
WELSH STATUTORY INSTRUMENTS

2009 No. 3359

The Assembly Learning Grants (European University Institute) (Wales) Regulations 2009

PART 1

GENERAL

Title, commencement, application and interpretation

1. The title of these Regulations is the Assembly Learning Grants (European University Institute) (Wales) Regulations 2009 and they come into force on 21 January 2010.

2. These Regulations apply in relation to Wales.

3. In these Regulations—

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

“the 2008 Regulations” (“*Rheoliadau 2008*”) means the Assembly Learning Grants (European Institutions) (Wales) Regulations 2008(1);

“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 8;

“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 16;

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

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

(a) who has been informed by a person acting under the authority of the Secretary of State for the Home Department that, although he or she is considered not to qualify for recognition

as a refugee, it is thought right to allow him or her to enter or remain in the United Kingdom;

- (b) who has been granted leave to enter or remain accordingly;
- (c) 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⁽²⁾); and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the period since he or she was granted leave to enter or remain;

“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 his or her attendance on the course by reason of a disability to which he or she 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⁽³⁾ as extended by the Protocol thereto which entered into force on 4 October 1967⁽⁴⁾;

“relevant date” (“*dyddiad perthnasol*”) means 31 January 2010;

“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 fyfyrwy*”) means the Education (Student Loans) Act 1990⁽⁶⁾, the Education (Student Loans) (Northern Ireland) Order 1990⁽⁷⁾, the Education (Scotland) Act 1980⁽⁸⁾ and regulations made thereunder, the Education (Student Support) (Northern Ireland) Order 1998⁽⁹⁾ 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.

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- (2) 2002 c. 41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants etc) Act 2004 (c. 19), Schedules 2 and 4 and the Immigration, Asylum and Nationality Act 200 (c.13), section 9.
 - (3) Cmnd. 9171.
 - (4) 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).
 - (5) 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 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) 1990 c. 6; repealed by the Teaching and Higher Education Act 1998 (c. 30), Schedule 4.
 - (7) S.I. 1990/1506 (N.I.11); amended by S.I. 1996/1274 (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 6 and revoked, with savings, by SR (NI)1998 No. 306.
 - (8) 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).
 - (9) S.I. 1998/1760 (N.I.14), to which there have been amendments not relevant to these Regulations.

Revocation and saving provisions

4. Subject to regulation 5, the following regulations are revoked on 1 September 2010—
 - (a) the 2008 Regulations;
 - (b) the Assembly Learning Grants (European Institutions) (Wales) (Amendment) Regulations 2008⁽¹⁰⁾;
 - (c) the Assembly Learning Grants (European Institutions) (Wales) (Amendment) (No. 2) Regulations 2008⁽¹¹⁾;
 - (d) the Assembly Learning Grants (European Institutions) (Wales) (Amendment) Regulations 2009⁽¹²⁾.
5. The 2008 Regulations continue to apply to the provision of support to students in relation to an academic year beginning on or after 1 September 2009 but before 1 September 2010.
6. These Regulations apply in relation to the provision of support to an eligible student in relation to an academic year which begins on or after 1 September 2010 whether anything done under these Regulations is done before, on or after 1 September 2010.

⁽¹⁰⁾ S.I. 2008/1324 (W.137).

⁽¹¹⁾ S.I. 2008/3114 (W.276).

⁽¹²⁾ S.I. 2009/2157 (W.181).