
STATUTORY INSTRUMENTS

2002 No. 3200

The Education (Student Support) (No. 2) Regulations 2002

PART IV

GRANTS FOR LIVING COSTS

Grants for dependants—childcare costs

16.—(1) Subject to the following paragraphs an eligible student who has not elected to be ineligible for grant under this regulation in accordance with regulation 15(6) **who is not and whose spouse is not entitled to the child care element of the working tax credit under Part I of the Tax Credits Act 2002**(b) shall in respect of each academic year be eligible for a grant in respect of childcare costs for each dependent child where the childcare is provided by an approved or registered childcare provider, if—

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

(2) The amount of grant for each week for which a student shall be eligible under paragraph (1) is:

...

- (a) **for one dependent child, 85 per cent of the costs of the childcare, subject to a maximum amount of £114.75 per week, or**
- (b) **for two or more dependent children, 85 per cent of the costs of the childcare, subject to a maximum amount of £170 per week**

except that the student shall not be eligible 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.

...

(3) Where the amount to be deducted from a grant in accordance with regulation 15(2) exceeds the amount of grant calculated under regulation 15(1) **and grant is payable under paragraph (2) the amount of such grant shall be reduced or extinguished by the amount of the excess and if the excess is greater than is required to extinguish any grant payable under paragraph (2) any grant payable under regulation 15(7) shall be reduced or extinguished by the amount of the remaining excess.**

...

(4) **Where the amount to be deducted from a grant in accordance with regulation 15(2) exceeds the amount of grant calculated under regulation 15(1) and no grant is payable under paragraph (2), any grant payable under regulation 15(7) shall be reduced or extinguished by the amount of the excess.**

(1) 1996 c. 56, section 312.

(5) Where no amount is to be deducted from a grant in accordance with regulation 15(2) because regulation 15(1) does not apply to the eligible student, and grant is payable under paragraph (2) the amount so payable shall be reduced or extinguished by the difference between—

(a) the aggregate of the net income of each of the eligible student’s dependants; and

(b) where the eligible student—

(i) has no dependent child, £1,000;

(ii) is not a lone parent and has one dependent child, £3,000;

(iii) is not a lone parent and has more than one dependent child, £4,000;

(iv) is a lone parent and has one dependent child, £4,000; or

(v) is a lone parent and has more than one dependent child, £5,000

provided the aggregate amount calculated under sub-paragraph (a) is greater than the amount applicable under sub-paragraph (b).

(6) If the difference calculated under paragraph (5) exceeds the amount required to extinguish any grant payable under paragraph (2) any grant payable under regulation 15(7) shall be reduced or extinguished by the amount of the excess.

(7) Where no amount is to be deducted from a grant in accordance with regulation 15(2) because regulation 15(1) does not apply to the eligible student, and no grant is payable under paragraph (2) the amount of grant payable under regulation 15(7) shall be reduced or extinguished by the difference between—

(a) the aggregate of the net income of each of the eligible student’s dependants; and

(b) where the eligible student—

(i) has no dependent child, £1,000;

(ii) is not a lone parent and has one dependent child, £3,000;

(iii) is not a lone parent and has more than one dependent child, £4,000;

(iv) is a lone parent and has one dependent child, £4,000; or

(v) is a lone parent and has more than one dependent child, £5,000

provided the aggregate amount calculated under sub-paragraph (a) is greater than the amount applicable under sub-paragraph (b).

(8) If the eligible student’s spouse is also an eligible student or holds a statutory award and if in calculating the amount of support for which the spouse is eligible or payment to which he is entitled under the award account is taken of his dependants, the amount of grant calculated under paragraph (2) shall be reduced by one half.

...

(9) In this regulation—

“approved childcare provider” means a childcare provider within the meaning of the Tax Credit (New Category of Childcare Provider) Regulations 1999(2), who has been approved in accordance with those Regulations;

“registered childcare provider” means a person who acts as a child minder or provides day care and is registered within the meaning of section 79F of the Children Act 1989(3), (grant or refusal of registration of child minders and persons providing day care for young children).

...

(2) S.I.1999/3110, made in exercise of the powers conferred by sections 15(1) and 15(4) of the Tax Credits Act 1999 (c. 10).

(3) 1989 c. 41; section 79F was inserted by the Care Standards Act 2000 (c. 14).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
