
WELSH STATUTORY INSTRUMENTS

2013 No. 3177

The Education (Student Support) (Wales) Regulations 2013

PART 12

SUPPORT FOR PART-TIME COURSES

Support for part-time courses beginning before 1 September 2014 (fee grant and grant for books, travel and other expenditure)

97.—(1) For the purposes of this regulation, the support available in respect of a designated part-time course beginning before 1 September 2014 is—

- (a) a grant in respect of fees not exceeding the lesser of the following amounts—
 - (i) the amount of basic fee grant (calculated in accordance with the following paragraphs), or
 - (ii) the “actual fees” (*“ffioedd gwirioneddol”*), being the amount of fees charged in respect of an academic year of the designated part-time course; and
- (b) a grant not exceeding £1,155 for books, travel and other expenditure in connection with the designated part-time course.

(2) The basic fee grant varies according to the intensity of study.

The intensity of study is calculated as follows and expressed as a percentage

$$\frac{PT}{FT} \times 100$$

where

PT is the number of modules, credits, credit points, points or other units to be awarded to the eligible part-time student by the academic authority if the eligible part-time student successfully completes the academic year in connection with which the eligible part-time student is applying for support under regulation 111;

FT is—

- (a) where the course is provided by or on behalf of the Open University, 120;
 - (b) where the course is provided by or on behalf of any other institution, the number of modules, credits, credit points, points or other units that a standard full-time student would be required to obtain in each academic year in order to complete the full-time equivalent within the period ordinarily required to complete that course.
- (3) For the purposes of paragraph (2)—
- (a) “full-time equivalent” (*“cwrw llawnamser cyfatebol”*) and “standard full-time student” (*“myfyriwr llawnamser safonol”*) are to be interpreted in accordance with regulation 95; and

- (b) “the period ordinarily required to complete the full-time equivalent” (“*cyfnod y mae ei angen fel arfer i gwblhau’r cwrs llawnamser cyfatebol*”) is to be calculated in accordance with regulation 95.
- (4) The “basic fee grant” (“*grant ffioedd sylfaenol*”) is—
- £690 where the intensity of study is less than 60 per cent (“level 1”);
 - £820 where the intensity of study is 60 per cent or more but less than 75 per cent (“level 2”);
 - £1,025 where the intensity of study is 75 per cent or more (“level 3”).
- (5) Subject to paragraph (6) and regulation 114(6), the amount of support payable under this regulation in respect of an academic year is as follows—
- if at the date of the application the eligible part-time student or the eligible part-time student’s partner is entitled—
 - under Part VII of the Social Security Contributions and Benefits Act 1992 to income support, housing benefit or council tax benefit;
 - under Part 1 of the Jobseekers Act 1995 to income-based jobseekers allowance or under section 2 of the Employment and Training Act 1973 to an allowance under the arrangements known as the New Deal;
 - under Part 1 of the Welfare Reform Act 2007 to an income-related employment and support allowance;
 - to universal credit; or
 - to a reduction under a council tax reduction scheme;
 the maximum amount of support available under paragraph (1) is payable;
 - where the relevant income is less than £16,865, the maximum amount of support available under paragraph (1) is payable;
 - where the relevant income is £16,865, the maximum amount of support available under paragraph (1)(b) is payable together with £50 less than the maximum amount of support available under paragraph (1)(a);
 - where the relevant income exceeds £16,865 but is less than £25,435, the maximum amount of support available under paragraph (1)(b) is payable and the amount of support payable under paragraph (1)(a) is the amount determined in accordance with paragraph (6);
 - where the relevant income is £25,435, the maximum amount of support available under paragraph (1)(b) is payable and the amount of support payable under paragraph (1)(a) is £50;
 - where the relevant income exceeds £25,435 but is less than £26,095 the maximum amount of support available under paragraph (1)(b) is payable and no support is payable under paragraph (1)(a);
 - where the relevant income is £26,095 or more but less than £28,180 no support is available under paragraph (1)(a) and the amount of support payable under paragraph (1)(b) is the amount left after deducting from the maximum amount of support available under paragraph (1)(b) £1 for every £1,886 by which the relevant income exceeds £26,095;
 - where the relevant income is £28,180 no support is payable under paragraph (1)(a) and the amount of support payable under paragraph (1)(b) is £50;
 - where the relevant income exceeds £28,180 no support is payable under paragraph (1).
- (6) Where paragraph (5)(d) applies, the amount of support payable under paragraph (1)(a) is determined by deducting from the maximum amount of support available under paragraph (1)(a) one of the following amounts—

- (a) £50 plus a further £1 for each complete £14.52, £11.90 or £9.26 by which the relevant income exceeds £16,865 according to whether the intensity of study is level 1, 2 or 3, respectively; or
 - (b) where the basic fee grant is greater than the actual fees, an amount equal to that left after deducting from the amount calculated under sub-paragraph (a) the difference between the basic fee grant and the actual fees (unless the amount is a negative number in which case the maximum amount of support available under paragraph (1)(a) is payable).
- (7) For the purposes of this regulation—
- (a) “child” (*“plentyn”*) in relation to an eligible part-time student includes any child of the eligible part-time student’s partner and any child for whom the eligible part-time student has parental responsibility;
 - (b) “current financial year” (*“y flwyddyn 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 part-time 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 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;
 - (f) subject to sub-paragraph (g), “partner” (*“partner”*) means any of the following—
 - (i) the spouse of an eligible part-time student;
 - (ii) the civil partner of an eligible part-time student;
 - (iii) a person ordinarily living with an eligible part-time student as if the person were the eligible part-time student’s spouse where an eligible part-time student is aged 25 or over on the first day of the academic year in respect of which the eligible part-time student is being assessed for support under this Part and where the eligible part-time student began the specified designated part-time course before 1 September 2005;
 - (iv) a person ordinarily living with an eligible part-time student as if the person were the eligible part-time student’s spouse or civil partner where an eligible part-time student begins the specified designated part-time course on or after 1 September 2005;
 - (g) a person who would otherwise be a partner under sub-paragraph (f) is not treated as a partner if—
 - (i) in the opinion of the Welsh Ministers, that person and the eligible part-time student are separated; or
 - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible part-time student;
 - (h) “preceding financial year” (*“blwyddyn ariannol flaenorol”*) means the financial year immediately preceding the current financial year;
 - (i) “relevant income” (*“incwm perthnasol”*) has the meaning given in paragraph (8).
- (8) Subject to paragraph (9), an eligible part-time student’s relevant income is equal to the eligible part-time student’s financial resources in the preceding financial year less—
- (i) £2,000 in respect of the eligible part-time student’s partner;

- (ii) £2,000 in respect of the only or eldest child who is dependent on the eligible part-time student or the eligible part-time student's partner; and
- (iii) £1,000 in respect of each other child who is dependent on the eligible part-time student or the eligible part-time student's partner.

(9) Where the Welsh Ministers are satisfied that an eligible part-time student's financial resources in the preceding financial year are greater than the eligible part-time 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.

(10) In this regulation, an eligible part-time student's financial resources in a financial year means the aggregate of the eligible part-time 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 part-time student's partner.

(11) In this regulation "specified designated part-time course" (*"cwrw rhan-amser 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 part-time student has been transferred to the present part-time course as a result of one or more transfers of that status by the Welsh Ministers from a part-time course (the "initial course") in connection with which the Welsh Ministers determined the student to be an eligible part-time student pursuant to regulations made under section 22 of the 1998 Act, the specified designated part-time course is the initial course.

(12) This regulation does not apply to a new eligible part-time student.