
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 188

The Education (Fees and Awards for EC Nationals and UK Returners) (Scotland) Regulations 2009

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

8. In Schedule 1 (persons eligible for allowances)–

(a) for paragraph 4(1)(b) substitute–

“(b) was settled in the United Kingdom immediately before leaving the United Kingdom and who has utilised a right of residence;” and

(b) for paragraph 9 substitute–

“9.—(1) A person who–

- (a) is an EC national (other than a person who is a United Kingdom national who has not utilised a right of residence) or an EU overseas territories national or a family member of either;
- (b) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland or the EU overseas territories throughout the period of 3 years immediately preceding the relevant date; and
- (c) seeks an allowance in respect of a course of education at an establishment in Scotland.

(2) For the purposes of this paragraph, a United Kingdom national has utilised a right of residence if that person has exercised a right under Article 7 of Directive 2004/38 or any equivalent under the EEA Agreement or the Switzerland Agreement in a State other than the United Kingdom.”