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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 222**

**The Education (Assisted Places) (Scotland) Regulations 2001**

**PART II**

**ELIGIBILITY FOR ASSISTED PLACES**

**Conditions as to residence**

4.—(1) It shall be a condition that the child shall—

- (a) have been ordinarily resident in the British Islands throughout the period of two years immediately preceding the relevant date; or
- (b) be a national of an EEA State—
  - (i) who has been ordinarily resident in the European Economic Area throughout the period of two years immediately preceding the relevant date; and
  - (ii) to whom paragraph (2) applies; or
- (c) be a refugee or the child of a refugee who has not been ordinarily resident outside the British Islands since the child or, as the case may be, their parent was recognised as a refugee or granted leave to enter or remain in the British Islands as a refugee.

(2) This paragraph applies to a child whose parents are entitled to a remission of fees by virtue of Article 7(2) or (3) or Article 12 of the Council Regulation (EEC) No. 1612/68(1) on freedom of movement for workers within the Community (which was extended to apply to the whole European Economic Area by the EEA Agreement).

(3) A child shall be treated for the purposes of sub paragraph (a) and (b) of paragraph (1) as having been ordinarily resident in the British Islands or in the European Economic Area if the school is satisfied that the child would have been so resident but for the fact that the child's parent is or was temporarily employed outside the British Islands or European Economic Area during any part of the period mentioned in those sub paragraphs.

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(1) O.J. No. L 257, 19.10.68, p.2 (O.J./S.E. 1968 (II), p.475), amended by Council Regulation (EEC) No. 2434/92 (O.J. No. L 245, 26.8.92, p.1).