
WELSH STATUTORY INSTRUMENTS

2009 No. 2737

**The Assembly Learning Grants and Loans
(Higher Education) (Wales) Regulations 2009**

PART 5

GRANTS FOR LIVING COSTS

General qualifying conditions for grants for living costs

- 24.**—(1) An eligible student qualifies for a grant under this Part provided that—
- (a) the student is not excluded from qualification by any of the following paragraphs, regulation 6 or regulation 7; and
 - (b) the student satisfies the qualifying conditions for the particular grant for which he or she is applying.
- (2) An eligible student does not qualify for a grant under this Part if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.
- (3) An eligible student does not qualify for a grant under this Part in respect of—
- (a) an academic year which is a bursary year;
 - (b) an academic year of a course for the initial training of teachers which—
 - (i) began before 1 September 2010;
 - (ii) begins on or after 1 September 2010 where the student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers beginning before 1 September 2010; or
 - (iii) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student,during which the periods of full-time attendance, including attendance for the purpose of teaching practice, are in aggregate less than 6 weeks;
 - (c) a flexible postgraduate ITT course which is of less than one academic year's duration.
- (4) Paragraph (3)(b) does not apply for the purposes of regulation 25.
- (5) An eligible student does not qualify for a grant under this Part in respect of any academic year of a sandwich course where the periods of full-time study are in aggregate less than 10 weeks unless the periods of work experience constitute unpaid service.
- (6) For the purposes of paragraph (5), “unpaid service” (“*gwasanaeth di-dâl*”) means—
- (a) unpaid service in a hospital or in a public health service laboratory or with a primary care trust in the United Kingdom;
 - (b) unpaid service with a local authority in the United Kingdom acting in the exercise of their functions relating to the care of children and young persons, health or welfare or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom;

- (c) unpaid service in the prison or probation and aftercare service in the United Kingdom;
- (d) unpaid research in an institution in the United Kingdom or, in the case of a student attending an overseas institution as part of his or her course, in an overseas institution; or
- (e) unpaid service with—
 - (i) a Strategic Health Authority established pursuant to section 13 of the National Health Service Act 2006 or a Special Health Authority established pursuant to section 28 of that Act⁽¹⁾;
 - (ii) a Local Health Board established pursuant to section 11 of the National Health Service (Wales) Act 2006 or a Special Health Authority established pursuant to section 22 of that Act⁽²⁾;
 - (iii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978⁽³⁾; or
 - (iv) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁴⁾.

(7) Subject to paragraph (8), an eligible student does not qualify for a grant under regulations 36 to 42 in respect of an academic year of the designated course if the student does not qualify for relevant support in respect of that academic year.

(8) Paragraph (7) does not apply if the reason that the student does not qualify for relevant support in respect of an academic year of a designated course is because—

- (a) that academic year is an Erasmus year; or
- (b) the designated course is an old flexible postgraduate course for the initial training of teachers.

(9) In paragraph (7) “relevant support” (“*cymorth perthnasol*”) means, in the case of a grant under regulation 36, a grant for fees, or, in the case of a grant under regulations 37 to 42, a loan for fees.

(10) Where one of the events listed in paragraph (11) occurs in the course of an academic year, a student may qualify for a particular grant in accordance with this Part in respect of all or part of that academic year but he or she does not qualify for a grant in respect of any academic year beginning before the academic year in which the relevant event occurred.

(11) The events are—

- (a) the student’s course becomes a designated course;
- (b) the student, the student’s spouse, the student’s civil partner or the student’s parent is recognised as a refugee or is granted leave to enter or remain;
- (c) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;
- (d) the student acquires the right of permanent residence;
- (e) the student becomes the child of a Turkish worker;
- (f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- (g) the student becomes the child of a Swiss national.

(12) Subject to paragraph (13), an eligible student does not qualify for a grant under this Part if he or she is a prisoner.

(1) 2006 c. 41.

(2) 2006 c. 42.

(3) 1978 c. 29.

(4) S.I. 1972/1265 (N.I. 14), to which there have been amendments not relevant to these Regulations.

(13) Paragraph (12) does not apply in respect of a grant for disabled students' living costs.

(14) A student to whom this paragraph applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for the following grants—

- (a) grants for dependants;
- (b) grant for disabled students' living costs;
- (c) maintenance grant or special support grant;
- (d) higher education grant.

(15) Paragraph (14) applies to—

- (a) a compressed degree student;
- (b) a disabled student who—
 - (i) is not a compressed degree student; and
 - (ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability.

Grants for disabled students' living costs

25.—(1) An eligible student qualifies in accordance with this regulation for a grant for disabled students' living costs to assist with the additional expenditure which the Welsh Ministers are satisfied the student is obliged to incur in connection with his or her attendance on a designated course by reason of a disability to which the student is subject.

(2) Subject to the following paragraphs, the amount of grant for disabled students' living costs under this regulation is the amount that the Welsh Ministers consider appropriate in accordance with the student's circumstances.

(3) Except where paragraph (5) applies, the amount of the grant for disabled students' living costs must not exceed—

- (a) £20,520 in respect of an academic year for expenditure on a non-medical personal helper;
- (b) £5,166 in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;
- (c) the additional expenditure incurred—
 - (i) within the United Kingdom for the purpose of attending the institution;
 - (ii) within or outside the United Kingdom for the purpose of attending, as a part of his or her course, any period of study at an overseas institution or for the purpose of attending the Institute;
- (d) £1,729 in respect of an academic year for any other expenditure including expenditure incurred for the purposes referred to in sub-paragraph (a) or (b) which exceeds the maxima specified in those paragraphs.

(4) Where the eligible student has received payments to assist with expenditure on major items of specialist equipment in connection with the course by virtue of holding a transitional award, the maximum amount of grant under paragraph (3)(b) is reduced by the amount of those payments.

(5) The maximum amount of grant under paragraphs (3)(a) and (3)(d) is £15,390 and £1,293, respectively where—

- (a) an eligible student attends a course for the initial training of teachers which—
 - (i) began before 1 September 2010;

- (ii) begins on or after 1 September 2010 where the student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers beginning before 1 September 2010; or
 - (iii) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student; and
- (b) in any academic year of that course, the periods of full-time study and full-time teaching practice are in aggregate less than 6 weeks.

Grants for dependants — general

- 26.—(1) The grants for dependants consist of the following elements—
- (a) adult dependants' grant;
 - (b) childcare grant;
 - (c) parents' learning allowance.
- (2) The qualifying conditions for each element and the amounts payable are set out in regulations 27 to 30.
- (3) A deduction may be made from any element of the grants for dependants in accordance with regulation 60.

Grants for dependants — adult dependants' grant

- 27.—(1) An eligible student qualifies for an adult dependants' grant in connection with his or her attendance on a designated course in accordance with this regulation.
- (2) The adult dependants' grant is available in respect of one dependant of an eligible student who is either—
- (a) the eligible student's partner; or
 - (b) an adult dependant of the eligible student whose net income does not exceed £3,801.
- (3) The amount of adult dependants' grant payable in respect of an academic year is calculated in accordance with regulation 30, the basic amount being—
- (a) £2,647; or
 - (b) where the person in respect of whom the eligible student is applying for adult dependants' grant is ordinarily resident outside the United Kingdom, such amount not exceeding £2,647 as the Welsh Ministers consider reasonable in the circumstances.

Grants for dependants — childcare grant

- 28.—(1) An eligible student qualifies, in connection with his or her attendance on a designated course, for a childcare grant in accordance with this regulation.
- (2) Subject to paragraphs (3) and (4), the childcare grant is available in respect of an academic year in which the student incurs prescribed childcare charges for—
- (a) a dependent child who is under the age of 15 immediately before the beginning of the academic year; or

(b) a dependent child who has special educational needs within the meaning of section 312 of the Education Act 1996⁽⁵⁾ and is under the age of 17 immediately before the beginning of the academic year.

(3) An eligible student does not qualify for a grant under this regulation if the student or the student's partner has elected to receive the childcare element of the working tax credit under Part I of the Tax Credits Act 2002⁽⁶⁾.

(4) An eligible student does not qualify for a grant under this regulation if the prescribed childcare charges that he or she incurs are paid or to be paid by the student to his or her partner.

(5) Subject to paragraph (6), the basic amount of childcare grant for each week is—

(a) for one dependent child, 85 per cent. of the prescribed childcare charges, subject to a maximum amount of £161.50 per week; or

(b) for two or more dependent children, 85 per cent. of the prescribed childcare charges, subject to a maximum amount of £ 274.55 per week,

except that the student does not qualify 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.

(6) For the purposes of calculating the basic amount of childcare grant—

(a) a week runs from Monday to Sunday; and

(b) where a week in respect of which prescribed childcare charges are incurred falls partly within and partly outside the academic year in respect of which childcare grant is payable under this regulation, the maximum weekly amount of grant is calculated by multiplying the relevant maximum weekly amount in paragraph (5) by the number of days of that week falling within the academic year and dividing the product by seven.

(7) In this regulation “prescribed childcare charges” (“*costau rhagnodedig ar gyfer gofal plant*”) means childcare charges of a description prescribed for the purposes of section 12 of the Tax Credits Act 2002⁽⁷⁾.

Grants for dependants — parents' learning allowance

29.—(1) An eligible student qualifies in connection with the student's attendance on a designated course for the parents' learning allowance if the student has one or more dependants who are dependent children.

(2) The amount of parents' learning allowance payable in respect of an academic year is calculated in accordance with regulation 30, the basic amount being £1,508.

Grants for dependants — calculations

30.—(1) Subject to the following paragraphs, the amount payable in respect of a particular element of the grants for dependants for which the eligible student qualifies under regulations 27 to 29 is the amount of that element remaining after applying, until it is extinguished, an amount equal to **(A – B)** as follows and in the following order—

(a) to reduce the basic amount of the adult dependants' grant where the eligible student qualifies for that element under regulation 27;

(5) 1996 c. 56; section 312 was amended by the Education Act 1997 (c. 44), Schedule 7, paragraph 23, the Schools Standards and Framework Act 1998 (c. 31), section 140, Schedule 30, paragraph 71 and Schedule 31 and the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraph 56 and the Education and Inspections Act 2006 (c. 40), Schedule 1, paragraph 3.

(6) 2002 (c. 21) to which there are amendments not relevant to these Regulations.

(7) Regulation 14 of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005) as amended by S.I. 2003/701, S.I. 2003/2815, S.I. 2004/762, S.I. 2004/1276, S.I. 2004/2663, S.I. 2005/769, S.I. 2005/2919, S.I. 2006/766, S.I. 2007/824, S.I. 2007/2479, S.I. 2008/604, S.I. 2008/2169 and S.I. 2009/697 sets out the charges that are prescribed, and thus relevant childcare charges, for the purposes of section 12 of the Tax Credits Act 2002.

- (b) to reduce the basic amount of the childcare grant for the academic year where the eligible student qualifies for that element under regulation 28; and
 - (c) to reduce the basic amount of the parents' learning allowance where the eligible student qualifies for that element under regulation 29.
- (2) Subject to paragraphs (4), (5) and (13), where **B** is greater than or equal to **A**, the basic amount of each element of the grants for dependants for which the eligible student qualifies is payable.
- (3) Where $(\mathbf{A} - \mathbf{B})$ is equal to or exceeds the aggregate of the basic amounts of the elements of the grants for dependants for which the eligible student qualifies, the amount payable in respect of each element is nil.
- (4) The amount of the adult dependants' grant calculated under paragraph (1) in respect of an adult dependant is reduced by one half where—
- (a) the eligible student's partner—
 - (i) is an eligible student; or
 - (ii) holds a statutory award; and
 - (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which he or she is entitled under the statutory award.
- (5) The amount of the childcare grant calculated under paragraph (1) is reduced by one half where—
- (a) the eligible student's partner—
 - (i) is an eligible student; or
 - (ii) holds a statutory award; and
 - (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which he or she is entitled under the statutory award.
- (6) Where the amount of the parents' learning allowance calculated under paragraph (1) is £0.01 or more but less than £50, the amount of parents' learning allowance payable is £50.
- (7) In this regulation—
- A** is the aggregate of the net income of each of the eligible student's dependants; and
- B** is—
- (a) £1,159 where the eligible student has no dependent child;
 - (b) £3,473 where the eligible student is not a lone parent and has one dependent child;
 - (c) £4,632 where the eligible student—
 - (i) is not a lone parent and has more than one dependent child; or
 - (ii) is a lone parent and has one dependent child;
 - (d) £5,797 where the eligible student is a lone parent and has more than one dependent child.
- (8) Paragraphs (9) to (12) apply where, in the course of the academic year, any of the following occurs—
- (a) there is a change in the number of the eligible student's dependants;
 - (b) a person becomes or ceases to be a dependant of the eligible student;
 - (c) the eligible student becomes or ceases to be a lone parent;
 - (d) a student becomes an eligible student as a result of an event referred to in regulation 24(11).

(9) For the purposes of determining the respective values of **A** and **B** and whether adult dependants' grant or parents' learning allowance is payable, the Welsh Ministers must determine the following in relation to each relevant quarter by reference to the student's circumstances in the relevant quarter—

- (a) how many dependants the eligible student is to be treated as having;
- (b) who those dependants are;
- (c) whether the student is to be treated as a lone parent.

(10) The amount of grants for dependants for the academic year is the aggregate of the amounts of adult dependants' grant and parents' learning allowance calculated in respect of each relevant quarter under paragraph (11) and the amount of any childcare grant for the academic year.

(11) The amount of adult dependants' grant and parents' learning allowance in respect of a relevant quarter is one third of what that grant or allowance would be for the academic year if the student's circumstances in the relevant quarter as determined under paragraph (9) applied for the duration of the academic year.

(12) In this regulation, a “relevant quarter” (“*chwarter perthnasol*”) means—

- (a) in the case of a person referred to in paragraph (8)(d), a quarter which begins after the relevant event occurs other than a quarter during which, in the opinion of the Welsh Ministers, the longest of any vacation occurs;
- (b) otherwise, a quarter other than the one quarter during which, in the opinion of the Welsh Ministers, the longest of any vacation occurs.

(13) A deduction may be made in accordance with Part 9 from the amount payable in respect of a particular element of the grants for dependants calculated under this Part.

Grants for dependants — interpretation

31.—(1) In regulations 27 to 30—

- (a) subject to sub-paragraph (n), “adult dependant” (“*dibynnydd mewn oed*”) means, in relation to an eligible student, an adult person dependent on the student other than the student's child, the student's partner (including a spouse or civil partner from whom the Welsh Ministers consider the student is separated) or his or her former partner;
- (b) “child” (“*plentyn*”) in relation to an eligible student includes any child of the student's partner who is dependent on him or her and any child for whom the student has parental responsibility who is dependent on him or her;
- (c) “dependant” (“*dibynnydd*”) means, in relation to an eligible student, the student's partner, the student's dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;
- (d) “dependent” (“*dibynnol*”) means wholly or mainly financially dependent;
- (e) “dependent child” (“*plentyn dibynnol*”) means, in relation to an eligible student, a child dependent on the student;
- (f) “lone parent” (“*rhiant unigol*”) means an eligible student who does not have a partner and who has a dependent child or dependent children;
- (g) “net income” (“*incwm net*”) has the meaning given in paragraph (2);
- (h) subject to sub-paragraphs (i), (j), (k), (l) and (m), “partner” (“*partner*”) means any of the following—
 - (i) the spouse of an eligible student;
 - (ii) the civil partner of an eligible student;

- (iii) a person ordinarily living with an eligible student as if he or she were his or her spouse where an eligible student falls within paragraph 2(1)(a) of Schedule 5 and began the designated course on or after 1 September 2000;
- (iv) a person ordinarily living with an eligible student as if he or she were the student's civil partner where an eligible student falls within paragraph 2(1)(a) of Schedule 5 and began the designated course on or after 1 September 2005;
- (i) unless otherwise indicated, a person who would otherwise be a partner under sub-paragraph (h) is not treated as a partner if—
 - (i) in the opinion of the Welsh Ministers, that person and the eligible student are separated; or
 - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible student;
- (j) for the purposes of the definition of “adult dependant”, a person is to be treated as a partner if the person would be a partner under sub-paragraph (h) but for the fact that the eligible student with whom the person is ordinarily living does not fall within paragraph 2(1)(a) of Schedule 5;
- (k) for the purposes of the definitions of “child” and “lone parent”, a person is to be treated as a partner if the person would be a partner under sub-paragraph (h) but for the date on which the eligible student began the specified designated course or the fact that the eligible student with whom the person is ordinarily living does not fall within paragraph 2(1)(a) of Schedule 5;
- (l) for the purposes of regulation 28—
 - (i) sub-paragraph (i) does not apply; and
 - (ii) a person is to be treated as a partner if he or she would be a partner under sub-paragraph (h) but for the fact that the eligible student with whom he or she is ordinarily living does not fall within paragraph (2)(1)(a) of Schedule 5;
- (m) for the purposes of determining whether a person is the former partner of an eligible student's partner, (“*partner*”) in relation to an eligible student's partner means—
 - (i) the spouse of an eligible student's partner;
 - (ii) the civil partner of an eligible student's partner;
 - (iii) where the eligible student began the specified designated course on or after 1 September 2000, a person ordinarily living with an eligible student's partner as if he or she were his or her spouse;
 - (iv) where the eligible student began the specified designated course on or after 1 September 2005, a person ordinarily living with an eligible student's partner as if he or she were his or her civil partner;
- (n) subject to sub-paragraph (o), for the purposes of the definitions of “adult dependant” (“*dibynnydd mewn oed*”) and “dependent child” (“*plentyn dibynnol*”), the Welsh Ministers may treat an adult person or child as dependent on an eligible student if they are satisfied that the adult person or child—
 - (i) is not dependent on—
 - (aa) the eligible student; or
 - (bb) his or her partner; but
 - (ii) is dependent on the eligible student and his or her partner together.
- (o) the Welsh Ministers must not treat an adult person (“A”) as dependent on an eligible student in accordance with sub-paragraph (n), if A is—

- (i) the spouse or civil partner of the eligible student's partner (including a spouse or civil partner from whom the Welsh Ministers consider the eligible student's partner is separated); or
- (ii) the former partner of the eligible student's partner.

(2) Subject to paragraph (3), a dependant's net income is the dependant's income from all sources for the academic year in question reduced by the amount of income tax and social security contributions payable in respect of it but disregarding—

- (a) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the dependant is subject;
- (b) child benefit payable under Part IX of the Social Security Contributions and Benefits Act 1992⁽⁸⁾;
- (c) any financial support payable to the dependant by a local authority in accordance with regulations made under sections 2, 3 and 4 of the Adoption and Children Act 2002⁽⁹⁾;
- (d) any guardian's allowance to which the dependant is entitled under section 77 of the Social Security Contributions and Benefits Act 1992;
- (e) in the case of a dependant with whom a child being looked after by a local authority is boarded out, any payment made to that dependant in pursuance of section 23 of the Children Act 1989⁽¹⁰⁾;
- (f) any payment made to the dependant under section 23C(5A) of the Children Act 1989⁽¹¹⁾;
- (g) any payments made to the dependant under section 15 of and Schedule 1 to the Children Act 1989 in respect of a person who is not the dependant's child or any assistance given by a local authority pursuant to section 24 of that Act⁽¹²⁾; and
- (h) any child tax credit to which the dependant is entitled under Part I of the Tax Credits Act 2002⁽¹³⁾.

(3) Where an eligible student or the student's partner makes any recurrent payments which were previously made by the student in pursuance of an obligation incurred before the first academic year of the student's course, the partner's net income is the net income calculated in accordance with paragraph (2) reduced by—

- (a) an amount equal to the payments in question for the academic year, if in the opinion of the Welsh Ministers, the obligation had been reasonably incurred; or
- (b) such lesser amount, if any, as the Welsh Ministers consider appropriate if, in their opinion, a lesser obligation could reasonably have been incurred.

(4) For the purposes of paragraph (2), where the dependant is a dependent child and payments are made to the eligible student towards the child's maintenance, those payments are to be treated as the child's income.

Qualifying conditions for the grant for travel

32.—(1) A grant is available to an eligible student attending a course in medicine or dentistry (a necessary part of which is a period of study by way of clinical training) in respect of the

⁽⁸⁾ 1992 c. 4 to which there are amendments not relevant to these Regulations.

⁽⁹⁾ 2002 c. 38.

⁽¹⁰⁾ 1989 c. 41. Section 23 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 16, paragraph 12, the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 14, the Children Act 2004 (c. 31), section 49(3) and the Children and Young Persons Act 2008, Schedule 3, paragraphs 1 and 7.

⁽¹¹⁾ Subsections (5A) to (5C) of section 23C of the Children Act 1989 were inserted, in relation to England, by section 21 of the Children and Young Persons Act 2008 and S.I. 2009/268 and S.I. 2009/2273 refer.

⁽¹²⁾ There are amendments to sections 15 and 24 and Schedule 1 which are not relevant to these Regulations.

⁽¹³⁾ 2002 c. 21 to which there are amendments not relevant to these Regulations.

reasonable expenditure which he or she is obliged to incur in an academic year for the purpose of attending in connection with his or her course any hospital or other premises in the United Kingdom (not comprised in the institution) at which facilities for clinical training are provided other than expenditure incurred for the purpose of residential study away from the institution.

(2) A grant is available to an eligible student in respect of the reasonable expenditure which he or she is obliged to incur in each qualifying quarter within or outside the United Kingdom for the purpose of attending as part of his or her course an overseas institution or the Institute.

Amount of the grant for travel

33.—(1) The amount of grant payable under regulation 32(1) in respect of an academic year is equal to the reasonable expenditure that the Welsh Ministers determine the eligible student is obliged to incur for the purposes set out in that regulation less £303.

(2) The amount of grant payable under regulation 32 (2) in respect of an academic year is calculated as follows—

$$(X - £303) + Y$$

where—

X is the aggregate of the reasonable travel costs that the eligible student is obliged to incur in each qualifying quarter for the purposes set out in regulation 32.

Y is the aggregate of the expenditure incurred in each qualifying quarter specified in paragraph (3).

(3) The expenditure specified in paragraph (2) is—

- (a) expenditure that the eligible student reasonably incurs in insuring against liability for the cost of medical treatment provided outside the United Kingdom for any illness or personal injury contracted or suffered during the period he or she is attending the overseas institution or the Institute;
- (b) the cost of a visa or visas that the eligible student is obliged to obtain in order to attend the overseas institution or the Institute; and
- (c) medical costs that the eligible student reasonably incurs in order to fulfil a mandatory condition of entry into the territory, country or state in which the overseas institution or the Institute is situated.

Deductions from the grant for travel

34. A deduction may be made from a grant under regulations 32 and 33 in accordance with Part 9.

Interpretation

35. For the purposes of this Part—

- (a) any reference to expenditure incurred for the purpose of attending an institution or period of study—
 - (i) includes expenditure both before and after so attending; and
 - (ii) does not include any expenditure in respect of which a grant is payable under regulation 25.
- (b) “qualifying quarter” (“*chwarter cymhwysol*”) means a quarter during which the eligible student attends as part of his or her course an overseas institution or the Institute for at least half the period covered by that quarter.

Higher education grants

36.—(1) An old system eligible student qualifies in accordance with this regulation for a higher education grant in connection with his or her attendance on a designated course to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course.

(2) An old system eligible student does not qualify for a higher education grant unless he or she began the specified designated course on or after 1 September 2004.

(3) The maximum amount of higher education grant available in respect of an academic year is £1,000.

(4) An eligible student who qualifies for a higher education grant is entitled to receive an amount as follows—

- (a) in any case where the household income is £16,765 or less, he or she is entitled to receive the maximum amount of grant available;
- (b) in any case where the household income exceeds £16,765 and does not exceed £22,750, he or she receives an amount equal to $M - A$, where M is £1,000 and A is £1 for every complete £6.30 by which the household income exceeds £16,765; and
- (c) in any case where the household income exceeds £22,750, no grant is payable under this regulation.

Maintenance grant

37.—(1) A new system eligible student who is not a 2010 cohort student qualifies in accordance with regulation 38 for a maintenance grant for living costs in connection with his or her attendance on a designated course.

(2) A new system eligible student who is a 2010 cohort student qualifies in accordance with regulation 39 for a maintenance grant for living costs in connection with his or her attendance on a designated course.

(3) A new system eligible student does not qualify for a maintenance grant if he or she qualifies for a special support grant.

Maintenance grant — new system eligible students who are not 2010 cohort students

38.—(1) The maximum amount of maintenance grant available to a new system eligible student who is not a 2010 cohort student in respect of an academic year is—

- (a) in the case of a type 1 teacher training student, £1,453;
- (b) in the case of a type 2 teacher training student, £2,906;
- (c) in the case of a type 3 teacher training student, £1,453; and
- (d) in the case of a new system eligible student other than a type 1, type 2 or type 3 teacher training student, £2,906.

(2) A type 1 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,370 or less, he or she receives £1,453;
- (b) where household income exceeds £18,370 but does not exceed £27,852, he or she receives an amount equal to $M - (A/2)$ where M is £1,453 and A is £1 for every £5.86 by which the household income exceeds £18,370; and
- (c) where the household income exceeds £27,852, he or she receives £644.

(3) A type 2 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,370 or less, he or she receives £2,906;
 - (b) where the household income exceeds £18,370 but does not exceed £27,852, he or she receives an amount equal to $M-A$ where M is £2,906 and A is £1 for every £5.86 by which the household income exceeds £18,370; and
 - (c) where the household income exceeds £27,852, he or she receives £1,288.
- (4) A type 3 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year—
- (a) where the household income is £18,370 or less, he or she receives £1,453;
 - (b) where the household income exceeds £18,370 but does not exceed £27,852, he or she receives an amount equal to $M-(A/2)$, where M is £1,453 and A is £1 for every £5.86 by which the household income exceeds £18,370;
 - (c) where the household income exceeds £27,852 but does not exceed £39,329 he or she receives an amount equal to $RM-(A/2)$, where RM is £644 and A is £1 for every £9.27 of income above £27,852;
 - (d) where the household income exceeds £39,329, no maintenance grant is payable.
- (5) A new system eligible student other than a type 1, type 2 or type 3 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year—
- (a) where the household income is £18,370 or less, he or she receives £2,906;
 - (b) where the household income exceeds £18,370 but does not exceed £27,852, he or she receives an amount equal to $M-A$ where M is £2,906 and A is £1 for every £5.86 by which the household income exceeds £18,370;
 - (c) where the household income exceeds £27,852 but does not exceed £39,329, he or she receives an amount equal to $RM - A$, where RM is £1,288 and A is £1 for every complete £9.27 by which the household income exceeds £27,852;
 - (d) where the household income exceeds £39,329, no maintenance grant is payable.

Maintenance grant — new system eligible students who are 2010 cohort students

39.—(1) The maximum amount of maintenance grant available to a new system eligible student who is a 2010 cohort student in respect of an academic year is £5,000.

(2) A new system eligible student who is a 2010 cohort student and who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,370 or less, he or she receives £5,000;
- (b) where the household income exceeds £18,370 but does not exceed £26,500, he or she receives an amount equal to $M-A$, where M is £5,000 and A is £1 for every £3.77 by which the household income exceeds £18,370;
- (c) where the household income exceeds £26,500 but does not exceed £34,000, he or she receives an amount equal to $RM - A$, where RM is £2,844 and A is £1 for every £4.315 by which the household income exceeds £26,500;
- (d) where the household income exceeds £34,000 but does not exceed £50,020, he or she receives an amount equal to $SM - A$, where SM is £1,106 and A is £1 for every £15.17 by which the household income exceeds £34,000;
- (e) where the household income is £50,020, he or she receives £50; and
- (f) where the household income exceeds £50,020, no maintenance grant is payable.

Special support grant

40.—(1) A new system eligible student who is not a 2010 cohort student qualifies in accordance with regulation 41 for a special support grant in connection with his or her attendance on a designated course to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course.

(2) A new system eligible student who is a 2010 cohort student qualifies in accordance with regulation 42 for a special support grant in connection with his or her attendance on a designated course to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course.

(3) A new system eligible student qualifies for a special support grant if he or she falls within a prescribed category of person for the purposes of section 124(1)(e) of the Social Security Contributions and Benefits Act 1992(14), or if he or she is treated as being liable to make payments in respect of a dwelling prescribed by regulations made under section 130(2) of that Act(15).

Special support grant — new system eligible students who are not 2010 cohort students

41.—(1) The maximum amount of special support grant available to a new system eligible student who is not a 2010 cohort student in respect of an academic year is—

- (a) in the case of a type 1 teacher training student, £1,453;
- (b) in the case of a type 2 teacher training student, £2,906;
- (c) in the case of a type 3 teacher training student, £1,453; and
- (d) in the case of a new system eligible student other than a type 1, type 2 or type 3 teacher training student, £2,906.

(2) A type 1 teacher training student who qualifies for special support grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,370 or less, he or she receives £1,453;
- (b) where the household income exceeds £18,370 but does not exceed £27,852, he or she receives an amount equal to $M - (A/2)$ where M is £1,453 and A is £1 for every £5.86 by which the household income exceeds £18,370; and
- (c) where the household income exceeds £27,852, he or she receives £644.

(3) A type 2 teacher training student who qualifies for special support grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,370 or less, he or she receives £2,906;
- (b) where the household income exceeds £18,370 but does not exceed £27,852, he or she receives an amount equal to $M - A$ where M is £2,906 and A is £1 for every £5.86 by which the household income exceeds £18,370; and
- (c) where the household income exceeds £27,852, or the student opts when applying for the grant not to provide the information needed to calculate the household income he or she receives £1,288.

(4) A type 3 teacher training student who qualifies for special support grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,370 or less, he or she receives £1,453;

(14) 1992 c. 4. 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, amended by S.I. 2000/1981 and S.I. 2006/2144; there are other amending instruments but none are relevant.

(15) There are amendments to section 130 which are not relevant to these Regulations. The relevant regulation is regulation 56 of the Housing Benefit Regulations 2006 (S.I. 2006/213 as amended by S.I. 2006/718).

- (b) where the household income exceeds £18,370 but does not exceed £27,852, he or she receives an amount equal to $M - (A/2)$ where M is £1,453 and A is £1 for every £5.86 by which the household income exceeds £18,370;
 - (c) where the household income exceeds £27,852 but does not exceed £39,329, he or she receives an amount equal to $RM - (A/2)$, where RM is £644 and A is £1 for every £9.27 by which the household income exceeds £27,852; and
 - (d) where the household income exceeds £39,329, no special support grant is payable.
- (5) A new system eligible student other than a type 1, type 2 or type 3 teacher training student who qualifies for a special support grant in respect of an academic year receives an amount as follows in respect of that year—
- (a) where the household income is £18,370 or less, he or she receives £2,906;
 - (b) where the household income exceeds £18,370 but does not exceed £27,852, he or she receives an amount equal to $M - A$ where M is £2,906 and A is £1 for every £5.86 by which the household income exceeds £18,370;
 - (c) where the household income exceeds £27,852 but does not exceed £39,329, he or she receives an amount equal to $RM - A$, where RM is £1,288 and A is £1 for every complete £9.27 by which the household income exceeds £27,852;
 - (d) where the household income exceeds £39,329, no special support grant is payable.

Special support grant — new system eligible students who are 2010 cohort students

42.—(1) The maximum amount of special support grant available to a new system eligible student who is a 2010 cohort student in respect of an academic year is £5,000.

(2) A new system eligible student who is a 2010 cohort student who qualifies for a special support grant in respect of an academic year receives an amount as follows in respect of that year—

- (a) where the household income is £18,370 or less, he or she receives £5,000;
- (b) where the household income exceeds £18,370 but does not exceed £26,500, he or she receives an amount equal to $M - A$, where M is £5,000 and A is £1 for every £3.77 by which the household income exceeds £18,370;
- (c) where the household income exceeds £26,500 but does not exceed £34,000, he or she receives an amount equal to $RM - A$, where RM is £2,844 and A is £1 for every £4.315 by which the household income exceeds £26,500;
- (d) where the household income exceeds £34,000 but does not exceed £50,020, he or she receives an amount equal to $SM - A$, where SM is £1,106 and A is £1 for every £15.17 by which the household income exceeds £34,000;
- (e) where the household income is £50,020, he or she receives £50; and
- (f) where the household income exceeds £50,020, no special support grant is payable.