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WELSH STATUTORY INSTRUMENTS

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**2003 No. 860 (W.107)**

**EDUCATION, WALES**

**The Education (Remission of Charges Relating to Residential Trips) (Wales) Regulations 2003**

*Made* - - - - 25th March 2003

*Coming into force* - - 6th April 2003

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by section 457(4)(b)(iii) and 569 of the Education Act 1996(1) and now vested in the National Assembly for Wales(2).

**Name, commencement and application**

1.—(1) These Regulations are to be called the Education (Remission of Charges Relating to Residential Trips) (Wales) Regulations 2003 and shall come into force on 6th April 2003.

(2) These Regulations apply in relation to Wales.

**Interpretation**

2. In these Regulations:

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996;

“annual income” (“*incwm blynyddol*”) means the income for the tax year calculated in accordance with the Tax Credits (Definition and Calculation of Income) Regulations 2002(3);

“Child Tax Credit” (“*Credyd Treth i Blant*”) and “Working Tax Credit” (“*Credyd Treth i Bobl sy'n Gweithio*”) have the same meaning as in the Tax Credits Act 2002(4);

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- (1) 1996 c. 56. (Section 457(4)(b) is prospectively substituted by section 200 of the Education Act 2002 (c. 32) and is to come into force on 31st March 2003 by virtue of the Education Act 2002 (Commencement No.1) (Wales) Order 2002 (S.I.2002/3185 (W.301)(C.107)). For the meaning of “prescribed” and “regulations”, see section 579(1).
- (2) See the National Assembly for Wales Transfer of Functions Order 1999 (S.I. 1999/672) and section 211(1) and (2) of the Education Act 2002.
- (3) S.I. 2002/2006. Annual income of a person calculated in accordance with those regulations includes income of the partner of that person in the case of a joint claim for Child Tax Credit.
- (4) 2002. c.21.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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### **Prescribed Benefits or Allowances**

3. Support provided to the parent under Part 6 of the Immigration and Asylum Act(5) is prescribed for the purposes of section 457(4)(b)(iii) of the 1996 Act.

### **Prescribed Tax Credits**

4. Child Tax Credit is prescribed for the purposes of section 457(4)(b)(iii) of the 1996 Act in the following circumstances:

- (a) where the parent is entitled to Child Tax Credit but not to Working Tax Credit, and
- (b) where the parent is receiving Child Tax Credit by virtue of an award based on annual income not exceeding the amount determined for the purposes of section 7(1)(a) of the Tax Credits Act 2002 as the income threshold for Child Tax Credit(6).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(7).

25th March 2003

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(5) 1999 c. 33.

(6) The amount determined in relation to Child Tax Credit is £13,230 as from 6th April 2003, by virtue of regulation 3(3) of the Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002 (S.I. 2002/2008).

(7) 1998 c. 38.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 457 of the Education Act 1996 requires schools to have in place a policy for the complete remission of any charges otherwise payable in respect of board and lodging provided for certain pupils on residential trips. The remissions policy must apply to a pupil whose parent is in receipt of certain benefits or allowances, or whose parent is entitled to certain tax credits, prescribed for the purposes of the section.

These Regulations prescribe for the purposes of section 457 support provided under Part 6 of the Immigration and Asylum Act 1999. They also prescribe Child Tax Credit, provided that the parent is not in receipt of Working Tax Credit, and that the award of Child Tax Credit is based on an annual income not exceeding the amount determined for the purposes of section 7(1)(a) of the Tax Credits Act 2002 (currently £13,230).