STATUTORY INSTRUMENTS

2000 No. 2197

EDUCATION, ENGLAND AND WALES

The Education (Student Support) (European Institutions) Regulations 2000

Made - - - -	*10th August 2000*
Laid before Parliament	*14th August 2000*
Coming into force	*1st September 2000*

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

Citation and commencement

1. These Regulations may be cited as the Education (Student Support) (European Institutions) Regulations 2000 and shall come into force on 1st September 2000.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires—

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

"designated course" means a course designated by regulation 4;

"the Student Support Regulations 2000" means the Education (Student Support) Regulations 2000**(b)** as amended from time to time, and any regulations made under section 22 of the Act replacing such Regulations;

"the 1999 Regulations" means the Education (Student Support) (European Institutions) Regulations 1999(c).

(2) Subject to paragraph (1), expressions in these Regulations have the same meaning as they have in the Student Support Regulations 2000.

Revocation and transitional provisions

3.—(1) Subject to paragraph (2), the 1999 Regulations shall be revoked on 1st September 2000.

(2) Notwithstanding paragraph (1), the 1999 Regulations shall continue to apply to a student at the European University Institute whose courses began before September 1st 2000 but with the following modifications.

(a) 1998 c. 30.
(b) S.I. 2000/1121, amended by S.I. 2000/1490.
(c) S.I. 1999/2270, amended by S.I. 2000/923 and by S.I. 2000/1407.

(3) In regulations 5 and 9(4) of the 1999 Regulations, references to "the Student Support Regulations" shall have effect as if they were references to the Student Support Regulations 2000.

(4) In regulation 7 of the 1999 Regulations, for paragraphs (a) to (e), there shall be substituted paragraphs (a) to (g) of regulation 8 of these Regulations.

(5) In regulation 9(1) of the 1999 Regulations, for the reference to regulation 21 of the Student Support Regulations there shall be substituted a reference to regulation 22 of the Student Support Regulations 2000.

(6) Paragraphs (2), (3), (5) and (6) of regulation 9 of the 1999 Regulations shall be omitted.

(7) For paragraph (7) of regulation 9 of the 1999 Regulations there shall be substituted paragraphs (9) to (13) of regulation 10 of these Regulations but as if references in those paragraphs to regulation 8 were references to regulation 7 of the 1999 Regulations; and paragraph (8) of regulation 9 of the 1999 Regulations shall be renumbered accordingly.

Eligibility

4. Subject to and in accordance with these Regulations a person shall be eligible for support in connection with his attendance at a designated course which begins on or after 1st September **2000** if—

(a) he would be eligible for support under the Student Support Regulations 2000 if the course were a designated course for the purposes of those Regulations **and paragraph 8(a) of Schedule 1 to those Regulations did not apply;**

(b) **he is ordinarily resident in England and Wales on the date of his application for support under these Regulations ("the relevant date") and satisfies the Secretary of State that, on 30th June next following the relevant date, he will be ordinarily resident in England and Wales and will not then be resident therein wholly or mainly for the purpose of receiving full-time education;**

(c) before the first day of the first academic year of the course he has not attained the age of—

(i) 40, if the course is provided by the College of Europe,

(ii) 35, if the course is provided by the European University Institute or the Bologna Centre,

unless **in the circumstances of the case the Secretary of State otherwise directs;**

(d) the Secretary of State has determined that by reason of merit he shall be eligible for support in connection with his attendance at the course; and

(e) before the first day of the first academic year of the course he has not held some other statutory award in respect of his attendance at a post-graduate course for a period greater than two years, unless in the circumstances of his case, the Secretary of State otherwise directs.

Designated courses

5. A course shall be designated for the purposes of section 22(1) of the Act and regulation 4 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—

(i) the College of Europe;

(ii) the European University Institute; or

(iii) the Bologna Centre.

Application for financial support

6.—(1) With such modifications as may be necessary a person shall apply for support under these Regulations as if he were applying for support under the Student Support Regulations 2000, and shall comply with and be subject to the provisions of those Regulations.

(2) If the Secretary of State considers that an applicant is eligible for support in connection with his attendance at a course he shall notify him of that fact.

(3) Regulations 8 and 9 of the Student Support Regulations 2000 shall apply to applicants and persons eligible for support under these Regulations as they apply to applicants and eligible students under those Regulations.

Grants for study at the College of Europe

7.—(1) Subject to and in accordance with these Regulations a person who is eligible for support in connection with his attendance at a course provided by the College of Europe shall in respect of each academic year be eligible for a grant for—

(a) fees equal to the aggregate of any fees payable by him in respect of, or otherwise in connection with, his attendance on the course not exceeding 7,500 euros;

(b) board and lodging at the College of 4,500 euros;

(c) living costs in the amount of—

(i) **£1,981.57 in respect of attendance for 30 weeks and 3 days;**

(ii) **£38.67 for every week, including a week in which attendance is required for less than a complete week, of required attendance in excess of 30 weeks and 3 days;**

(d) the reasonable cost of three return journeys from the person's home in the United Kingdom to the College, less **£87;**

(e) the reasonable cost of travel between the person's residence while attending his course at the College and the College;

(f) the reasonable cost of travel incurred for authorised absences for the purpose of research carried out while attending his course at the College;

(g) **dependants calculated in accordance with regulation 15 of the Student Support Regulations 2000, save that the provisions of regulation 15(7) to (9) shall not apply; and**

(h) **disabled students' living costs calculated in accordance with regulation 13 of the Student Support Regulations 2000.**

(2) A person who is eligible for a grant under this regulation shall not be eligible for a grant under sub-paragraphs (b) to (h) if he is a person mentioned in paragraph 7 of Schedule 1 to the Student Support Regulations 2000 and not in any other paragraph of that Schedule.

Grant for study at the European University Institute

8.—(1) Subject to and in accordance with these Regulations a person who is eligible for support in connection with his attendance at a course provided by the European University Institute shall in respect of each academic year be eligible for a grant for—

(a) living costs at the rate of . . . 21,300,000 Italian Lire per annum or 1,775,000 Italian Lire per month;

(b) dependants calculated in accordance with regulation 15 of the Student Support Regulations 2000, **save that the provisions of regulation 15(7) to (9) shall not apply;**

(c) the reasonable cost of one return journey from the person's home in the United Kingdom to the Institute;

(d) the reasonable cost of travel between the person's residence while attending the Institute and the Institute;

(e) where the ordinary duration of the course is more than one academic year, the reasonable cost of insuring against liability for the cost of medical treatment provided outside the United Kingdom;

(f) the reasonable cost of travel incurred for authorised absences for the purpose of research carried out while attending his course at the Institute; **and**

(g) **disabled students' living costs calculated in accordance with regulation 13 of the Student Support Regulations 2000.**

(2) **A person shall not be eligible for a grant under this regulation if he is a person mentioned in paragraph 7 of Schedule 1 to the Student Support Regulations 2000 and not in any other paragraph of that Schedule.**

Grant for study at the Bologna Centre

9. Subject to and in accordance with these Regulations a person who is eligible for support in connection with his attendance at a course provided by the Bologna Centre shall in respect of the academic year of the course be eligible for grant for fees equal to the aggregate of any fees payable by him in respect of, or otherwise in connection with, his attendance on the course not exceeding **US$22,400.**

Means test

10.—(1) In the case of a grant under regulation 7 or 8, **other than a grant under regulation 7(1)(a) or (h), or under regulation 8(1)(e) or (g),** a contribution in respect of an academic year shall be calculated in accordance with regulation 22 of and Schedule 3 to the Student Support Regulations 2000 as modified by paragraph (2) and the contribution shall be applied in accordance with this regulation.

(2) In the case of a grant under regulation 8 when calculating a student's contribution no parental contribution shall be applicable under Part II of Schedule 3 to the Student Support Regulations 2000.

. . .

(3) The amount of grant for living costs under regulation 7(1)(c) shall be the amount remaining after subtracting the student's contribution, and where the contribution exceeds the amount of such grant it shall be reduced to nil, and the balance of the contribution not required to reduce the amount to nil shall be subtracted—

(a) where the student is eligible for a grant for dependants under regulation 7(1)(g), from that grant; and

(b) where he is not so eligible, from the grant for board and lodging under regulation 7(1)(b).

(4) Where in the case referred to in paragraph (3)(a), the contribution exceeds the maximum amount of grant for dependants under regulation 7(1)(g) the maximum amount shall be reduced to nil, and the balance of the contribution not required to reduce the amount to nil shall be available to reduce the maximum amount of grant for board and lodging for which the student is eligible under regulation 7(1)(b).

(5) Where the contribution available to reduce the maximum amount of grant for board and lodging under regulation 7(1)(b) exceeds the maximum amount it shall be reduced to nil, and the balance of the contribution not required to reduce the amount to nil shall be available to reduce the maximum amount of grant for travel expenses for which the student is eligible under regulation 7(1)(d).

(6) Where the contribution available to reduce the maximum amount of grant under regulation 7(1)(d) exceeds the maximum amount it shall be reduced to nil, and the balance of the contribution not required to reduce the amount to nil shall be available to reduce the maximum amount of grant for travel expenses for which he is eligible under regulation 7(1)(e).

(7) Where the contribution available to reduce the maximum amount of grant under regulation 7(1)(e) exceeds the maximum amount it shall be reduced to nil, and the balance of the contribution not required to reduce the amount to nil shall be available to reduce the maximum amount of grant for travel expenses for which the student is eligible under regulation 7(1)(f).

(8) Where the contribution available to reduce the maximum amount of grant under regulation 7(1)(f) exceeds that amount it shall be reduced to nil.

. . .

(9) The amount of grant for living costs under regulation 8(1)(a) shall be the amount remaining after subtracting the student's contribution, and where the contribution exceeds the amount of such grant it shall be reduced to nil, and the balance of any contribution not required to reduce the amount to nil shall be subtracted—

(a) where the student is eligible for a grant for dependants under regulation 8(1)(b), from that grant; and

(b) where he is not so eligible, from the grant for travel expenses under regulation 8(1)(d).

(10) Where in the case referred to in paragraph (9)(a), the contribution exceeds the maximum amount of grant for dependants under regulation 8(1)(b) the maximum amount shall be reduced to nil, and the balance of the contribution not required to reduce the amount to nil shall be available to reduce the maximum amount of grant for travel expenses for which the student is eligible under regulation 8(1)(c).

(11) Where the contribution available to reduce the maximum amount of grant for travel expenses under regulation 8(1)(c) exceeds the maximum amount it shall be reduced to nil, and the balance of the contribution not required to reduce the amount to nil shall be available to reduce the maximum amount of grant for travel expenses for which the student is eligible under regulation 8(1)(d).

(12) Where the contribution available to reduce the maximum amount of grant for travel expenses under regulation 8(1)(d) exceeds the maximum amount it shall be reduced to nil, and the balance of the contribution not required to reduce the amount to nil shall be available to reduce the maximum amount of grant for travel expenses for which the student is eligible under regulation 8(1)(f).

(13) Where the contribution available to reduce the maximum amount of grant for travel expenses under regulation 8(1)(f) exceeds that amount it shall be reduced to nil.

(14) The Secretary of State may require a student to provide from time to time such information as he considers necessary as to the income of any person whose means are relevant to the assessment of his contribution.

Payments

11.—(1) The Secretary of State shall pay grant for fees for which a student is eligible when a valid request for payment has been received from the academic authority, payment to be made to the authority in such instalments (if any) and at such times as he considers appropriate.

(2) The Secretary of State shall pay all other grants for which a student is eligible in such instalments (if any) and at such times as he considers appropriate; and in the exercise of his functions under this paragraph he may in particular make provisional payments pending the final calculation of the amount of grant for which the student is eligible.

Repeat study

12. Where a student repeats any part of his course, the Secretary of State may determine that he shall not be eligible for support or any particular support or the full amount of any particular support in respect of the academic year during which he repeats.

Absence from course

13. Where a student is absent from his course for more than 60 days due to illness, or is absent from his course for any period for any other reason, the student shall cease to be entitled to receive any payment for support unless the Secretary of State considers it appropriate in the circumstances.

Malcolm Wicks
Parliamentary Under Secretary of State,
Department for Education and Employment

10th August 2000

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which come into force on 1st September 2000, are made under Section 22 of the Teaching and Higher Education Act 1998. They make provision for grants by the Secretary of State for postgraduate study at three European institutions: the College of Europe, the European University Institute and the Bologna Centre.

Provisions in these Regulations which differ from the corresponding provisions of the 1999 Regulations as amended (except as a result of minor drafting or consequential changes) are indicated by the use of heavy type. Omissions are indicated by the use of dots. Changes of substance made by these Regulations are described below.

The eligibility criteria have been amended to take account of the fact that eligible students will not be resident in England and Wales on the first day of their course (*regulation 4(1)(a)*).

Regulation 7(1)(c) has been amended so that living costs for the College of Europe allow for variations in the number of extra weeks for the academic year 2000–2001.

Provision has been made for students at the College of Europe to be eligible for grants for dependants and for disabled students' living costs (*regulation 7(1)(g) and (h)*). Provision has also been made for students at the European University Institute to be eligible for grants for disabled students' living costs (*regulation 8(1)(g)*).

The application of the students' contribution in the means test provisions has been modified as a consequence of the above additions (*regulation 10*).

Where a student is required to repeat part of his course, it is at the discretion of the Secretary of State whether the student will receive funding for this purpose (*regulation 12*).

Where a student is absent from his course for more than 60 days because of illness or is absent for any other reason, he will not be eligible to receive support except at the Secretary of State's discretion (*regulation 13*).

£2.00

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E 1624 09/00 ON (MFK)