
WELSH STATUTORY INSTRUMENTS

2017 No. 47

The Education (Student Support) (Wales) Regulations 2017

PART 5

GRANTS FOR LIVING COSTS

Grants for dependants - calculations

29.—(1) Subject to the following paragraphs, the amount payable in respect of a particular element of the grants for dependants for which the eligible student qualifies under regulations 26 to 28 is the amount of that element remaining after applying, until it is extinguished, 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 eligible student qualifies for that element under regulation 26;
- (b) to reduce the basic amount of the childcare grant for the academic year where the eligible student qualifies for that element under regulation 27; and
- (c) to reduce the basic amount of the parents' learning allowance where the eligible student qualifies for that element under regulation 28.

(2) In this regulation and subject to paragraph (11)—

A is the aggregate of—

- (a) the residual income of the eligible student's partner for the prior financial year;
- (b) the residual income of the eligible student's adult dependant for the prior financial year; and
- (c) subject to paragraphs (3), (4) and (5), the net income of the eligible student's dependent children for the prior financial year; and

B is—

- (a) £1,159 where the eligible student has no dependent child;
- (b) £3,473 where the eligible student is not a lone parent and has one dependent child;
- (c) £4,632 where the eligible student—
 - (i) is not a lone parent and has more than one dependent child; or
 - (ii) is a lone parent and has one dependent child; and
- (d) £5,797 where the eligible student is a lone parent and has more than one dependent child.

(3) Where the Welsh Ministers are satisfied that the net income of the eligible student's dependent children in the financial year beginning immediately before the relevant year ("the current financial year") is likely to be not more than 85 per cent of the sterling value of their net income in the prior financial year the Welsh Ministers may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the dependent children's net income for the current financial year.

(4) In the event that paragraph (3) or this paragraph is applied in respect of the previous academic year of the present course and the Welsh Ministers are satisfied that the net income of the eligible student's dependent children in the financial year beginning immediately before the relevant year ("the current financial year") is likely to be not more than 85 per cent of the sterling value of their net income in the previous financial year the Welsh Ministers may, for the purposes of enabling the eligible student to attend the course without hardship, ascertain the dependent children's net income for the current financial year.

(5) In an academic year immediately following one in which the Welsh Ministers have ascertained the eligible student's dependent children's net income for the current financial year under paragraph (3), or where applicable under paragraph (4), the Welsh Ministers must ascertain the dependent children's net income in the preceding financial year.

(6) Subject to paragraphs (8), (9) and (16), where **B** is greater than or equal to **A**, the basic amount of each element of the grants for dependants for which the eligible student qualifies is payable.

(7) Where $(A - B)$ is equal to or exceeds the aggregate of the basic amounts of the elements of the grants for dependants for which the eligible student qualifies, the amount payable in respect of each element is nil.

(8) The amount of the adult dependants' grant calculated under paragraph (1) in respect of an adult dependant is reduced by one half where—

- (a) the eligible 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 that partner is entitled under the statutory award.

(9) The amount of the childcare grant calculated under paragraph (1) is reduced by one half where—

- (a) the eligible 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 that partner is entitled under the statutory award.

(10) 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.

(11) Paragraphs (12) to (15) apply where, in the course of the academic year, any of the following occurs—

- (a) there is a change in the number of the eligible student's dependants;
- (b) a person becomes or ceases to be a dependant of the eligible student;
- (c) the eligible student becomes or ceases to be a lone parent;
- (d) a student becomes an eligible student as a result of an event referred to in regulation 23(12).

(12) For the purposes of determining the respective values of **A** and **B** and whether adult dependants' grant or parents' learning allowance is payable, the Welsh Ministers must determine the following in relation to each relevant quarter by reference to the eligible student's circumstances in the relevant quarter—

- (a) how many dependants the eligible student is to be treated as having;

- (b) who those dependants are;
- (c) whether the student is to be treated as a lone parent.

(13) The amount of grants for dependants for the academic year is the aggregate of the amounts of adult dependants' grant and parents' learning allowance calculated in respect of each relevant quarter under paragraph (14) and the amount of any childcare grant for the academic year.

(14) The amount of adult dependants' grant and parents' learning allowance in respect of a relevant quarter is one third of what that grant or allowance would be for the academic year if the student's circumstances in the relevant quarter as determined under paragraph (12) applied for the duration of the academic year.

(15) In this regulation, a "relevant quarter" (*chwarter perthnasol*) means—

- (a) in the case of an eligible student referred to in paragraph (11)(d), a quarter which begins after the relevant event occurs other than a quarter during which, in the opinion of the Welsh Ministers, the longest of any vacation occurs;
- (b) otherwise, a quarter other than the one quarter during which, in the opinion of the Welsh Ministers, the longest of any vacation occurs.

(16) A deduction may be made in accordance with Part 9 from the amount payable in respect of a particular element of the grants for dependants calculated under this Part.