STATUTORY INSTRUMENTS

2006 No. 3156

EDUCATION, ENGLAND

The Education (Student Support) (European Institutions) (No. 2) Regulations 2006

Made - - - -	*24th November 2006*
Laid before Parliament	*7th December 2006*
Coming into force - -	*31st December 2006*

The Secretary of State for Education and Skills, in exercise of the powers conferred by sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998(**a**), makes the following Regulations:

PART 1

GENERAL

Citation, commencement, application and interpretation

1. These Regulations may be cited as the Education (Student Support) (European Institutions) (No. 2) Regulations 2006 and come into force on 31st December 2006.

2. These Regulations apply in relation to England(**b**).

3. In these Regulations—

"1998 Act" means the Teaching and Higher Education Act 1998;

"2006 Regulations" means the Education (Student Support) (European Institutions) Regulations 2006(**c**);

"academic authority" means, in relation to an institution, 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" means the designated course in respect of which a person is applying for support or to be recognised as an eligible student;

"eligible student" has the meaning given by regulation 9;

(**a**) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11; the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6; the Finance Act 2003 (c. 14), section 147 and the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7.

(**b**) In relation to Wales, the functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 were transferred to the National Assembly for Wales under section 44 of the Higher Education Act 2004 except so far as they relate to the making of any provision authorised by subsection (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22.

(**c**) S.I. 2006/953, amended by S.I. 2006/1785.

"European Community" means the territory comprised by the Member States of the European Community as constituted from time to time;

"European institution" means—

(a) the Bologna Center;

(b) the College of Europe;

(c) the European University Institute;

"grants for living and other costs" means the grants payable under regulation 19 or 21;

"person with leave to enter or remain" 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 is considered not to qualify for recognition as a refugee, it is thought right to allow him 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(**a**)); and

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

"qualifying course" 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 attendance on the course by reason of a disability to which he is or was subject;

"refugee" 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 28th July 1951(**b**) as extended by the Protocol thereto which entered into force on 4th October 1967(**c**);

"relevant date" means 1st February 2007;

"statutory award" means any award bestowed, grant paid or other support provided by virtue of the 1998 Act or the Education Act 1962(**d**), or any comparable award, grant or other support in respect of undertaking a course which is paid out of public funds;

"student loans legislation" means the Education (Student Loans) Act 1990, the Education (Student Loans) (Northern Ireland) Order 1990, the Education (Scotland) Act 1980 and regulations made thereunder, the Education (Student Support) (Northern Ireland) Order 1998 and regulations made thereunder or the 1998 Act and regulations made thereunder;

"supplementary grants" means the grants payable under Chapter 4 of Part 4.

(**a**) 2002 c. 41.

(**b**) Cmnd. 9171.

(**c**) Cmnd. 3906 (out of print; photocopies are available, free of charge, from the Student Support Division, Department for Education and Skills, Mowden Hall, Staindrop Road, Darlington DL3 9BG).

(**d**) 1962 c.12; sections 1 to 4 and Schedule 1 were substituted by the provision 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.

Revocation and saving provisions

4. Subject to regulations 5 and 6, the Education (Student Support) (European Institutions) Regulations 2006 and the Education (Student Support) (European Institutions) (Amendment) Regulations 2006(**a**) are revoked in relation to England.

5. Regulation 5 of the 2006 Regulations continues to apply.

6. The 2006 Regulations shall continue to apply in relation to England in respect of an academic year beginning on or after 1st September 2006 but before 1st September 2007 and in respect of an academic year beginning on or after 1st September 2005 but before 1st September 2006 so far as the 2006 Regulations relate to an academic year beginning in that period.

7. These Regulations apply in relation to the provision of support to students in relation to an academic year which begins on or after 1st September 2007 whether anything done under these Regulations is done before, on or after 1st September 2007.

PART 2

APPLYING FOR SUPPORT AND ELIGIBILITY

Applications

8.—(1) Unless a person seeking support under these Regulations is already an eligible student by virtue of regulation 9(10), he must submit an application to be considered as an eligible student and an application for support in such form as the Secretary of State may require to the relevant European institution by the application deadline.

(2) Where a person seeking support under these Regulations is already an eligible student by virtue of regulation 9(10), he must notify the Secretary of State in writing by the application deadline that he wishes to apply for support under these Regulations.

(3) Subject to paragraph (4), the application deadline is—

(a) 1st February 2007, in the case of the Bologna Center;

(b) 15th January 2007, in the case of the College of Europe; and

(c) 31st January 2007, in the case of the European University Institute.

(4) The Secretary of State may extend the application deadline if he considers that the circumstances of the case warrant it.

Eligible students

9.—(1) An eligible student qualifies for support in connection with his attendance on a designated course subject to and in accordance with these Regulations.

(2) Subject to paragraphs (4) and (8), a person is an eligible student in connection with a designated course at the College of Europe or the European University Institute if—

(a) the academic authority of the European institution providing the designated course notifies the Secretary of State in writing that the person has a reasonable chance of being offered a place on that course by the academic authority; and

(b) the Secretary of State determines in connection with an application for support under these Regulations that he falls within one of the categories in Part 2 of Schedule 1.

(3) Subject to paragraphs (4) and (8), a person is an eligible student in connection with a designated course at the Bologna Center if—

(**a**) S.I. 2006/1785.

(a) the academic authority of the Bologna Center nominates him for support under these Regulations by writing to the Secretary of State; and

(b) the Secretary of State determines in connection with an application for support under these Regulations that he falls within one of the categories in Part 2 of Schedule 1.

(4) A person is not an eligible student if—

(a) subject to paragraph (5), he has attended a qualifying course;

(b) he is in breach of an obligation to repay any loan;

(c) he has reached the age of 18 and not ratified any agreement for a loan made with him when he was under the age of 18; or

(d) he has, in the opinion of the Secretary of State, shown himself by his conduct to be unfitted to receive support.

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

(6) For the purposes of paragraph (4)(b) and (c), "loan" means a loan made under the student loans legislation.

(7) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (4)(c) only applies if the agreement was made—

(a) before 25th September 1991; and

(b) with the concurrence of the borrower's curator or at a time when he had no curator.

(8) The number of eligible students must not exceed—

(a) 2, in the case of the Bologna Center;

(b) 22, in the case of the College of Europe; and

(c) 26, in the case of the European University Institute.

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

(10) Despite paragraphs (2) to (4) and subject to paragraphs (8), (11) and (12), a person is an eligible student in connection with a designated course at a European Institution if—

(a) he qualified as an eligible student in connection with—

(i) an earlier academic year of the current course; or

(ii) a designated course that he attended at the same European institution and from which his status as an eligible student was transferred to the current course; and

(b) his status as an eligible student has not terminated.

(11) Where—

(a) the Secretary of State determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A") 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 same European institution from which his status as an eligible student has been transferred to the current course; and

(b) the refugee status of A or of his 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 he is applying for support.

(12) Where—

(a) the Secretary of State 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") 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 same European institution from which his 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 he is applying for support.

(13) Paragraphs (11) and (12) do not apply where the student began the course in connection with which the Secretary of State determined that he was an eligible student before 1st September 2007.

(14) The Secretary of State may take such steps and make such inquiries as he considers necessary to determine whether a person is an eligible student.

(15) The Secretary of State must inform a person who has been notified to him under paragraph (2)(a) or nominated under paragraph (3)(a) whether he qualifies as an eligible student.

(16) A person who has received notification from the Secretary of State under paragraph (15) that he is an eligible student in connection with a course at the College of Europe or the European University Institute and a person who is an eligible student at the College of Europe or the European University Institute by virtue of paragraph (10) must, by the deadline for receipt of financial information, provide the Secretary of State with any information or documentation that he requests in order to determine the amount of support payable under these Regulations in respect of the academic year.

(17) The deadline for receipt of financial information is 31st July 2007 or, in the case of grants payable under regulations 19(7) and 21(6), 28th February 2008.

(18) The Secretary of State must notify an eligible student of the amount of support payable in respect the academic year, if any.

Designated courses

10. A course is designated for the purposes of section 22(1) of the 1998 Act and regulation 9 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 a European institution.

Period of eligibility

11.—(1) Subject to the following paragraphs and regulation 9 a student's status as an eligible student in connection with a designated course will terminate at the end of the academic year in which the relevant European institution would ordinarily expect the student to complete the course ("period of eligibility").

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

(a) withdraws from his designated course in circumstances in which the Secretary of State will not transfer his status as an eligible student in accordance with regulation 12; or

(b) abandons or is expelled from his designated course.

(3) The Secretary of State may terminate the student's period of eligibility if he is satisfied that the student has by his conduct shown himself 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 Secretary of State may, at any time, extend or renew the period of eligibility for such period as he determines.

(5) If the Secretary of State is 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 Secretary of State 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 38.

Transfer of eligibility

12.—(1) Where an eligible student transfers to another designated course at the same European institution, the Secretary of State must transfer the student's status as an eligible student where—

(a) he receives a request from the eligible student to do so;

(b) he is 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) shall receive in connection with the academic year of the course to which he transfers the remainder of the support assessed by the Secretary of State in respect of the academic year of the course from which he transfers.

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

PART 3

PROVISION OF INFORMATION

Information

13. Every applicant and eligible student must, as soon as reasonably practicable after he is requested to do so, provide the Secretary of State with such information as the Secretary of State considers he requires for the purposes of these Regulations.

14. Every applicant and eligible student must immediately inform the Secretary of State and provide him with particulars if—

(a) he withdraws from, abandons or is expelled from his course;

(b) he transfers to another course at the same European institution;

(c) he ceases to attend his course and does not intend to or is not permitted to continue it for the remainder of the academic year;

(d) he is absent from his course for more than 60 days due to illness or for any period for any other reason;

(e) the month for the start or the completion of the course changes;

(f) his home or term-time address changes.

15. Information provided to the Secretary of State pursuant to these Regulations must be in the format required by the Secretary of State and, if the Secretary of State requires the information to be signed by the person providing it, an electronic signature in such form as the Secretary of State may specify satisfies this requirement.

PART 4

FINANCIAL SUPPORT

General

16.—(1) Subject to paragraph (2), the general rule is that—

(a) an eligible student who is attending a designated course provided by the Bologna Center ("Bologna Center student") qualifies for support in connection with an academic year of that course in accordance with the provisions of Chapter 1;

(b) an eligible student who is attending a designated course provided by the College of Europe ("College of Europe student") qualifies in connection with an academic year of that course for—

(i) a grant for fees and grants for living and other costs in accordance with Chapter 2; and

(ii) supplementary grants in accordance with Chapter 4; and

(c) an eligible student who is attending a designated course provided by the European University Institute ("European University Institute student") qualifies in connection with an academic year of that course for—

(i) grants for living and other costs in accordance with Chapter 3; and

(ii) supplementary grants in accordance with Chapter 4.

(2) If the academic year in respect of which the eligible student has applied for support is a year of repeat study the Secretary of State 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 Secretary of State shall 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 or part of an academic year which the student has previously attended but is required by the relevant European institution to attend again.

CHAPTER 1

GRANTS FOR FEES FOR BOLOGNA CENTER STUDENTS

Grant for fees

17.—(1) A Bologna Center student qualifies for a grant for fees in respect of an academic year of the current course calculated in accordance with paragraph (2).

(2) Subject to paragraph (3), the amount of grant for fees payable in respect of an academic year is the aggregate amount of fees payable by the student in respect of, or otherwise in connection with, his attendance on the course during that academic year.

(3) The maximum amount of grant for fees payable under this regulation is 24,100 euro.

CHAPTER 2

GRANTS FOR COLLEGE OF EUROPE STUDENTS

Grant for fees

18.—(1) A College of Europe student qualifies for a grant for fees in respect of an academic year of the current course calculated in accordance with paragraph (2).

(2) Subject to paragraph (3), the amount of grant for fees payable in respect of an academic year is the aggregate amount of fees payable by the student in respect of, or otherwise in connection with, his attendance on the current course during that academic year.

(3) The maximum amount of grant for fees is 10,250 euro.

Grants for living and other costs

19.—(1) Subject to paragraph (2), a College of Europe 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) A College of Europe 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) A College of Europe student qualifies for a grant for living costs of an amount equal to the sum of (**A** + **B)** where—

A is £2,343; and

B is £48 for each week, including a week during which the student is required to attend the College for less than 5 days, that the student is required to attend the College in excess of 30 weeks and 3 days.

(4) A College of Europe student qualifies for a grant for board and lodging of 6,000 euro.

(5) A College of Europe student qualifies for a grant for travel home of an amount equal to (**A** – **B)** where—

A is the amount determined by the Secretary of State to be the cost of three return journeys from the student's home address to the College of Europe; and

B is £97.

(6) A College of Europe student qualifies for a grant for college travel of such amount as the Secretary of State determines to be the reasonable cost of travel from the student's residence whilst attending the College of Europe to the College of Europe.

(7) Subject to the prior agreement of the Secretary of State before costs are incurred, a College of Europe student qualifies for a grant for research travel of such amount as the Secretary of State determines to be the reasonable cost of travel incurred for the purposes of completing periods of research authorised by the College of Europe during the academic year in respect of which support is being applied for.

20. A deduction may be made in accordance with Part 5 from the amount payable in respect of any of the grants calculated in accordance with regulation 19.

CHAPTER 3

GRANTS FOR EUROPEAN UNIVERSITY INSTITUTE STUDENTS

Grants for living and other costs.

21. (1) Subject to paragraphs (2) and (3), a European University Institute 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) A European University Institute 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) A European University Institute student qualifies for a grant for living costs of 13,000 euro.

(4) A European University Institute student qualifies for a grant for travel home of the amount determined by the Secretary of State to be the reasonable cost of one return journey from the student's home address to the European University Institute;

(5) A European University Institute student qualifies for a grant for college travel of the amount determined by the Secretary of State to be the reasonable cost of travel from the student's residence whilst attending the European University Institute to the European University Institute.

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

(7) A European University Institute student qualifies for a grant for medical insurance of the amount determined by the Secretary of State 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.

22. A deduction may be made in accordance with Part 5 from the amount payable in respect of any of the grants calculated under paragraphs (4) to (6) of regulation 21.

CHAPTER 4

SUPPLEMENTARY GRANTS

Disabled students' allowance

23.—(1) Subject to paragraph (2), a College of Europe student or a European University Institute student qualifies for a disabled students' allowance to assist with the additional expenditure which the Secretary of State is satisfied that he is obliged to incur by reason of a disability to which he is subject in respect of his attendance at a designated course.

(2) A College of Europe student or a European University Institute 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

24.—(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 £5,915 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 the country where the relevant institution is located for the purpose of attending the institution; and

(ii) within or outside the United Kingdom for the purpose of travelling to the relevant institution in order to attend the relevant course.

Grant for dependants

25.—(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 26 to 30.

Adult dependants' grant

26.—(1) Subject to paragraph (3), a College of Europe Student or a European University Institute student qualifies for an adult dependants' grant in connection with his 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 £3,610.

(3) A College of Europe student or a European University Institute 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.

27.—(1) The amount of the adult dependants' grant payable in respect of an academic year is calculated in accordance with regulation 29, the basic amount being—

(a) in respect of the current academic year, £2,510; 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 £2,510 as the Secretary of State considers reasonable in the circumstances.

Parents' learning allowance

28.—(1) Subject to paragraph (2), a College of Europe student or a European University Institute student qualifies in connection with his attendance on a designated course for the parents' learning allowance if he has one or more dependants who are dependent children.

(2) A College of Europe student or a European University Institute 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 29, the basic amount being £1,435.

Calculations

29.—(1) Subject to the following paragraphs, the amount payable in respect of a particular element of the grant for dependants for which the College of Europe student or European University Institute student qualifies under regulations 26 to 28 is the amount of that element remaining after applying, until it is extinguished or no element remains payable under regulations 26 to 28, 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 26; and

(b) to reduce the basic amount of the parents' learning allowance where the student qualifies for that element under regulation 28.

(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 he 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) £1,100 where the student has no dependent children;

(b) £3,300 where the student is not a lone parent and has one dependent child;

(c) £4,400 where the student is not a lone parent and has more than one dependent child;

(d) £4,400 where the student is a lone parent and has one dependent child;

(e) £5,505 where the student is a lone parent and has more than one dependent child.

30. 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 26 to 29.

Interpretation

31.—(1) For the purposes of regulations 26 to 30—

(a) "adult dependant" means, in relation to a student, an adult person dependent on the student but does not include his child, his partner (including a spouse or civil partner from whom the Secretary of State considers the student is separated) or his former partner;

(b) "child" in relation to a student includes any child of his partner who is dependent on him and any child for whom he has parental responsibility who is dependent on him;

(c) "dependant" means, in relation to a student, his partner, his 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 as if he were his 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 1st September 2000;

(iv) a person ordinarily living with a student as if he were his 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 1st September 2005;

(h) unless otherwise indicated, a person who would otherwise be a partner under sub-paragraph (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 he would be a partner under sub-paragraph (g) but for the fact that the student with whom he 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 he 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 he 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 his 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(**a**);

(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(**b**);

(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(**c**);

(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 his 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 his opinion, a lesser obligation could reasonably have been incurred.

(4) For the purposes of paragraph (2), where—

(**a**) 1992 c. 4.
(**b**) 2002 c. 38.
(**c**) 1989 c. 41. Section 23 was amended by the Children Act 2004 (c. 31), section 49(3).

(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.

PART 5

CONTRIBUTIONS

Student's contribution

32. A College of Europe student or European University Institute student's contribution in respect of an academic year is the amount, if any, calculated under Schedule 2.

Application of the student's contribution

33.—(1) The contribution calculated in accordance with regulation 32 shall be applied—

(a) in the case of a College of Europe student in accordance with regulation 34; and

(b) in the case of a European University Institute student in accordance with regulation 35.

34.—(1) In the case of a College of Europe student, the Secretary of State must apply the student's contribution—

(a) first, to reduce the amount of grant for living costs calculated under regulation 19(3);

(b) second—

(i) in the case of a student who is eligible for the grant for dependants, to reduce in the following order—

(aa) the amount of any adult dependants' grant calculated in accordance with regulation 29;

(bb) the amount of any parents' learning allowance calculated in accordance with regulation 29; and

(cc) the amount of any grant for board and lodging calculated in accordance with regulation 19(4);

(ii) in any other case, the amount of grant for board and lodging calculated under regulation 19(4);

(c) third, to reduce the amount of grant for travel home calculated in accordance with regulation 19(5);

(d) fourth, to reduce the amount of grant for college travel calculated in accordance with regulation 19(6);

(e) fifth, subject to paragraph (2), to reduce the amount of grant for research travel calculated in accordance with regulation 19(7).

(2) Where the contribution available to reduce the amount of grant for research travel in accordance with paragraph (1)(e) exceeds the amount of that grant calculated under regulation 19(7), the amount of that grant payable to the student is nil.

35.—(1) In the case of a European University Institute student, the Secretary of State must apply the student's contribution—

(a) first, to reduce the amount of grant for living costs calculated in accordance with regulation 21(3);

(b) second—

(i) in the case of a student who is eligible for the grant for dependants, to reduce in the following order—

(aa) the amount of any adult dependants' grant calculated in accordance with regulation 29;

(bb) the amount of any parents' learning allowance calculated in accordance with regulation 29; and

(cc) the amount of any grant for travel home calculated in accordance with regulation 21(4);

(ii) in any other case, to reduce the amount of grant for travel home calculated in accordance with regulation 21(4);

(c) third, to reduce the amount of grant for college travel calculated in accordance with regulation 21(5).

(d) fourth, subject to paragraph (2), to reduce the amount of grant for research travel calculated in accordance with regulation 21(6).

(2) Where the contribution available to reduce the amount of grant for research travel in accordance with paragraph (1)(d) exceeds the amount of that grant calculated under regulation 21(6), the amount of that grant payable to the student is nil.

PART 6

PAYMENTS

Payment of grant for fees

36.—(1) The Secretary of State must not pay the grant for fees for which a student qualifies until he has received a request for payment from the academic authority.

(2) The Secretary of State may make the payments of the grant for fees to the academic authority in such instalments and at such times as he considers to be appropriate.

Payment of grants for living and other costs and supplementary grants

37.—(1) The Secretary of State may pay the grants for living and other costs and the supplementary grants for which a student qualifies in such instalments and at such times as he considers appropriate.

(2) The Secretary of State may, if he considers it appropriate to do so, pay the grant payable under regulation 19(4) or regulation 21(3) to the relevant academic authority for the authority to pay the relevant grant on his behalf.

(3) Where a final assessment of the amount of grants for living and other costs or supplementary grants payable to a student cannot be made on the basis of the information provided by the student, the Secretary of State may make provisional payments of those grants pending the final assessment.

(4) The Secretary of State may, if he considers it appropriate to do so, make a payment of disabled students' allowance before the start of the academic year in respect of which that payment is due.

(5) Where the circumstances in regulation 14(a) or regulation 14(c) apply, the Secretary of State must not make any payments of support to a student after the date on which he stops attending his course unless he considers it appropriate to do so taking into account the circumstances of the student's case.

(6) The Secretary of State must not make any payments of support to a student who is absent from his course—

(a) for more than 60 days due to illness; or

(b) for any period for any other reason,

unless he considers that it is appropriate to do so taking into account the circumstances of the student's case.

Overpayments

38.—(1) The Secretary of State may recover any overpayment of grant for fees from the academic authority.

(2) An eligible student shall, if required to do so by the Secretary of State, repay any amount paid to that student under Part 4 which for whatever reason exceeds the amount of support to which he is entitled under Part 4.

Bill Rammell
Minister of State
24th November 2006 Department for Education and Skills

SCHEDULE 1

Regulation 9

ELIGIBLE STUDENTS

PART 1

Interpretation

1.—(1) For the purposes of this Schedule—

"Directive 2004/38" means Directive 2004/38/EC of the European Parliament and of the Council of 29th April 2004 on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States(**a**);

"EC national" means a national of a Member State of the European Community;

"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(**b**) as adjusted by the Protocol signed at Brussels on 17th March 1993(**c**);

"EEA frontier self-employed person" has the meaning given by sub-paragraph (2);

"EEA frontier worker" has the meaning given by sub-paragraph (3);

"EEA migrant worker" means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

"EEA national" means a national of an EEA State other than the United Kingdom;

"EEA self-employed person" means an EEA national who is a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

"EEA State" means a Member State of the European Economic Area;

"employed person" means an employed person within the meaning of Annex 1 to the Swiss Agreement;

"European Economic Area" means the area comprised by the European Community, the Republic of Iceland, the Kingdom of Norway and the Principality of Liechtenstein;

unless otherwise indicated, "family member" means—

(a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person or an EEA self-employed person—

(**a**) OJ L158, 30.04.2004, pp 77-123.
(**b**) Cm. 2073.
(**c**) Cm. 2183.

(i) his spouse or civil partner;

(ii) his child or the child of his spouse or civil partner; or

(iii) dependent direct relatives in his ascending line or that of his spouse or civil partner;

(b) in relation to a Swiss employed person, a Swiss frontier employed person, a Swiss frontier self-employed person or a Swiss self-employed person—

(i) his spouse or civil partner; or

(ii) his child or the child of his spouse or civil partner;

(c) in relation to an EC national who falls within article 7(1)(c) of Directive 2004/38—

(i) his spouse or civil partner; or

(ii) direct descendants of his or his spouse or civil partner who are—

(aa) under the age of 21;

(bb) dependants of his or of his spouse or civil partner;

(d) in relation to an EC national who falls within article 7(1)(b) of Directive 2004/38—

(i) his spouse or civil partner;

(ii) direct descendants of his or his spouse or civil partner who are—

(aa) under the age of 21; or

(bb) dependants of his or of his spouse or civil partner;

(iii) dependent direct relatives in his ascending line or that of his spouse or civil partner;

(e) in relation to a United Kingdom national, for the purposes of paragraph 9—

(i) his spouse or civil partner; or

(ii) direct descendants of his or his spouse or civil partner who are—

(aa) under the age of 21; or

(bb) dependants of his or of his spouse or civil partner;

"right of permanent residence" means a right arising under Directive 2004/38 to reside in the United Kingdom permanently without restriction;

"self-employed person" means—

(a) in relation to an EEA national, a person who is self-employed within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be; or

(b) in relation to a Swiss national, a person who is a self-employed person within the meaning of Annex 1 to the Swiss Agreement;

"settled" has the meaning given by section 33(2A) of the Immigration Act 1971(**a**);

"Swiss Agreement" means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons signed at Luxembourg on 21st June 1999(**b**) and which came into force on 1st June 2002;

"Swiss employed person" means a Swiss national who is an employed person, other than a Swiss frontier employed person, in the United Kingdom;

"Swiss frontier employed person" has the meaning given in sub-paragraph (4);

"Swiss frontier self-employed person" has the meaning given in sub-paragraph (5);

"Swiss self-employed person" means a Swiss national who is a self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom;

"United Kingdom national" means a person who falls to be treated as a national of the United Kingdom for the purposes of the Community Treaties;

(**a**) 1971 c.77; section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c. 61).
(**b**) Cm. 4904.

"worker" means a worker within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be.

(2) "EEA frontier self-employed person" means an EEA national who—

(a) is a self-employed person in England; and

(b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to his residence in Switzerland or that EEA State, as the case may be, daily or at least once a week.

(3) "EEA frontier worker" means an EEA national who—

(a) is a worker in England; and

(b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to his residence in Switzerland or that EEA State, as the case may be, daily or at least once a week.

(4) "Swiss frontier employed person" means a Swiss national who—

(a) is an employed person in England; and

(b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to his residence in Switzerland or that EEA State, as the case may be, daily or at least once a week.

(5) "Swiss frontier self-employed person" means a Swiss national who—

(a) is a self-employed person in England; and

(b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to his residence in Switzerland or that EEA State, as the case may be, daily or at least once a week.

(6) For the purposes of this Schedule, "parent" includes a guardian, any other person having parental responsibility for a child and any person having care of a child and "child" is to be construed accordingly.

(7) For the purposes of this Schedule, a person is to be treated as ordinarily resident in England, the United Kingdom and Islands or in the territory comprising the European Economic Area and Switzerland if he would have been so resident but for the fact that—

(a) he;

(b) his spouse or civil partner;

(c) his parent; or

(d) in the case of a dependent direct relative in the ascending line, his child or child's spouse or civil partner,

is or was temporarily employed outside England, the United Kingdom and Islands or, as the case may be, outside the territory comprising the European Economic Area and Switzerland.

(8) For the purposes of sub-paragraph (7), temporary employment outside of England, the United Kingdom or the territory comprising the European Economic Area and Switzerland includes—

(a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces; and

(b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside of the territory comprising the European Economic Area and Switzerland as members of such forces.

PART 2

Categories

Persons who are settled in the United Kingdom

2.—(1) A person who—

(a) is settled in the United Kingdom on the relevant date other than by reason of having acquired a right of permanent residence;

(b) is ordinarily resident in England on the relevant date;

(c) had been ordinarily resident throughout the three-year period preceding the relevant date in the United Kingdom and Islands; and

(d) had not during any part of the period referred to in paragraph (c) been ordinarily resident in the United Kingdom and Islands wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(7).

3. A person who—

(a) is settled in the United Kingdom on the relevant date by reason of having acquired the right of permanent residence;

(b) is ordinarily resident in England on the relevant date;

(c) who had been ordinarily resident in the United Kingdom throughout the three-year period preceding the relevant date; and

(d) in a case where his ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

Refugees and persons with leave to enter or remain

4.—(1) A person—

(a) who is a refugee;

(b) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since he was recognised as a refugee; and

(c) who is ordinarily resident in England on the relevant date.

(2) A person—

(a) who is the spouse or civil partner of a refugee;

(b) who was the spouse or civil partner of the refugee on the date on which the refugee made his application for asylum;

(c) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since he was given leave to remain in the United Kingdom; and

(d) who is ordinarily resident in England on the relevant date.

(3) A person—

(a) who is the child of a refugee or the child of the spouse or civil partner of a refugee;

(b) who, on the date on which the refugee made his application for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date;

(c) who was under 18 on the date on which the refugee made his application for asylum;

(d) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since he was given leave to remain in the United Kingdom; and

(e) who is ordinarily resident in England on the relevant date.

5.—(1) A person—

(a) with leave to enter or remain;

(b) who is ordinarily resident in England on the relevant date; and

(c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the relevant date.

(2) A person—

(a) who is the spouse or civil partner of a person with leave to enter or remain;

(b) who was the spouse or civil partner of the person with leave to enter or remain on the date on which that person made his application for asylum;

(c) who is ordinarily resident in England on the relevant date; and

(d) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the relevant date.

(3) A person—

(a) who is the child of a person with leave to enter or remain or the child of the spouse or civil partner of a person with leave to enter or remain;

(b) who, on the date on which the person with leave to enter or remain made his application for asylum, was the child of that person or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date;

(c) who was under 18 on the date on which the person with leave to enter or remain made his application for asylum;

(d) who is ordinarily resident in England on the relevant date; and

(e) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the relevant date.

Workers, employed persons, self-employed persons and their family members

6.—(1) A person who—

(a) on the relevant date, is—

(i) an EEA migrant worker or an EEA self-employed person;

(ii) a Swiss employed person or a Swiss self-employed person;

(iii) a family member of a person mentioned in paragraph (i) or (ii);

(iv) an EEA frontier worker or an EEA frontier self-employed person;

(v) a Swiss frontier employed person or a Swiss frontier self-employed person; or

(vi) a family member of a person in (iv) or (v);

(b) subject to sub-paragraph (2), is ordinarily resident in England on the relevant date;

(c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the relevant date.

(2) Paragraph (b) of sub-paragraph (1) does not apply where the person applying for support falls within paragraph (a)(iv), (v) or (vi) of sub-paragraph (1).

7. A person who—

(a) is ordinarily resident in England on the relevant date;

(b) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the relevant date; and

(c) is entitled to support by virtue of article 12 of Council Regulation (EEC) No. 1612/68 on the freedom of movement of workers(**a**), as extended by the EEA Agreement.

Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere

8.—(1) A person who—

(a) is settled in the United Kingdom;

(b) left the United Kingdom and exercised a right of residence after having been settled in the United Kingdom;

(c) is ordinarily resident in England on the relevant date;

(d) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the relevant date; and

(e) in a case where his ordinary residence referred to in paragraph (b) was wholly or mainly for the purposes of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).

(2) For the purposes of this paragraph, a person has exercised a right of residence if he is a United Kingdom national, a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement) or a person who has the right of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom or, in the case of a person who is settled in the United Kingdom and has a right of permanent residence, if he goes to the state within the territory comprising the European Economic Area and Switzerland of which he is a national or of which the person in relation to whom he is a family member is a national.

EC nationals

9.—(1) A person who—

(a) on the relevant date, is either—

(i) an EC national; or

(ii) a family member of such a person;

(b) is ordinarily resident in England on the relevant date;

(c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the relevant date; and

(d) subject of sub-paragraph (2), whose ordinary residence in the territory comprising the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the European Economic Area and Switzerland in accordance with paragraph 1(7).

10.—(1) A person who—

(a) on the relevant date, is an EC national other than a United Kingdom national;

(b) is ordinarily resident in England on the relevant date;

(c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the relevant date; and

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(**a**) OJ No L257, 19.10.1968, p2 (OJ/SE 1968 (II) p475).

(d) in a case whose ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

Children of Swiss nationals

11. A person who—

(a) on the relevant date, is the child of a Swiss national who is entitled to support from the Secretary of State by virtue of article 3(6) of Annex 1 to the Swiss Agreement;

(b) is ordinarily resident in England on the relevant date;

(c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and

(d) in a case whose ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

SCHEDULE 2

Regulation 32

STUDENT'S CONTRIBUTION

PART 1

Interpretation

1.—(1) In this Schedule—

"EEA State" has the meaning given by paragraph 1 of Part 1 of Schedule 1;

"existing student" means a College of Europe student who is not a new student;

"financial year" means the period of twelve months in respect of which the income of a person whose residual income is calculated under the provisions of Part 2 of this Schedule is computed for the purposes of the income tax legislation which applies to it;

"household income" has the meaning given in paragraph 2;

"independent eligible student" has the meaning given in sub-paragraph (2);

"Member State" means a Member State of the European Community;

"new student" means a College of Europe student who begins a designated course on or after 1st September 2004;

"parent" means a natural or adoptive parent and "child", "mother" and "father" shall be construed accordingly;

"parent student" means a College of Europe student who is the parent of a College of Europe student;

"partner" in relation to a student means any of the following—

(i) the spouse of the student;

(ii) the civil partner of the student;

(iii) a person ordinarily living with the student as if he were his spouse where the student falls within sub-paragraph (2)(a) and he begins the designated course on or after 1st September 2000;

(iv) a person ordinarily living with the student as if he were his civil partner where the student falls within sub-paragraph (2)(a) and he begins the designated course on or after 1st September 2005;

"partner" in relation to the parent of a College of Europe student means any of the following other than another parent of the College of Europe student—

(a) the spouse of the College of Europe student's parent;

(b) the civil partner of the College of Europe student's parent;

(c) a person ordinarily living with the parent of the College of Europe student as if he were the parent's spouse;

(d) a person ordinarily living with the parent of the College of Europe student as it he were the parent's civil partner;

"preceding financial year" means the financial year immediately preceding the relevant year;

"relevant year" means the academic year in respect of which the household income falls to be assessed;

"residual income" means taxable income after the application of paragraph 3 (in the case of a student), paragraph 4 (in the case of a College of Europe student's parent), paragraph 5 (in the case of a student's partner) and paragraph 6 (in the case of the partner of a College of Europe Student's parent);

"student" means a College of Europe student or a European University Institute student as the case may be.

"taxable income" means, in relation to paragraph 3, in respect of an academic year for which support is sought and, in relation to paragraph 4, in respect (subject to sub-paragraphs (3), (4) and (5) of paragraph 4) 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 EEA State or Switzerland which applies to the person's income;

(c) where the legislation of more than one EEA State or of an EEA State and Switzerland applies to the period, the legislation under which the Secretary of State considers the person will pay the largest amount of tax in that period (except as otherwise provided in paragraph 4);

(2) An "independent eligible student" is a College of Europe student where—

(a) he is aged 25 or over on the first day of the relevant year;

(b) he is married or in an civil partnership before the beginning of the relevant year, whether or not the marriage or civil partnership is still subsisting;

(c) he has no parent living;

(d) the Secretary of State is satisfied that neither or his parents can be found or that it is not reasonably practicable to get in touch with either of them;

(e) he has communicated with neither of his parents for the period of one year before the beginning of the relevant year or, in the opinion of the Secretary of State, he can demonstrate on other grounds that he is irreconcilably estranged from his parents;

(f) he has been provided with accommodation by, or he has pursuant to an order of a competent court been in the custody or care of, any legal person who is not the student's parent throughout any three-month period ending on or after the date on which he attains the age of 16 and before the first day of his course ("the relevant period") (provided that he has not in fact at any time during the relevant period been under the charge or control of his parents);

(g) his parents are residing outside of the European Community and the Secretary of State is satisfied that either—

(i) the assessment of the household income by reference to their residual income would place those parents in jeopardy; or

(ii) it would not be reasonably practicable for those parents as a result of the calculation of any contribution under paragraph 7 to send any relevant funds to the United Kingdom;

(h) where paragraph 4(9) applies and the parent whom the Secretary of State considered the more appropriate for the purposes of that paragraph has died (irrespective of whether the parent in question has a partner);

(i) he is a member of a religious order who resides in a house of that order;

(j) as at the first day of the relevant year, he has the care of a person under the age of 18; or

(k) he has supported himself out of his earnings for any period or periods ending before the first academic year of the course which periods together aggregate not less than three years, and for the purposes of this paragraph he is to be treated as supporting himself out of his earnings during any period in which—

(i) he was participating in arrangements for training for the unemployed under any scheme operated by, sponsored or funded by any state authority or agency, whether national, regional or local ("relevant authority");

(ii) he was in receipt of benefit payable by any relevant authority in respect of a person who is available for employment but who is unemployed;

(iii) he was available for employment and complied with any requirement of registration imposed by a relevant authority as a condition of entitlement for participation in arrangements for training or receipt of benefits;

(iv) he held a State Studentship or other comparable award; or

(v) he received any pension, allowance or other benefit paid by any person by reason of a disability to which he is subject, or by reason of confinement, injury or sickness.

(3) Any College of Europe student who qualifies as an independent eligible student under sub-paragraph (2)(j) in respect of an academic year of a designated course retains that status for the duration of the period of eligibility.

PART 2

Calculation of contribution

Household income

2.—(1) The amount of a College of Europe student or a European University Institute student's contribution depends on the household income.

(2) The household income is—

(a) in the case of a College of Europe student who is not an independent eligible student, the residual income of the eligible student aggregated with the residual income of the College of Europe student's parents (subject to paragraph 4(9)) and—

(i) in the case of a new student who began his course before 1st September 2005, the residual income of the partner of the student's parent (other than a person ordinarily living with the parent of an eligible student as if he were the parent's civil partner) provided that the Secretary of State has selected that parent under paragraph 4(9); or

(ii) in the case of a new student who began his course on or after 1st September 2005, the residual income of the partner of the student's parent (provided that the Secretary of State has selected that parent under paragraph 4(9));

(b) in the case of—

(i) an independent eligible student who has a partner, or

(ii) a European University Institute student who has a partner,

the residual income of the student aggregated with the residual income of that student's partner (subject to sub-paragraph (5)); or

(c) in the case of—

(i) an independent eligible student who does not have a partner;

(ii) a European University Institute student who does not have a partner,

the residual income of that student.

(3) In determining the household income an amount calculated in accordance with sub-paragraph (4) there shall be deducted—

(a) in the case of a College of Europe student—

(i) for each child wholly or mainly financially dependent on the student or his partner; or

(ii) for each child other than the College of Europe student wholly or mainly financially dependent on the College of Europe student's parent or the student's parent's partner whose residual income ins being taking into account; and

(b) in the case of a European University Institute student, for each child wholly or mainly financially dependent on the student or his partner.

(4) The amount referred to in sub-paragraph (3) is £1,075.

(5) For the purpose of calculating the contribution payable in respect of a parent student, the residual income of the parent student's partner shall not be aggregated under sub-paragraph (2)(b) in the case of a parent student whose child or whose partner's child holds an award in respect of which the household income is calculated with reference to the residual income of the parent student or of the parent student's partner or of both.

Calculation of the student's residual income

3.—(1) For the purpose of determining the residual income of a student, there shall be deducted from his taxable income (unless already deducted in determining taxable income) the aggregate of any amounts falling within any of the following sub-paragraphs—

(a) any remuneration for work done during any academic year of the student's course, provided that such remuneration shall not include any sums paid in respect of any period for which he has leave of absence of is relieved of his normal duties for the purpose of attending that course;

(b) the gross amount of any premium or other sum paid by the student in relation to a pension (not being a pension payable under a policy of life assurance) in respect of which relief is given under section 273, 619 or 639 of the Income and Corporation Taxes Act 1988(**a**) or under section 188 of the Finance Act 2004(**b**), or where the student's income is computed for the purpose of the income tax legislation of another Member State, the gross amount of any such premium or sum in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts.

(2) Where the student receives income in a currency other than sterling, the value of that income for the purpose of this paragraph shall be—

(a) if the student purchases sterling with the income, the amount of sterling the student so receives; or

(b) otherwise, the value of the sterling the income would purchase using the rate for the month in which it is received published by the Office for National Statistics(**c**).

(**a**) 1988 c. 1.
(**b**) 2004 c. 12.
(**c**) "Financial Statistics" (ISSN 0015-203X).

Calculation of parent's residual income

4.—(1) For the purposes of determining the taxable income of a student's parent, any deductions which fall to be made or exemptions which are permitted—

(a) by way of personal reliefs provided for in Chapter 1 of Part VII of the Income and Corporation Taxes Act 1988, or where the income is computed for the purposes of the income tax legislation of another EEA State or Switzerland, the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

(b) pursuant to any enactment or rule of law under which payments which would otherwise under United Kingdom law form part of a person's income are not treated as such; or

(c) under sub-paragraph (2)

shall not be made or permitted.

(2) For the purpose of determining the residual income of a parent, there shall be deducted from the taxable income determined under sub-paragraph (1) the aggregated of any amounts falling within any of the following sub-paragraphs—

(a) the gross amount of any premium or other sum relating to a pension (not being a pension payable under a policy of life assurance) in respect of which relief is given under section 273, 619 or 639 of the Income and Corporation Taxes Act 1988 or under section 188 of the Finance Act 2004, or where the income is computed for the purpose of the income tax legislation of another EEA State or Switzerland, the gross amount of any such premium or sum in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

(b) in any case where income is computed in accordance with sub-paragraph (6) any sums equivalent to the deduction mentioned in paragraph (a), provided that any sums so deducted shall not exceed the deductions which would be made if the whole of the student's parent's income were in fact income for the purposes of the Income Tax Acts; and

(c) in the case of a parent student or a student's parent who holds a statutory award, £1,075.

(3) Where the Secretary of State is satisfied that the residual income of the parent in the financial year beginning immediately before the relevant year ("current financial year") is likely to be not more than 85 per cent. of the sterling value of his residual income in the preceding financial year he may, for the purpose of enabling the student to attend the course without hardship, ascertain the parent's residual income for the current financial year.

(4) Where the Secretary of State is satisfied that the residual income of the parent in any financial year is, as a result of any event, likely to be and to continue after that year to be not more than 85 per cent. of the sterling value of his residual income in the previous financial year he may, for the purpose of enabling the student to attend the course without hardship, ascertain the household income for the academic year of the student's course in which that event occurred by taking as the residual income of the parent the average of his residual income for each of the financial years in which that academic year falls.

(5) Where the student's parent satisfies the Secretary of State that his income is wholly or mainly derived from the profits of a business or profession carried on by him, then any reference in this Part of the Schedule to a preceding financial year shall mean the earliest period of twelve months which ends after the start of the preceding financial year and in respect of which accounts are kept relating to that business or profession.

(6) Where a student's parent is in receipt of any income which does not form part of his income for the purposes of the Income Tax Acts or the income tax legislation of another EEA State or Switzerland by reason only that—

(a) he is not resident, ordinarily resident or domiciled in the United Kingdom, or where his income is computed as for the purposes of the income tax legislation of another EEA State or Switzerland, not so resident, ordinarily resident or domiciled in that EEA State or Switzerland;

(b) the income does not arise in the United Kingdom, or where the parent's income is computed for the purposes of the income tax legislation of another EEA State or Switzerland, does not arise in that EEA State or Switzerland; or

(c) the income arises form an office, service or employment, income from which is exempt from tax in pursuance of any legislation,

his taxable income for the purpose of this Schedule shall be computed as though the income under this sub-paragraph were part of his income for the purpose of the Income Tax Acts or the income tax legislation of another EEA State or Switzerland, as the case may be.

(7) Where the income of the student's parent is computed as for the purposes of the income tax legislation of another EEA State or Switzerland, it shall be computed under the provision of this Schedule in the currency of that EEA State or Switzerland and the income of the student's parent for the purposes of this Schedule shall be the sterling value of that income determined in accordance with the rate for the month in which the last day of the financial year in question falls, as published by the Office for National Statistics.

(8) Where one of the student's parents dies either before or during the relevant year and that parent's income has been or would be taken into account for the purpose of determining the household income, the household income shall—

(a) where the parent dies before the relevant year, be determined by reference to the income of the surviving parent; or

(b) where the parent dies during the relevant year, be the aggregate of—

(i) the appropriate proportion of the household income determined by reference to the income of both parents, being the proportion in respect of that part of the relevant year during which both parents were alive; and

(ii) the appropriate proportion of the household income determined by reference to the income of the surviving parent, being the proportion in respect of that part of the relevant year remaining after the death of the other parent.

(9) Where the Secretary of State determines that the parents are separated for the duration of the relevant year, the household income shall be determined by reference to the income of whichever parent the Secretary of State considers most appropriate under the circumstances.

(10) Where the Secretary of State determines that the parents have separated in the course of the relevant year, the household income is determined by reference to the aggregate of—

(a) the appropriate proportion of the household income determined in accordance with sub-paragraph (9), being the proportion in respect of that part of the relevant year for which the parents are separated; and

(b) the appropriate proportion of the household income determined otherwise in respect of the remainder of the relevant year.

Calculation of the student's partner's residual income

5.—(1) Subject to sub-paragraphs (2), (3) and (4) of this paragraph and with the exception of sub-paragraphs (8), (9) and (10) of paragraph 4, a student's partner's income shall be determined in accordance with paragraph 4, reference to the parent being construed as references to the student's partner.

(2) Where the Secretary of State determines that the student and his partner are separated for the duration of the relevant year, the partner's income is not taken into account in determining the household income.

(3) Where the Secretary of State determines that the student and his partner have separated in the course of the relevant year, the partner's income is determined by reference to his income under sub-paragraph (1) divided by fifty-two and multiplied by the number of complete weeks in the relevant year for which the Secretary of State determines that the student and his partner are not separated.

(4) Where a student has more than one partner in any one academic year, the provisions of this paragraph apply in relation to each.

Calculation of parent's partner's residual income

6. The income of a new student's parent's partner whose income is part of the household income by virtue of paragraph 2(2)(a) shall be determined in accordance with paragraph 5, references to the student's partner being construed as references to the new student's parent's partner, and references to the student being construed as references to the student's parent.

Calculation of contribution

7.—(1) A student's contribution shall be calculated in accordance with this regulation.

(2) In relation to a College of Europe student who is not an independent eligible student, a College of Europe student who is an independent eligible student who has a partner and a European University Institute student who has a partner, the contribution shall—

(a) where the household income is £23,085 or more, be £45 with the addition of £1 for every complete £9.50 by which the household income exceeds £23,085; and

(b) in any case where the household income is less than £23,085, be nil.

(3) In relation to a College of Europe student who is an independent eligible student who does not have a partner and a European University Institute student who does not have a partner, the contribution shall—

(a) where the household income is £10,750 or more, be £45 with the addition of £1 for every complete £9.50 by which the household income exceeds £10,750; and

(b) where the household income is less than £10,750, be nil.

(4) The amount of contribution shall not exceed £7,605 where the contribution is calculated under sub-paragraph (2) or (3).

(5) Where sub-paragraph (6) applies, the aggregate of the contributions calculated—

(a) under sub-paragraph (2) or (3), shall not exceed—

(i) £7,605; or

(ii) the contribution which would be payable if only one student held an award.

(6) This sub-paragraph applies where the household income consists of the residual income of—

(a) two or more College of Europe students in respect of the same income under paragraph 4 or, where the relevant parent's partner's residual income is taken into account, under paragraphs 4 and 6; or

(b) an independent eligible student and his partner where both hold a statutory award.

Split contributions

8.—(1) Where a contribution is payable under paragraph 7 and one or more of the conditions in sub-paragraph (2) is satisfied, the amount of contribution payable in respect of the College of Europe student shall be the amount that the Secretary of State considers just taking into account—

(a) the application of paragraph 7 to new College of Europe students and existing students respectively; and

(b) the particular circumstances of the College of Europe student.

(2) The conditions referred to in sub-paragraph (1) above are—

(a) more than one child of the College of Europe student's parents holds a statutory award;

(b) the College of Europe student's parent holds a statutory award;

(c) the College of Europe student's parent's partner holds a statutory award;

(d) the College of Europe student's partner holds a statutory award.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for support for eligible students taking designated higher education courses at the Bologna Center, the College of Europe or the European University Institute in respect of an academic year beginning on or after 1st September 2007. These Regulations apply in relation to England only.

A grant for fees is available for up to two eligible students at the Bologna Center.

A grant for fees, grants for living and other costs, a disabled students' allowance and a grant for dependants are available for up to twenty-two eligible students at the College of Europe.

Grants for living and other costs, a disabled students' allowance and a grant for dependants are available for up to twenty-six eligible students at the European University Institute.

The Regulations set out the eligibility criteria for the grants, the application procedure and the method for calculating the amount of grant payable. The Regulations also set out the arrangements for payment of the grants and recovery of any overpayments.

These Regulations revoke the Education (Student Support) (European Institutions) Regulations 2006 and the Education (Student Support) (European Institutions) (Amendment) Regulations 2006 in relation to England. The extent of the revocation is set out in regulations 4 to 6.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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