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STATUTORY INSTRUMENTS

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**2010 No. 447**

The Education (Student Support) (European  
University Institute) Regulations 2010

PART 4

FINANCIAL SUPPORT

CHAPTER 2

SUPPLEMENTARY GRANTS

**Disabled students' allowance**

**19.**—(1) Subject to paragraph (2), a student (“A”) qualifies for a disabled students’ allowance to assist with the additional expenditure which the Secretary of State is satisfied that A is obliged to incur by reason of a disability to which A is subject in respect of A’s attendance at a designated course.

(2) A student does not qualify for a disabled students’ 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 students' allowance**

**20.**—(1) Subject to paragraph (2), the amount of the disabled students’ allowance is the amount that the Secretary of State considers appropriate in accordance with the student’s circumstances to assist with one or more types of eligible expenditure.

(2) The amount of disabled students’ 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**

**21.**—(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 are set out in regulations 22 to 26.

### Adult dependants' grant

**22.**—(1) Subject to paragraph (3), a student qualifies for an adult dependants' grant in connection with that student's attendance on a designated course in accordance with this regulation.

(2) The adult dependants' grant is available in respect of a 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 £3,796.

(3) A 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.

**23.**—(1) The amount of the adult dependants' grant payable in respect of an academic year is calculated in accordance with regulation 25, the basic amount being—

- (a) in respect of the current academic year, £2,642; 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 £2,642 as the Secretary of State considers reasonable in the circumstances.

### Parents' learning allowance

**24.**—(1) Subject to paragraph (2), a student qualifies in connection with that student's attendance on a designated course for the parents' learning allowance if that student has one or more dependants who are dependent children.

(2) A 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 the parents' learning allowance payable in respect of an academic year is calculated in accordance with regulation 25, the basic amount being £1,508.

### Calculations

**25.**—(1) Subject to the following paragraphs, the amount payable in respect of a particular element of the grant for dependants for which the student qualifies under regulations 22 to 24 is the amount of that element remaining after applying, until it is extinguished or no element remains payable under regulations 22 to 24, 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 student qualifies for that element under regulation 22; and
- (b) to reduce the basic amount of the parents' learning allowance where the student qualifies for that element under regulation 24.

(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 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) in respect of an adult dependant is reduced 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 the partner 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 children;
  - (b) £3,473 where the student is not a lone parent and has one dependent child;
  - (c) £4,627 where the student is not a lone parent and has more than one dependent child;
  - (d) £4,627 where the student is a lone parent and has one dependent child;
  - (e) £5,792 where the student is a lone parent and has more than one dependent child.
- 26.** 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 22 to 25.

## **Interpretation**

- 27.**—(1) For the purposes of regulations 22 to 26—
- (a) “adult dependant” means, in relation to a student (“A”), an adult person dependent on A but does not include A's child, A's partner (including a spouse or civil partner from whom the Secretary of State considers the student is separated) or A's former partner;
  - (b) “child” in relation to a student (“A”) includes any child of A's partner who is dependent on A and any child for whom A has parental responsibility who is dependent on A;
  - (c) “dependant” means, in relation to a student (“A”), A's partner, A's dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;
  - (d) “dependent” means wholly or mainly financially dependent;
  - (e) “lone parent” means a student who does not have a partner and who has a dependent child;
  - (f) “net income” has the meaning given in paragraph (2);
  - (g) subject to sub-paragraphs (h), (i) and (j), “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 (“A”) as if that person were A's spouse where A was aged 25 or over at the start of the academic year in respect of which A's contribution falls to be assessed;
    - (iv) a person ordinarily living with a student (“A”) as if that person were A's civil partner where A was aged 25 or over at the start of the academic year in respect of which A's contribution falls to be assessed;
  - (h) unless otherwise indicated, a person who would otherwise be a partner under subparagraph (g) is not to be treated as a partner if—
    - (i) in the opinion of the Secretary of State, 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;
- (i) for the purposes of the definition of “adult dependant”, a person is to be treated as a partner if that person would be a partner under sub-paragraph (g) but for the fact that the student with whom that person 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;
- (j) for the purposes of the definitions of “child” and “lone parent”, a person is to be treated as a partner if that person would be a partner under sub-paragraph (g) but for the date on which the student began the designated course or the fact that the student with whom that person 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.
- (2) Subject to paragraph (3), a dependant’s net income is that person’s 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 in pursuance of section 23 of the Children Act 1989<sup>(3)</sup>;
- (f) 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; and
- (g) any child tax credit to which the dependant is entitled under Part 1 of the Tax Credits Act 2002.
- (3) Where a student or that student’s 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 Secretary of State the obligation has been reasonably incurred; or
- (b) such lesser amount, if any, as the Secretary of State considers appropriate if, in the Secretary of State’s 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.

(2) 2002 c. 38.

(3) 1989 c. 41. Section 23 was amended by the Children Act 2004 (c. 31), section 49(3).

