
WELSH STATUTORY INSTRUMENTS

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.

^{F1}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).

Status: Point in time view as at 28/01/2021.

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)

- (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 ^{M1} or section 22 of the National Health Service (Wales) Act 2006 ^{M2};
 - (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 ^{M3};
 - (f) the Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 ^{M4};
 - (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 ^{M5};
 - (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 ^{M6};
 - (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 ^{M7};
 - (k) the National Institute for Health and Care Excellence established under section 232 of the Health and Social Care Act 2012 ^{M8};
 - (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 [^{F2}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 [^{F3}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 ^{M9}, and
- (c) between the student's 14th 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) ^{M10} 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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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)

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) ^{M11} 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 ^{M12}. *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 ^{M13} 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.