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WELSH STATUTORY INSTRUMENTS

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**2009 No. 3359**

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

**PART 4**

**FINANCIAL SUPPORT**

**General**

**15.**—(1) Subject to paragraph (2), the general rule is that an eligible student who is attending a designated course provided by the Institute qualifies in connection with an academic year for—

- (a) grants for living and other costs in accordance with Chapter 1; and
- (b) supplementary grants in accordance with Chapter 2.

(2) If the academic year in respect of which the eligible student has applied for support is a year of repeat study the Welsh Ministers may determine that—

- (a) the student does not qualify for a particular type or amount of support in respect of the year of repeat study; or
- (b) the student does not qualify for any support in respect of the year of repeat study.

(3) In determining whether an eligible student should not qualify for some or any support in accordance with paragraph (2) the Welsh Ministers must have regard to the circumstances of the case and in particular the reasons for which the student has been required to repeat an academic year.

(4) For the purposes of this regulation, “year of repeat study” means an academic year which the student has previously attended but is required by the Institute to attend again.

**CHAPTER 1**

**GRANTS FOR LIVING AND OTHER COSTS**

**Grants for living and other costs**

**16.**—(1) Subject to paragraph (2), an eligible student qualifies in respect of an academic year for the grants for living and other costs specified in and calculated in accordance with paragraphs (3) to (7).

(2) An eligible student does not qualify for any of the grants payable under this regulation if paragraph 9 of Part 2 of Schedule 1 is the only paragraph of Part 2 of that Schedule into which the student falls.

(3) An eligible student qualifies for a grant for living costs of 18,099 euro in relation to an academic year beginning on or after 1 September 2010.

(4) An eligible student qualifies for a grant for travel home of the amount determined by the Welsh Ministers to be the reasonable cost of one return journey from the student’s home address to the Institute.

(5) An eligible student qualifies for a grant for college travel of the amount determined by the Welsh Ministers to be the reasonable cost of travel from the student's residence whilst attending the Institute to the Institute.

(6) Subject to the prior agreement of the Welsh Ministers before costs are incurred, an eligible student qualifies for a grant for research travel of the amount determined by the Welsh Ministers to be the reasonable cost of travel incurred for the purposes of completing periods of research authorised by the Institute during the academic year in respect of which support is being applied for.

(7) An eligible student qualifies for a grant for medical insurance of the amount determined by the Welsh Ministers to be the reasonable cost of insuring the student against liability for the cost of medical treatment provided outside the United Kingdom where the ordinary duration of the course is more than one academic year.

17. A deduction may be made in accordance with Part 5 from the amount payable in respect of any of the grants calculated under paragraphs (3) to (6) of regulation 16.

## CHAPTER 2

### SUPPLEMENTARY GRANTS

#### Disabled student's allowance

18.—(1) Subject to paragraph (2), 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 he or she is subject in respect of his or her attendance at a designated course.

(2) An eligible student does not qualify for a disabled student's allowance if paragraph 9 of Part 2 of Schedule 1 is the only paragraph of Part 2 of that Schedule into which the student falls.

#### Amount of disabled student's allowance

19.—(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 £10,260 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.

#### Grant for dependants

20.—(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 21 to 25.

### **Adult dependants' grant**

**21.**—(1) Subject to paragraph (3), an eligible student qualifies for an adult dependants' grant in connection with his or her 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, £3,801.

(3) An eligible student does not qualify for the grant payable under this regulation if paragraph 9 of Part 2 of Schedule 1 is the only paragraph of Part 2 of that

### **Schedule into which the student falls.**

**22.** The amount of adult dependants' grant payable in respect of an academic year is calculated in accordance with regulation 24, the basic amount being—

- (a) in respect of the current academic year, £2,647; 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 £2,647 as the Welsh Ministers consider reasonable in the circumstances.

### **Parents' learning allowance**

**23.**—(1) Subject to paragraph (2), an eligible student qualifies in connection with his or her attendance on a designated course for the parents' learning allowance if he or she has one or more dependent children.

(2) An eligible student does not qualify for the grant payable under this regulation if paragraph 9 of Part 2 of Schedule 1 is the only paragraph of Part 2 of that Schedule into which the student falls.

(3) The amount of parents' learning allowance payable in respect of an academic year is calculated in accordance with regulation 24, the basic amount being, £1,508.

### **Calculations**

**24.**—(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 21 to 23 is the amount of that element remaining after applying, until it is extinguished or no element remains payable under regulations 21 to 23, 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 21; and
- (b) to reduce the basic amount of parents' learning allowance where the eligible student qualifies for that element under regulation 23.

(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 he or she 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.
- 25.** 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 21 to 24.

### Interpretation

- 26.—**(1) For the purposes of regulations 21 to 25—
- (a) “adult dependant” (“*dibynnydd mewn oed*”) means, in relation to an eligible student, an adult person dependent on the student other than his or her child, his or her partner (including a spouse or civil partner from whom the Welsh Ministers consider the student is separated) or his or her 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 him or her;
  - (c) “dependant” (“*dibynnydd*”) means, in relation to an eligible student, the student's partner, his or her dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;
  - (d) “dependent” (“*dibynnol*”) means wholly or mainly financially dependent;
  - (e) “dependent child” (“*plentyn dibynnol*”) 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 his or her 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 his or her 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 he or she 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 he or she 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) his or her partner; but
  - (ii) is dependent on the eligible student and his or her 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 ordinarily living with an eligible student's partner as if he or she were his or her spouse;
  - (iv) where the eligible student began the specified designated course on or after 1 September 2005, a person ordinarily living with an eligible student's partner as if he or she were his or her civil partner.

(2) Subject to paragraph (3), a dependant's net income is his or her 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<sup>(1)</sup>;
- (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<sup>(2)</sup>;
- (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<sup>(3)</sup>;
- (f) any payment made to the dependant under section 23C(5A) of the Children Act 1989<sup>(4)</sup>;
- (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<sup>(5)</sup>; and
- (h) any child tax credit to which the dependant is entitled under Part 1 of the Tax Credits Act 2002<sup>(6)</sup>.

(3) Where an eligible student or his or her 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—

- (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.

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(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) and the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 7.

(4) Subsections (5A) to (5C) of section 23C of the Children Act 1989 were inserted, in relation to England, by section 21 of the Children and Young Persons Act 2008 and S.I. 2009/268 and S.I. 2009/2273 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.