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WELSH STATUTORY INSTRUMENTS

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**2011 No. 706 (W.109)**

**EDUCATION, WALES**

**The Education (Remission of Charges Relating to Residential Trips) (Wales) (Amendment) Regulations 2011**

<i>Made</i>	- - - -	<i>9 March 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>10 March 2011</i>
<i>Coming into force</i>	- -	<i>6 April 2011</i>

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 457(4)(b)(iii) and 569 of the Education Act 1996<sup>(1)</sup> and now vested in them make the following Regulations<sup>(2)</sup>:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Education (Remission of Charges Relating to Residential Trips) (Wales) (Amendment) Regulations 2011 and they come into force on 6 April 2011.

(2) These Regulations apply in relation to Wales.

**Interpretation**

2. In these Regulations—

“the 2003 Regulations” (“*Rheoliadau 2003*”) means the Education (Remission of Charges Relating to Residential Trips) (Wales) Regulations 2003<sup>(3)</sup>;

“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<sup>(4)</sup>; and

“Child Tax Credit” (“*Credyd Treth i Blant*”) and “Working Tax Credit” (“*Credyd Treth i Bobl sy'n Gweithio*”) have the meaning given in the Tax Credits Act 2002<sup>(5)</sup>.

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(1) 1996 c. 56. Section 457(4)(b) was substituted by section 200 of the Education Act 2002 (c. 32).  
(2) The functions of the Secretary of State under those sections were transferred to the Welsh Ministers by 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 and were then transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).  
(3) S.I.2003/860 (W.107).  
(4) S.I. 2002/2006, as amended by S.I. 2003/732, 2003/2815, 2004/2663, 2006/745, 2006/766, 2007/824, 2007/1305 and 2008/2169.  
(5) 2002. c. 21.

**Amendment**

3.—(1) For regulation 4 of the 2003 Regulations, substitute—

**“Prescribed tax credits**

4. Child tax credit is prescribed for the purposes of section 457(4)(b)(iii) of the 1996 Act where C’s parent—

- (a) is entitled to Child Tax Credit but not to Working Tax Credit; and
- (b) is receiving Child Tax Credit by virtue of an award which is based on an annual income not exceeding the sum of £16,190.”.

(2) After regulation 4 of the 2003 Regulations insert—

**“State Pension Credit**

5. State Pension Credit payable under section 1 of the State Pension Credit Act 2002<sup>(6)</sup> is prescribed for the purposes of section 457(4)(b)(iii) of the 1996 Act in circumstances where the parent is receiving the guarantee credit.”.

9 March 2011

*Leighton Andrews*  
Minister for Children, Education and Lifelong  
Learning, one of the Welsh Ministers

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<sup>(6)</sup> 2002 c. 16.

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## EXPLANATORY NOTE

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

These Regulations amend the Education (Remission of Charges Relating to Residential Trips) (Wales) Regulations 2003 to add an additional benefit or allowance which entitles the child of a claimant to free board and lodging on a residential trip.

State Pension Credit is prescribed for the purposes of section 457 of the Education Act 1996 so long as the claimant is receiving the guarantee credit part of the State Pension Credit.

These Regulations also prescribe, for the purpose of section 457(4)(b)(iii) of the Education Act 1996, that where C's parent is entitled to Child Tax Credit but not to Working Tax Credit and is receiving Child Tax Credit based on an annual income not exceeding £16,190, C is entitled to free school lunches.