

WELSH STATUTORY INSTRUMENTS

2014 No. 3037

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

PART 4

FINANCIAL SUPPORT

CHAPTER 2

SUPPLEMENTARY GRANTS

Disabled student's allowance

17.—(1) ^{F1}An eligible student qualifies for a disabled student's allowance to assist with the additional expenditure which the Welsh Ministers are satisfied that the student is obliged to incur by reason of a disability to which the student is subject in respect of the student's attendance at a designated course.

^{F2}(2)

Textual Amendments

- F1** Word in reg. 17(1) substituted (22.2.2023) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2023 \(S.I. 2023/87\)](#), regs. 1(2), **10(a)** (with reg. 2)
- F2** Reg. 17(2) omitted (22.2.2023) by virtue of [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2023 \(S.I. 2023/87\)](#), regs. 1(2), **10(b)** (with reg. 2)

Commencement Information

- I1** [Reg. 17](#) in force at 5.12.2014, see [reg. 1](#)

Amount of disabled student's allowance

18.—(1) Subject to paragraph (2), 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.

(2) The amount of disabled student's allowance must not exceed £10,590 in respect of an academic year.

(3) 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 Italy for the purpose of attending the Institute; and

- (ii) within or outside the United Kingdom for the purpose of travelling to the Institute in order to attend the relevant course.

Commencement Information

I2 Reg. 18 in force at 5.12.2014, see **reg. 1**

Grant for dependants

19.—(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 20 to 24.

Commencement Information

I3 Reg. 19 in force at 5.12.2014, see **reg. 1**

Adult dependants’ grant

20.—(1) ^{F3}[An] eligible student qualifies for an adult dependants’ grant in connection with the student’s attendance on a designated course in accordance with this regulation.

(2) The adult dependants’ grant is available in respect of one dependant of an eligible student who is either—

- (a) the student’s partner; or
- (b) an adult dependant of the student whose net income does not exceed, £3,923.

^{F4}(3)

21. The amount of adult dependants’ grant payable in respect of an academic year is calculated in accordance with regulation 23, the basic amount being—

- (a) in respect of the current academic year, £2,732; or
- (b) where the person in respect of whom the student is applying for adult dependants’ grant is ordinarily resident outside of the United Kingdom, such amount not exceeding £2,732 as the Welsh Ministers consider reasonable in the circumstances.

Textual Amendments

F3 Word in **reg. 20(1)** substituted (22.2.2023) by **The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023 (S.I. 2023/87)**, **regs. 1(2), 11(a)** (with **reg. 2**)

F4 **Reg. 20(3)** omitted (22.2.2023) by virtue of **The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023 (S.I. 2023/87)**, **regs. 1(2), 11(b)** (with **reg. 2**)

Commencement Information

I4 Reg. 20 in force at 5.12.2014, see **reg. 1**

I5 Reg. 21 in force at 5.12.2014, see **reg. 1**

Parents' learning allowance

22.—(1) [^{F5}An] eligible student qualifies in connection with attendance on a designated course for the parents' learning allowance if the student has one or more dependent children.

^{F6}(2)

(3) The amount of parents' learning allowance payable in respect of an academic year is calculated in accordance with regulation 23, the basic amount being, £1,557.

Textual Amendments

F5 Word in reg. 22(1) substituted (22.2.2023) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2023 \(S.I. 2023/87\)](#), regs. 1(2), **12(a)** (with reg. 2)

F6 Reg. 22(2) omitted (22.2.2023) by virtue of [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2023 \(S.I. 2023/87\)](#), regs. 1(2), **12(b)** (with reg. 2)

Commencement Information

I6 [Reg. 22](#) in force at 5.12.2014, see [reg. 1](#)

Calculations

23.—(1) Subject to the following paragraphs, the amount payable in respect of a particular element of the grant for dependants for which an eligible student qualifies under regulations 20 to 22 is the amount of that element remaining after applying, until it is extinguished or no element remains payable under regulations 20 to 22, an amount equal to (**A** – **B**) as follows and in the following order—

- (a) to reduce the basic amount of the adult dependants' grant where the eligible student qualifies for that element under regulation 20; and
- (b) to reduce the basic amount of parents' learning allowance where the eligible student qualifies for that element under regulation 22.

(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 eligible student qualifies is payable.

(3) Where (**A** – **B**) is equal to or exceeds the aggregate of the basic amounts of the elements of the grant for dependants for which the eligible 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 in respect of an adult dependant 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 that partner 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 of the net income of each of the eligible student's dependants; and

B is—

- a) £1,159 where the student has no dependent child;
- 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.

24. A deduction may be made in accordance with Part 5 from the amount payable in respect of a particular element of the grant for dependants calculated in accordance with regulations 20 to 23.

Commencement Information

- 17** [Reg. 23](#) in force at 5.12.2014, see [reg. 1](#)
- 18** [Reg. 24](#) in force at 5.12.2014, see [reg. 1](#)

Interpretation

25.—(1) For the purposes of regulations 20 to 24—

- (a) “adult dependant” (“*dibynnydd mewn oed*”) means, in relation to an eligible student, an adult person 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 an eligible 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 who is dependent on the student;
- (c) “dependant” (“*dibynnydd*”) means, in relation to an eligible 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” (“*dibynnoI*”) means wholly or mainly financially dependent;
- (e) “dependent child” (“*plentyn dibynnoI*”) means, in relation to an eligible student, a child dependent on the student;
- (f) “lone parent” (“*rhiant unigol*”) means an eligible student who does not have a partner and who has a dependent child or dependent children;
- (g) “net income” (“*incwm net*”) has the meaning given in paragraph (2);
- (h) subject to sub-paragraphs (i), (j), (k) and (l) “partner” (“*partner*”) means any of the following—
 - (i) the spouse of a student;
 - (ii) the civil partner of a student;
 - (iii) a person ordinarily living with a student as if that person were the student’s spouse where that student—
 - (aa) was aged 25 or over at the start of the academic year in respect of which the student’s contribution falls to be assessed; and
 - (bb) started the designated course on or after 1 September 2000;
 - (iv) a person ordinarily living with a student as if that person were the student’s civil partner where that student—
 - (aa) was aged 25 or over at the start of the academic year in respect of which the student’s contribution falls to be assessed; and

- (bb) started the designated course on or after 1 September 2005;
- (i) unless otherwise indicated, a person who would otherwise be a partner under sub-paragraph (h) is not to be treated as a partner if—
- (i) in the opinion of the Welsh Ministers, that person and the student are separated; or
 - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the student;
- (j) 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 start of the academic year in respect of which the student’s contribution falls to be assessed;
- (k) 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 date on which the student began the designated course or the fact that the student with whom the person is ordinarily resident was not aged 25 or over at the start of the academic year in respect of which the student’s contribution falls to be assessed;
- (l) subject to sub-paragraph (m), for the purposes of the definition of “adult dependant”, the Welsh Ministers may treat an adult person or child as dependent on an eligible student if they are satisfied that the adult person or child—
- (i) is not dependent on—
 - (aa) the eligible student; or
 - (bb) the eligible student’s partner; but
 - (ii) is dependent on the eligible student and the eligible student’s partner together;
- (m) the Welsh Ministers must not treat an adult person (“A”) as dependent on an eligible student in accordance with sub-paragraph (l), if A is—
- (i) the spouse or civil partner of the eligible student’s partner (including a spouse or civil partner from whom the Welsh Ministers consider the eligible student’s partner is separated); or
 - (ii) the former partner of the eligible student’s partner;
- (n) for the purposes of determining whether a person is the former partner of an eligible student’s partner, “partner” in relation to an eligible student’s partner means—
- (i) the spouse of an eligible student’s partner;
 - (ii) the civil partner of an eligible student’s partner;
 - (iii) where the eligible student began the specified designated course on or after 1 September 2000, a person (“A”) ordinarily living with an eligible student’s partner (“B”) as if A were B’s spouse;
 - (iv) where the eligible student began the specified designated course on or after 1 September 2005, a person (“A”) ordinarily living with an eligible student’s partner (“B”) as if A were B’s civil partner.
- (2) Subject to paragraph (3), a dependant’s net income is the dependant’s income from all sources for the academic year in question 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⁾^[F7] or section 81 of the Social Services and Well-being (Wales) Act 2014^[F7];
 - (f) any payment made to the dependant under section ^[F8]110(6) of the Social Services and Well-being (Wales) Act 2014 or, as the case may be, 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⁾^[F9] or section 104 of the Social Services and Well-being (Wales) Act 2014 in so far as that section applies to category 5 and 6 young persons within the meaning of that Act^[F9];
 - (h) any child tax credit to which the dependant is entitled under Part 1 of the Tax Credits Act 2002⁽⁶⁾; and
 - (i) in the case of a dependant who is entitled to an award of universal credit under Part 1 of the Welfare Reform Act 2012⁽⁷⁾—
 - (i) any amount that is included in the calculation of the award, under regulation 27(1) of the Universal Credit Regulations 2013⁽⁸⁾, in respect of the fact that the dependant has limited capability for work or limited capability for work and work-related activity; and
 - (ii) any amount or additional amount that is included in the calculation of the award under regulation 24 of those Regulations (the child element).
- (3) Where an eligible student or the eligible student's partner makes any recurrent payments which were previously made by the student in pursuance of an obligation incurred before the first academic year of the student's course, the partner's net income is net 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), where—

(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, the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 14, the Children Act 2004 (c. 31), section 49(3), the Children and Young Persons Act 2008 (c. 23), section 8 and Schedule 3, paragraphs 1 and 7 and the Children and Families Act 2014 (c. 6), Schedule 2(1), paragraph 30.

(4) Subsections (5A) to (5C) of section 23C of the Children Act 1989 were inserted by section 21 of the Children and Young Persons Act 2008 and, in relation to Wales, S.I. 2010/1329 (W. 112) (C. 81) and S.I. 2011/824 (W. 123) (C. 32) refer.

(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.

(7) 2012 c. 5.

(8) S.I. 2013/376.

- (a) the dependant is a dependent child; and
 - (b) payments are made to the student towards the child's maintenance;
- those payments are to be treated as the child's income.

Textual Amendments

- F7** Words in [reg. 25\(2\)\(e\)](#) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Regulations 2016 \(S.I. 2016/211\)](#), [reg. 1\(2\)](#), [Sch. 3 para. 174\(a\)](#)
- F8** Words in [reg. 25\(2\)\(f\)](#) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Regulations 2016 \(S.I. 2016/211\)](#), [reg. 1\(2\)](#), [Sch. 3 para. 174\(b\)](#)
- F9** Words in [reg. 25\(2\)\(g\)](#) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Regulations 2016 \(S.I. 2016/211\)](#), [reg. 1\(2\)](#), [Sch. 3 para. 174\(c\)](#)

Commencement Information

- I9** [Reg. 25](#) in force at 5.12.2014, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Education (European University Institute) (Wales) Regulations 2014, CHAPTER 2.