

## SCHEDULES

### SCHEDULE 3

#### Calculation of income

### PART 2

#### Household income

##### **Household income of eligible student**

2. This Part makes provision about the calculation of an eligible student's household income.

##### **Calculation of household income**

3.—(1) An eligible student's household income is calculated by applying the following steps—  
Step 1 If the student is not an independent eligible student (see paragraph 4), aggregate the total residual income of the persons listed in List A. If the student is an independent eligible student, aggregate the total residual income of the persons listed in List B.

##### **List A**

The persons are—

- (a) the eligible student, plus
- (b) either—
  - (i) each of the eligible student's parents (subject to paragraph 5), or
  - (ii) where the student's parents have separated, the parent selected under paragraph 6(3) and that parent's partner (if that parent has one), (subject to paragraph 7).

##### **List B**

The persons are—

- (a) the independent eligible student, plus
- (b) the student's partner (if the student has one), (subject to paragraphs 7 and 8).

Step 2 Calculate the applicable amount of dependent child deduction (see sub-paragraphs (2) to (4)) and deduct that from the aggregated total calculated under Step 1. The result is the eligible student's household income.

(2) A dependent child deduction is a deduction made in respect of each child wholly or mainly financially dependent on—

- (a) the eligible student,
- (b) the eligible student's partner,
- (c) the eligible student's parent, or
- (d) the partner of the eligible student's parent,

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where the income of that person is taken into account for the purposes of calculating household income.

(3) But no deduction is to be made in respect of a child of—

- (a) the eligible student's parent, or
- (b) the partner of the eligible student's parent,

if the child is the eligible student.

(4) In Table 15, Column 2 sets out the amount of dependent child deduction in respect of the academic year set out in the corresponding entry in Column 1.

**Table 15**

<i>Column 1 Academic year</i>	<i>Column 2 Amount of dependent child deduction</i>
Beginning on or after 1 September 2018	£1,130

### **Independent eligible students**

4.—(1) An eligible student is an independent eligible student if one of the following cases applies—  
*Case 1* The student is aged 25 or over on the first day of the current academic year. *Case 2* The student is married or is in a civil partnership before the beginning of the first day of the current academic year, whether or not the marriage or civil partnership continues to subsist after that date. *Case 3* The student has no parent living. *Case 4* The Welsh Ministers are satisfied that—

- (a) neither of the student's parents can be found, or
- (b) it is not reasonably practicable to get in touch with either of the student's parents.

*Case 5* Either—

- (a) the student has not communicated with either of the student's parents for a period of one year or more ending on the day before the first day of the current academic year, or
- (b) in the opinion of the Welsh Ministers, the student is irreconcilably estranged from the student's parents on other grounds.

*Case 6* The student's parents reside outside [F1the United Kingdom, Gibraltar and] the European Union and the Welsh Ministers are satisfied that—

- (a) the assessment of the household income by reference to the parents' income would place those parents in jeopardy, or
- (b) it would not be reasonably practicable for the parents to send funds to the United Kingdom for the purposes of supporting the student.

*Case 7* Where paragraph 6 (separation of parents) applies, the parent selected by the Welsh Ministers under sub-paragraph (3) of that paragraph has died, irrespective of whether that parent had a partner.

*Case 8* On the first day of the current academic year, the student has the care of a person under the age of 18. *Case 9* The student has been supported by the student's earnings for any period of three years (or periods which together aggregate at least three years) ending before the first day of the first academic year of the present course. *Case 10* Where a student is an independent eligible student by virtue of Case 9 in respect of one academic year, the student continues to be an independent eligible student for any subsequent academic year of the designated course. *Case 11* The student is a care leaver within the meaning given by regulation 49.

(2) For the purposes of Case 9, an eligible student is treated as being supported by the student's earnings if during the period or periods referred to in Case 9 one of the following grounds applies—  
*Ground 1* The eligible student was participating in arrangements for training unemployed persons

under a scheme operated, sponsored or funded by a public body. *Ground 2* The eligible student received a benefit payable by a public body in respect of a person who is available for employment but is unemployed. *Ground 3* The eligible student was available for employment and had complied with any registration requirement of a public body as a condition of entitlement for participation in arrangements for training or the receipt of benefits. *Ground 4* The eligible student held a state studentship or comparable award. *Ground 5* The eligible student received a pension, allowance or other benefit paid by reason of the student's disability, injury or sickness or for a reason associated with childbirth.

#### Textual Amendments

- F1** Words in [Sch. 3 para. 4\(1\)](#) inserted (31.12.2020) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1302\)](#), regs. 1(3), **32(2)**

#### Eligible student's parent dies leaving a surviving parent

5.—(1) Where—

- (a) the parent of an eligible student dies before the current academic year, and
- (b) that parent's income has been or would have been taken into account for the purpose of determining household income,

only the residual income of the surviving parent is aggregated for the purposes of Step 1 in paragraph 3(1).

(2) Where the parent dies during the current academic year, the residual income of the eligible student's parents, for the purposes of Step 1 in paragraph 3(1), is the aggregate of—

- (a) the residual income of both parents for the applicable financial year multiplied by  $X/52$ , and
- (b) the residual income of the surviving parent for the applicable financial year multiplied by  $Y/52$ , where—

X is the number of weeks in the current academic year during which both parents were alive, and

Y is the remaining number of weeks in the current academic year.

#### Separation of eligible student's parents

6.—(1) Where the eligible student's parents are separated for the duration of the current academic year, only the residual income of the parent selected under sub-paragraph (3) is aggregated for the purposes of Step 1 in paragraph 3(1).

(2) Where the student's parents have separated during the current academic year the residual income of the eligible student's parents, for the purposes of Step 1 in paragraph 3(1), is the aggregate of—

- (a) the residual income of both parents for the applicable financial year multiplied by  $X/52$ , and
- (b) the residual income of the parent selected under sub-paragraph (3) for the applicable financial year multiplied by  $Y/52$ , where—

X is the number of weeks in the current academic year during which the parents were not separated, and

Y is the number of weeks in the current academic year during which the parents were separated.

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(3) Where sub-paragraph (1) or (2) applies, the Welsh Ministers must select the parent whose residual income it is the most appropriate to take into account in the circumstances.

### **Separation of eligible student's parent or independent eligible student from partner**

7.—(1) Where—

- (a) the parent of an eligible student, or
- (b) an independent eligible student,

is separated from his or her partner for the duration of the current academic year, the income of the partner is not aggregated under Step 1 in paragraph 3(1).

(2) Where—

- (a) the parent of the eligible student, or
- (b) an independent eligible student,

has separated from his or her partner during the current academic year, the amount of the partner's residual income to be aggregated under Step 1 is calculated by applying the formula in sub-paragraph (3).

(3) The formula to be applied is—  $X \times C / 52$  Where—

X is the residual income of—

- (a) the eligible student's parent's partner, where List A of Step 1 applies, or
  - (b) the independent eligible student's partner where List B of Step 1 applies,
- for the applicable financial year;

C is the number of complete weeks of the current academic year during which—

- (a) the eligible student's parent and his or her partner, or
  - (b) the independent eligible student and the student's partner,
- were not separated.

(4) Where an eligible student has more than one partner in any one academic year, this paragraph and Step 1 of paragraph 3(1) apply in relation to each partner.

### **Independent eligible student or partner is a parent of an eligible student**

8. Where—

- (a) an independent eligible student (I) or the partner of the independent eligible student (PI) is a parent of an eligible student (S), and
- (b) a statutory award payable to S is calculated by reference to the residual income of I or PI, or both,

the residual income of PI is not aggregated under List B of Step 1 in paragraph 3(1) for the purposes of calculating the household income of I.

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