
WELSH STATUTORY INSTRUMENTS

2008 No. 3170

The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2008

PART 5

GRANTS FOR LIVING COSTS

Grants for dependants — childcare grant

27.—(1) An eligible student qualifies, in connection with his or her attendance on a designated course, for a childcare grant in accordance with this regulation.

(2) Subject to paragraphs (3) and (4), the childcare grant is available in respect of an academic year in which the student incurs prescribed childcare charges for—

- (a) a dependent child who is under the age of 15 immediately before the beginning of the academic year; or
- (b) a dependent child who has special educational needs within the meaning of section 312 of the Education Act 1996(1) and is under the age of 17 immediately before the beginning of the academic year.

(3) An eligible student does not qualify for a grant under this regulation if the student or the student's partner has elected to receive the childcare element of the working tax credit under Part I of the Tax Credits Act 2002(2).

(4) An eligible student does not qualify for a grant under this regulation if the prescribed childcare charges that he or she incurs are paid or to be paid by the student to his or her partner.

(5) Subject to paragraph (6), the basic amount of childcare grant for each week is—

- (a) for one dependent child, 85 per cent. of the prescribed childcare charges, subject to a maximum amount of £161.50 per week; or
- (b) for two or more dependent children, 85 per cent. of the prescribed childcare charges, subject to a maximum amount of £ 274.55 per week

except that the student does not qualify for any such grant in respect of each week falling within the period between the end of the course and the end of the academic year in which the course ends.

(6) For the purposes of calculating the basic amount of childcare grant —

- (a) a week runs from Monday to Sunday; and
- (b) where a week in respect of which prescribed childcare charges are incurred falls partly within and partly outside the academic year in respect of which childcare grant is payable under this regulation, the maximum weekly amount of grant is calculated by multiplying

(1) 1996 c. 56; section 312 was amended by the Education Act 1997 (c. 44), Schedule 7, paragraph 23, the Schools Standards and Framework Act 1998 (c. 31), section 140, Schedule 30, paragraph 71 and Schedule 31 and the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraph 56 and the Education and Inspections Act 2006 (c. 40), Schedule 1, paragraph 3.

(2) 2002 (c. 21) to which there are amendments not relevant to these Regulations.

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the relevant maximum weekly amount in paragraph (5) by the number of days of that week falling within the academic year and dividing the product by seven.

(7) In this regulation “prescribed childcare charges” (“*costau gofal plant rhagnodedig*”) means childcare charges of a description prescribed for the purposes of section 12 of the Tax Credits Act 2002⁽³⁾.

(3) Regulation 14 of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I.2002/2005) as amended by S.I. 2003/701, S.I. 2003/2815, S.I. 2004/762, S.I. 2004/1276, S.I. 2004/2663, S.I. 2005/769, S.I. 2005/2919, S.I. 2006/766, S.I. 2007/824, S.I. 2007/2479, S.I. 2008/604 and S.I. 2008/1879) sets out the charges that are prescribed, and thus relevant childcare charges, for the purposes of section 12 of the Tax Credits Act 2002.