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WELSH STATUTORY INSTRUMENTS

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**2013 No. 3177**

**The Education (Student Support) (Wales) Regulations 2013**

**PART 12**

**SUPPORT FOR PART-TIME COURSES**

**New part-time course grant**

**99.**—(1) An eligible part-time student who is a new eligible part-time student qualifies in accordance with this regulation for a new part-time course grant for books, travel and other expenditure in connection with the student's attendance on, or undertaking of a designated part-time course.

(2) A new eligible part-time student does not qualify for a new part-time course grant in relation to an academic year of a designated part-time course if the intensity of study during that year is less than 50 per cent.

(3) For the purposes of paragraph (2) the intensity of study during an academic year of a designated part-time course is to be calculated in accordance with regulation 97(2) and (3).

(4) The maximum amount of new part-time course grant for the purposes of paragraph (5) is £1,155.

(5) The amount of new part-time course grant payable to a new eligible part-time student in relation to an academic year of a designated part-time course is calculated as follows—

(a) the maximum amount of new part-time course grant is payable where at the date of the application for the grant, a new eligible part-time student or the new eligible part-time student's partner is entitled—

(i) under Part VII of the Social Security Contributions and Benefits Act 1992 to income support, housing benefit or council tax benefit;

(ii) 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;

(iii) under Part 1 of the Welfare Reform Act 2007 to an income-related employment and support allowance;

(iv) to universal credit; or

(v) to a reduction under a council tax reduction scheme;

(b) the maximum amount of new part-time course grant is payable where the relevant income is less than £26,095;

(c) where the relevant income is £26,095 or more but less than £28,180 the amount of new part-time course grant payable is the amount left after deducting from the maximum amount of new part-time course grant £1 for every £1.886 by which the relevant income exceeds £26,095;

(d) a new part-time course grant of £50 is payable where the relevant income is £28,180;

- (e) a new part-time course grant is not available where the relevant income exceeds £28,180.
- (6) For the purposes of this regulation—
  - (a) “child” (“*plentyyn*”) in relation to a new eligible part-time student includes any child of the new eligible part-time student’s partner and any child for whom the new 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 a new part-time course grant under this regulation;
  - (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 new 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 a new eligible part-time student;
    - (ii) the civil partner of a new eligible part-time student;
    - (iii) a person ordinarily living with a new eligible part-time student as if the person were the new eligible part-time student’s spouse or civil partner;
  - (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 new eligible part-time student are separated; or
    - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the new 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 (7).
- (7) Subject to paragraph (8), a new eligible part-time student’s relevant income is equal to the new eligible part-time student’s financial resources in the preceding financial year less—
  - (a) £2,000 in respect of the new eligible part-time student’s partner;
  - (b) £2,000 in respect of the only or eldest child who is dependent on the new eligible part-time student or the new eligible part-time student’s partner; and
  - (c) £1,000 in respect of each other child who is dependent on the new eligible part-time student or the new eligible part-time student’s partner.
- (8) Where the Welsh Ministers are satisfied that a new eligible part-time student’s financial resources in the preceding financial year are greater than the new 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 resources by reference to those resources in the current financial year.
- (9) In this regulation a new eligible part-time student’s financial resources in a financial year means the aggregate of the new 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 a new part-time course grant is the new eligible part-time student's partner.