
WELSH STATUTORY INSTRUMENTS

2009 No. 2158

**The Assembly Learning Grant
(Further Education) Regulations 2009**

Interpretation

2. In these Regulations—

“the 2008 Regulations” (*“Rheoliadau 2008”*) means the Assembly Learning Grants and Loans (Higher Education) (Wales) (No. 2) Regulations 2008(1) as amended or replaced;

“Academic Year 2009/2010” (*“Blwyddyn Academaidd 2009/2010”*) means the period of 12 months beginning on 1 September 2009, 1 January 2010, 1 April 2010 or 1 July 2010, according to whether the academic year of the course in question begins on or after 1 September 2009 and before 1 January 2010, on or after 1 January 2010 and before 1 April 2010, on or after 1 April 2010 and before 1 July 2010 or on or after 1 July 2010 and before 1 September 2010;

“contact hours” (*“oriau cyswllt”*) means the period of time expressed in hours in respect of which an eligible student receives teaching or supervision during periods of study or practice;

“designated course” (*“cwrs dynodedig”*) means a course designated as such by the Welsh Ministers for the purposes of these Regulations, such course including education (other than higher education) or training consisting of a course or programme of study—

- (a) which requires attendance at a further education institution or at the premises of another provider of education or training, and
- (b) which is funded by the Welsh Assembly Government or the Learning and Skills Council under the Learning and Skills Act 2000(2), or is funded by a public authority responsible for the funding of education (other than higher education) and training suitable to the requirements of persons aged 19 or over under the law of Scotland or Northern Ireland;

“eligible student” (*“myfyriwr cymwys”*) has the meaning given in regulation 3;

“financial year” (*“blwyddyn ariannol”*) means the period of twelve months in respect of which the income of a person whose residual income is calculated under the provisions of regulations 9 to 12 is computed for the purposes of the income tax legislation which applies to it;

“the Further Education Regulations 2008” (*“Rheoliadau Addysg Bellach 2008”*) means the Assembly Learning Grant (Further Education) Regulations 2008(3);

“healthcare bursary” (*“bwrsari gofal iechyd”*) means a bursary or award of similar description under section 63 of the Health Services and Public Health Act 1968(4) or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(5);

(1) S.I.2008/3170 (W.283).

(2) 2000 c. 21.

(3) S.I. 2008/538 (W.51).

(4) 1968 c. 46; section 63 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 7, the National Health Service Reorganisation Act 1973 (c. 32), Schedules 4 and 5, the National Health Service Act 1977 (c. 49), Schedules 15 and 16, the National Health Service (Scotland) Act 1978 (c. 29), Schedules 16 and 17, the Local Government Act 1985 (c. 51), Schedule 17, the Health and Medicines Act 1988 (c. 49), section 20, section 25(2) and Schedule 3, the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, the Health Authorities Act 1995 (c. 17), Schedule 1, the Local Government Reorganisation (Wales) (Consequential Amendments No. 2) Order 1996 (S.I. 1996/1008), the National Health

“higher education” (“*addysg uwch*”) means education provided by means of a course of any description in Schedule 6 of the Education Reform Act 1988(6);

“household income” (“*incwm yr aelwyd*”) has the meaning given in regulation 8;

“independent eligible student” (“*myfyriwr cymwys annibynnol*”) has the meaning given in regulation 13;

“Member State” (“*Aelod-wladwriaeth*”) means a Member State of the European Community;

“parent” (“*rhiant*”) means a natural or adoptive parent;

“partner” (“*partner*”) in relation to an eligible student means any of the following—

- (a) the spouse of an eligible student;
- (b) the civil partner of an eligible student;
- (c) a person ordinarily living with an eligible student as if he or she were his or her civil partner where an eligible student falls within regulation 13(1)(a);
- (d) a person ordinarily living with an eligible student as if he or she were the eligible student’s spouse;

“partner” (“*partner*”) in relation to the parent of an eligible student means any of the following other than another parent of the eligible student—

- (a) the spouse of an eligible student’s parent;
- (b) the civil partner of an eligible student’s parent;
- (c) a person ordinarily living with the parent of an eligible student as if he or she were his or her spouse;
- (d) a person ordinarily living with the parent of an eligible student as if he or she were the parent’s civil partner;

“period of full time study” (“*cyfnod o astudio llawnamser*”) means a period of study on one or more designated courses comprising 500 or more contact hours during the period of 12 months starting with the first day of the academic year of the course in question;

“period of part-time study” (“*cyfnod o astudio rhan-amser*”) means a period of study on one or more designated courses and comprising not less than 275 contact hours nor more than 499 contact hours during the period of 12 months starting with the first day of the academic year of the course in question;

“preceding financial year” (“*blwyddyn ariannol flaenorol*”) means the financial year immediately preceding the relevant year;

“relevant year” (“*blwyddyn berthnasol*”) means the academic year in respect of which the household income falls to be assessed;

“residual income” (“*incwm gweddilliol*”) means taxable income after the application of regulation 9 (in the case of an eligible student), regulation 10 (in the case of an eligible student’s parent), regulation 11 (in the case of an eligible student’s partner) or regulation 12 (in the case of the partner of an eligible student’s parent);

Service (Primary Care) Act 1997 (c. 46), Schedule 2, the Health Act 1999 (c. 8), Schedule 4, the Health and Social Care Act 2001 (c. 15), Schedule 5, the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedules 2, 5 and 9, the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc Provisions) Regulations 2002 (S.I. 2002/2469), Schedule 1, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedules 4, 11 and 14, the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.2) Order 2004 (S.I. 2004/288), article 7, the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004 (S.I. 2004/480), S.I. 2004/288, article 7; the Children Act 2004 (c. 31), section 55; S.I. 2004/957, the Schedule; the National Health Service (Consequential Provisions) Act 2006 (c. 43), Schedule 1 and S.I. 2007/961, the Schedule.

(5) S.I. 1972/1265 (N.I. 14) to which there have been amendments not relevant to these Regulations.

(6) 1988 c. 40.

“taxable income” (“*incwm trethadwy*”) means, in relation to regulation 9, in respect of the Academic Year 2009/2010 and, in relation to regulation 10, in respect (subject to paragraphs (3), (4) and (5) of regulation 10) of the preceding financial year, a person’s taxable income from all sources computed as for the purposes of—

- (a) the Income Tax Acts;
- (b) the income tax legislation of another Member State which applies to the person’s income;
or
- (c) where the legislation of more than one Member State applies to the period, the legislation under which the Welsh Ministers consider the person will pay the largest amount of tax in that period (except as otherwise provided in regulation 10).