Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Assembly Learning Grants (European Institutions) (Wales) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2006 No. 1794 (W.189)

EDUCATION, WALES

The Assembly Learning Grants (European Institutions) (Wales) Regulations 2006

Made - - - -	*5 July 2006*
Coming into force - -	*7 July 2006*

The National Assembly for Wales, in exercise of the powers in sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998 Act 1998(**1**), makes the following Regulations:

PART 1

GENERAL

Title, commencement, application and interpretation

1. The title of these Regulations is the Assembly Learning Grants (European Institutions) (Wales) Regulations 2006 and they come into force on 7 July 2006.

2. These Regulations apply in relation to Wales.

3.—(1) In these Regulations—

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

"2000 Regulations" ("*Rheoliadau 2000*") means the Education (Student Support) (European Institutions) Regulations 2000(**2**);

"academic authority" ("*awdurdod academaidd*") means in, relation to an institution, the governing body or other body having the functions of a governing body and includes a person acting with the authority of that body;

"College" ("*Coleg*") means the College of Europe;

(**1**) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11; the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6; the Finance Act 2003 (c. 14), section 147 and the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7. In relation to Wales, the functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 were transferred to the National Assembly for Wales under section 44 of the Higher Education Act 2004 except so far as they relate to the making of any provision authorised by subsection (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22.

(**2**) S.I.2000/2197, amended by S.I. 2001/563 and S.I. 2001/2892.

"current academic year" ("*blwyddyn academaidd gyfredol*") means the academic year beginning on or after 1 September 2005 but on or before 31 August 2006;

"current course" ("*cwrs cyfredol*") means the designated course in respect of which a person is applying for support;

"current Directive student" ("*myfyriwr Cyfarwyddeb cyfredol*") means a Directive student who began the current course before 1 September 2006;

"current student" ("*myfyriwr cyfredol*") means a student who—

(a) began the current course before 1 September 2006;

(b) had been determined to be eligible for support in connection with his or her attendance on that course before 7 July 2006 pursuant to regulations under the 1998 Act; and

(c) was ordinarily resident in Wales immediately before the moving date;

"Directive student" ("*myfyriwr Cyfarwyddeb*") means a person who—

(a) falls within paragraph 6 of Part 2 of Schedule 1 by virtue of being—

(i) an EEA self-employed person;

(ii) a Swiss self-employed person;

(iii) a family member of an EEA self-employed person or a Swiss self-employed person;

(iv) a dependent direct relative in the ascending line of an EEA migrant worker or the spouse or civil partner of such a worker;

(b) falls within paragraph 3 of Part 2 of Schedule 1;

(c) falls within paragraph 9 of Part 2 of Schedule 1 by virtue of being a family member of an EC national;

(d) falls within paragraph 8 of Part 2 of Schedule 1;

"eligible student" ("*myfyriwr cymwys*") has the meaning given by regulation 11;

"European Community" ("*y Gymuned Ewropeaidd*") means the territory comprised by the Member States of the European Community as constituted from time to time;

"European institution" ("*sefydliad Ewropeaidd*") means—

(a) the Bologna Center;

(b) the College of Europe;

(c) the Institute;

"grants for living and other costs" ("*grantiau at gostau byw a chostau eraill*") means the grants payable under regulations 23 or 25;

"Institute" ("*Sefydliad*") means the European University Institute;

"moving date" ("*dyddiad symud*") means the date on which the applicant moves to Belgium, Italy or Poland, as the case may be, for the purpose of—

(a) in any case where he or she is required by the relevant European institution to attend an intensive course of language tuition immediately before the designated course, attending that course of language tuition; or

(b) in any other case, attending the designated course;

"new academic year" ("*blwyddyn academaidd newydd*") means an academic year beginning on or after 1 September 2006;

"new student" ("*myfyriwr newydd*") except in Schedule 2 means a student who—

(a) begins the current course on or after 1 September 2006 but on or before 31 August 2007;

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(b) has been determined to be eligible for support in connection with his or her attendance on that course pursuant to the 2000 Regulations before 7 July 2006; and

(c) is ordinarily resident in Wales;

"next academic year" ("*blwyddyn academaidd nesaf*") means the academic year beginning on or after 1 September 2006 but on or before 31 August 2007;

"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(**3**) as extended by the Protocol which entered into force on 4 October 1967(**4**);

"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(**5**), 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, the Education (Student Loans) (Northern Ireland) Order 1990, the Education (Scotland) Act 1980 and regulations made thereunder, the Education (Student Support) (Northern Ireland) Order 1998 and regulations made thereunder or the 1998 Act and regulations made thereunder;

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

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

(2) Where these Regulations refer to a determination made (or not made) or other thing done (or not done) by the National Assembly, then, in relation to any time before the transfer to the National Assembly of the function of making the determination or the doing of the thing when the function in question was a function of the Secretary of State under the 2000 Regulations, the reference to the National Assembly is to be read as a reference to the Secretary of State(**6**).

Commencement Information

I1 Reg. 1 in force at 7.7.2006, see **reg. 1**

I2 Reg. 2 in force at 7.7.2006, see **reg. 1**

I3 Reg. 3 in force at 7.7.2006, see **reg. 1**

(**3**) Cmnd. 9171.

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

(**5**) 1962 c. 12; sections 1 to 4 and Schedule 1 were substituted by the provision sets out in Schedule 5 to the Education Act 1980 (c. 20). Section 1(3)(d) was amended by the Education (Grants and Awards) Act 1984 (c. 11), section 4. Section 4 was amended by the Education Act 1994 (c. 30), Schedule 2, paragraph 2. The entire Act was repealed by the Teaching and Higher Education Act 1998 (c. 30), section 44(2) and Schedule 4, subject to the transitional provisions and savings set out in the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998 (S.I. 1998/3237), article 3.

(**6**) In relation to Wales, the functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 were transferred to the National Assembly for Wales under section 44 of the Higher Education Act 2004 except so far as they relate to the making of any provision authorised by subsection (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22: *see* the Higher Education Act 2004 (Commencement No.2 and Transitional Provision) Order 2004, S.I. 2004/1833 (W.149).

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Revocation, saving and transitional provisions

4. The 2000 Regulations, the Education (Student Support) (European Institutions) (Amendment) Regulations 2001(**7**) and the Education (Student Support) (European Institutions) (Amendment) (No. 2) Regulations 2001(**8**) are revoked in relation to Wales.

5. The 2000 Regulations continue to apply in relation to Wales in respect of an academic year beginning before 1 September 2005.

6. Subject to regulations 7 to 10, these Regulations apply only in relation to the provision of support in connection with a new academic year.

7.—(1) Any payment of support that has been or was to be made under the 2000 Regulations to a current student in respect of the current academic year is to be treated as a payment made or to be made by the National Assembly under these Regulations.

(2) Subject to paragraph (3), the National Assembly may reassess, in accordance with these Regulations, the amount of support payable to a current student in respect of the current academic year.

(3) Where the National Assembly reassesses the amount of support payable to a current student in accordance with paragraph (2) and the amount of support payable to the student decreases, the amount of support payable to the student is the amount determined to be payable to him or her under the 2000 Regulations.

(4) A current student may apply under these Regulations for support in connection with the current academic year if he or she had not applied for support under the 2000 Regulations before 7 July 2006.

8.—(1) Where before 7 July 2006—

(a) a current student or a prospective student applied for support under the 2000 Regulations in respect of the next academic year; and

(b) no determination had been made, if relevant, as to whether the student was eligible for support in connection with his or her attendance on the current course or as to the amount of support payable, if any, to that student,

the application is to be treated as if it had been made under and in accordance with these Regulations.

(2) Any payment of support made or to be made under the 2000 Regulations to a current student or a new student in respect of the next academic year before 7 July 2006 is to be treated as a payment made or to be made under these Regulations.

(3) Subject to paragraph (4), the National Assembly may reassess, in accordance with these Regulations, the amount of support determined before 7 July 2006 to be payable to a current student or a new student in respect of the next academic year.

(4) Where the National Assembly reassesses the amount of support payable to a current student in accordance with paragraph (2) and the amount of support payable to the student decreases, the amount of support payable to the student is the amount determined to be payable to him or her under the 2000 Regulations.

(5) For the purposes of paragraph (1), "prospective student" means a person—

(a) who starts the current course in the next academic year; and

(b) applied for support under the 2000 Regulations in respect of that course before 7 July 2006; but

(**7**) S.I. 2001/563.
(**8**) S.I. 2001/2892.

(c) in respect of whom no decision as to his or her eligibility for support in connection with the current course had been made before 7 July 2006.

9.—(1) If before 7 July 2006 a determination had been made under the 2000 Regulations that a person starting a course in the current academic year or in the next academic year was not an eligible student in connection with his or her attendance on a course designated for the purpose of regulation 4 of the 2000 Regulations—

(a) that person's application may be treated as an application for support made under and in accordance with these Regulations; and

(b) a determination may accordingly be made, in accordance with these Regulations, as to whether the applicant is an eligible student and if so, the amount of support (if any) payable to him or her in respect of—

(i) in the case of a person who started his or her course in the current academic year, the current academic year and the next academic year; and

(ii) in the case of a person who starts his or her course in the next academic year, that academic year.

10. A current Directive student may apply under these Regulations for support or an additional amount of support in connection with the current academic year.

Commencement Information

I4 Reg. 4 in force at 7.7.2006, see **reg. 1**
I5 Reg. 5 in force at 7.7.2006, see **reg. 1**
I6 Reg. 6 in force at 7.7.2006, see **reg. 1**
I7 Reg. 7 in force at 7.7.2006, see **reg. 1**
I8 Reg. 8 in force at 7.7.2006, see **reg. 1**
I9 Reg. 9 in force at 7.7.2006, see **reg. 1**
I10 Reg. 10 in force at 7.7.2006, see **reg. 1**

PART 2

ELIGIBILITY

Eligible students

11.—(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 paragraph (3), a person is an eligible student in connection with a designated course if the National Assembly has determined that—

(a) he or she falls within one of the categories in Part 2 of Schedule 1; and

(b) by reason of merit he or she should be eligible for support in connection with his or her attendance at that course.

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

(a) subject to paragraph (4), that person has attended a qualifying course;

(b) he or she is in breach of an obligation to repay any loan;

(c) that person 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