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WELSH STATUTORY INSTRUMENTS

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**2014 No. 3037**

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

PART 2

APPLYING FOR SUPPORT AND ELIGIBILITY

**Applications**

5.—(1) Unless a person seeking support under these Regulations is already an eligible student by virtue of regulation 6(8), that person must submit an application to be considered as an eligible student and an application for support in such form as the Welsh Ministers may require to the Institute by the application deadline.

(2) Where a person (“A” in this paragraph) seeking support under these Regulations is already an eligible student by virtue of regulation 6(8), A must notify the Welsh Ministers in writing by the application deadline that A wishes to apply for support under these Regulations.

(3) Subject to paragraph (4), the application deadline is 31 January of the calendar year in which the academic year of the current course begins.

(4) The Welsh Ministers may extend the application deadline if they consider that the circumstances of the case warrant it.

**Eligible students**

6.—(1) An eligible student qualifies for financial support in connection with 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 at the Institute if—

- (a) the academic authority notifies the Welsh Ministers in writing that the person has a reasonable chance of being offered a place on that course by the academic authority; and
- (b) the Welsh Ministers determine in connection with an application for support under these Regulations that the person falls within one of the categories in Part 2 of Schedule 1.

(3) A person (“A” in this paragraph) is not an eligible student if—

- (a) subject to paragraph (4), A has attended a qualifying course;
- (b) A is in breach of an obligation to repay any loan;
- (c) A has reached the age of 18 and not ratified any agreement for a loan made with A when A was under the age of 18; or
- (d) A has, in the opinion of the Welsh Ministers, shown by A’s conduct that A is unfitted to receive support.

(4) Paragraph (3)(a) does not apply where the person has attended a qualifying course but the Welsh Ministers have determined that having regard to the particular circumstances of that person's case it is appropriate to pay that person support in connection with the current course.

(5) For the purposes of paragraph (3)(b) and (c), "loan" ("*benthyciad*") means a loan made under the student loans legislation.

(6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (3)(c) only applies if the agreement was made—

- (a) before 25 September 1991; and
- (b) with the concurrence of the borrower's curator or at a time when the borrower had no curator.

(7) An eligible student in respect of whom the first academic year of the course begins on or after 1 September 2000 does not, at any one time, qualify for support for more than one designated course.

(8) Despite paragraphs (2) and (3) and subject to paragraphs (9) and (10), a person ("A" in this paragraph) is an eligible student in connection with a designated course at the Institute if—

- (a) A qualified as an eligible student in connection with—
  - (i) an earlier academic year of the current course; or
  - (ii) a designated course that A attended at the Institute and from which A's status as an eligible student was transferred to the current course; and
- (b) A's status as an eligible student has not terminated.

(9) Where—

- (a) the Welsh Ministers determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A" in this paragraph) was an eligible student in connection with an application for support for an earlier year of the current course or in connection with an application for support for a designated course at the Institute from which A's status as an eligible student has been transferred to the current course; and
- (b) the refugee status of A or of A's spouse, civil partner, parent or step-parent, as the case may be, is due to expire before the first day of the academic year in respect of which A is applying for support and, as at the day before that academic year begins, no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible student terminates on the day before the first day of the academic year in respect of which A is applying for support.

(10) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person with leave to enter or remain or the spouse, civil partner, child or step-child of such a person, a person ("A" in this paragraph) was an eligible student in connection with an application for support for an earlier year of the current course or in connection with an application for support for a designated course at the Institute from which A's status as an eligible student has been transferred to the current course; and
- (b) the period for which the person with leave to enter or remain is allowed to stay in the United Kingdom is due to expire before the first day of the academic year in respect of which A is applying for support and, as at the day before that academic year begins, no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible student terminates on the day before the first day of the academic year in respect of which A is applying for support.

(11) Paragraphs (9) and (10) do not apply where the student began the course in connection with which the Welsh Ministers determined that he or she was an eligible student before 1 September 2007.

(12) The Welsh Ministers may take such steps and make such inquiries as they consider necessary to determine whether a person is an eligible student.

(13) The Welsh Ministers must inform a person who has been notified to them under paragraph (2) (a) whether that person qualifies as an eligible student.

(14) A person who has received notification from the Welsh Ministers under paragraph (13) that the person is an eligible student in connection with a course at the Institute and a person who is an eligible student at the Institute by virtue of paragraph (8) must, by the deadline for receipt of financial information, provide the Welsh Ministers with any information or documentation that they request in order to determine the amount of support payable under these Regulations in respect of the academic year.

(15) The deadline for receipt of financial information is 30 April of the calendar year in which the academic year of the current course begins or, in the case of grants payable under regulation 15(6), 28 February of the calendar year after that in which the academic year of the current course begins.

(16) The Welsh Ministers must notify an eligible student of the amount of support payable in respect of the academic year, if any.

### **Designated courses**

7. A course is designated for the purposes of section 22(1) of the 1998 Act and regulation 6 if it is—

- (a) a postgraduate or comparable course;
- (b) a full-time course;
- (c) of at least one academic year's duration; and
- (d) provided by the Institute,

unless it is a course that leads to the award of a master of laws qualification.

### **Period of eligibility**

8.—(1) Subject to the following paragraphs and regulation 6, a student's status as an eligible student in connection with a designated course will terminate at the end of the third academic year of the student's course ("period of eligibility").

(2) The student's period of eligibility terminates when the student—

- (a) withdraws from the designated course in circumstances in which the Welsh Ministers will not transfer the student's status as an eligible student in accordance with regulation 9; or
- (b) abandons or is expelled from the designated course.

(3) The Welsh Ministers may terminate the student's period of eligibility if they are satisfied that the conduct of the student has shown that the student is unfitted to receive support.

(4) Where the student's period of eligibility will terminate before the end of the academic year in which the student will actually complete the course, the Welsh Ministers may, at any time, extend or renew the period of eligibility for such period as they determine.

(5) If the Welsh Ministers are satisfied that an eligible student has failed to comply with any requirement to provide information under these Regulations or has provided information which is inaccurate in a material particular, the Welsh Ministers may do one or more of the following—

- (a) terminate the student's period of eligibility;

- (b) determine that the student no longer qualifies for any particular type of support or particular amount of support;
- (c) treat any support already paid to the student as an overpayment which may be recovered in accordance with regulation 30.

**Transfer of eligibility**

9.—(1) Where an eligible student transfers to another designated course at the Institute, the Welsh Ministers must transfer the student’s status as an eligible student where—

- (a) they receive a request from the eligible student to do so;
- (b) they are satisfied that the eligible student has begun to attend that other course on the recommendation of the academic authority; and
- (c) the student’s status as an eligible student has not terminated.

(2) An eligible student who transfers under paragraph (1) is to receive in connection with the academic year of the course to which the student transfers the remainder of the support assessed by the Welsh Ministers in respect of the academic year of the course from which the student transfers.

(3) An eligible student who transfers under paragraph (1) after the Welsh Ministers have assessed support in connection with the academic year of the course from which the student is transferring but before the student completes that year may not, in connection with the academic year of the course to which the student transfers, apply for another grant of a kind that the student has already applied for under these Regulations in connection with the academic year of the course from which the student is transferring.