

## WELSH STATUTORY INSTRUMENTS

# 2014 No. 3037

## The Education (European University Institute) (Wales) Regulations 2014

### PART 1

### GENERAL

#### Title, commencement, application and interpretation

1. The title of these Regulations is the Education (European University Institute) (Wales) Regulations 2014 and they come into force on 5 December 2014.
2. These Regulations apply in relation to Wales.

#### Commencement Information

- I1** [Reg. 1](#) in force at 5.12.2014, see [reg. 1](#)
- I2** [Reg. 2](#) in force at 5.12.2014, see [reg. 1](#)

#### 3.—<sup>[F1]</sup>(1) In these Regulations—

“1998 Act” (“*Deddf 1998*”) means the Teaching and Higher Education Act 1998;

<sup>[F2]</sup>“2020 Citizens’ Rights Regulations” (“*Rheoliadau Hawliau Dinasyddion 2020*”) means the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020;

“academic authority” (“*awdurdod academaidd*”) means in, relation to the Institute, 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;

“electronic signature” (“*llofnod electronig*”) is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both;

“eligible student” (“*myfyriwr cymwys*”) has the meaning given by regulation 6;

“European Union” (“*Undeb Ewropeaidd*”) means the territory comprised by the Member States of the European Union as constituted from time to time;

“grants for living and other costs” (“*grantiau at gostau byw a chostau eraill*”) means the grants payable under regulation 15;

[<sup>F3</sup>“immigration rules” (*“rheolau mewnfudo”*)] means the rules laid before Parliament by the Secretary of State under section 3(2) of the Immigration Act 1971;]

“the Institute” (*“yr Athrofa”*) means the European University Institute;

[<sup>F4</sup>“Islands” (*“Ynysoedd”*)] means the Channel Islands and the Isle of Man;]

[<sup>F2</sup>“person granted leave to remain as a protected partner” (*“person y rhoddwyd caniatâd iddo aros fel partner a ddiogelir”*)] means a person who has extant leave to remain in the United Kingdom as either a victim of domestic violence or domestic abuse or as a bereaved partner under any of the following provisions of the immigration rules—

- (a) [<sup>F5</sup>paragraphs 289B and 289D] (victims of domestic violence);
- (b) paragraphs D-DVILR.1.1 and D-DVILR.1.2 of Appendix FM (victims of domestic abuse);
- (c) paragraphs 40 and 41 of Appendix Armed Forces (victims of domestic violence who are partners of members of the armed forces);
- (d) paragraph 288, as a person in relation to whom the requirements in paragraph 287(b) of those rules are met (bereaved spouses or civil partners);
- (e) paragraphs D-BPILR.1.1 and D-BPILR.1.2 of Appendix FM (bereaved partners);
- (f) paragraphs 36 and 37 of Appendix Armed Forces (bereaved partners); or
- (g) paragraph 295N, as a person in relation to whom the requirements in paragraph 295M of those rules are met (bereaved unmarried or same sex partners);]

[<sup>F3</sup>“person granted stateless leave” (*“person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth”*)] means a person who—

- (a) has extant leave to remain as a stateless person under the immigration rules; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;]

[<sup>F2</sup>“person with Calais leave” (*“person sydd â chaniatâd Calais”*)] means a person with extant leave to remain under paragraphs 352J, 352K, 352L or 352T of the immigration rules (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave);]

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

- (a) [<sup>F6</sup>who has—
  - (i) applied for refugee status but has, as a result of that application, been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although A is considered not to qualify for recognition as a refugee, it is thought right to allow A to enter or remain in the United Kingdom on the grounds of <sup>F7</sup>... discretionary leave, and who has been granted leave to enter or remain accordingly;
  - (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow A to enter or remain in the United Kingdom on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly;
  - (iia) [<sup>F8</sup>been granted leave to remain on the grounds of family life under the immigration rules;]
  - (iv) been granted leave to remain on the grounds of private life under the immigration rules; or

- (v) been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although A is not considered to qualify for leave to remain on the grounds of private <sup>F9</sup>or family] life under the immigration rules, A has been granted leave to remain outside the rules on the grounds of Article 8 of the European Convention on Human Rights;]
- (b) 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); and
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the period since A was granted leave to enter or remain;

<sup>F10</sup>“person with leave to enter or remain as a relevant Afghan citizen” (“*person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan*”) means a person granted—

- (a) <sup>F11</sup>indefinite leave to enter the United Kingdom under paragraph 276BA2 of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph 276BS2 of the immigration rules;]
- (aa) <sup>F12</sup>leave to enter or indefinite leave to enter the United Kingdom under paragraph 276BJ2 or 276BO2 of the immigration rules or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy to the immigration rules;]
- (ab) <sup>F12</sup>indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy to the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix to the immigration rules;]
- (b) leave to enter or indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Relocations and Assistance Policy Scheme; <sup>F13</sup>or]
- (c) indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Citizens Resettlement Scheme; <sup>F14</sup> ...
- (d) <sup>F14</sup> ...]

<sup>F2</sup>“person with protected rights” (“*person sydd â hawliau gwarchoddedig*”) means—

- (1) —
  - (a) a person within the personal scope of the citizens’ rights provisions who—
    - (i) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;
    - (ii) is an Irish citizen who, pursuant to section 3ZA of the Immigration Act 1971, does not require leave to enter or remain in the United Kingdom;
    - (iii) is an applicant for the purposes of regulation 4 of the 2020 Citizens’ Rights Regulations where the relevant period has not expired; or
    - (iv) otherwise has rights deemed to apply by virtue of any citizens’ rights deeming provisions; or
  - (b) a family member of a relevant person of Northern Ireland for the purposes of residence scheme immigration rules, where that family member has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules.

- (2) In paragraph (1)(a)(iv), “citizens’ rights deeming provisions” means—
- (a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
  - (b) Article 17(2) and (3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
  - (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement;]

[<sup>F15</sup>“person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”) means a person who—

- (a) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016 and in accordance with the immigration rules; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;]

[<sup>F16</sup>“protected Ukrainian national” (“*gwladolyn Wcreinaidd a ddiogelir*”) means a person granted leave to enter or remain in the United Kingdom—

- (a) under paragraph 9.1 (Ukraine Family Scheme), 19.1 (Homes for Ukraine Sponsorship Scheme) or 27.1 (Ukraine Extension Scheme) of Appendix Ukraine Scheme of the immigration rules; or
- (b) outside the immigration rules, where the person—
  - (i) was residing in Ukraine immediately before 1 January 2022; and
  - (ii) left Ukraine in connection with the Russian invasion which took place on 24 February 2022;]

“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 attendance on the course by reason of a disability to which the student 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(1) as extended by the Protocol thereto which entered into force on 4 October 1967(2);

“relevant date” (“*dyddiad perthnasol*”) means 1 February of the calendar year in which the academic year of the current course begins;

[<sup>F2</sup>“relevant period” (“*cyfnod perthnasol*”) has the meaning given by regulation 4 of the 2020 Citizens’ Rights Regulations;]

[<sup>F2</sup>“relevant person of Northern Ireland” (“*person perthnasol o Ogledd Iwerddon*”) has the meaning given by residence scheme immigration rules;]

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(1) Cmnd. 9171.

(2) Cmnd. 3906 (out of print; photocopies are available, free of charge, from the Student Support Division, Department for Business, Innovation and Skills, Mowden Hall, Staindrop Road, Darlington DL3 9BG).

[<sup>F2</sup>“residence scheme immigration rules” (“*rheolau mewnfudo'r cynllun preswyllo*“) has the meaning given by section 17(1) of the European Union (Withdrawal Agreement) Act 2020;]

“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(3), 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(4), the Education (Student Loans) (Northern Ireland) Order 1990(5), the Education (Scotland) Act 1980(6) and regulations made thereunder, the Education (Student Support) (Northern Ireland) Order 1998(7) and regulations made thereunder or the 1998 Act and regulations made thereunder;

“supplementary grants” (“*grantiau atodol*“) means the grants payable under Chapter 2 of Part 4.

[<sup>F2</sup>“Swiss citizens’ rights agreement” (“*cytundeb ar hawliau dinasyddion Swisaidd*“) has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;]

[<sup>F17</sup>(2) For the purposes of these Regulations, a person is within the personal scope of the citizens’ rights provisions if that person falls within—

- (a) Article 10 (personal scope) of the EU withdrawal agreement;
- (b) Article 9 (personal scope) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (c) Article 10 (personal scope) of the Swiss citizens’ rights agreement.]

### Textual Amendments

- F1** Reg. 3 renumbered as [Reg. 3\(1\)](#) (31.12.2021) by [The Education \(European University Institute\) \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1294\)](#), regs. 1(2), **4(a)**
- F2** Words in [reg. 3\(1\)](#) inserted (31.12.2021) by [The Education \(European University Institute\) \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1294\)](#), regs. 1(2), **4(b)**
- F3** Words in [reg. 3](#) inserted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **43(a)**
- F4** Words in [reg. 3](#) inserted (8.3.2019) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2019 \(S.I. 2019/235\)](#), regs. 1(2), **8(a)**
- F5** Words in [reg. 3](#) substituted (11.2.2022) by [The Education \(Eligibility for Student Support\) \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/49\)](#), regs. 2, **5** (with reg. 3)
- F6** Words in [reg. 3](#) substituted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **43(b)**
- F7** Words in [reg. 3](#) omitted (28.1.2021) by virtue of [The Education \(Student Fees, Awards and Support\) \(Ordinary Residence\) \(Wales\) Regulations 2021 \(S.I. 2021/9\)](#), regs. 1(2), **6**

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- (3) [1962 c. 12](#); sections 1 to 4 and Schedule 1 were substituted by the provisions set out in Schedule 5 to the Education Act 1980 ([c. 20](#)). Section 1(3)(d) was amended by section 4 of the Education (Grants and Awards) Act 1984 ([c. 11](#)). Section 4 was amended by paragraph 2 of Schedule 2 to the Education Act 1994 ([c. 30](#)). The entire Act was repealed by section 44(2) of and Schedule 4 to the Teaching and Higher Education Act 1998 ([c. 30](#)), subject to the transitional provisions and savings set out in article 3 of the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998 ([S.I. 1998/3237](#)) and [S.I. 2010/1158](#) Schedule 4, paragraph 5.
  - (4) [1990 c. 6](#); repealed by Schedule 4 to the Teaching and Higher Education Act 1998 ([c. 30](#)).
  - (5) [S.I. 1990/1506 \(N.I. 11\)](#); amended by [S.I. 1996/274 \(N.I. 1\)](#), Article 43 and Schedule 5 Part II, [S.I. 1996/1918 \(N.I. 15\)](#), Article 3 and the Schedule and [S.I. 1998/258 \(N.I. 1\)](#), Articles 3 to 5 and revoked, with savings, by [S.R. \(N.I.\) 1998 No. 306](#).
  - (6) [1980 c. 44](#); the functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 ([c. 46](#)).
  - (7) [S.I. 1998/1760 \(N.I. 14\)](#), to which there have been amendments not relevant to these Regulations.

- F8** Words in reg. 3 inserted (9.9.2019) by The Education (Student Finance) (Amendments to Student Eligibility) (Wales) Regulations 2019 (S.I. 2019/1192), regs. 1(2), **3(2)(a)**
- F9** Words in reg. 3 inserted (9.9.2019) by The Education (Student Finance) (Amendments to Student Eligibility) (Wales) Regulations 2019 (S.I. 2019/1192), regs. 1(2), **3(2)(b)**
- F10** Words in reg. 3 inserted (23.2.2022) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2022 (S.I. 2022/79), regs. 1(2), **7** (with reg. 2)
- F11** Words in reg. 3(1) substituted (4.1.2024) by The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023 (S.I. 2023/1349), regs. 1(2), **9(a)**
- F12** Words in reg. 3(1) inserted (4.1.2024) by The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023 (S.I. 2023/1349), regs. 1(2), **9(b)**; and paragraph (aa) omitted (with application in accordance with reg. 2 of the amending S.I.) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023 (S.I. 2023/1349), regs. 1(2), **10(a)** (with reg. 79(2))
- F13** Word in reg. 3(1) inserted (with application in accordance with reg. 2 of the amending S.I.) by The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023 (S.I. 2023/1349), regs. 1(2), **10(b)** (with reg. 79(2))
- F14** Words in reg. 3(1) omitted (with application in accordance with reg. 2 of the amending S.I.) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023 (S.I. 2023/1349), regs. 1(2), **10(c)** (with reg. 79(2))
- F15** Words in reg. 3 inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2019 (S.I. 2019/235), regs. 1(3)(a), **8(b)**
- F16** Words in reg. 3(1) inserted (with application in accordance with reg. 3 of the amending S.I.) by The Education (Student Finance) (Ukrainian Nationals and Family Members) (Miscellaneous Amendments) (Wales) Regulations 2022 (S.I. 2022/764), regs. 2, **12**
- F17** Reg. 3(2) inserted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **4(c)**

#### Commencement Information

- I3** Reg. 3 in force at 5.12.2014, see **reg. 1**

#### Revocation

4. The following Regulations are revoked on 5 December 2014—
- The Assembly Learning Grants (European University Institute) (Wales) Regulations 2009(**8**);
  - the Assembly Learning Grants (European University Institute) (Wales) (Amendment) Regulations 2010(**9**).

#### Commencement Information

- I4** Reg. 4 in force at 5.12.2014, see **reg. 1**

(8) S.I. 2009/3359 (W. 295) as amended by S.I. 2011/1978 (W. 218).

(9) S.I. 2010/1797 (W. 173).

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (European University Institute) (Wales) Regulations 2014, PART 1.