
WELSH STATUTORY INSTRUMENTS

2019 No. 187

**The Free School Lunches and Milk
(Universal Credit) (Wales) Order 2019**

Prescribed circumstances: receipt of universal credit

2.—(1) The circumstances prescribed⁽¹⁾ for the purposes of section 512ZB(4)(a)(ai) of the 1996 Act are that C’s parent—

- (a) is on, or after, 1st April 2019 in receipt of universal credit, and
- (b) in the relevant assessment period has earned income not exceeding the applicable amount.

(2) The circumstances prescribed for the purposes of section 512ZB(4)(b)(ai) of the 1996 Act are that C—

- (a) is on, or after, 1st April 2019 in receipt of universal credit, and
- (b) in the relevant assessment period has earned income not exceeding the applicable amount.

(3) For the purposes of paragraphs (1) and (2)—

- (a) the definition of “earned income” under regulation 52 of the 2013 Regulations⁽²⁾ applies subject to sub-paragraph (b);
- (b) where, in any assessment period, a claimant is in gainful self-employment, regulation 62⁽³⁾ of the 2013 Regulations does not apply for the purposes of calculating a person’s earned income under regulation 52(b) of those Regulations;
- (c) the relevant assessment period and the applicable amount are those referred to in the following paragraphs as applicable—

- (i) except where paragraphs (ii) or (iii) apply, where the parent has earned income which did not exceed £616.67 in the universal credit assessment period immediately preceding the date of the request for a free school meal (period 1)—

- (aa) the relevant assessment period is period 1; and
 - (bb) the applicable amount is £616.67;

- (ii) this paragraph applies where paragraph (i) does not because the applicable amount referred to in that paragraph is exceeded and there is a universal credit assessment period (period 2) immediately preceding period 1 referred to in that paragraph—

- (aa) the relevant assessment period is the sum of period 1 and period 2; and
 - (bb) the applicable amount is £1,233.34;

(1) By virtue of section 512 of the Education Act 1996, “prescribed” in section 512ZB means prescribed by the Welsh Ministers by order.

(2) Chapter 2 of Part 6 of the 2013 regulations is concerned with earned income for the purpose of calculating an award of universal credit

(3) This regulation provides that where, in any assessment period, a claimant is in gainful self-employment and the claimant’s earned income in respect of that assessment period is less than the minimum income floor, the claimant is to be treated as having earned income equal to the minimum income floor.

- (iii) this paragraph applies where paragraph (ii) does not because the applicable amount referred to in that paragraph is exceeded and there is a universal credit assessment period (period 3) immediately preceding period 2 referred to in that paragraph—
 - (aa) the relevant assessment period is the sum of period 1, period 2 and period 3; and
 - (bb) the applicable amount is £1,850;
- (d) where C, or as the case may be C's parent, is—
 - (i) a member of a couple who have jointly made a claim for, and are entitled to, universal credit; or
 - (ii) a member of a couple but has claimed, and is entitled to, universal credit as a single person,

references to applicable amounts in paragraphs (i) to (iii) of sub-paragraph (c) are to be read as references to the combined income of the couple.