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WELSH STATUTORY INSTRUMENTS

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**2018 No. 191**

**The Education (Student Support) (Wales) Regulations 2018**

**PART 7**

**BASE GRANT AND MAINTENANCE GRANT**

**CHAPTER 1**

**QUALIFYING CONDITIONS**

**Base grant and maintenance grant**

**43.** —A base grant and maintenance grant are grants made available by the Welsh Ministers to an eligible student in respect of the student's living and study costs.

**Qualifying conditions for base grant and maintenance grant**

**44.**—(1) An eligible student qualifies for a base grant and a maintenance grant in respect of an academic year of the present course unless the eligible student falls within one of the following exceptions—

*Exception 1* The eligible student is a prisoner, unless—

- (a) the present course is a part-time course, and
- (b) the eligible student enters or is released from prison in the academic year in question.

*Exception 2* The eligible student is a Category 6 eligible student by virtue only of paragraph 6(1) of Schedule 2 and does not fall within any of the other categories of eligible student specified in that Schedule.

*Exception 3* The academic year is a year in respect of which the student is eligible to apply for—

- (a) a healthcare bursary, or
- (b) a Scottish healthcare allowance,

calculated by reference to the student's income (whether or not the calculation results in a nil amount).

*Exception 4* The present course is an accelerated graduate entry course.

*<sup>F1</sup>Exception 5* The present course is a distance learning course and the student (“S”) is not in Wales on the first day of the first academic year of the course.

But this exception does not apply where—

- (a) S is not in Wales on the first day of the first academic year of the course because S, or a close relative of S, is serving as a member of the armed forces outside Wales, or
- (b) S is unable to be in Wales on the first day of the first academic year of the course for a reason related to coronavirus.]

*Exception 6* The eligible student is undertaking an academic year of a sandwich course during which the periods of full-time study are in aggregate less than 10 weeks (unless it is a year to which paragraph (2) applies).

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*Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, PART 7. (See end of Document for details)*

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- (2) This paragraph applies to an academic year of a sandwich course if, as part of the course, the eligible student undertakes—
- (a) a period of work experience with a body in the United Kingdom specified in paragraph (3), or
  - (b) unpaid research—
    - (i) in an institution in the United Kingdom, or
    - (ii) outside the United Kingdom if the eligible student is attending an institution outside the United Kingdom as part of the course.
- (3) The bodies referred to in paragraph (2)(a) are—
- (a) a hospital;
  - (b) a public health service laboratory;
  - (c) a local authority or voluntary organisation exercising a function or carrying out activities relating to the care of children and young persons, health or welfare;
  - (d) a body providing prison or probation services in the United Kingdom;
  - (e) a health body listed in paragraph (4).
- (4) The health bodies are—
- (a) a Special Health Authority established under section 28 of the National Health Service Act 2006 <sup>M1</sup> or section 22 of the National Health Service (Wales) Act 2006 <sup>M2</sup>;
  - (b) an NHS trust established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006;
  - (c) an NHS foundation trust;
  - (d) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
  - (e) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978 <sup>M3</sup>;
  - (f) the Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 <sup>M4</sup>;
  - (g) the Regional Agency for Public Health and Social Well-being established under section 12 of that Act;
  - (h) a health and social care trust (formerly called a health and social services trust) established under the Health and Personal Social Services (Northern Ireland) Order 1991 <sup>M5</sup>;
  - (i) a special health and social care agency (formerly called a special health and social services agency) established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990 <sup>M6</sup>;
  - (j) the National Health Service Commissioning Board established under section 1H of the National Health Service Act 2006 or a clinical commissioning group established under section 11 of that Act <sup>M7</sup>;
  - (k) the National Institute for Health and Care Excellence established under section 232 of the Health and Social Care Act 2012 <sup>M8</sup>;
  - (l) the Health and Social Care Information Centre established under section 252 of that Act.

**Textual Amendments**

- F1** Words in [reg. 44](#) substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The Education \(Student Support\) \(Miscellaneous Amendments\) \(Wales\) \(No. 2\) Regulations 2020 \(S.I. 2020/708\)](#), regs. 1(2), 7

**Marginal Citations**

- M1** 2006 c. 41  
**M2** 2006 c. 42  
**M3** 1978 c. 29  
**M4** 2009 c. 1 (N.I.)  
**M5** 1991/194 (N.I. 1)  
**M6** 1990/247 (N.I. 3)  
**M7** [2006 c. 41](#); section 1H and section 11 were inserted by the [Health and Social Care Act 2012 \(c. 7\)](#), [sections 9](#) and 10  
**M8** 2012 c. 7

## CHAPTER 2

## BASE GRANT

**Amount of base grant**

**45.** In Table 3, Column 2 sets out the amount of base grant available for the academic year set out in the corresponding entry in Column 1.

**Table 3**

<i>Column 1 Academic year</i>	<i>Column 2 Base grant available</i>
Beginning on or after 1 September 2018	£1,000 for a full-time course £1,000 multiplied by the intensity of study for a part-time course

## CHAPTER 3

## MAINTENANCE GRANT

**Amount of maintenance grant: full-time students**

**46.—(1)** Table 4 sets out the maximum amounts of maintenance grant available to an eligible student undertaking a full-time course (a “full-time student”) where—

- (a) Column 1 specifies the academic year in relation to which the amounts of maintenance grant specified in Column 3 are payable;
  - (b) Column 2 specifies the location in which the student is living (see paragraph 3 of Schedule 1);
  - (c) Column 3 specifies the maximum amount of grant available in respect of the corresponding entries in Columns 1 and 2.
- (2) Where—
- (a) the student's household income does not exceed £18,370, or
  - (b) the student is a care leaver,

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the amount of maintenance grant payable is the maximum amount of grant available in respect of the student's location.

(3) Where the student's household income exceeds £18,370 but is less than £59,200, the amount of maintenance grant payable to the student is the maximum amount of maintenance grant available reduced by £1 for every—

- (a) £6.937 of household income exceeding £18,370 where the student is living at home;
- (b) £4.475 of household income exceeding £18,370 where the student is living away from home, studying in London;
- (c) £5.750 of household income [<sup>F2</sup>exceeding £18,370] where the student is living away from home, studying elsewhere.

(4) Where the full-time student's household income is £59,200 or more, the amount of maintenance grant payable is £0.

**Table 4**

<i>Column 1 Academic year</i>	<i>Column 2 Location of full-time student</i>	<i>Column 3 Maximum amount of maintenance grant available to full-time student</i>
Beginning on or after 1 September 2018	Living at home	£5,885
	Living away from home, studying in London	£9,124
	Living away from home, studying elsewhere	£7,100

#### **Textual Amendments**

**F2** Words in reg. 46(3)(c) inserted (1.8.2018) by [The Education \(Student Support\) \(Wales\) \(Amendment\) Regulations 2018 \(S.I. 2018/813\)](#), regs. 1(2), 3

#### **Amount of maintenance grant: part-time students**

47.—(1) Table 5 sets out the maximum amounts of maintenance grant available to an eligible student undertaking a part-time course (a “part-time student”) where—

- (a) Column 1 specifies the academic year in relation to which the amounts of maintenance grant specified in Column 2 are payable;
- (b) Column 2 specifies the maximum amount of grant available in respect of the corresponding academic year in Column 1.

(2) If—

- (a) a part-time student's household income does not exceed £25,000, or
- (b) the student is a care leaver,

the amount of maintenance grant payable to the student is the maximum amount available multiplied by the intensity of study of the present course.

(3) Where the part-time student's household income exceeds £25,000 but is less than £59,200, the amount of maintenance grant payable is calculated as follows— *Step 1* Reduce the maximum amount of maintenance grant available by £1 for every £6.84 of household income exceeding £25,000. *Step*

2 Multiply the result of Step 1 by the intensity of study of the present course. The result is the amount of maintenance grant payable.

(4) Where the part-time student's household income [<sup>F3</sup>is £59,200 or more], the amount of maintenance grant payable is £0.

**Table 5**

<i>Column 1 Academic year</i>	<i>Column 2 Maximum amount of maintenance grant available to part-time student</i>
Beginning on or after 1 September 2018	£5,000

#### **Textual Amendments**

**F3** Words in [reg. 47\(4\)](#) substituted (30.7.2018) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/814\)](#), regs. 1(2), **9**

#### **Household income**

**48.** See Part 2 of Schedule 3 for provision about calculating an eligible student's household income.

#### **Meaning of care leaver**

**49.** An eligible student is a “care leaver” if the student—

- (a) is under the age of 25 on the first day of the first academic year of the present course,
- (b) is, or has been, a category of young person defined in, or by virtue of, section 104 of the Social Services and Well-being (Wales) Act 2014 <sup>M9</sup>, and
- (c) between the student's 14<sup>th</sup> birthday and the first day of the first academic year of the course, the student—
  - (i) was looked after, fostered or accommodated (within the meaning of sections 74 and 104 of the Social Services and Well-being (Wales) Act 2014) for an aggregate period of 13 weeks or more, or
  - (ii) was a person with respect to whom a special guardianship order (within the meaning given by section 14A of the Children Act 1989) <sup>M10</sup> was in force for a period of 13 weeks or more.

#### **Marginal Citations**

**M9** 2014 anaw. 4.

**M10** 1989 c.41; [section 14A](#) was inserted by the [Adoption and Children Act 2002 \(c. 38\)](#) and amended by the [Children and Families Act 2014 \(c. 6\)](#) and the [Children and Young Persons Act 2008 \(c. 23\)](#).

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## CHAPTER 4

### SPECIAL SUPPORT PAYMENT

#### Special support payment

**50.**—(1) Where an eligible student who qualifies for a base grant or, as the case may be, a maintenance grant, meets one of the qualifying conditions in regulation 51—

- (a) all of the base grant payable to the eligible student, and
- (b) an amount of maintenance grant payable to the student up to the maximum specified in regulation 52,

is to be treated as a special support payment.

(2) A special support payment is a payment which is intended to meet—

- (a) the cost of books and equipment;
- (b) travel expenses;
- (c) childcare costs,

in connection with an eligible student undertaking a designated course.

#### Special support payment: qualifying conditions

**51.** An eligible student qualifies for a special support payment in respect of an academic year of the present course if the eligible student satisfies one of the following conditions— *Condition A* The eligible student, for the purposes of assessing entitlement to income support, falls within a prescribed category of person for the purposes of section 124(1)(e) <sup>M11</sup> of the Social Security Contributions and Benefits Act 1992. *Condition B* The eligible student, for the purposes of assessing entitlement to housing benefit, is treated as being liable to make payments in respect of a dwelling prescribed by regulations made under section 130(2) of that Act <sup>M12</sup>. *Condition C* The eligible student, for the purposes of assessing entitlement to universal credit, is liable or is treated as being liable under regulation 25(3) of the Universal Credit Regulations 2013 <sup>M13</sup> to make payments in respect of accommodation the student occupies as his or her home.

#### Marginal Citations

**M11** 1992 c 4. There are amendments to section 124 which are not relevant to these Regulations and the section is repealed by the [Welfare Reform Act 2012 \(c. 3\)](#), [section 147](#) and Schedule 14 Part 1 subject to savings specified in SI 2013/358 article 9. Categories under section 124(1)(e) are prescribed by regulations. The relevant regulation is regulation 4ZA of the [Income Support \(General\) Regulations 1987 \(S.I. 1987/1967\)](#). Regulation 4ZA was inserted by S.I. 1996/206 and amended by S.I. 1997/2197, S.I. 2000/1981, S.I. 2001/3070, S.I. 2008/1826, S.I. 2009/2655, S.I. 2009/3152 and S.I. 2013/2536.

**M12** There are amendments to section 130 which are not relevant to these Regulations and the section is repealed by the [Welfare Reform Act 2012 \(c. 3\)](#), [section 147](#) and Schedule 14 Part 1 subject to savings specified in SI 2013/358 article 9. The relevant regulation is regulation 56 of the [Housing Benefit Regulations 2006 S.I. 2006/213](#) as amended by S.I. 2008/1042, S.I. 2008/1082, S.I. 2012/757, S.I. 2013/630, S.I. 2013/2070 and SI 2017/901.

**M13** [S.I. 2013/376](#)

#### Maximum amount of maintenance grant treated as special support payment

**52.** In Table 6, Column 2 sets out the maximum amount of maintenance grant payable as special support payment in respect of the academic year set out in the corresponding entry in Column 1.

**Table 6**

<i>Column 1 Academic year</i>	<i>Column 2 Maximum amount of maintenance grant payable as part of a special support payment</i>
Beginning on or after 1 September 2018	£4,161 for a full-time course £5,000 multiplied by the intensity of study for a part-time course

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, PART 7.