SCOTTISH STATUTORY INSTRUMENTS

2012 No. 72

The Education (Fees, Awards and Student Support) (Miscellaneous Amendments) (Scotland) Regulations 2012

Amendment of the Education Maintenance Allowances (Scotland) Regulations 2007

39.—(1) Schedule 1 (persons eligible for education maintenance allowances) is amended as follows.

(2) In paragraph 2(1)(a)(iv) for "worker" substitute "employed person".

(3) In paragraph 4—

(a) in sub-paragraph (1)—

(i) in paragraph (a) after "1971" insert "on the qualifying date"; and

(ii) in paragraph (b) after "settled in the United Kingdom" insert "within the meaning given by section 33(2A) of the Immigration Act 1971"; and

(b) in sub-paragraph (3) for "does" substitute "and the requirement in sub-paragraph (1)(b) to be settled in the United Kingdom within the meaning given by section 33(2A) of the Immigration Act 1971 immediately before leaving the United Kingdom do".

(4) For paragraph 8 substitute—

"**8.**—(1) A person who—

(a) is, on the qualifying date, a non UKEC national or the family member of such a national;

(b) is ordinarily resident in Scotland on the qualifying date;

(c) has been ordinarily resident in the United Kingdom and Islands throughout the period of 3 years immediately preceding the qualifying date; and

(d) in the case where their ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately prior to the period of residence referred to in paragraph (c).

(2) Where a state accedes to the EU after the qualifying date and a person is a national of that state, the requirement in sub-paragraph (1)(a) to be a non UK EU national on the qualifying date is treated as being satisfied.".

(5) In paragraph 11(b) and (c) for "first day of the first academic year of the course" substitute "qualifying date".