
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 503

**The Education (Amendments in respect
of Graduate Endowment, Student Fees
and Support) (Scotland) Regulations 2007**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Education (Amendments in respect of Graduate Endowment, Student Fees and Support) (Scotland) Regulations 2007 and shall come into force on 1st December 2007.

(2) These Regulations extend to Scotland only.

Amendment of the Education (Fees and Awards) (Scotland) Regulations 2007

2.—(1) The Education (Fees and Awards) (Scotland) Regulations 2007(1) are amended as follows.

(2) In regulation 2(1) (interpretation), insert in the appropriate place—

““child of an asylum seeker” means a person who is the child of an asylum seeker as defined in section 18 of the Nationality, Immigration and Asylum Act 2002(2);”;

““Turkish worker” means a Turkish national who—

- (a) is ordinarily resident in Scotland; and
- (b) is, or has been, lawfully employed in the United Kingdom;”;

““young asylum seeker” means an unaccompanied asylum-seeking child”.

(3) In Schedule 1 (fees – excepted students)—

(a) in paragraph 4, after sub-paragraph (2) insert—

“(3) Sub-paragraph (1)(a) does not apply where the person applying for support is a person falling within sub-paragraph (2)(a)(ii).”;

(b) after paragraph 7 insert—

“7A. A person shall be an excepted student if that person—

- (a) is the child of an asylum seeker or is a young asylum seeker;
- (b) is resident in Scotland on 1st August, 1st January, 1st April or 1st July closest to the beginning of the first term of the person’s course;
- (c) has been resident in Scotland throughout the 3 year period referred to in regulation 5(a);
- (d) was under 18 years old on the date when the application for asylum was made, which application must have been made prior to 1st December 2006; and

- (e) is under 25 years old on 1st August, 1st January, 1st April or 1st July closest to the beginning of the first term of the person’s course.”; and
- (c) after paragraph 14 insert–
 - “**14A.** A person shall be an excepted student if that person–
 - (a) is the child of a Turkish worker;
 - (b) is ordinarily resident in Scotland on the first day of the first academic year of the course; and
 - (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the period of 3 years preceding the first day of the first academic year of the course.”.
- (4) In Schedule 2 (post-graduate agricultural studentships – excepted candidates)–
 - (a) in paragraph 4–
 - (i) omit sub-paragraph (1)(c); and
 - (ii) after sub-paragraph (2) insert–
 - “(3) Sub-paragraph (1)(a) does not apply where the person applying for support is a person falling within sub-paragraph (2)(a)(ii).”; and
 - (b) after paragraph 10 insert–
 - “**10A.** A person shall be an excepted candidate if that person–
 - (a) is the child of a Turkish worker;
 - (b) is ordinarily resident in Scotland on the first day of the first academic year of the course; and
 - (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the period of 3 years preceding the first day of the first academic year of the course.”.
- (5) In Schedule 3 (fees awards – excepted candidates)–
 - (a) in paragraph 3(3)(a) after “Switzerland” insert “and Turkey”; and
 - (b) in paragraph 5(a) after “Switzerland” insert “or Turkey”.

Amendment of the Students' Allowances (Scotland) Regulations 2007

- 3.—(1) The Students' Allowances (Scotland) Regulations 2007(3) are amended as follows.
- (2) In regulation 2(1) (interpretation), insert in the appropriate place–
 - ““child of an asylum seeker” means a person who is the child of an asylum seeker as defined in section 18 of the Nationality, Immigration and Asylum Act 2002(4);”;
 - ““Turkish worker” means a Turkish national who–
 - (a) is ordinarily resident in Scotland; and
 - (b) is, or has been, lawfully employed in the United Kingdom;”; and
 - ““young asylum seeker” means an unaccompanied asylum-seeking child”.
- (3) In regulation 4(2) (amount of allowances) for “paragraph 9” substitute “paragraphs 7A or 9”.
- (4) In Schedule 1 (persons eligible for allowances)–
 - (a) in paragraph 4–

(3) S.S.I. 2007/153.

(4) 2002 c. 41.

- (i) omit sub-paragraph (1)(c); and
- (ii) after sub-paragraph (2) insert—
 - “(3) Sub-paragraph (1)(a) does not apply where the person applying for support is a person falling within sub-paragraph (2)(a)(ii).”;
- (b) after paragraph 7 insert—
 - “7A. A person who—
 - (a) is the child of an asylum seeker or is a young asylum seeker;
 - (b) is resident in Scotland on the relevant date;
 - (c) has been resident in Scotland throughout the period of 3 years immediately preceding the relevant date;
 - (d) was under 18 years old on the date when the application for asylum was made, which application must have been made prior to 1st December 2006;
 - (e) is under 25 years old on the relevant date; and
 - (f) seeks an allowance in respect of a course of education at an establishment in Scotland.”; and
- (c) after paragraph 10 insert—
 - “11. A person who—
 - (a) is the child of a Turkish worker;
 - (b) is ordinarily resident in Scotland on the first day of the first academic year of the course; and
 - (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the period of 3 years preceding the first day of the first academic year of the course.”.
- (5) In paragraph 2(1) of Schedule 2 (ordinary residence)—
 - (a) for “9(b) and 10(b)” substitute “9(b), 10(b) and 11(c)”; and
 - (b) after “EU overseas territories” insert “or Turkey”.

Amendment of the Education Maintenance Allowances (Scotland) Regulations 2007

4.—(1) The Education Maintenance Allowances (Scotland) Regulations 2007(5) are amended as follows.

- (2) In regulation 2(1) (interpretation), insert in the appropriate place—
 - ““Turkish worker” means a Turkish national who—
 - (a) is ordinarily resident in Scotland; and
 - (b) is, or has been, lawfully employed in the United Kingdom”.
- (3) In Schedule 1 (persons eligible for education maintenance allowances)—
 - (a) in paragraph 4—
 - (i) omit sub-paragraph (1)(c); and
 - (ii) after sub-paragraph (2) insert—
 - “(3) Sub-paragraph (1)(a) does not apply where the person applying for support is a person falling within sub-paragraph (2)(a)(ii).”; and

(b) after paragraph 10 insert–

“11. A person who–

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in Scotland on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the period of 3 years preceding the first day of the first academic year of the course.”.

(4) In paragraph 2(1) of Schedule 2 (ordinary residence)–

- (a) for “8(c) and 9(b)” substitute “8(c), 9(b) and 11(c)”; and
- (b) after “Switzerland” insert “or Turkey”.

Amendment of the Graduate Endowment (Scotland) Regulations 2007

5.—(1) The Graduate Endowment (Scotland) Regulations 2007⁽⁶⁾ are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “full time course of higher education” for “fundable higher education, other than a course treated as not falling within section 5(3) of the Further and Higher Education (Scotland) Act 2005” substitute “higher education, other than a course treated as not falling within section 38 of the Further and Higher Education (Scotland) Act 1992⁽⁷⁾”.

(3) In regulation 5 (exempt courses)–

- (a) in paragraph (1) for “section 5(3) of the Further and Higher Education (Scotland) Act 2005” substitute “section 38 of the Further and Higher Education (Scotland) Act 1992”; and
- (b) in paragraph (2) for “section 5(3)” substitute “section 38”.

(4) In Schedule 3 (exempt courses) for “section 5(3) of the Further and Higher Education (Scotland) Act 2005” substitute “section 38 of the Further and Higher Education (Scotland) Act 1992”.

Amendment of the Education Authority Bursaries (Scotland) Regulations 2007

6.—(1) The Education Authority Bursaries (Scotland) Regulations 2007⁽⁸⁾ are amended as follows.

(2) In regulation 2(1) (interpretation), insert in the appropriate place–

““Turkish worker” means a Turkish national who–

- (a) is ordinarily resident in Scotland; and
- (b) is, or has been, lawfully employed in the United Kingdom”.

(3) In Schedule 1 (persons eligible for bursaries)–

(a) in paragraph 4, after sub-paragraph (2), insert–

“(3) Sub-paragraph (1)(a) does not apply where the person applying for support is a person falling within sub-paragraph (2)(a)(ii).”; and

(b) after paragraph 11 insert–

“12. A person who–

⁽⁶⁾ S.S.I. 2007/155.

⁽⁷⁾ 1992 c. 37.

⁽⁸⁾ S.S.I. 2007/149.

- (a) is the child of a Turkish worker;
 - (b) is ordinarily resident in Scotland on the first day of the first academic year of the course; and
 - (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the period of 3 years preceding the first day of the first academic year of the course.”.
- (4) In paragraph 2(1) of Schedule 2 (ordinary residence)—
- (a) for “9(b) and 10(b)” substitute “9(b), 10(b) and 12(c)”; and
 - (b) after “EU overseas territories” insert “or Turkey”.

Amendment of the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007

7.—(1) The Nursing and Midwifery Student Allowances (Scotland) Regulations 2007(9) are amended as follows.

- (2) In regulation 2 (interpretation), insert in the appropriate place—
- ““Turkish worker” means a Turkish national who—
- (a) is ordinarily resident in Scotland; and
 - (b) is, or has been, lawfully employed in the United Kingdom”.
- (3) In Schedule 1 (persons eligible for allowances)—
- (a) in paragraph 4—
 - (i) omit sub-paragraph (1)(c); and
 - (ii) after sub-paragraph (2), insert—

“(3) Sub-paragraph (1)(a) does not apply where the person applying for support is a person falling within sub-paragraph (2)(a)(ii).”;
 - (b) after paragraph 10 insert—

“11. A person who—

 - (a) is the child of a Turkish worker;
 - (b) is ordinarily resident in Scotland on the first day of the first academic year of the course; and
 - (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the period of 3 years preceding the first day of the first academic year of the course.”.
- (4) In paragraph 2(1) of Schedule 2 (ordinary residence)—
- (a) for “9(b) and 10(b)” substitute “9(b), 10(b) and 11(c)”; and
 - (b) after “EU overseas territories” insert “or Turkey”.

Amendment of the Education (Student Loans) (Scotland) Regulations 2007

8.—(1) The Education (Student Loans) (Scotland) Regulations 2007(10) are amended as follows.

- (2) In regulation 2 (interpretation)—
- (a) in paragraph (1) insert in the appropriate place—

““Turkish worker” means a Turkish national who—

(9) S.S.I. 2007/151.

(10) S.S.I. 2007/154.

- (a) is ordinarily resident in Scotland; and
- (b) is, or has been, lawfully employed in the United Kingdom”; and
- (b) in paragraph (4), for “8(c) and 9(b)” substitute “8(c), 9(b) and 10(c)”.
- (3) In Schedule 1 (eligible students)–
 - (a) in paragraph 4–
 - (i) omit sub-paragraph (1)(c); and
 - (ii) after sub-paragraph (2), insert–

“(3) Sub-paragraph (1)(a) does not apply where the person applying for support is a person falling within sub-paragraph (2)(a)(ii).”; and
 - (b) after paragraph 9 insert–

“10. A person who–

 - (a) is the child of a Turkish worker;
 - (b) is ordinarily resident in Scotland on the first day of the first academic year of the course; and
 - (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the period of 3 years preceding the first day of the first academic year of the course.”.

Amendment of the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006

9.—(1) The Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006(**11**) are amended as follows.

- (2) In regulation 2 (interpretation)–
 - (a) in paragraph (1), insert in the appropriate place–

““Turkish worker” means a Turkish national who–

 - (a) is ordinarily resident in Scotland; and
 - (b) is, or has been, lawfully employed in the United Kingdom”; and
 - (b) in paragraph (4) for “8(c) and 9(b)” substitute “8(c), 9(b) and 10(c)”.
- (3) In Schedule 1 (eligible students)–
 - (a) in paragraph 4–
 - (i) omit sub-paragraph (1)(c); and
 - (ii) after sub-paragraph (2), insert–

“(3) Sub-paragraph (1)(a) does not apply where the person applying for support is a person falling within sub-paragraph (2)(a)(ii).”; and
 - (b) after paragraph 9 insert–

“10. A person who–

 - (a) is the child of a Turkish worker;
 - (b) is ordinarily resident in Scotland on the first day of the first academic year of the course; and

(11) S.S.I. 2006/333, as amended by S.S.I. 2007/158.

- (c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the period of 3 years preceding the first day of the first academic year of the course.”.

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