grant in connection with attendance on a designated course in accordance with this regulation.

(2) The adult dependants grant is available in respect of a dependant of a student who is either—

- (a) the student's partner; or
 - (b) an adult dependant of the student where the student's taxable income does not exceed, £3,801.
- (3) The amount of adult dependants grant payable is calculated in accordance with regulation 26, the basic amount being—
- (a) £2,647; or
 - (b) where the person in respect of whom the student is applying for adult dependants grant is ordinarily resident outside the United Kingdom, such amount not exceeding £2,647 as the Welsh Ministers consider reasonable in the circumstances.

Parents' learning allowance

25.—(1) A student qualifies in connection with undertaking a designated course for the parents' learning allowance if the student has one or more dependent children.

(2) The amount of parents' learning allowance payable in respect of the academic year is calculated in accordance with regulation 26, the basic amount being, £1,508.

Grant for Dependants – Calculations

26.—(1) Subject to the following paragraphs, the amount payable in respect of a particular element of the grant for dependants for which the student qualifies under regulations 24 and 25 is the amount of that element remaining after applying, until it is extinguished, an amount equal to (A minus B) as follows and in the following order to reduce the basic amount of—

- (a) the adult dependants grant where the student qualifies for that element under regulation 24; and
- (b) the parents' learning allowance where the student qualifies for that element under regulation 25.

(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 minus B) is equal to or exceeds the aggregate of the basic amounts of the adult dependants grant and parents' learning allowance for which the 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 the person 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 is the aggregate net income of each of the eligible student's dependants; and

B is—

- (a) £1,159 where the student has no dependent children;

- (b) £3,473 where the student is not a lone parent and has one dependent child;
- (c) £4,632 where the student is not a lone parent and has more than one dependent child;
- (d) £4,632 where the student is a lone parent and has one dependent child;
- (e) £5,797 where the student is a lone parent and has more than one dependent child.

Grant for Dependants – Interpretation

27.—(1) For the purposes of regulations 24 to 26—

- (a) “adult dependant” (“*dibynnydd mewn oed*”) means, in relation to a student, an adult who is dependent on the student, other than the student’s child, the student’s partner (including a spouse or civil partner from whom the Welsh Ministers consider the student is separated) or the student’s 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 and who is dependent on the student;
- (c) “dependant” (“*dibynnydd*”) means, in relation to a student, the student’s partner, the student’s 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) “dependent child” (“*plentyn dibynnol*”) means in relation to an eligible student a child dependent on the student;
- (f) “lone parent” (“*rhiant unigol*”) means a student who does not have a partner and who has a dependent child;
- (g) “net income” (“*incwm net*”) has the meaning given in paragraph (2) as may be reduced in accordance with paragraph (3);
- (h) subject to sub-paragraphs (i) and (j), “partner” (“*partner*”) means any of the following—
 - (i) a spouse;
 - (ii) a civil partner;
 - (iii) a person ordinarily living with a student as if that person were the student’s spouse where that student was aged 25 or over at the relevant date;
 - (iv) a person ordinarily living with a student as if that person were the student’s civil partner where that student was aged 25 or over at the relevant date;
- (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 (h) but for the fact that the student with whom the person is living was not aged 25 or over at the relevant date;
- (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 (h) but for the fact that the student with whom the person is ordinarily resident was not aged 25 or over at the relevant date;
- (k) “prior financial year” (“*blwyddyn ariannol flaenorol*”) has the meaning given in paragraph 1(1) of Schedule 2.

(2) Subject to paragraph (3), a dependant’s net income is their taxable income from all sources for the prior financial year 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⁽¹⁾;
 - (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⁽²⁾;
 - (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⁽³⁾;
 - (f) any payment made to the dependant under section 23C(5A) of the Children Act 1989⁽⁴⁾;
 - (g) 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⁽⁵⁾; and
 - (h) any child tax credit to which the dependant is entitled under Part 1 of the Tax Credits Act 2002⁽⁶⁾.
- (3) Where a student's partner makes any recurrent payments which were previously made by the student in pursuance of an obligation incurred before the relevant date, the student partner's net income is taxable 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 Welsh Ministers the obligation has been reasonably incurred; or
 - (b) such lesser amount, if any, as the Welsh Ministers consider appropriate if, in their opinion, a lesser obligation could reasonably have been incurred.
- (4) For the purposes of paragraph (2), payments are to be treated as the child's income where—
- (a) the dependant is a dependent child; and
 - (b) payments are made to the student towards the child's maintenance.

(1) 1992 c. 4, to which there are amendments not relevant to these Regulations.

(2) 2002 c. 38.

(3) 1989 c. 41. Section 23 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 16, paragraph 12; Care Standards Act 2000 (c. 14), Schedule 4, paragraph 14; by the Children Act 2004 (c. 31), section 49(3); and by the Children and Young Persons Act 2008 (c. 23) section 39 and Schedule 3.

(4) Subsections (5A) to (5C) of section 23C of the Children Act 1989 were inserted, in relation to England, by section 21 of the Children and Young Persons Act 2008 and S.I.2009/268 and S.I. 2009/ 2273 refer. Subsection (5B) has been inserted into section 23C in relation to Wales and S.I. 2010/1329 (W.112) (C.81) refers.

(5) There are amendments to sections 15 and 24 and Schedule 1 which are not relevant to these Regulations.

(6) 2002 c. 21 to which there are amendments not relevant to these Regulations.