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WELSH STATUTORY INSTRUMENTS

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**2017 No. 47**

**The Education (Student Support) (Wales) Regulations 2017**

**PART 11**

**SUPPORT FOR FULL-TIME DISTANCE LEARNING COURSES**

**Interpretation of regulation 69**

- 70.**—(1) For the purposes of regulation 69 and this regulation—
- (a) subject to sub-paragraph (b), “partner” (“*partner*”) means any of the following—
    - (i) the spouse of an eligible distance learning student;
    - (ii) the civil partner of an eligible distance learning student;
    - (iii) a person ordinarily living with an eligible distance learning student as if the person were the eligible distance learning student’s spouse where an eligible distance learning student is aged 25 or over on the first day of the academic year in respect of which the eligible distance learning student is being assessed for support and where the eligible distance learning student began the specified designated distance learning course before 1 September 2005;
    - (iv) a person ordinarily living with an eligible distance learning student as if the person were the eligible distance learning student’s spouse or civil partner where an eligible distance learning student began the specified designated distance learning course on or after 1 September 2005;
  - (b) a person who would otherwise be a partner under sub-paragraph (a) is not to be treated as a partner if—
    - (i) in the opinion of the Welsh Ministers, that person and the eligible distance learning student are separated; or
    - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible distance learning student;
  - (c) “relevant income” (“*incwm perthnasol*”) has the meaning given in paragraph (2).
- (2) Subject to paragraph (3), an eligible distance learning student’s relevant income is equal to the eligible distance learning student’s financial resources in the preceding financial year less—
- (a) £2,000 in respect of the eligible distance learning student’s partner;
  - (b) £2,000 in respect of the only or eldest child who is dependent on the eligible distance learning student or the eligible distance learning student’s partner; and
  - (c) £1,000 in respect of each other child who is dependent on the eligible distance learning student or the eligible distance learning student’s partner.
- (3) Where the Welsh Ministers are satisfied that an eligible distance learning student’s financial resources in the preceding financial year are greater than the eligible distance learning student’s financial resources in the current financial year and that the difference between the two amounts is

£1,000 or more, they must assess that student's financial resources by reference to those resources in the current financial year.

(4) In this regulation, an eligible distance learning student's financial resources in a financial year means the aggregate of the eligible distance learning student's income for that year together with the aggregate of the income for that year of any person who at the date of the application for support under this Part is the eligible distance learning student's partner.

(5) In this regulation—

- (a) “child” (“*plentyn*”) in relation to an eligible distance learning student includes any child of the student's partner and any child for whom the student has parental responsibility;
- (b) “current financial year” (“*blwyddyn ariannol gyfredol*”) means the financial year which includes the first day of the academic year in respect of which a person is being assessed for support under this Part;
- (c) “dependent” (“*dibynnol*”) means wholly or mainly financially dependent;
- (d) “financial year” (“*blwyddyn ariannol*”) means the period of twelve months for which the income of the eligible distance learning student is computed for the purposes of the income tax legislation which applies to it;
- (e) “income” (“*incwm*”) means gross income from all sources excluding—
  - (i) any payment made under section 110(6) of the Social Services and Well-being (Wales) Act 2014 or, as the case may be, section 23C(5A) of the Children Act 1989; and
  - (ii) any tax credits awarded pursuant to any claims under section 3 of the Tax Credits Act 2002<sup>(1)</sup>;
- (f) “preceding financial year” (“*blwyddyn ariannol flaenorol*”) means the financial year immediately preceding the current financial year;
- (g) “specified designated distance learning course” (“*cwrs dysgu o bell dynodedig a bennir*”) means the course in respect of which the person is applying for support under this Part or, where the student's status as an eligible distance learning student has been transferred to the present distance learning course as a result of one or more transfers of that status by the Welsh Ministers from a distance learning course (the “initial course”) (“*cwrs cychwynnol*”) in connection with which the Welsh Ministers determined the student to be an eligible distance learning student pursuant to regulations made under section 22 of the 1998 Act, the specified designated distance learning course is the initial course.

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(1) 2002 c. 21, section 3 was amended by the Civil Partnership Act 2004 (c. 33), section 254 and Schedule 24.