**RULES FOR DETERMINING AND CALCULATING INCOME IN THE STUDENT'S FAMILY**

**§ 1**

**BASIC DEFINITIONS**

1. **Family income** - this means the sum of the income of family members,
2. **Family member's income** – the average monthly income of a family member earned in the calendar year preceding the academic year in which the student applies for a scholarship, hereinafter referred to as the base year.
3. **Family** – this means, respectively, the following family members: the student, the student's spouse, as well as dependent minors of the student or his/her spouse, children receiving education up to the age of 26, and if they reach the age of 26 in the last year of studies, until their completion, also disabled children regardless of age, and parents, legal or actual guardians of the student and dependent minor children, children in education up to the age of 26, and if they reach the age of 26 in the last year of study, until their completion, and disabled children regardless of age.
4. **Agricultural holding** means an agricultural holding within the meaning of the provisions on agricultural tax. Unanimously with the Act of 15 November 1984 on agricultural tax (i.e. Journal of Laws of 2020, item 333, as amended) "An agricultural holding is considered to be the area of land referred to in Article 1 of the Act (classified land in the register of land and buildings as agricultural land, with the exception of land occupied for the pursuit of economic activities other than agricultural activity) with a total area exceeding 1 ha or 1 hectare equivalent, owned or held by a natural person, legal person or organisational unit, including a company without legal personality'.
5. **institution providing round-the-clock maintenance -** this means a social welfare home, a care and education institution, a youth education centre, a youth hostel, a juvenile detention centre, a correctional institution, a detention centre, a penal institution, a care and treatment institution, a nursing and care institution, a military school or another school, if these institutions provide free full maintenance.
6. **employment or other gainful employment -** means the performance of work on the basis of an employment contract, an employment relationship, a task for work contract and the performance of work or the provision of services on the basis of an agency contract, a contract of mandate, a contract for specific work or during the period of membership in an agricultural production cooperative, a cooperative of farmers’ cooperative or an agricultural services cooperative, as well as conducting non-agricultural economic activity.
7. **School** - a primary school, a post-primary school and an art school in which compulsory schooling and compulsory education are provided, as well as a youth social therapy centre, a special school and education centre, a special educational centre for children and young people requiring special organisation of learning, working and upbringing methods, and a rehabilitation-and-education centre;
8. **programmes:** first-cycle, second-cycle and long Master’s degree programmes provided by an HEI, within the meaning of the Act on Higher Education and Science.
9. **compulsory schooling** – within the meaning of the Law on School Education, begins at the beginning of the school year in the calendar year in which the child reaches the age of 7 and lasts until the end of primary school, but no longer than until the age of 18,
10. **Compulsory education** – within the meaning of the Law on School Education, after graduating from primary school it is fulfilled through:

a. attending a public or non-public post-primary school;

b. carrying out, in accordance with separate regulations, vocational training at the workplace.

1. **Secondary schools:**

a. four-year general upper secondary school,

b. five-year technical secondary school,

c. a three-year basic vocational school,

d. a three-year special school preparing for work,

e. two-year secondary sectoral vocational school,

f. post-secondary school for persons with secondary education or sectoral secondary education, with a teaching period of not more than 2.5 years.

**§ 2**

**COMPOSITION OF THE STUDENT'S FAMILY**

1. When determining the amount of income entitling a student to apply for a social grant, income earned by the following persons is taken into consideration:
	1. student,
	2. the student's spouse,
	3. parents, legal guardians or actual guardians of the student,
	4. dependent persons referred to in letters a to c, minor children, children receiving education up to the age of 26, and if they reach the age of 26 in the last year of studies, until their completion and disabled children regardless of age.
2. **A child** referred to in point 1 d – means one's own child, spouse’s child, adopted child and child,

in respect of which adoption proceedings are pending, or a child in legal guardianship.

1. **The legal guardian of a family member of a student** shall be those who can submit a family court judgment to prove this fact. Then the income of these people is included in the student's income. A person who by a court judgment exercises guardianship over the student's family member(s) is not considered to be the legal guardian of a family member.
2. **A person who permanently takes care of a student** shall be considered to be de facto guardian if the student requires such care due to age, state of health or mental state.
3. Children receiving education up to the age of 26 are children who receive education as part **of the full-time and full-time compulsory education in primary schools and post-primary schools located in the school education system, or who study first-cycle, second-cycle or long Master’s degree programmes until the age of 26, whereas the following are considered to be post-primary schools:**
	1. three-year/four-year general upper secondary school,
	2. five-year technical secondary school,
	3. a three-year basic sectoral vocational school, a three-year special school preparing for employment,
	4. a two-year secondary sectoral vocational school,
	5. a post-secondary school (in this case, the certificate should contain information whether the school is entered in the register of schools operating on the basis of the Law on School Education);
4. In the application, the student presents **the composition of the family as at the date of submitting the application**. An exception is the case when the student became entitled to maintenance after the base year, in which case family members in the base year are included in the family composition.
5. The student's parent or parents shall not be included in the family where:
	1. the parent or parents are obliged by court judgment to pay maintenance to the student,
	2. the parent or parents are deceased,
	3. the father is unknown,
	4. an action for the determination of maintenance from a parent or parents has been established,
	5. the student meets the conditions referred to in § 3.
6. If the court has ordered one of the student's parents to bear the student's total maintenance costs and has not obliged the other parent to pay maintenance to the student, the parent who is not obliged to pay maintenance is not included in the family.
7. If a student gets married after the calendar year from which the income is documented, the spouse's income for the calendar year preceding the academic year for which the benefit is to be granted shall be taken into account in order to determine entitlement to the social grant.
8. If a family member of a student applying for benefits is missing, the student, when submitting an application for this benefit, attaches a certificate of the competent police unit about the acceptance of the report of a missing family member of the student. The income of a missing family member of a student is not taken into account in determining family income, and the per capita income in the family does not take that family member into account.
9. A property agreement concluded before and during marriage by a student and their spouse in the form of a notarial deed, establishing the separation of property, does not release from the obligation of joint maintenance and does not change the rules for determining income.
10. **The following are not included in the composition of the family:**
	1. descendants (e.g. grandmother, student's grandfather),
	2. children receiving education up to the age of 26 in third-cycle studies or doctoral schools
	3. parents of the student's spouse,
	4. a cohabitant of a student or a cohabitant of a family member,
	5. a family member who is placed in foster care or staying in an institution providing round-the-clock maintenance, i.e. in a social welfare home, care and education institution, youth shelter, youth educational centre, juvenile detention centre, juvenile detention centre, correctional facility, detention centre, prison care and treatment institution, nursing and care institution, social welfare home, youth educational centre, youth shelter for minors as well as a military school or another institution providing free full maintenance, including food, accommodation and uniforms. If an institution imposes on a person staying there an obligation to partly or fully participate in the costs of living, then, regardless of the way in which the person finances these fees, it is not a round-the-clock maintenance institution for the person staying there.
	6. a family member of a student who has gone missing after the student presents a certificate from the relevant police unit confirming that the person has been reported missing.
11. Even in exceptional cases, the Committee may not take into account other persons in the family when examining the financial situation of the student than those mentioned in point 1.

**§ 3**

**STUDENT'S FINANCIAL INDEPENDENCE**

* 1. A student who does not run a joint household with any of the parents, legal or de facto guardians may apply for a social grant without showing income earned by these persons and their dependent minor children, children receiving education up to the age of 26, and if they rich the age of 26 in the last year of studies, until their completion, and disabled children regardless of age, if they fulfil one of the following conditions:
		+ - 1. is at least 26 years of age,
				2. is married,
				3. has dependent children referred to in Chapter II, point 1d,
				4. has reached the age of maturity while in foster care;
				5. has a regular source of income and his/her average monthly income in the previous tax year and in the current year in the months preceding the month of submission of the statement referred to in paragraph 2 is higher than or equal to 40% of the minimum wage as established as of January 1 of the year preceding the academic year for which the social scholarship is awarded, based on the Act of October 10, 2002 on the minimum wage.
	2. The student referred to in paragraph 1 submits a statement (**Annex 9-E to the Regulations**) that he does not run a joint household with any of the parents, legal or factual guardians.
	3. **Running a joint household** means being partially or wholly dependent on the person with whom the household is based. The circumstance of joint management also consists of such elements as, for example, incurring costs and fees for housing, care provided in illness, performing ordinary activities related to running a household or disposing of a common income intended to meet the needs of life.
	4. The following shall be considered as a **permanent source of income referred to in** point 1 c:
1. fixed or cyclical income obtained for 12 months in the base year and for all months after that year until the date of submission of the application for a social grant,
2. remuneration under the employment contract, as well as, among others.: income from non-agricultural business activity, pension after a deceased parent, disability pension, alimony, cyclically concluded contracts of mandate, contracts for specific work, doctoral scholarship,
	1. The burden of proving a stable source of income rests with the student, who should document a stable income by presenting: a certificate from the workplace on employment, civil law contracts (contract of mandate, contract for specific work), decisions of the competent authority on granting a pension, court judgment awarding alimony, etc.
	2. In special cases, the Committee may consider the source of income as permanent, e.g. if the student starts work later than in January, provided that when calculating the student's monthly income, the income from the last tax year will be treated as income from 12 months.
	3. A student who has started his family and is not financially independent (**has not submitted the declaration referred to in point 2**) may receive a social grant based on the income of his parents. The student's family may then include his spouse and his child(ren).

**§ 4**

**INCOME OF THE STUDENT AND FAMILY MEMBERS OF THE STUDENT AND THE RULES FOR ITS DETERMINATION**

1. The monthly income per one member of the student's family is calculated by determining the income of individual members of the student's family in the base year, taking into account the income earned

and lost in and after the base year, after which the annual income of family members is added together, then divided by the number of months in the calendar year and by the number of family members.

1. **Income includes (after deduction of the amounts of alimony provided to other persons):**
2. **TAXABLE REVENUES ON THE PRINCIPLES SET OUT in Articles 27, 30b, 30c, 30 e and 30 f of the Personal Income Tax Act**, reduced by tax deductible costs, personal income tax due, social security contributions not included in tax deductible costs and health insurance contributions;
* In the case of reporting income obtained from the chargeable sale of real estate or property rights (Article 30e of the Income Tax Act), if this income has been allocated for housing purposes and therefore the taxpayer benefits from exemption from the obligation to pay personal income tax, this income is not included in income.
1. **INCOME FROM ACTIVITIES SUBJECT TO TAX UNDER THE REGULATIONS ON FLAT-RATE INCOME TAX ON CERTAIN REVENUES EARNED BY NATURAL PERSONS,**
* In the case of determining income from taxable activities on the basis of regulations flat-rate income tax on certain revenues earned by natural persons in the base year, monthly income is assumed, i.e. in the amount of 1/12 of income announced annually, by way of an announcement, by the minister competent for family affairs, in the Official Journal of the Republic of Poland "Monitor Polski" by 1 August each year.
* If a person conducting business activity is subject to taxation on the basis of the provisions on flat-rate income tax on certain revenues earned by natural persons, also generated income subject to personal income tax on the principles set out in Articles 27, 30b, 30c, 30e and 30f of the Act of 26 July 1991. personal income tax (e.g. for receiving benefits in case of illness and maternity), this income is added up.
1. **INCOME NOT SUBJECT TO TAXATION ON THE BASIS OF PERSONAL INCOME TAX REGULATIONS, i.e.:**
	* pensions specified in the regulations on the provision of war and military invalids and their families;
	* pensions paid to repressed persons and members of their families, granted in accordance with the rules laid down in the provisions on supplying war and military invalids and their families;
	* cash benefits, compensatory allowance and energy lump sum specified in the regulations on the cash benefit and entitlements of soldiers of alternative military service forcibly employed in coal mines, quarries, uranium ore plants and construction battalions;
	* veteran's allowance, energy lump sum and compensatory allowance specified in the regulations about veterans and some persons who were victims of war and post-war repression;
	* cash benefit specified in the regulations on cash benefits to persons deported to forced labour and incarcerated in labour camps by the Third German Reich or the Union of Soviet Socialist Republics;
	* energy lump sum, pensions received by people who lost their sight as a result of hostilities in the years 1939-1945 or explosions of unexploded ordnance left after this war and unexploded ordinance;
	* invalidity pensions for war invalidity, amounts of provisions received by war victims and members of their families, accident pensions of persons whose invalidity arose due to forced labour in the Third Reich in the years 1939-1945, received from abroad;
	* sickness benefits specified in the regulations on social insurance of farmers and in the regulations about the social security system;
	* non-repayable foreign assistance received from foreign governments, international organisations or international financial institutions, derived from non-repayable assistance funds granted on the basis of a unilateral declaration or agreements concluded with these countries, organisations or institutions by the Council of Ministers, a competent minister or government agencies, including cases where the transfer of these funds is made through an entity authorised to distribute non-repayable foreign aid to entities to which this aid is to be served;
	* receivables from an employment relationship or from a scholarship of natural persons residing in the territory of the Republic of Poland, temporarily staying abroad – in the amount corresponding to the equivalent of business travel allowances established for employees employed in state or local government budgetary units pursuant to the Act of 26 June 1974 – Labour Code (Journal of Laws of 2020, item 1320 and of 2021, item 1162);
	* money owed to police officers, soldiers, customs officers and employees of military units and police units used abroad to participate in an armed conflict or to strengthen the forces of one or more allied countries, peacekeeping missions, actions to prevent acts of terrorism or their consequences, as well as monetary receivables paid to soldiers, police officers, customs officers and observers in peacekeeping missions of international organisations and multinational forces;
	* cash receivables from the service relationship received during the candidate service by officers of the Police, State Fire Service, Border Guard and Government Protection Bureau, Prison Service calculated for the period in which these persons received income;
	* the income of members of agricultural production cooperatives as a result of membership of an agricultural production cooperative, reduced by social security contributions;
	* child support-alimony;
	* doctoral scholarships awarded on the basis of Article 209(1) and (7) of the Act of 20 July 2018 Law on Higher Education and Science, sports scholarships awarded on the basis of the Act of 25 June 2010 on Sport (Journal of Laws of 2020, item 1133 and of 2021, items 2054 and 2142) and other scholarships of a social nature awarded to pupils or students, **with the proviso that income does not include:**
* **benefits received by students on the basis of the provisions of the Law Act on higher education and science, i.e.:**
* **social scholarship,**
* **scholarship for people with disabilities,**
* **rector's scholarship,**
* **grants,**
* **scholarship financed by a local government unit,**
* **a scholarship for academic or sports results financed by a natural person or a legal person that is not a state or local government legal person;**
* **minister's scholarship,**
* **scholarships for academic performance for students and study scholarships for employees and doctoral students paid from the university's own fund.**
* **scholarships received by pupils, students and doctoral students, as part of:**
	+ **the European Union Structural Funds,**
	+ **non-refundable funds from assistance provided by Member States of the European Free Trade Association (EFTA),**
	+ **international agreements or implementation programmes drawn up for such agreements or international scholarship programmes,**
* **financial support benefits received by pupils/students on the basis of the regulations about the school education system;**
* **scholarships of a social nature awarded by the entities in question in Article 21(1)(40b) of the Personal Income Tax Act of 26 July 1991 (Journal of Laws of 2018, item 1509, as amended).**
	+ amounts of allowances not subject to personal income tax, received by persons performing activities related to the performance of social and civic duties;
	+ cash receivables received for renting guest rooms in residential buildings located in rural areas of the holding to persons on holiday and obtained from serving meals to these persons;
	+ allowances for secret teaching specified in the Act of 26 January 1982 – Teachers' Charter (Journal of Laws of 2021, item 1762);
	+ income from business activity conducted on the basis of a permit in a special economic zone specified in the regulations on special economic zones;
	+ cash equivalents for coal allowances specified in the regulations on commercialization, restructuring and privatization of the state-owned enterprise "Polish State Railways";
	+ equivalents for the right to free coal specified in the regulations on the restructuring of hard coal mining in the years 2003-2006;
	+ benefits specified in the regulations on the performance of the mandate of a deputy and senator;
	+ income from the agricultural holding;
	+ income earned abroad of the Republic of Poland, reduced respectively by paid abroad of the Republic of Poland: income tax and contributions for compulsory social insurance and compulsory health insurance;
	+ pensions referred to in the regulations on support for rural development from the resources of the European Agricultural Guidance and Guarantee Fund Guarantee Section and in the regulations on support for rural development with the European Agricultural Fund for Rural Development;
	+ the alimony advance laid down in the rules on the procedure for alimony debtors and the alimony advance;
	+ cash benefits paid in the event of ineffective enforcement of alimony;
	+ amounts received pursuant to Article 27f (8)-(10) of the Personal Income Tax Act of 26 July 1991;
	+ cash benefit specified in the Act of 20 March 2015 on anti-communist opposition activists and persons repressed for political reasons (Journal of Laws of 2021, item 1255);
	+ parental benefit;
	+ maternity allowance referred to in the regulations on social insurance of farmers;
	+ scholarships for the unemployed financed by the European Union or the Labour Fund, regardless of the entity that pays them;
	+ income exempt from income tax pursuant to Article 21(1)(148) of the Personal Income Tax Act of 26 July 1991, reduced by social security contributions and health insurance contributions;
	+ income exempt from income tax pursuant to Article 21(1)(152)(a), (b) and (d) and (153)(a), (b) and (d) of the Personal Income Tax Act of 26 July 1991 and Article 21(1)(154) of that Act with respect to income from an employment relationship, cottage industry, cooperative employment relationship, contracts of mandate referred to in Article 13 point 8 of the Act of 26 July 1991 on personal income tax, maternity allowance referred to in the Act of 25 June 1999 on cash benefits from social insurance in case of illness and maternity, reduced by social security contributions and health insurance contributions;
	+ income exempt from income tax pursuant to Article 21(1)(152)(c), (153)(c) and (154) of the Personal Income Tax Act of 26 July 1991 from non-agricultural business activity taxed in accordance with the principles set out in Article 27 and Article 30c of this Act, reduced by social security contributions and health insurance contributions;
	+ income from non-agricultural business activity taxed in the form of a lump sum on registered revenues referred to in Article 21(1)(152)(c), (153)(c) and (154) of the Personal Income Tax Act of 26 July 1991, determined in accordance with Article 5(7a).
1. **The income of the student's family does not include, amongst others:**

a. income not subject to personal income tax, which is not indicated in the catalogue of income listed above in point 2 – these will be e.g.: family benefits: family allowance, supplements to family allowance, care benefits, including nursing allowance and nursing benefit, social assistance benefits under the Act on Social Assistance (i.e. permanent, periodic, targeted benefits, etc.),

b. direct payments to farmers under the Common Agricultural Policy of the European Union;

d. the amount of maintenance paid by family members to other persons;

e. income of a family member of a student who has been declared a missing person (after the student presents a certificate from the competent Police unit on the acceptance of a report of a missing student family member.

1. **If a family member shows a loss from business activity in a given tax year, this loss is not deducted from the family income. In this case, an income equal to "0" is assumed.**

**§ 5**

**INCOME FROM THE AGRICULTURAL HOLDING**

1. An agricultural holding is considered to be the area of land classified in the land and building register as agricultural land, with the exception of land occupied for conducting economic activities other than agricultural activity, with a total area exceeding 1 ha or 1 hectare, owned or held by a natural person, legal person or organizational unit, including a company, without legal personality. In the case of land area not exceeding 1 ha or 1 ha conversion income from a farm is not determined.
2. In the case of determining income from a farm, it is assumed that from 1 conversion hectare a monthly income of 1/12 of the income announced annually by way of an announcement by the President of the Central Statistical Office pursuant to Article 18 of the Act of 15 November 1984 on agricultural tax (Journal of Laws of 2022, item 333, i.e. from późn.zm) is obtained.
3. Income from a farm is included in the income of family members, regardless of whether it is cultivated or not.
4. Income from an agricultural holding is determined on the basis of the average number of hectares owned by the family in the calendar year preceding the academic year in which the student applies for a scholarship.
5. A change in the area of an agricultural holding (e.g. sale, purchase, donation) does not constitute a loss or earning of income. Any changes are taken into account in the years on which the social grant is based, with the proviso that if the change in the area of the agricultural holding took place during the calendar year preceding the academic year in which the student applies for a scholarship, the income from the farm is determined in proportion to the number of months of its possession (divided by 12 months).
6. In the case of income from the agricultural holding and non-agricultural income – these incomes are added together.
7. In determining the family income from the agricultural holding, the area of the holding constituting the basis for assessment of agricultural tax includes the agricultural areas leased, with the exception of:
8. leased part or all of the holding owned by the family, on the basis of a lease agreement concluded in accordance with the regulations on the social insurance of farmers. The lease agreement in this case is a written agreement concluded - in the case of a permanent pension - for at least 10 years, and in the case of a periodic pension - for the period indicated in the decision of the President of the Fund on granting this pension, the conclusion of which was confirmed by the head of the commune, competent for the place where the leased object is located, to a person who is not:

a) the spouse of a pensioner,

b) a person staying with the pensioner in a common household,

c) the spouse of the person referred to in point (b);

1. an agricultural holding brought into use by an agricultural production cooperative; this fact is confirmed by an agreement concluded in the form of a notarial deed.
2. an agricultural holding leased in connection with the collection of a pension as defined in the provisions on support for rural development from funds from the Guarantee Section of the European Agricultural Guidance and Guarantee Fund and in the provisions on support for rural development with the participation of the European Agricultural Fund for Rural Development, this fact is confirmed by the lease agreement.
3. When determining the income obtained by the lessee of the agricultural holding leased on the principles set out in point 7, and the **income obtained from the agricultural holding is reduced by the rent paid under lease.**
4. When determining the family income obtained from the farm leased from the National Support Centre for Agriculture, the **income obtained from the farm is reduced by the rent paid under lease.**
5. When establishing farm income, direct payments obtained shall not be taken into account within the framework of the Common Agricultural Policy of the European Union.
6. If in the calendar year from which the income is documented, the farm was transferred and a structural pension was obtained on this account, when determining the income in the student's family for this year, the income from the farm for the months before the transfer of the farm should be taken into account and the structural rent should be added for the remaining months of the year.
7. Family members of the student, i.e. household members or farmers with a farm and insured in KRUS (Agricultural Social Insurance Fund), are obliged to submit a statement (**Annex 9-C to the Regulations**) whether in the year from which the income is documented, they obtained **sickness benefits** in this respect. Persons with insurance in KRUS are obliged to submit a certificate confirming this insurance and the fact of receiving or not receiving sickness benefits in this respect.

**§ 6**

**ALIMONY**

1. The student's family income includes the amount of alimony awarded for a child, student or other family member.
2. Where a family member has **alimony obligations for a person outside the family**, the amount of maintenance paid to that person is deducted from the family member's income.
3. If a family member has an established right to alimony, but **does not receive it or receives it in an amount lower than** that established by a court judgment, court settlement, settlement concluded in the presence of a mediator or other enforceable title originating or approved by the court – alimony is included in the family income constituting the basis for determining the right to a scholarship, the amount of which is determined on the basis of: money orders or transfers and a bailiff's certificate on the total or partial ineffectiveness of the enforcement of alimony or on the amount of alimony enforced,
4. If **alimony cannot be enforced,** the student or a family member may apply with an application to the Alimony Fund for the granting and payment of a benefit from the Fund. Income from the Alimony Fund are not taxed and are included in the student's family income. If the student or a member of his/her family has applied for benefits from the Alimony Fund but has not yet received them, the bailiff's certificate of total impossibility of enforcing alimony is taken into account **(then zero income is accepted).**
5. Alimony received by the student or other members of their family constitutes the income of the student's family in assessing the right to a social grant, in accordance with Article 3(1)(c), fourteenth indent of the Act about family benefits, which means that **the alimony received should be included in the student's family income instead of the income of the parent obliged to pay alimony**. However, if the student has not been awarded alimony from the parents or one of them, the family income is determined on the general principles set out in Article 88(1) of the Law on Higher Education and Science, i.e., **taking into account the income of the student's parents and dependent children**, also in a situation where the student does not live with them. When assessing the student's financial situation, the parent's income may be omitted in a situation when the student is not supported by them, and can document that **has no legal means of obtaining alimony from them** (for example, the action for alimony has been dismissed by the court or the court has declared the alimony obligation to be extinguished).
6. In a situation where the student has not been awarded alimony from parents or the student has not applied for alimony, the student is required to present documents confirming their income situation, regardless of whether the parents are divorced or separated. In the absence of documents, the student should be called upon to supplement the evidentiary proceedings in this regard. Failure to complete the documents results in leaving the case unexamined.
7. If the student's parent is still married to a person obliged by the court to pay alimony, when determining the family income, the income obtained by the parent obliged to pay alimony is not taken into account, only the amount of alimony. Determining income per capita in the family, the parent obliged to pay alimony is not taken into account.

**§ 7**

**INCOME RECEIVED OUTSIDE THE REPUBLIC OF POLAND**

1. If a family member earns income outside the Republic of Poland, it is converted on the basis of the average exchange rate announced by the President of the National Bank of Poland, from the last working day of the calendar year from which the income of family members is the basis for determining the right to benefits.
2. If a family member obtains income outside the Republic of Poland which he or she did not receive in the calendar year constituting the basis for determining the right to a social grant, the conversion of this income shall be made on the basis of the average exchange rate of foreign currencies from the last business day of the month following the month in which the income was earned.

**§ 8**

**LOSS OF INCOME**

1. The following shall be considered to be loss of income :
	1. obtaining the right to parental leave,
	2. loss of the right to unemployment benefit or scholarship,
	3. loss of employment or other gainful employment,
	4. loss of a pre-retirement allowance or pre-retirement benefit, a teacher's compensation benefit, as well as an old-age or disability pension, a survivor's pension, a social pension, a supplementary parental benefit referred to in the Act of 31 January 2019 on the Supplementary Parental Benefit (Journal of Laws of 2022, item 1051), or a cash benefit granted in accordance with the rules laid down in the Act of 8 February 2023 on the cash benefit to which members are entitled families of officers or professional soldiers whose death occurred in connection with their service or taking actions outside of duty to save human life or health or property (Journal of Laws, item 658),
	5. deletion from the register of non-agricultural economic activity or suspension of its performance within the meaning of Article 16b of the Act of 20 December 1990 on social insurance of farmers (Journal of Laws of 2022, item 933, i.e. as amended) or Article 36 aa paragraph 1 of the Act of 13 October 1998 on the social insurance system (Journal of Laws of 2022, item 1009, i.e. as amended),
	6. loss of sickness benefit, rehabilitation benefit or maternity allowance, due after loss of employment or other gainful employment,
	7. loss of alimony payments awarded in connection with the death of the person obliged to pay these benefits or the loss of cash payments paid in the event of ineffective enforcement of alimony in connection with the death of the person obliged to pay alimony.
	8. loss of parental benefit,
	9. loss of maternity allowance referred to in the provisions on social insurance of farmers;
	10. loss of a doctoral scholarship specified in Article 209(1) and (7) of the Law on Higher Education and Science.

**§9**

 **INCOME EARNING**

1. The following shall be considered to be the income earning:
	1. termination of parental leave,
	2. obtaining the right to an unemployment benefit or scholarship,
	3. obtaining employment or another paid job,
	4. obtaining a pre-retirement allowance or a pre-retirement benefit, a teacher's compensation benefit, as well as an old-age or disability pension, a survivor's pension, a social pension, a supplementary parental benefit referred to in the Act of 31 January 2019.
	5. on the supplementary parental benefit, or a cash benefit granted in accordance with the rules set out in the Act of 8 February 2023 on the cash benefit to be paid to family members of officers or professional soldiers whose death occurred in connection with the service or taking an off-duty action to save human life or health or property,
	6. commencement of non-agricultural business activity or resumption of its performance after a period of suspension within the meaning of Article 16b of the Act of 20 December 1990 on social insurance of farmers (Journal of Laws of 2022, item 933, i.e. as amended) or Article 36 aa paragraph 1 of the Act of 13 October 1998. on the social insurance system (Journal of Laws of 2022, item 1009, i.e. as amended),
	7. obtaining sickness benefit, rehabilitation benefit or maternity allowance, due after losing employment or another paid job.
	8. obtaining parental benefit,
	9. obtaining maternity allowance referred to in the provisions on social insurance of farmers,
	10. obtaining a doctoral scholarship specified in Article 209(1) and (7) of the Law on Higher Education and Science.

**§ 10**

**RULES FOR DETERMINING INCOME EARNING AND LOSS**

1. Both the loss of income and its earning must be related to income in accordance with the facts as at the date of submitting the application for the benefit on the basis of which the right to a social grant is determined, subject to point 2.
2. The student is required to report to the SC any changes in family income (loss or gain of income) that occur after the date of application, in accordance with the rules set forth in § 11 of the Regulations.
3. In the event of loss of income by a family member, a learner or a child under the care of a legal guardian in the base year or after this year **– the loss of the income is not taken into account when determining income.**
4. In the case of obtaining income, we distinguish between two situations:
5. obtaining income **in the base year**, then the income earned in this year is divided by the number of months in which this income was obtained, if this income is obtained in the period for which the right to benefit is determined or verified,
6. obtaining income **after the base year**, income is determined on the basis of increased income by the amount of income earned for the month following the month in which the income was earned, if this income is received in the period for which the right to benefits is determined or verified.
7. **The provisions on loss and earning of income do not apply** to income from employment or another paid job and income from deregistration or commencement of non-agricultural economic activity, if a family member, a learner or a child under the care of a legal guardian has lost income from these titles and **within 3 months, counting from the date of loss of income, they obtained income from the same employer or client, or ordering the work or restarted non-agricultural business activity.**
8. The catalogue of income loss and (specified in the Family Benefits Act) is closed. Therefore, it does not constitute income loss or earning, e.g.:
9. change of terms and conditions of employment (e.g. salary increase, increase in working hours, reduction of remuneration, reduction of working hours),
10. a family member on unpaid leave,
11. change in the area of the agricultural holding (e.g. sale, purchase)
12. termination of the leased farm agreement within the meaning of Article 3 point 23 of the Act about family benefits.
13. one-off payment of overdue benefit by ZUS, employer, etc. (e.g.: pension equalization, jubilee award, the so-called "13th salary", one-off severance pay, etc.),
14. bailiff seizure, e.g. remuneration under civil law contracts, pensions, etc.

**§ 11**

**CERTIFICATE FROM A SOCIAL WELFARE CENTRE or SOCIAL SERVICES CENTRE**

1. A student whose monthly income per person in the family does not exceed the amount specified in Article 8(1)(2) of the Social Assistance Act, attaches a certificate issued by a social welfare centre or by a social services centre to the application for a social scholarship on the use of social assistance benefits by themselves or by members of their family **in the year of submission** of this application **(application template for a certificate Annex 9-F to the Regulations).**
2. **The obligation to submit a certificate from a social welfare centre also applies to foreigners who may apply for a social scholarship if they live with family members on the territory of the Republic of Poland.**
3. If the student or his/her family members do not benefit from social assistance and have other sources of family maintenance (outside the catalogue of income specified in these Regulations, taken into account in order to determine the income entitling to receive a social scholarship), the student attaches a statement (**Annex 9-G**) to the application in which he presents the above-mentioned income together with documentation confirming in a reliable way other sources of family maintenance.
4. **Other sources of family maintenance** may be income obtained from, for example: parental benefit, family benefits, savings accumulated in bank accounts, donations received, student loan, scholarship received in the previous period. The student can also show that his family is supported by other persons, not included in the family composition in the light of the provisions of the Regulations (e.g. persons remaining with the student in an informal relationship, distant relatives, stepfather / stepmother).