

SCHEDULE 5

FINANCIAL ASSESSMENT

Independent eligible student

- 2.—(1) An eligible student is an independent eligible student in every case where—
- (a) he or she is aged 25 or over on the first day of the relevant year;
 - (b) he or she is married or is in a civil partnership before the beginning of the relevant year, whether or not the marriage or civil partnership is still subsisting;
 - (c) he or she has no parent living;
 - (d) the Welsh Ministers are satisfied that neither of his or her parents can be found or that it is not reasonably practicable to get in touch with either of them;
 - (e) he or she has communicated with neither of his or her parents for the period of one year before the beginning of the relevant year or, in the opinion of the Welsh Ministers, he or she can demonstrate on other grounds that he or she is irreconcilably estranged from his or her parents;
 - (f) he or she was looked after by a local authority within the meaning of section 22 of the Children Act 1989⁽¹⁾ throughout any three-month period ending on or after the date on which he or she attained the age of 16 and before the first day of the first academic year of the course (“the relevant period”) provided that he or she has not in fact at any time during the relevant period been under the charge or control of his or her parents;
 - (g) his or her parents are residing outside the European Community and the Welsh Ministers are satisfied that either—
 - (i) the assessment of the household income by reference to their residual income would place those parents in jeopardy; or
 - (ii) it would not be reasonably practicable for those parents as a result of the calculation of any contribution under paragraph 8 or 9 to send any relevant funds to the United Kingdom;
 - (h) paragraph 5(9) applies and the parent whom the Welsh Ministers considered the more appropriate for the purposes of that paragraph has died (irrespective of whether the parent in question had a partner);
 - (i) he or she began the current course before 1 September 2009 and is a member of a religious order who resides in a house of that order;
 - (j) he or she has the care of a person under the age of 18 as at the first day of the relevant year; or
 - (k) he or she has supported himself or herself out of his or her earnings for any period or periods ending before the first academic year of the course which periods together aggregate not less than three years, and for the purposes of this sub-paragraph he or she is to be treated as supporting himself or herself out of his or her earnings during any period in which—
 - (i) he or she was participating in arrangements for training for the unemployed under any scheme operated by, sponsored or funded by any state authority or agency, whether national, regional or local (“a relevant authority”);

⁽¹⁾ 1989 c. 41. Section 22 has been amended by the Children (Leaving Care) Act 2000 (c. 35), section 2, Local Government Act 2000 (c. 41), Schedule 5, paragraph 19, the Adoption and Children Act 2002 (c. 38), section 116(2) and the Children Act 2004 (c. 31), section 52.

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

- (ii) he or she was in receipt of benefit payable by any relevant authority in respect of a person who is available for employment but who is unemployed;
- (iii) he or she was available for employment and had complied with any requirement of registration imposed by a relevant authority as a condition of entitlement for participation in arrangements for training or receipt of benefit;
- (iv) he or she held a state studentship⁽²⁾ or comparable award; or
- (v) he or she received any pension, allowance or other benefit paid by any person by reason of a disability to which he or she is subject, or by reason of confinement, injury or sickness.

(2) An eligible student who qualifies as an independent eligible student under paragraph 2(1)(j) in respect of an academic year of a designated course retains that status for the duration of the period of eligibility.

(2) Funding provided by the Research Councils in respect of full time post graduate study.